

PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS

Date of report: October 12, 2015

Auditor Information			
Auditor name: Jennifer L. Feicht			
Address: P.O. Box 308 St. Petersburg, PA 16054			
Email: jfeicht@embarqmail.com			
Telephone number: 724.679.7280			
Date of facility visit: October 29-31, 2014			
Facility Information			
Facility name: Southern Regional Jail			
Facility physical address: 1200 Airport Road, Beaver, WV 25813			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: Click here to enter text.			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Michael Francis			
Number of staff assigned to the facility in the last 12 months: Click here to enter text.			
Designed facility capacity: 486			
Current population of facility: 528			
Facility security levels/inmate custody levels: Medium and Maximum			
Age range of the population: 18 and older			
Name of PREA Compliance Manager: Angelina Athey		Title: Sergeant	
Email address: Angelina.L.Athey@wv.gov		Telephone number: (304) 256-6726	
Agency Information			
Name of agency: West Virginia Regional Jail Authority			
Governing authority or parent agency: <i>(if applicable)</i> Click here to enter text.			
Physical address: 1325 Virginia St. East, Charleston, WV 25031			
Mailing address: <i>(if different from above)</i> Click here to enter text.			
Telephone number: (304) 558-2110			
Agency Chief Executive Officer			
Name: David A. Farmer		Title: Executive Director	
Email address: David.A.Farmer@wv.gov		Telephone number: (304) 558-2110	
Agency-Wide PREA Coordinator			
Name: Louis Armendariz		Title: Sergeant	
Email address: Louis.C.Armendariz@wv.gov		Telephone number: (304) 256-6726	

AUDIT FINDINGS

NARRATIVE

The Southern Regional Jail of the West Virginia Regional Jail Authority contracted with this auditor to conduct the first audit for the Authority. The onsite portion of this audit was conducted from October 29-31, 2014. The auditor, Jennifer Feicht, met the night prior to the onsite audit to have an initial meeting with Sergeant Armendariz and Sergeant Athey.

The morning of October 29, 2014, an initial meeting was conducted with key officials in the facility. This meeting was to discuss the process for conducting the PREA audit. The auditor described the pre-audit work that was completed and how that pre-audit review would inform the on-site audit process. Additionally, there was discussion about what would occur once the auditor left the facility. Staff members were given the opportunity to ask questions and those questions were answered by the auditor.

After the initial meeting, the facility tour took place. The auditor viewed all areas of the facility where inmates may have access to. The auditor viewed each housing unit, kitchen area, recreation yards, medical department, booking area, chapel, classrooms and admin area.

Once the facility tour concluded in the afternoon of October 29th, the interviews with staff and inmates began. These interviews continued through the morning of October 31st. The auditor conducted interviews with the following staff member classifications:

- Executive Director
- PREA Coordinator
- PREA Compliance Officer
- Jail Administrator
- Contracted Medical Services Director
- Security Staff (responsible for conducting investigations)
- Human Resources Manager
- Training Sergeant
- Volunteer

There were fifteen staff interviews conducted including random staff chosen by the auditor.

There were seventeen interviews conducted with inmates in the facility. Inmates were chosen on a random basis. The PREA Compliance Officer provided the auditor with lists of inmates based by housing unit. The auditor randomly identified inmates from each housing unit and the staff arranged for those inmates to be available for the required interviews. During the interviews with the inmates, the majority of the inmates indicated that they felt safe in this facility.

DESCRIPTION OF FACILITY CHARACTERISTICS

The West Virginia Regional Jail and Correction Facility Authority was created by the West Virginia Legislature in 1985. The purpose of the Authority is to provide safe, secure and humane care for persons ordered to be incarcerated by the courts. Generally, regional jails serve both pre-trial defendants and persons sentenced to terms of one year or less. However, offenders sentenced to serve terms of confinement in the custody of the Division of Corrections may also be held in regional jails while awaiting transfer to the state correctional system. The inmate population consists of county, state and federal inmates, both male and female.

The factors that influenced the closing of county operated jails and the realization of a regional jail system date back as far as 1946 when the Bureau of Prisons, in a study authorized by the West Virginia Legislature, found West Virginia's county jails to be "anachronisms and totally unfit for human habitation." The study went on to recommend that the county jails be consolidated into regional jails with adequate numbers of appropriately trained staff.

The ongoing deterioration of physical plants and apparent living conditions in the 1960's and 1970's resulted in an increased exposure to the liabilities attendant to inmate-initiated litigation, resulting in the use of Law Enforcement Assistance Act funding to make improvements in many county jails. However, the continuing deterioration of physical plants, many of which were built around the turn of the century, made it evident that mere repairs would be insufficient to deal with the severity of the situation.

In 1982, the Governor's Committee on Crime, Delinquency and Corrections commissioned a study of county jails resulting in the recommendation of the consolidation of county jails and the creation of a state operated facility for sentenced misdemeanor offenders.

An additional study included involvement of county sheriffs and state level administrators and resulted in the Legislature establishing the West Virginia Regional Jail and Prison Authority in 1985. The original Authority consisted of 21 members. This Authority was empowered to issue revenue bonds to be repaid by special fees attached to criminal convictions and civil cases, establish regions, construct regional jails with bond funds and operate regional jails with operating funds provided by the payment of per diem rate by the counties to

be served by regional jails. The Authority developed a master plan for the construction of 12 regional jails. The Authority was to address the needs of the county jails before beginning to consider the needs of the state's correctional system.

In May of 1989, the Eastern Regional Jail (ERJ) opened in Martinsburg initially serving the Eastern Panhandle counties of Jefferson, Berkeley, and Morgan, along with Mineral, Hardy and Hampshire. The latter counties would eventually remove their inmates from ERJ with the opening of the Potomac Highlands Regional Jail (PHRJ) in Augusta, WV.

During the 1989 Legislative session, the Authority's responsibilities were increased by requiring the Authority to focus both upon regional jails and state correctional facilities. This "change in focus" was brought about in response to the West Virginia Supreme Court of Appeals decision in the case of Crain vs. Bordenkircher requiring the replacement of the West Virginia Penitentiary at Moundsville.

The reconstituted Authority, with seven voting and two non-voting members, now known as the West Virginia Regional Jail and Correctional Facility Authority, revisited the "master plan" and concluded that ten regional jails of two, three and four hundred bed capacity, built of a prototypical design, could serve the counties and allow for improved efficiency of construction, familiarity of operation, and standardization of training.

The Authority shall be governed by a board of nine members, seven of whom are entitled to vote on matters coming before the Authority. The complete governing board shall consist of the Commissioner of the Division of Corrections, the Director of the Division of Juvenile Services, the Secretary of the Department of Military Affairs and Public Safety, the Secretary of the Department of Administration, or his/her designated representative, three county officials appointed by the Governor, no more than two of which may be of the same political party, and two citizens appointed by the Governor to represent the areas of law and medicine. The Commissioner of the Division of Corrections and the Director of the Division of Juvenile Services shall serve in an advisory capacity and are not entitled to vote on matters coming before the Authority. Members of the Legislature are not eligible to serve on the Board.

All regional jails are of a prototypical design. Within the system there are:

- Two 400 bed facilities: North Central Regional Jail (NCRJ) and Western Regional Jail (WRJ) – This number includes available beds in the medical unit and inmate processing area.

- Three 200 bed facilities: Central Regional Jail (CRJ), Potomac Highlands Regional Jail (PHRJ) and Northern Regional Jail (NRJ)

- The remaining five facilities are classified as 300 bed facilities.
 - 200 = 192+medical and holding
 - 300 = 288+medical and holding
 - 400 = 384+medical and holding

NOTE: NRJ is contained in the same physical plant as the Northern Correctional Facility in Moundsville, WV. As both RJA and DOC inhabit the same building, this often presents operational requirements that are unique to that facility.

The Southern Regional Jail houses adult male and female inmates. SRJ has a booking area where offenders are brought initially when they are arrested or after they have been sentenced. The facility permanently houses both pre-sentence and sentenced individuals from seven counties in southeastern West Virginia surrounding the facility, including Fayette, Greenbrier, Mercer, Monroe, Raleigh, Summers and Wyoming.

The West Virginia Regional Jail and Correctional Facility Authority is a special revenue agency. It is designated to act as both a corporate and a government instrumentality. Current outstanding bond debts are retired through fees attached to criminal cases. Operating costs are obtained through per diem charges to the entities who utilize the system.

The Authority adopted Vision and Mission Statements, as well as adhering to a set of Core Values. These statements are as follows.

VISION STATEMENT

The Vision of the West Virginia Regional Jail Authority is to be recognized as the leader in professional jail administration and to maintain that leadership by being able to move to the forefront while adapting to change.

MISSION STATEMENT

The Mission of the West Virginia Regional Jail and Correctional Facility Authority is to ensure the safety of the public, staff and inmates by maintaining a safe, secure and humane system of regional jails, and to provide incarcerated persons with the opportunities for self-improvement and rehabilitation by participating in educational programs.

CORE VALUES

Our Core Values begin with our commitment to the citizens and elected officials of the State to train and develop staff who are imbued with the highest ethical and professional standards with emphasis on personal integrity and dignity and respect for others regardless of their station in life.

We recognize our employees to be our most valuable assets. As such, they will be trained and properly equipped to effectively do their job.

Our employees will be instilled with a sense of responsibility and accountability for their actions and, by their example, set the same standard of responsibility and accountability for inmates.

We take pride in our public service and will strive to perform our duties in a manner that will be beyond reproach and reflect upon our obedience to the laws of our State and the Regional Jail Authority's policies and procedures.

OUR CUSTOMERS

Our first responsibility is to the taxpayers, law enforcement and agencies and governmental entities that depend on us to maintain public safety. To meet their needs, everything we do must be of high quality, adverse to risk, and security focused. We must constantly strive to reduce our costs to lessen the taxpayer burden. We will be transparent, providing prompt and accurate information to serve our governmental customers and the public.

OUR EMPLOYEES

We are responsible to our employees. Everyone will be considered as an individual. We will respect their dignity and recognize their worth. We will strive to provide job security and career advancement opportunities. Compensation must be fair and adequate. Working conditions will be clean, orderly and safe. We will be mindful of ways to help our employees fulfill their family responsibilities. Employees must feel free to make suggestions and make complaints. There will be equal opportunity for employment, development and advancement for those qualified. We will provide competent management and their actions will be just and ethical.

OUR COMMUNITIES

We are responsible to the communities in which we work. We will partner with local governments, better law enforcement and education to reduce recidivism. We will be environmentally responsible in the communities we serve.

OUR INMATES

We are responsible to inmates in our custody. We will provide a safe incarceration environment. We will provide opportunities for education, rehabilitation and motivation to live successfully upon release.

SUMMARY OF AUDIT FINDINGS

[Click here to enter text.](#)

Number of standards exceeded: 3

Number of standards met: 37

Number of standards not met: 0

Number of standards not applicable: 3

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The West Virginia Regional Jail Authority (WVRJA) has adopted a zero tolerance policy against sexual abuse and sexual harassment, as outlined in Policy# 3052. Specifically the policy articulates the following, “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 strive 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.”

The West Virginia Regional Jail Authority has established a full time position for an agency wide PREA Coordinator. Sergeant Armendariz has been placed into that position and is housed in the Southern Regional Jail. He does travel to the other nine regional jails in the system to assist with investigations, compliance issues, etc.

Additionally, the WVRJA has also appointed one person in each facility to serve as the PREA Compliance Officer. This position does have other duties. However at the Southern Regional Jail, Sergeant Athey indicated that she does have the time to complete the necessary tasks of the PREA Compliance Officer and she always has Sergeant Armendariz to rely on for subject matter expertise.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NOT APPLICABLE – The Southern Regional Jail does not contract with any other facility for the confinement of inmates.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail initiated the practice of reviewing staffing plans in 2014. During this review, the facility PREA Compliance Officer and the agency PREA Coordinator review and approve the jail’s staffing plan that lays out any reasons for deviations from the staffing plan. This is directed by the RJA’s policy and is now part of the practice on an annual basis.

The RJA recently started adding cameras to the jails in its system. There is a central command that monitors the cameras that have been added to the facility. The camera coverage is primarily in the main hallways of the facility, kitchen area, laundry area, receiving areas, booking area. These cameras are not used to replace the good correctional practice of having staff monitoring and supervising inmates. The jail has used the cameras as a way to enhance the coverage.

The higher level staff members in the facility, Lieutenants and Sergeants in particular, conduct unannounced rounds on all shifts throughout the facility.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NOT APPLICABLE – The Southern Regional Jail does not house inmates below the age of 18.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

It has always been the policy and practice of the Regional Jail Authority not to conduct cross gender strip or pat searches. Through policy review and inmate and staff interviews, it was verified that this is indeed the practice in the facility. Female inmates are not restricted in any way if there is not a female corrections officer to conduct the pat search. However the facility did indicate that they do not have any issues with having a female available to conduct the required searches.

During the initial visit to the jail, it was identified through staff interviews that they did not have any training on conducting searches of transgender or intersex inmates. As a follow up, the PREA Coordinator developed training on how to properly search the transgender and intersex inmate. This auditor reviewed the training curriculum and determined that this training covers all required topics in this area. The facility also provided training rosters for the staff members in the facility that have been trained at the facility. At the time of this report, all staff members have been appropriately trained.

Additionally, staff members in the facility were clear that if there was an individual who could not be readily identified as female or male, that this inmate would go to the medical department for the medical professionals to work with the inmate to make this determination through interview and examination.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates who enter the Southern Regional Jail are provided with PREA information in numerous ways. If the inmate has a disability, the staff will work with the inmate to ensure that they understand all PREA information. For those who are unable to read or may have a cognitive disability, the staff will read the information to the inmate. Staff will then verify with the inmate that they understand the information was provided to them.

In addition, the Southern Regional Jail provides resources to Spanish speaking inmates in multiple ways. The PREA Coordinator, Sergeant Armendariz, speaks, reads and writes fluent Spanish and has been able to provide numerous resources to the entire Regional Jail Authority.

If the inmate speaks a language other than English or Spanish, the Regional Jail Authority is working with a language line to offer language services when the need arises.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WV Regional Jail Authority, according to Policy #3005 and #3023, meets the requirements of standard §115.17 Hiring and promotion decisions. The Authority requires all applicants to submit to a criminal background check, including an NCIC background check. Additionally, the Authority requests information related to sexual abuse and harassment to any prior employer where the applicant worked for a detention facility. In addition, Policy# 3023 ensures that the criminal background checks are completed every five years for all staff, volunteers and contractors who may have contact with inmates.

Deliberate omission or falsification of information related to sexual abuse or harassment on the part of the applicant/new hire will result in exclusion for consideration or termination.

Policy# 3023 clearly states that the Authority will not hire or promote anyone, staff or contractors, who has engaged in sexual abuse in prison, jail, lockup, community confinement facility, juvenile facility, or any institution; has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above.

Policy# 3005 indicates that sexual harassment will not be an absolute bar to hiring or promotion, but will be taken into consideration when making decisions regarding hiring or promoting an individual within the WVRJA.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail has not done any major construction projects since it was built. The WVRJA does have in policy that the PREA Coordinator would be a part of the discussion if the jail were to have any major renovations or construction.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail has a contract with Appalachian Regional Healthcare, Inc. in Beckley, WV. This is the hospital where inmates would be taken if a forensic rape examination were required. Both the jail and the hospital have indicated to this auditor that there is a good

working relationship between the two.

A letter was provided to this auditor from the CEO of the healthcare system indicating that they would take both males and females from the facility and provide medical services as necessary.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WVRJA has trained investigators, in accordance with Standard §115.34, to conduct the administrative investigations of sexual abuse and sexual harassment within its facilities. Initially, these investigations were conducted by an Internal Affairs Department within the Authority. However, due to personnel change and restructuring, it was determined to have these investigations conducted by specifically trained staff members housed throughout the authority.

If the situation is determined to be potentially criminal, then the Southern Regional Jail works with the West Virginia State Police to ensure that it will be forwarded for prosecution if the facts warrant it.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WVRJA has developed and provided extensive training for staff at the Southern Regional Jail. The jail has trained 100% of its staff, except for those on long term leave, through basic training in PREA as required by the standard. Policy# 3052 also requires that there is a form of PREA training for all staff members on an annual basis.

Initially several of the required elements were missing from the training lesson plans and teaching aids. The missing elements were: 1) Inmates' rights to be free from sexual abuse and sexual harassment, 2) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment, 3) The common reactions of sexual abuse and sexual harassment victims, 4) How to avoid inappropriate relationships with inmates, and 5) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates. The PREA Coordinator was able to revise the training to incorporate those pieces and retrain staff during the corrective action period.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WVRJA requires, as outlined in Policy# 3052, that all volunteers and contractors receive the required training under Standard §115.32. The Authority and Southern Regional Jail have ensured that the all volunteers and contractors have received, at a minimum, Module One of

the staff PREA training. They are also required to pass a written test on the PREA information that has been presented. Volunteers and contractors are also required to receive a form of PREA training on an annual basis.

Since the training the volunteers and contractors receive is the same as staff receive, the revisions that were made to the staff training were also incorporated in the volunteer and contractor training.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail has implemented training for the inmates that are received into the facility. When the inmate is received into the booking department, they are given a pamphlet, *“PREA: What You Should Know about Sexual Abuse and Assault”*, and an envelope that can be used to write to make a report to an outside organization. The booking department is a short term holding department within the Southern Regional Jail.

Once the inmates are released to the general population section of the jail, they will receive additional PREA training in the form of a video (*Speaking Up*) to watch. The curriculum, *Sexual Abuse Education Program*, is provided to all new receptions into the jail. If the inmate is being transferred from another WVRJA facility, the staff will verify through documentation that the individual has had the training and provide them with additional information particular to the Southern Regional Jail.

Staff members remain in the room for the duration of the video to ensure that any questions are answered and if anyone needs assistance, it is provided in an expedient manner.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility investigators at the Southern Regional Jail have each completed the online course provided by NIC. Those that have had the training were able to provide the certificate from NIC that all the modules were completed and the day that they were completed on. The Institutional Training Officer ensures that facility investigators complete the online training within 30 days of being placed in that position.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The auditor had an interview with the contracted medical director at the facility. She indicated that all her staff has had the required medical and mental health care training through the NIC website. She was able to provide a certificate of completion, which was dated, for each staff member that worked in the medical department.

The jail does not have a dedicated full time mental health provider. There is a psychologist that provides services to Southern Regional Jail, also provides psychological services to other jails in the system. These services are provided via a video conferencing system and inmates are allowed to sign up for times to talk with the psychologist. In addition, they may also be required to see the psychologist.

Initially, the psychologist was not able to provide documentation that the required specialized training was completed. However, that has now been corrected and the mental health provider did take the NIC course and provide documentation of the date of completion.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail implemented the PREA Screening Tool and was conducting that screening on all new receptions that came through the Booking Department. This was ensuring that all inmates were receiving the screening tool within the 72 hour timeframe required by this standard.

However, the SRJ was not initially conducting any subsequent screenings. So they were not conducting the required 30 day assessment. The staff at the SRJ did correct this situation by conducting assessments on all of the inmates in the jail and provided this auditor with documentation that this was completed. In order to easily identify those that have or have not had the 72 hour and 30 day screening completed; the jail has made the 72 hour assessment on blue paper and the 30 day assessment on yellow paper so that it is easy to determine when the inmate's record is opened up, whether or not they have had the required assessments.

During the review of the screening instrument, it was determined that assessment was missing the required question regarding if the inmate's criminal history is exclusively non-violent. This question was added and the screening tool revised and implemented. Examples of the new tool being utilized were provided to the auditor.

Additionally, the Authority revised policy to include specific information on 1) specific information on how and when the reassessment would occur, 2) a statement indicating to the inmate that they will not be disciplined for refusing to answer or not disclosing complete information and 3) specific procedures on how information control actually happens, which was missing from the initial policy.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail utilizes the information that is gained from the PREA Screening Tool to inform their decision making process when it comes to items of housing, work, education and programming. If an inmate, through the screening process, is identified as either a potential victim or a potential abuser, then this will be discussed at the Classification Committee to determine best placement for that individual. This committee meets on a regular basis so that these cases can be reviewed as needed. This process is outlined in Policy# 20001.

In regards to housing placement, a back office in the booking area contains a large white board that has all the cells in the facility with the inmates that are located in those cells. If there is an inmate that scored high as a potential victim, those are indicated with a red "V" next to their name. Abusers are indicated with a blue "A" next to their name. It is very clear to see if there is any conflict when moving one inmate to a new cell.

This information is also used when inmates are allowed to have a job within the facility. The staff is careful to monitor who works together and who does not.

Policy# 3052 also spells out the process for working with the LGBTI population. While the staff did indicate that they have lesbian, gay and bisexual individuals housed in this facility, they did not believe that they had a transgender or intersex inmate in the facility recently.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WVRJA has in policy, information regarding protective custody for inmates who were victims of sexual abuse. These policies can be found in Policy # 3052.

This auditor did not talk to any victim inmates that were put into the protective custody unit because they made a report or solely because they were a victim of sexual abuse. The inmates that were interviewed indicated that there were “keep away’s” put into place and that the abusers were the ones that were moved. In the WVRJA system, “keep away’s” are the same as separations.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates incarcerated at the Southern Regional Jail have several ways to make a report about sexual abuse or harassment. The WVRJA has established a phone line that the inmates may use to place a call to the jail to report sexual abuse. They may do this anonymously or may choose to leave their name. This line is set up as a voicemail system and checked on a daily basis by the PREA Compliance Officer.

Additionally at intake, each inmate is given an envelope that is addressed to the Women’s Resource Center located in Beckley. The inmates may use this envelope to make a report of sexual abuse or ask for services from the rape crisis center.

The inmate education provided to inmates also encourages inmates to make a report to staff members for immediate assistance with any situation, including sexual abuse, sexual harassment and retaliation.

During the inmate interviews, the majority were able to articulate the multiple mechanisms that have been established for reporting without any prompting. And for those that were not able to, when they were prompted, they were able to expand on the information provided. Many of the inmates that were interviewed did indicate that they would feel comfortable reporting to at least one staff member.

A high majority of the inmates that were interviewed knew multiple methods that they can use to make a report of sexual abuse or sexual harassment. It is clear that this information has been reinforced with inmates during the education process.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WVRJA has outlined the specifics of the inmate grievance process related to reports of sexual abuse and sexual harassment. This process is outlined in Policy# 14003. The Authority puts no time limit on the submission of a grievance related to sexual abuse within the facility. Inmates are not required to follow the informal grievance process to try to resolve the grievance with the alleged abuser. Additionally, inmates may receive assistance with the filing of a grievance related to sexual abuse or have a grievance filed on their behalf by an outside third party.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates housed in the Southern Regional Jail have access to outside supportive services for issues related to sexual abuse or sexual harassment through Women’s Resource Center located in Beckley, WV. Currently, the jail does not have a signed Memorandum of Understanding (MOU) with the victim service provider. However, the attempts to acquire a written MOU are very well documented by the PREA Coordinator. It is the intent of both parties to enter into an MOU and both are working towards that end.

Even though there is no written agreement at this point, Women’s Resource Center provides supportive services to inmates that make the request. The agency has provided both in person and over the phone supportive services to inmates at the jail.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

As required by Standard §115.51 to have a third party reporting mechanism, all inmates are given an envelope to write to the local rape crisis center to make a report about sexual abuse or sexual harassment. This is given to each inmate in the booking department upon reception into the facility. This envelope and the information provided with it are explained to each individual by the booking officer when it is given to the inmate. The inmate is given the opportunity to ask questions if they have any.

The WVRJA is working with the outside supportive services to develop a telephone reporting mechanism that can be used to make reports to an outside entity. Currently the only telephone reporting mechanism is a voicemail system that is monitored by a staff member at the Southern Regional Jail.

During interviews, both staff and inmates were able to clearly articulate the reporting methods that were available for reporting. It is to be noted, that there was a small portion of inmates that were not initially certain of the envelope that is used to report, but with some prompts, they did recall being given this reporting method.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Employees, volunteers and contractors of the WVRJA have a duty to report, as outlined in Policy# 3052 and in post orders, any incidents or allegations of sexual abuse or harassment. The requirements are to report any knowledge or suspicions of the occurrence of sexual abuse or harassment. If a staff, volunteer or contractor is found to have knowledge of sexual abuse or sexual harassment, they can face disciplinary actions for the failure to act.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Post orders and Policy# 3052 clearly articulates the responsibility of the facility to protect an inmate that is at substantial risk of victimization. The facility notifies victims and abusers and does not house those individuals together in a cell. They implement “keep away’s” between alleged victims and abusers, which will include separation in housing placement.

The Southern Regional Jail has implemented “keep away’s” for several PREA related cases. They ensured that these inmates are in different housing units in the facility. For most activities (eating, dayroom, etc.) housing units are kept separated from other units. This ensures the “keep away’s” are followed.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy# 3052 outlines that practice of reporting to other confinement facilities within 72 hours of receiving that allegation. This notification is designated to be made by the jail administrator to the equivalent at the facility being notified. At the time of this audit, staff reported through interviews that Southern Regional Jail had no notifications to report.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

First responder duties are outlined in the post orders for the facility and Policy# 3052. It is noted that the first action should be to separate the alleged victim and the alleged offender. Next the staff is to report to the shift commander at the facility at that particular time. The alleged victim is to be taken to medical for examination.

During the staff interviews, these items were also articulated on a very consistent basis from security staff, to medical personnel to the West Virginia Regional Jail Authority – Southern Regional Jail PREA Audit Report

mental health staff. It is clear that this process has been reinforced at multiple levels for staff.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail has developed a coordinated response to allegations of sexual abuse and sexual harassment. This response is outlined in Policy# 3052 and in the post orders for the facility. All staff is trained on what this process is when there is an allegation made of sexual abuse or sexual harassment. During all staff interviews, they are able to articulate this process during the interviews with the auditor. Each particular staff (medical, mental health, security, administration) were all able to discuss what the specific function of their department is during such incidents.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

NOT APPLICABLE – The West Virginia Regional Jail Authority does work with unions, and therefore does not enter into any collective bargaining agreements.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Southern Regional Jail has a policy, which was revised as a result of this audit, to include particular information regarding the monitoring of alleged victims, those who report such abuse and those that cooperate with a PREA investigation. This process is outlined in Policy# 3052.

Alleged inmate victims will be monitored by the Facility PREA Compliance Officer for a period of no less than 90 days. This monitoring will be documented in a file that is kept by the facility PREA Compliance Officer. If the person that is to be monitored is a staff member, this function will be done by the facility Chief of Security.

The agency ensures that a “keep away” has been established for the alleged victim and the alleged abuser. The jail also has the option of moving the alleged abuser to one of the other facilities in the system. This does not happen often, but could be an option in order to keep the inmate safe.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Due to the physical layout of the jail, the protective custody is actually an entire housing unit. This then creates a situation that the person who is placed in "PC" is not necessarily isolated from the rest of the population.

Staff was clear in their interviews that victims are not sent to protective custody, unless they have requested it. The staff really try to use "keep away's" to keep the victim safe. Some staff members, through the interview, did indicate that this can sometimes be difficult to accomplish due to the small size of the jail. Additionally, if someone has a "keep away" and is released, then returns to the facility, there are times that the "keep away" may be overlooked from the last incarceration period.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy# 3052 articulates the process for conducting administrative investigations, which are conducted by WVRJA staff members that have been appropriately trained in accordance with Standard §115.34. The investigators make every effort possible to begin the administrative investigation as soon as possible once a report is received.

The auditor did provide several investigations for the auditor to review onsite for the audit. It was clear to the auditor that there were instances where the investigation was not always conducted in a prompt and timely manner. The PREA Coordinator indicated that he had developed a plan to have more investigators trained so that it does not always fall to the Internal Affairs department to conduct all sexual abuse or sexual harassment related investigations.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

It has been identified in Policy# 3052 that the evidentiary standard for administrative investigation is "Preponderance of the Evidence", which is a lower threshold as compared to the West Virginia State Police for the criminal investigations. Sometimes this causes a confusion with staff and inmates.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Standard §115.73 requires that alleged victims are kept informed about multiple facets of the investigation related to PREA allegations. Through the interview with the facility PREA Compliance Officer and the PREA Coordinator, this notification was being done verbally to the alleged victim inmate. This action was not documented anywhere to show that these required notifications were being accomplished.

During the corrective action period, the facility was able to develop a process that allows for the notification to be a written notification and the release of that information to the alleged victim is then documented in a file folder so that it may be tracked for subsequent audits. The facility PREA Compliance Officer did send some examples of the written notification to alleged victims to the auditor. Those examples, plus the revised policies, were reviewed and accepted during the corrective action period.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy# 3052 includes information regarding the disciplinary sanctions for staff members. Policy includes information regarding the separation of the staff member and the alleged inmate victim in the allegation. It is clear that retaliatory action against any inmate or any employee for reporting the allegation of sexual abuse is strictly prohibited.

Personnel policies also articulate that discipline may be imposed for substantiated allegations of sexual abuse against an inmate.

During the staff interviews, it was very clear that the staff members know that they would be disciplined or fired as a result of an allegation of sexual abuse with an inmate.

At the point of the audit, the Southern Regional Jail has not terminated any employees for a PREA related allegation.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy# 3052 includes information regarding the disciplinary sanctions for volunteers and contractors. Policy includes information regarding the separation of the volunteer or contractor and the alleged inmate victim in the allegation. It is clear that retaliatory action against any inmate or any volunteer or contractor for reporting the allegation of sexual abuse is strictly prohibited.

Personnel policies also articulate that discipline may be imposed for substantiated allegations of sexual abuse against an inmate.

During the staff interviews, it was very clear that both volunteers and contractors know that they would be disciplined or released as a result of an allegation of sexual abuse with an inmate.

At the point of the audit, the Southern Regional Jail had released one contractor in the kitchen area for a PREA related allegation.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy# 3052 articulates the sanctions that may be implemented for falsification of an accusation of sexual abuse, knowing that the allegation is false. The sanctions shall be commensurate with the nature and circumstances of the event. When an inmate is being disciplined, their mental status shall be taken into consideration.

Inmates can also be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

The Southern Regional Jail indicated that there have been no disciplinary sanctions for inmates at the time of this audit.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Southern Regional Jail has an in-house medical department that sees all inmates when they are received into the facility. During this initial examination of the inmate, the medical staff asks questions related to PREA to determine if there are any issues that need to be considered. Additionally, the medical department can make a referral to mental health services if this need is identified during this intake process.

At this facility, an inmate will see mental health services in person and the mental health professional will screen the inmate for issues related to sexual abuse or sexual harassment.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates at the Southern Regional Jail have access to emergency medical and mental health services if there is an allegation of sexual abuse. The Southern Regional Jail has an agreement with the local hospital if there is a need for a sexual assault forensic examination. While this service is rarely utilized, the hospital has indicated that they would accept either females or males to conduct the sexual assault forensic examination.

The contracted medical service (Prime Medical) works with the hospital to initiate the sexual assault response team in the county. This notification includes the WV State Police and victim services. The inmate will have access to the rape crisis center advocate during this examination if they choose to access those services.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The contracted medical provider (Prime Medical) provides the follow up services that are required from the treating physician from the hospital. They may provide medication distribution or follow up examination. They will also provide the follow up referral to psychology if that service is needed or indicated.

If the alleged victim is a female inmate, the medical provider can provide the inmate with information regarding all lawful pregnancy related options when an alleged assault involves a male staff member. Prime Medical keeps this information on hand as this facility does receive individuals who may be pregnant for reasons other than PREA.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility conducts sexual abuse incident reviews for all investigations where the outcomes are either substantiated or unsubstantiated. The PREA Coordinator has developed a form to use for the group to meet and discuss the allegation and how it was responded to either inside the Authority or outside of the facility.

Initially, there was information that was missing from the documentation of the discussion of the investigation. The PREA Coordinator revised this form to include a section where deficiencies could be listed and the action to be taken in relation to that deficiency.

The PREA Coordinator was able to provide several examples of sexual abuse incident reviews that had been conducted within the last 12 months prior to the audit.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WV Regional Jail Authority completes an annual PREA report each year and posts that information on their website so that it is available to the public. The report includes information from all ten jails in the agency. Items listed in the report include outcome information from all investigations, including inmate on inmate abuse and staff misconduct, comparisons to the previous years and training related information.

The annual report compiled for the WV Regional Jail Authority is extremely comprehensive, beyond the required information in the federal PREA standards.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Authority has included information in policy regarding data collection for corrective action. In addition, the PREA Coordinator spent a great deal of time after the audit making revisions to policy and procedure to address the corrective actions that needed to be taken as the result of this audit.

The WVRJA has developed a comprehensive annual PREA report, comprised of information from all ten facilities in the Authority, comparing years prior with the current year being reported on and what actions are or can be taken to address the problem.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The WVRJA ensures not only that the annual report is completed, but that it is also displayed on their website as required to meet the requirement that the public has access to this information.

Policy# 3052 also identifies that the retention period for information is five years past the release of the inmate involved or the end of employment for an employee that has left the facility.

When developing the annual reports, the WVRJA intends to keep this information for at least 10 years. As PREA has not been implemented for that long as of yet, the auditor is relying on the information in policy and the interviews conducted with the PREA Coordinator.

When compiling the annual report, the Authority ensures that there is no identifying information included in the report. It is written in such a manner that there is no identifying information included.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Jennifer L. Feicht

October 12, 2015

Auditor Signature

Date