

POLICY AND PROCEDURE STATEMENT

Document Number: 3052

Effective Date: July 16, 2013

Chapter: Personnel

Subject: Prevention and Intervention of Inmate Sexually Abusive behavior and Staff Sexual Misconduct.

Reference: Policy and Procedure Statement 3010, Code of Conduct; WVRJCFA Inmate Handbook; *Prison Rape Elimination Act of 2003*, 42 U.S.C. §15609; WV State Code §61-8B-10.

Cancellation: Policy and Procedure 3052, Prevention and Intervention of Inmate Sexually Abusive behavior and Staff Sexual Misconduct, dated February 1, 2013.

Policy:

It is the policy of the West Virginia Regional Jail and Correctional Facility Authority to establish and maintain a mechanism that ensures that appropriate procedure and practice provides information to an inmate about sexual abuse/assault including; prevention/intervention, reporting sexual abuse/assault, treatment and counseling. The information shall be communicated orally and in writing, in a language clearly understood by the inmate, upon his/her arrival at the facility.

Meeting the objectives of PREA is a priority of the West Virginia Regional Jail and Correctional Facility Authority (WVRJCFA). The WVRJCFA has a zero tolerance for inmate-on-inmate sexual assault or abuse, and staff sexual misconduct or harassment towards inmates. This agency strives to provide a safe environment where inmates are free from such assault and sexual misconduct, and makes every effort to detect, prevent, reduce, and punish sexual abuse, assault, harassment, and misconduct.

Definitions:

Contractors - any person or corporation, other than an employee, providing any service to the agency (i.e., food services, medical, mental health, programs) for an agreed upon form of compensation. Contractors may include other local government agencies that contract with the jail for inmate labor, or who supervise inmate work crews in community improvement projects.

Carnal Knowledge - The acts of sexual intercourse, anal intercourse, and animate and inanimate object sexual penetration.

Employee - Any person compensated by the agency for working full-time, part-time.

Indecent Exposure – Indecent exposure by a staff member, contractor, or volunteer is the display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

Inmate - Any adult lawfully detained in custody or confinement of a Regional Jail regardless of temporary absence due to medical treatment, transportation, court appearance, or any other reason of temporary absence. Any adult sentenced to a Community Confinement Facility or program. Any adult on pre-trial or post-release supervision as a condition of incarceration; to include but is not limited to being bonded, probation and parole.

Investigator – An agency Investigator trained in conducting sexual abuse investigations in the confinement setting.

Medical Authority - The facility medical authority is the facility physician.

PREA Coordinator – An agency upper-level employee designated by the Central Office to develop, implement, and oversee agency efforts to comply with PREA standards in all of its facilities.

PREA Compliance Officer – A supervisor level employee designated by the facility Administrator, designated as the Administrative Sergeant, to coordinate the facility's efforts to comply with the PREA Standards.

PREA Review Committee – An incident Review Team that shall include the Administrator, Chief Correctional Officer and PREA Compliance officer; with

input from line supervisors, medical and mental health practitioners.

Professional Visitors - any person having access to any of the agency's facilities, who provides a professional service to inmates or staff, including but not limited to, attorneys, paralegals, paraprofessionals, bail bondsmen, private medical professionals, investigators, polygraph examiners, clergy, unpaid interns, or researchers.

Qualified Mental Health Professional (QMHP) - An individual employed in a designated mental health services position as a Psychologist or Psychology Associate, Psychiatrist, Social Worker (masters level) or Registered Nurse or an individual with social work or relevant human services field with knowledge, training, and skills in the diagnosis and treatment of mental disorders.

Rape - Prison Rape Elimination Act of 2003, 42 U.S.C. §15609 defines rape as "the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth, or his or her temporary or permanent mental or physical incapacity; or ...the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury."

Sexual Abuse – includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and an inmate by force, persuasion, inducement, or enticement; any sexual act or contact in which an employee, volunteer or agency representative participates or forces any inmate to engage; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state; or rape, sexual molestation, prostitution or other form of sexual exploitation.

Sexual Abuse Hotline - A toll free telephone number maintained by the Regional Jail Authority to allow inmates to report sexual abuse or staff sexual misconduct by dialing #78 from any inmate telephone system phone located within the Regional Jail.

Sexual Abuse Inmate-on-Inmate– Sexual abuse by another inmate, or inmates, includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 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 any person, excluding incidents in which the intent of the of the sexual contact is solely to harm or debilitate rather than to sexually exploit.

Sexual Abuse, Staff member-on-inmate – Sexual abuse by a staff member, contractor, or volunteer includes:

- a) Sexual touching (as described above) by a staff member, contractor, or volunteer;
- b) Any attempted, threatened, or requested sexual touching by a staff member, contractor, or volunteer;
- c) Indecent exposure by a staff member, contractor, or volunteer; and
- d) Voyeurism by a staff member, contractor, or volunteer.

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.

Sexual Harassment by Staff - Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer; includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Substantiated Allegation – An allegation that was investigated and determined to have occurred.

Unfounded Allegation – An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Visitors - any person having access to any of the agency's facilities for personal and/or official reasons.

Volunteer - any person who, by mutual agreement with the agency, provides service or donates time and effort on a recurring basis without compensation, or

who voluntarily assists inmates or the agency in the course of the volunteer's duties.

Voyeurism – Voyeurism by a staff member, contractor, or volunteer is an invasion of an inmate's privacy by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

PROCEDURE A: Zero Tolerance Policy

1. The WVRJCFA prohibits and will not tolerate any fraternization or sexual misconduct between staff, contractors, volunteers and inmates, or between inmates as defined in this policy.
2. Any behavior of a sexual nature between employees and inmates is prohibited. Employees are subject to disciplinary action up to and including dismissal in accordance with Policy and Procedure Statement 3010, Code of Conduct; and may be prosecuted under West Virginia Code, §61-8B-10. Termination shall be presumptive disciplinary sanction for staff who has engaged in sexual touching.
3. All staff, contractors and volunteers are required to report any suspicion of fraternization or sexual behavior between staff, contractors, volunteers and inmates. Staff are not only required to report, but also may be subjected to disciplinary action if they do not.
4. Any behavior of a sexual nature by incarcerated inmates is prohibited and subject to disciplinary action in accordance with the Inmate Handbook Rules of Conduct; 1.03 Rape / Sexual Assault / Sex Acts, 1.18 Violation of State Law and 1.24 Sexual Contact with Employees, and may result in other criminal charges.
5. Consensual sexual activity among inmates will not be permitted. Inmates engaging in this activity are prohibited by the Inmate Rules of Conduct; 1.03 Rape / Sexual Assault / Sex Acts.

6. A criminal history record investigation will be conducted on prospective employees, volunteers and contractors to ensure against the hiring of any person who may have a history of perpetrating sexual assault, abuse, misconduct or harassment.

PROCEDURE B: Prevention

A. Inmate Training

1. When an inmate enters a Regional Jail facility, the inmate shall receive instruction on how to prevent and report sexual assaults and prison rape. This information shall be communicated verbally and in writing, in language clearly understood by the inmate. At a minimum the offender shall receive a PREA pamphlet immediately upon intake and PREA training within five (5) to seven (7) days of arrival.
 - a. WVRJCFA pamphlet, PREA, What You Should Know About Sexual Abuse and Assault (see ATTACHMENT A) that includes the Sexual Assault Hotline number.
 - b. The inmate shall sign an acknowledgement of receiving the information via documentation and the documentation should be placed in the inmate's record.
 - c. It is mandatory that inmates attend PREA training. Inmates refusing shall be charged in accordance with the Inmate Handbook, Rules of Conduct.
 - d. Facilities shall make arrangements for inmates that speak languages other than English or Spanish, and with offenders with disabilities, to receive training and materials in a language understood by the inmate.
2. When a new inmate is received from another Regional Jail facility or a DOC facility, staff shall check the inmate's Institutional Record

- for documentation that he or she has previously completed all PREA training. If documentation is found, the inmate shall be provided the PREA pamphlet, however the inmate does not need the entire PREA training again. If documentation is not found, the inmate shall be provided the entire PREA training as described below in this operating procedure.
3. PREA Training will be conducted during orientation by a qualified staff member. At a minimum, topics covered will include but not be limited to the following:
 - a. Definition of sexual misconduct / abuse, and behaviors prohibited by staff, contractors, volunteers and offenders;
 - b. The agency's zero-tolerance policy regarding sexual abuse and sexual harassment;
 - c. Reporting sexual abuse/assault;
 - d. The inmate's right to be free from sexual harassment and abuse and to be free from retaliation for reporting such incidents, and the agencies policy for responding to such incidents;
 - e. Reporting sexual abuse/assault
 - f. Facilities shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as inmates who have limited reading skills.
 - g. Each facility shall maintain documentation of inmate participation in these training sessions.

B. Employee and Volunteer Training

1. All Regional Jail employees, contractors, and volunteers who regularly enter facilities, who have contact with inmates, shall receive instruction on the agency's zero tolerance policy for sexual harassment and abuse. All jail employees, contractors, and volunteers will receive instruction related to the prevention, detection, response, reporting, investigation, and sanctions related

to sexual assault/abuse/misconduct/harassment. These individuals shall be required to pass a written exam. Training will be provided at the following venues:

- a. New employee orientation
 - b. Annual In-Service
2. Each facility shall maintain documentation, via employee signature, that the employees, contractors and volunteers understand the training they have received.

C. Specialized Training

1. In addition to the general training provided to all employees, all full-time and part-time medical and mental health care practitioners shall be trained in:
 - a. How to detect and assess signs of sexual abuse;
 - b. How to preserve physical evidence of sexual abuse;
 - c. How to respond effectively and professionally to victims of sexual abuse; and
 - d. How and whom to report allegations or suspicions of sexual abuse.
2. In addition to the general training provided to all employees, the designated agency investigator shall receive specialized training in:
 - a. Techniques for interviewing sexual abuse victims;
 - b. Proper use of Miranda and Garrity Warnings;
 - c. Sexual abuse evidence collection in confinement settings; and
 - d. The criteria and evidence required to substantiate a case for administrative action or prosecution.
3. The agency shall maintain documentation that medical and mental health practitioners and Investigators have received the referenced training either from the agency or elsewhere.

D. Inmate Screening

1. Within 24 hours after admission into a Regional Jail and prior to being housed in general population, inmates will be screened for potential vulnerability to sexual assault, or tendencies to act out with sexually aggressive behavior.
 - a. Inmates determined to be at risk for assignment to population will be identified. This information will be documented in the inmate's file, and in the inmate Information Management System. Assessment will include the following factors:
 - Whether the inmate has a mental, physical, or developmental disability;
 - The age of the inmate;
 - Whether the inmate has been previously incarcerated;
 - Whether the inmate's criminal history is exclusively non-violent;
 - The physical build of the inmate;
 - history of prior convictions for sex offenses against a child or an adult;
 - whether the inmate is perceived to be gay, lesbian, bisexual, transgender, or intersex;
 - history of prior sexual victimization;
 - prior acts of sexual abuse, prior convictions for violent offenses;
 - history of prior institutional violence or sexual abuse;
 - Any other pertinent information, to include the inmate's own perception of vulnerability.
 - b. Inmates may not be disciplined for refusing to answer particular questions or for not disclosing complete information.
 - c. Facility staff and contractors involved in the assessment process will not disseminate responses to the screening questions or other sensitive information which may be exploited to the inmate's detriment by staff or other inmates.

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2. Offender screening upon incarceration shall determine housing assignment based on classification. Initial classification shall be approved by the shift supervisor; a classification summary sheet shall be forwarded to the classification committee in accordance with policy and procedure 20002, Initial Classification of Inmates.
3. Offenders with a history of sexually assaultive behavior shall be identified and be offered mental health counseling, and/or enrolled in appropriate facility programs.
4. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers for local victim advocacy or rape crisis centers.
 - a. The facility shall enable reasonable communication between inmates and these organizations, in as confidential a manner as possible.
 - b. The inmates shall be informed, prior to being given access, of the extent to which such communications will be monitored.
5. Protective Custody:
 - a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and then only until an alternative means of separation from likely abusers can be arranged.
 - b. Inmates placed in segregated housing for this purpose shall have access to programs, education, and work opportunities to the extent possible.
 - c. Inmates shall not be assigned to segregated housing involuntarily for a period exceeding 30 days.
 - i. If an extension is necessary, the facility shall clearly document the basis for concern of the inmate's safety and why no other alternative means of separation can be arranged;
 - ii. This action will be in accordance with the procedures of Policy and Procedure Statements 10001, Special Management Inmates; and 20001, Classification Committee.

PROCEDURE C: Detection and Reporting

A. Inmate Responsibilities

1. An inmate who is sexually assaulted / abused shall immediately notify staff that a sexual abuse has occurred.
2. Inmates shall have the opportunity to report sexual assault/abuse to any employee, and will not be required to report only to the immediate point-of-contact line officer. An inmate may report a sexual assault/abuse to any employee, including chaplains, medical, mental health or counseling staff, security staff or administrators, by informing the employee in any manner available; verbally, through the inmate telephone system Sexual Assault Hotline Number #78, in writing, or anonymously.
3. Inmates who observe, are involved in, or have any knowledge or suspicion of a sexual assault or unauthorized relationship shall immediately notify staff.
4. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials, or relevant officials at the Department of Homeland Security

B. Staff Responsibilities

1. When facility staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, the facility shall take immediate action to protect the inmate.
2. Any employee, volunteer, or contractor who has reason to suspect that an inmate has been the victim of sexual abuse or assault shall immediately report to his or her immediate supervisor, the Chief Correctional Officer or the Administrator. An incident report shall be submitted in compliance with applicable policies.

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3. Employees, volunteers and contractors shall report to the shift supervisor, Department Head, Chief Correctional Officer or the Administrator any suspicion or knowledge of other staff, volunteer or contractor fraternization with inmates.
4. Any sexual act (Inmate-on-inmate, Staff-on-Inmate), witnessed, discovered, suspected, or reported to an employee, regardless of method, is to be considered a potential PREA incident.
5. Any employee, volunteer, or contractor shall report any alleged retaliation against inmates or staff who reported abuse; and any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation.
6. Staff shall not reveal any information related to sexual abuse report to anyone other than those who need to know.
7. The facility Administrator shall report all allegations of sexual abuse, including third-party and anonymous reports, to the Chief of Operations and/or the agency's designated investigator.
8. The designated shift supervisor on all shifts will document unannounced rounds, in addition to other post checks, specifically to identify and deter staff sexual abuse and sexual harassment.
 - a. Staff shall not alert other staff members when supervisory rounds are occurring.
9. Within 72 hours of receiving an allegation that an inmate was sexually abused while confined in another correctional facility, the Administrator shall notify in writing the Administrator / Warden where the alleged abuse occurred, and notify the Chief of Operations.
 - a. The facility Administrator / Warden or Central Office receiving such notification shall ensure that the allegation is investigated in accordance with applicable policies.

C. Retaliation

1. Each Facility Administrator shall ensure that all inmates and staff, who report sexual abuse or sexual harassment or cooperate with

sexual abuse or sexual harassment investigations, are protected from retaliation by other inmates or staff.

2. For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse; and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation.
3. In the event any individual who cooperates with an investigation expresses fear of retaliation, the Facility Administrator shall take appropriate measures to protect the individual from retaliation. Protection measures may include, but not be limited to the following;
 - a. Housing changes or transfers for inmate victims or abusers;
 - b. Removal of alleged staff or inmate abusers from contact with victims;
 - c. Provide emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. Any effort to hinder or impede an employee or an inmate from reporting an incident or retaliation by any employee or inmate to any person reporting such activity shall receive disciplinary action.

PROCEDURE D: Responding to reported/observed Sexual Abuse

A. Allegations of Abuse Occurring Within the past 96 Hours

1. Upon learning that an inmate was sexually abused within a time period that still allows for the collection of physical evidence, the first security staff member to respond to the report shall be required to;
 - a. Ensure the victim's safety, ensure the alleged victim and the aggressor are physically separated;

- b. Ensure that the victim is immediately escorted to the facility's medical unit;
 - c. Attempts should be made to preserve any evidence such as discouraging the victim from showering, washing, eating, brushing teeth, changing clothes, urinating, defecating or drinking until after evidence collection;
 - d. Attempts should be made to ensure the abuser does not take any action that could destroy physical evidence to include; showering, washing, eating, brushing teeth, changing clothes, urinating, defecating or drinking until after evidence collection;
 - e. If the first staff responder is not a security staff member, the responder shall request the victim not to take any actions that could destroy physical evidence, and immediately notify security staff.
2. The Administrator shall immediately notify the Chief of Operations. An agency investigator will ensure protocol is followed to investigate the sexual abuse, misconduct or assault.
3. The WV State Police will be notified immediately of the allegations, and requested to begin a criminal investigation.
4. Seal and preserve any potential crime scene;
 - a. If the crime scene cannot be secured, the crime scene shall be photographed and/or videotaped, and the evidence, if any collected, placed in a paper bag with an appropriate Chain of Evidence Form attached;
 - b. The only persons that should be entering a secured crime scene are WV State Police personnel, Agency Investigator or medical staff, as needed;
 - c. A log shall be maintained of anyone entering the crime scene and at what time they entered and departed;
 - d. The area shall remain secured as a crime scene until the WV State Police releases it.
5. The victim will be transported to the local Emergency Room for further treatment, examination, documentation, collection of forensic evidence and testing for sexually transmitted diseases.
 - a. Forensic evidence collected by the Emergency Room will only be released to law enforcement. Regional Jail

staff should not attempt to retrieve this evidence from the hospital.

6. The shift supervisor shall ensure, upon return from the hospital emergency room, the victim is placed in a safe cell and placed on a 15 minute watch and scheduled to see the facility QMHP.
7. The Administrator shall ensure follow-up medical or mental health services are arranged. In addition to providing onsite mental health care services, each Regional Jail facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse.
 - a. Inmates shall be provided mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations; (*SEE ATTACHMENT B*)
 - b. Inmates shall be permitted reasonable communication between these organizations, as confidential as possible, consistent with security needs.
8. The Administrator shall ensure the alleged aggressor/(s) are placed on Administrative Segregation pending outcome of the investigation.
9. The shift supervisor will ensure a Supervisor Sexual Abuse check-list, and Medical Check-list is completed for all allegations of sexual abuse and forward to the Facility PREA Compliance Officer and Administrator in addition to all incident reports and other documentation as required. (*SEE ATTACHMENT C and ATTACHMENT D*).

B. Allegations of Abuse occurring more than 96 Hours prior to the report.

If the alleged sexual assault is reported or discovered 97 or more hours after the alleged incident, the following steps shall be taken;

1. Ensure the alleged victim and the aggressor is physically separated.
 - a. The alleged victim shall be placed in an individual cell;
 - b. The alleged perpetrator, if known, shall be placed in Administrative Segregation pending the investigation.
2. Secure the alleged crime scene if feasible, as forensic evidence may still be available.
3. Ensure the alleged victim is escorted to the medical unit for examination and treatment if applicable. Medical shall conduct an evaluation to determine the alleged victim's need for immediate medical treatment, taking precautions not to destroy potential evidence. If necessary, refer the victim to a Qualified Mental Health Professional (QMHP) or to a community medical facility to conduct an initial mental health assessment.
4. The Administrator shall notify the Chief of Operations immediately.
5. The Chief of Internal Affairs will review the available information (reports, interviews, accounts).
6. If during the internal investigation, it has been determined that a criminal act has or may have occurred, the investigation shall be turned over to outside law enforcement.
7. Upon confirmation that a sexual abuse has occurred, the perpetrator and victim will be housed separately and further contact prohibited.
8. The Administrator shall ensure follow-up medical or mental health services are arranged. In addition to providing onsite mental health care services, each Regional Jail facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse.

- a. Inmates shall be provided mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations;
 - b. Inmates shall be permitted reasonable communication between these organizations, as confidential as possible, consistent with security needs.
9. The shift supervisor will ensure a Supervisor Sexual Abuse check-list, and Medical Check-list is completed for all allegations of sexual abuse and forward to the Facility PREA Compliance Officer and Administrator in addition to all incident reports and other documentation as required. (SEE ATTACHMENT C and ATTACHMENT D).

C. Investigations

1. All persons having any knowledge of or reason to suspect that sexual misconduct has taken place, is subject to questioning by person(s) investigating such allegations. Failure to cooperate with the investigation, such as withholding known information, withholding evidence or giving false statements will result in disciplinary action, in accordance with Policy and Procedure Statement 3036, Internal Investigations.
2. A copy of all incident reports and related paperwork will be forwarded to the agency's Chief of Internal Affairs.
3. All allegations of sexual misconduct, including third-party and anonymous reports, will be taken seriously and investigated thoroughly by trained investigators.
4. Investigations will be conducted in a timely manner and findings will be reported to the Executive Director at the conclusion of the investigation.
5. The WV State Police and the agency Investigator will typically conduct separate interviews of the alleged perpetrator. The designated Initial Response Team member shall be permitted to sit

- in on any interviews of the inmate victim.
6. Perpetrators will be charged with both Disciplinary Rule violations, and within the court system.
 7. Should the alleged perpetrator be a staff member, that staff member will be immediately placed on non-punitive, non-disciplinary suspension pending the outcome of the internal and criminal investigations.
 - a. Where evidence suggests that such actions took place by a staff member, his/her employment will be terminated immediately.
 - b. All terminations for violations of sexual abuse / harassment policies, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the act was clearly not criminal.
 8. Protection of witnesses and the victim shall be paramount throughout the investigation process.
 9. The agency Investigator and the WV State Police shall work together with local County Prosecutors to ensure appropriate criminal prosecution of sexual abuse and staff sexual misconduct.
 10. The departure of the alleged abuser or victim from the employment or control of the Regional Jail Authority shall not provide a basis for terminating an investigation.

PROCEDURE D: Data Collection / Facility Operations

A. Sexual Abuse Incident Reporting / Reviews

1. The Facility PREA Compliance Officer shall review each report of alleged sexual abuse and collect accurate information for every allegation of inmate-on-inmate sexual abuse and staff-on-

inmate sexual misconduct and forward to the Chief Correctional Officer for review.

2. The incident-based data collected shall be submitted to the PREA Coordinator and the agency investigator by the 7th of each month, reporting the collected data from the previous month. The data collected shall include at a minimum (See *ATTACHMENT E*):
 - a) The total number of allegations of Inmate-on-Inmate nonconsensual sexual acts and abusive sexual contacts;
 - b) The total number of staff sexual misconduct and staff sexual harassment allegations;
 - c) Each inmate and staff sexual misconduct allegation must include the incident or investigation number and the disposition;
 - d) Dispositions for each allegation shall be reported as substantiated, unsubstantiated, and unfounded or the investigation is on-going;
 - e) The statistical portion of the report shall only be completed for each allegation that is substantiated.

3. Each Regional Jail facility shall implement a PREA Review Committee to conduct a review of sexual abuse incidents at the conclusion of a sexual abuse investigation, including allegations that have been unsubstantiated. (See *ATTACHMENT F*)
 - a) The Committee will assess for areas in which the risk of staff sexual misconduct and/or inmate-on-inmate abuse may be successful without detection. Any such areas should be limited for inmate movement, placement of surveillance cameras or other safety/security measures taken to ensure safety of both inmates and staff.
 - b) The Committee shall ensure that any deficiencies in inmate supervision are promptly identified and corrected, and examine known areas where sexual abuse has occurred to assess and take corrective action regarding any physical barriers that may have enabled the abuse, any problems with staffing levels in those areas at different times of the day, and any needs for monitoring technology to supplement direct care staff supervision.
 - c) The Committee shall submit a report of its findings and recommendations for improvement to the Chief of Operations and the PREA Coordinator.

4. The PREA Coordinator shall retain and compile incident-based and aggregated data collected in order to assess and improve the effectiveness of the agencies PREA prevention, detection and response.
 - a) Sexual abuse data shall be maintained for at least 10 years after the date of its initial collection.
5. The PREA Coordinator shall submit an annual report of the aggregate data to include facility recommendations and corrective actions to the Chief of Operations no later than June 30 of each year.

B. Audits of PREA Standards

1. Upon request for information, the Executive Director of the WVRJCFA will be responsible to respond to external surveys or audits required by the PREA legislation.

7/16/13
Effective Date

Joe DeLong
Executive Director