



WEST VIRGINIA DIVISION OF
JUVENILE SERVICES

**Annual Report
CY 2015**

**Office of Investigations
&
Prison Rape Elimination Act Program**

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The WVDJS Office of Investigations is made up of a Director, two investigators and a PREA Compliance manager. This office is responsible for conducting:

1. Administrative Investigations
2. Investigating violations of the Federal PREA standards
 - a. All instances of Resident on Resident non-consensual sex acts
 - b. Staff on Resident sexual harassment
 - c. Staff sexual misconduct
3. Violations of Division policy and procedure
4. Facility incident reviews
5. Use of force reviews

The Director of Investigations also utilizes one PREA Compliance Manager and multiple PREA Counselors from each facility to assist in investigating:

1. Minor Resident on Resident instances of sexual harassment and
2. Sexually abusive contact between residents.

The WVDJS Office of Investigations insures that all criminal violations are reported to the West Virginia State Police within pursuant to WVDJS Policy 111.00, WV state code WV Code Chapter §49-2-903 and PREA standard's 115.322 and 115.371. In addition, all allegations of abuse and/or neglect will be reported to the West Virginia Department of Health and Human Resources Institution Investigative Unit (IIU).

The Investigative Unit works closely with the other Departments within the Division to ensure corrective action has been taken pursuant to the investigative outcome. These administrative Investigations are the result of various allegations that can be reported in multiple ways from residents and staff within any of our facilities. Per DJS Policy 151.00 section 4, a.

The WVDJS Office of Investigations utilizes two databases to maintain information related to the investigations that are completed. The investigations data base is maintained on the Divisions' SharePoint system and the PREA reviews are maintained on the Divisions' Offender Information System. The investigative totals for the investigative unit are as follows:

2011 totals	Substantiated	Unsubstantiated	Unfounded
106	61	44	1
2012 totals	Substantiated	Unsubstantiated	Unfounded
115	57	49	9
2013 totals	Substantiated	Unsubstantiated	Unfounded
127	60	61	6
2014 totals	Substantiated	Unsubstantiated	Unfounded
84	36	40	8

Prison Rape Elimination Act; Program & Compliance:

The West Virginia Division of Juvenile Services is committed to meeting the requirements of the Prison Rape Elimination Act of 2003 and enhancing the safety and security of our offenders as a result thereof. This report is a summary of the agency's efforts in working toward PREA compliance.

By examining the collection and aggregation of agency data, the WVDJS is dedicated to improving the effectiveness of sexual abuse detection, prevention, and response. The Division's response to the Prison Rape Elimination Act is our R.E.S.P.E.C.T program. It is a response intended to assist in implementing and consistently abiding by the PREA Standards within our agency and to bring about staff awareness and buy in by focusing on key topics:



Reduction, Education, Safety, Planning, Elimination, Compliance and Training

The R.E.S.P.E.C.T program addresses what we feel are the immediate needs to keep our residents safe and to highlight our areas of focus as we continue to move forward toward attaining compliance as a Division.

In the past year we have enhanced our PREA program in a variety of ways. One of the most significant additions to our program is related to our record keeping. We developed a database to record the PREA Investigation from the initial allegation through the final 90 day review. Every allegation of sexual misconduct, whether against staff or residents, is entered into our data base. Allegations involving Resident on Resident sexual abuse is investigated by the facility PREA Compliance Manager and/or facility PREA counselors. All allegations involving staff misconduct is assigned to an agency investigator. If the allegations are criminal in nature, the information is reported to the WV State Police for investigation and prosecution if warranted.

Listed below are the definitions related to Resident on Resident Sexual Victimization.

Nonconsensual Sexual Act: Sexual contact of any person without his or her consent, or of a person who 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; or
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Abusive Sexual Contact (less severe): Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Exclude incidents in which the contact was incidental to a physical altercation.

Resident on Resident 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.

Listed below are the related to Staff on Resident Sexual Victimization.

Sexual Harassment: Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Including—

- a. Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- b. Or repeated profane or obscene language or gestures.

Sexual Misconduct: Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include—

- a. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;
- b. Or completed, attempted, threatened, or requested sexual acts;
- c. Or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

There were 117 PREA investigations in 2015, the results of those investigations are:

January 1st 2015 – December 31st 2015

Facility	Substantiated	Unsubstantiated	Unfounded	2015 totals
Rubenstein	5	4	3	12
Donald R. Kuhn	3	6	1	10
Lorrie Yeager	2	8	1	11
Sam Perdue	3	4	2	9
Tiger Morton	3	13	1	17
Ronald C. Mulholland	8	13	4	31
Vickie Douglas	4	2	1	7
Chick Buckbee	1	1	1	3
Gene Sparado	3	2	1	6
Robert Shell	8	7	1	16
Totals	40	61	16	117

January 1st 2015 – December 31st 2015

2015	Substantiated	Unsubstantiated	Unfounded
<i>Nonconsensual sex acts</i>	3	2	0
<i>Abusive sexual contact</i>	20	15	7
<i>Youth on Youth sexual harassment</i>	14	27	4
<i>Staff Sexual Misconduct</i>	1	15	2
<i>Staff sexual harassment</i>	2	2	3
<i>Totals</i>	40	61	16

Department of Justice; National Survey of Youth in Custody.

PREA standard 115.387 requires the collection and publication of aggregated data related to incidents of sexual abuse. The standard requires the publication of incident based data derived from the definitions set forth in the Bureau of Justice Statistics (BJS) Annual Survey of Sexual Victimization (SSV). Aggregated data from all WVDJS facilities is included in this report. BJS requires agencies to compile this data report yearly for the previous year. Below is the data submitted to BJS for the past 10 years. The numbers reflected are allegations that meet the definition of reportable instances of abuse by BJS. Prior to 2010 our agency reported all resident on resident allegations as nonconsensual. As of 2010 we began to separate resident on resident allegations by the appropriate definition. In 2013 resident on resident sexual harassment was added as a reporting category by BJS, prior to this there was no way to report resident on resident harassment.

The following statistical information has been provided to BJS for each subsequent year:

2007	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	3	1	2	0	0
Abusive Sexual contacts	0	0	0	0	0
Staff Sexual harassment	3	1	2	0	0
Staff sexual Misconduct	2	0	1	1	0

2008	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	6	4	2	0	0
Abusive Sexual contacts	0	0	0	0	0
Staff Sexual harassment	0	0	0	0	0
Staff sexual Misconduct	5	0	4	1	0

2009	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	5	2	2	1	0
Abusive Sexual contacts	0	0	0	0	0
Staff Sexual harassment	3	3	0	0	0
Staff sexual Misconduct	3	2	0	0	1

2010	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	7	2	5	0	0
Abusive Sexual contacts	6	2	4	0	0
Staff Sexual harassment	2	0	2	0	0
Staff sexual Misconduct	2	1	1	0	0

2011	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	7	2	5	0	0
Abusive Sexual contacts	6	4	2	0	0
Staff Sexual harassment	3	1	1	0	1
Staff sexual Misconduct	10	1	8	0	1

2012	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	2	1	1	0	0
Abusive Sexual contacts	10	5	5	0	0
Staff Sexual harassment	9	2	7	0	0
Staff sexual Misconduct	8	1	4	3	0

2013	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	8	1	7	0	0
Abusive Sexual contacts	12	6	6	0	0
Youth on Youth Sexual Harassment	27	12	14	1	0
Staff Sexual harassment	6	1	4	1	0
Staff sexual Misconduct	5	1	3	0	1

2014	Number of incident reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	4	1	2	1	0
Abusive Sexual contacts	8	6	1	1	0
Youth on Youth Sexual Harassment	17	6	9	2	0
Staff Sexual harassment	1	0	0	1	0
Staff sexual Misconduct	11	1	8	2	0

The total number of instances of allegations reported to BJS may not reflect the total PREA investigations for a particular year. Allegations that we may document as a PREA allegation, may not rise to the definition set forth by BJS.

PREA AUDITING

The WVDJS is currently in the auditing process and plan to have all Juvenile facilities in the state audited by the deadline of August 2016 set forth by DOJ. As of this date, 7 of 10 facilities have been audited. We are committed to the Standards and are determined to use the information gained through the auditing process to improve our program and continue to provide a safe and secure environment for the residents we serve.

The first facility to be audited was the Lorrie Yeager Juvenile Center in Parkersburg WV. The facility was audited on 1 May 2015, this was the first juvenile facility audited in the state. The auditor found the facility to be deficient in 21 of the 41 standards. The facility entered into a 180 day corrective action period. We reviewed our program, made the needed corrections and resubmitted the needed information to the auditor for review. The facility received a passing grade and was certified PREA compliant on 26 September 2015.

The second audit occurred on July 23rd 2015 at the Gene Sparado Juvenile Center in Mt. Hope WV. The auditor found the facility to be fully compliant with the 41 Standards audited.

The third audit occurred the following day on July 24th 2015 at the Sam Perdue Juvenile Center in Princeton WV. The auditor found this facility to be fully compliant with the 41 Standards audited as well.

The fourth audit occurred on October 5th 2015 at the Vicki Douglas Juvenile Center in Martinsburg WV. The auditor found this facility to be fully compliant with the 41 Standards audited as well.

The fifth audit occurred on October 6th 2015 at the Chick Buckbee Juvenile Center in Romney WV. The auditor found this facility to be fully compliant with the 41 Standards audited as well.

The sixth audit occurred on October 7th 2015 at the Kenneth “Honey” Rubenstein Juvenile Center in Davis WV. The auditor found this facility to be fully compliant with the 41 Standards audited as well.

We finished out the week and the 7th audit on October 8th 2015 at the Ronald C. Mulholland Juvenile Center in Wheeling WV. The auditor found this facility to be fully compliant with the 41 Standards audited as well.

The final three audits are scheduled for the Robert L. Shell Juvenile Center on March 21st 2016, the Donald R. Kuhn Juvenile Center on March 22nd 2016, and the James H Tiger Morton Juvenile center on March 23rd 2016.

Goals; obtaining and maintaining PREA compliance.

WVDJS is committed to continued progressive and preventative steps that will eliminate sexual abuse and sexual harassment victimization in our facilities by:

- ✓ Continuing to enhance Staff training and Resident education while maintaining a zero tolerance for sexual abuse.
- ✓ Installing additional cameras in “blind spot” areas and increasing record time as funding becomes available.
- ✓ Conducting unannounced facility visits by the facility administrators on all shifts monthly.
- ✓ Ensuring that R.E.S.P.E.C.T and other informational posters are consistently visible throughout the facility.
- ✓ Providing each resident an assessment to determine the risk of victimization upon Intake and to provide orientation to all residents, taking into account their age, stature, history, LGBT status, etc. to ensure appropriate facility placement.
- ✓ Completing re-assessments per policy within 90 days thereafter or sooner if policy criteria i.e. sexual or physical misbehavior requires it.
- ✓ Monitoring the surveillance video (live and archival) weekly and conduct facility visits.
- ✓ Ensure that the 1 to 8 ratio is maintained during waking hours and 1 to 12 ratio is maintained during sleeping hours.
- ✓ Ensure that staff maintains a line of sight supervision of the youth at all times and that each youth is in the appropriate area of the facility.
- ✓ Ensure that all facility staff, to include medical, mental health, contractors and volunteers receive the required initial and annual PREA training.
- ✓ Ensure that the facility staff of the opposite gender announce their presence when entering a dorm or sleeping area of a resident of the opposite gender.
- ✓ Ensure that there is no cross gender supervision when a youth is showering, changing clothes or while a resident is using the restroom.
- ✓ Ensure that every resident receives a resident handbook and is informed of how to report any sexual misconduct allegation via the hotline, staff, grievance, parent, third party, etc.
- ✓ Continue to conduct Criminal Records Check and Child Abuse Registry checks on new employees, volunteers and contractors. Background checks were completed for all employees in 2014/2015 and will completed again in 2019/2020.
- ✓ Ensure that windows throughout the facility are unobstructed and window blinds are not continually closed.
- ✓ Continue to discuss PREA-related topics during staff meetings.

Goals; obtaining and maintaining PREA compliance continued.

- ✓ All sexual misconduct allegations will be monitored for 90 or up to 120 days if deemed necessary to ensure that retaliation does not occur. All victims, perpetrators and witnesses that remain in our custody will be interviewed every 30 days as part of this process.
- ✓ All victims of sexual abuse will be offered counseling service by the facility's mental health professional or through a local child advocacy center through an agency MOA.
- ✓ Compile and evaluate data quarterly in an effort to identify decencies.
- ✓ Continue to review the findings of each substantiated and unsubstantiated investigation per standard 115.386. These reviews take place within 30 days of the close of the investigation, the purpose is to identify problem areas and take the appropriate steps to prevent these incidents from reoccurring.
- ✓ Conduct a meeting with Department heads to access the aggregated data from the previous year to address any short falls.