



WEST VIRGINIA DIVISION OF
JUVENILE SERVICES

**Prison Rape Elimination Act
Annual Report
FY 2017**

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The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009 and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.



The Division of Juvenile Services has adopted the Standards and implemented a zero tolerance for sexual misconduct and harassment.

DJS policy applies to both staff-on-resident and resident-on-resident abuse, to include volunteers, interns and contractors, this policy is established to educate staff, volunteers, interns and contracted employees in appropriate and timely responses to sexual abuse. To respond to perpetrators and victims of sexually abusive behavior, investigate reported incidents and discipline and/or prosecute perpetrators.

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. This report is a summary of the agency’s efforts in working toward maintaining PREA compliance. By examining agency data, WVDJS is dedicated to improving the effectiveness of sexual abuse detection, prevention, education and response. The West Virginia Division of Juvenile Services began working toward PREA Compliance early on by developing policy, procedure and practice, specifically in the areas of prevention, detection and response to incidents of sexual abuse and harassment. Full Compliance with the National Standards was achieved in 2015, the third year of the first Audit cycle.

The West Virginia Division of Juvenile Services is on pace to accomplish the required number of facility audits for the agency for the second audit cycle. Three facility audits occurred in 2017, the Sam Perdue Juvenile Center, the Gene Spadaro Juvenile Center and the Lorrie Yeager Juvenile Center were audited and found to be in compliance with the Federal Standards. Four facilities were audited in May 2018, the Chick Buckbee Juvenile Center, the Rubenstein Center, the Ron Mulholland Juvenile Center and the Vickie Douglas Juvenile Center they too were found to be in compliance. Three facility audits are scheduled for 2019, the Donald R. Kuhn Juvenile Center, the Tiger Morton Juvenile Center and the Robert Shell Juvenile Center.

In accordance with the zero-tolerance policy, all allegations of sexual abuse and harassment are reported, documented and investigated. As required, the pertinent data is collected via the Division's Offender Information System (OIS).

The WVDJS PREA Coordinator refers all allegations of sexual abuse that involve staff and any resident on resident allegations that are criminal in nature to the agency's Investigative unit. The Investigative unit is responsible for conducting administrative investigations, assisting with criminal investigations and third-party investigations or any other violations of the Federal PREA standards

In addition to notifying the Investigative unit, the PREA Coordinator insures that all criminal violations are reported to the West Virginia State Police 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 sexual abuse will be reported to the West Virginia Department of Health and Human Resources Institution Investigative Unit (IIU).

With oversight from the agency PREA Coordinator, eleven facility PREA Compliance Managers and numerous PREA Counselors are responsible for investigating violations of the Federal PREA standards that include, resident-on-resident non-consensual sex acts, youth-on-youth sexually abusive contact, youth-on-youth sexual harassment and third party PREA complaints involving juvenile perpetrators.



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

Over the past year, we have continued to develop the agency's PREA program, maximizing our efforts by ensuring all the information that is needed for data collection is entered in the Offender Information System. Every allegation and disclosure of sexual misconduct, whether against staff or residents, is entered in the data base and tracked throughout the investigative process.

The FY 2016 data reflects 129 reported PREA allegations that meet the definition set forth by BJS. 63 were substantiated, 53 unsubstantiated and 13 unfounded.

FY 2016 PREA Investigative totals	Substantiated	Unsubstantiated	Unfounded
129	63	53	13

2016	Number of incidents reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	2	1	1	0	0
Abusive Sexual contacts	7	4	1	2	0
Youth on Youth Sexual Harassment	31	8	20	3	0
Staff Sexual harassment	11	5	6	0	0
Staff sexual Misconduct	10	2	4	4	0
	61	20	32	9	0



All reports of sexual misconduct, harassment and prior victimization are included in the FY 17 data. The data shows 151 reported PREA allegations. Of those 151 allegations, only 108 met the definition of PREA and were investigated as true PREA complaints and reported as such.

FY 17 data	
Total number of allegations reported	151
Substantiated	35
Unsubstantiated	56
Unfounded	16
Ongoing	1
Not valid. (does not meet the definition set forth by the Bureau of Justice.)	39
Disclosure of previous abuse while not in custody	4

2017	Number of incidents reported	Substantiated	Unsubstantiated	Unfounded	Ongoing investigation
Non-consensual Sex Acts	8	1	2	5	0
Abusive Sexual contacts	24	8	12	4	0
Youth on Youth Sexual Harassment	59	23	31	5	0
Staff Sexual harassment	5		4		1
Staff sexual Misconduct	12	4	6	2	0
	108	36	55	16	1

Abusive Sexual Contact (ASC)	24
Non-Consensual Sex Act (NSA)	8
Youth on Youth Sexual Harassment (YSH)	59
Staff on Youth Sexual Harassment (SSH)	5
Staff Sexual Misconduct (SSM)	12

Although FY 17 totals are lower than FY 16, we still see a very high volume of Resident-on- Resident Sexual Harassment. Youth sexual harassment is defined as, *“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, detainee, or resident directed toward another.”* Facilities report and document all occurrences of sexual harassment regardless if it is a one-time incident or a repeated incident. A resident’s sexually inappropriate behavior typically begins with minor harassment and continues to escalate. We document the pattern of behavior to appropriately respond to the behavior of the resident.

We continue to develop staff training, resident education and awareness within our facilities to combat sexual misconduct. One way we have accomplished staff training is by utilizing National Institute of Corrections training modules and conducting brief trainings on specific topics. We conduct regularly scheduled resident education as well as groups to address specific unit PREA concerns.



Accomplishments:

- ✓ Continued success working with the West Virginia Child Advocacy Network (WVCAN) and the regional child advocacy centers.
- ✓ Successfully completed and passed four facility audits
- ✓ Entered agreements to provide interpretative and translation services.
- ✓ Monthly video conference meetings with Compliance Managers.
- ✓ Implemented the Diana screen.
- ✓ Over 1000 residents received initial training at intake, orientation and semiannual PREA training
- ✓ Entered agreement with the WV Foundation for Rape Information and Services to provide essential support services.
- ✓ Completed over 2500 criminal background checks.
- ✓ All staff completed the National Institute of Corrections course, *Communicating Effectively and Professionally with LGBTI Offenders*
- ✓ All staff received a refresher on the requirements regarding mandatory reporting.

Goals for maintaining PREA Compliance:

The newly formed Bureau of Juvenile Services will remain committed to continued progressive and preventative efforts, with a zero-tolerance philosophy for sexual abuse, in hopes of eliminating sexual abuse and sexual harassment victimization in our facilities. We plan to accomplish this by:

Continuing to develop policy and procedure based on the most up to date interpretation of the PREA Standards.

- ✓ Continuing to enhance Staff training by utilizing online courses.
- ✓ Refresh and update Resident education material based on agency trends and data.
- ✓ Installing or modifying camera location to correct “blind spots” areas within each facility.
- ✓ Continue conducting unannounced facility visits by the facility administrators on all shifts monthly.
- ✓ Maintaining visual aids throughout facilities to enhance resident and staff understanding of PREA practices.
- ✓ Continue to ensure each resident receives an assessment to determine the risk of victimization and appropriate placement within the facility.
- ✓ Re-assess these residents no later than 90 days to ensure safety and security.
- ✓ Conducting unannounced facility visits.
- ✓ Complying with the 1 to 8 ratio during waking hours and a 1 to 12 ratio during sleeping hours.
- ✓ Ensure that those staff included in the staffing plan maintains line of sight supervision of the youth at all times.
- ✓ Ensure that all facility staff, to include medical, mental health, contractors and volunteers receive the appropriate annual PREA training in addition to the required specialized training.
- ✓ Reiterating that facility staff of the opposite gender must announce their presence when entering a dorm or sleeping area of a resident of the opposite gender.
- ✓ Continue to work toward eliminating 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 can appropriately demonstrate how to report PREA allegations.
- ✓ 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 be completed again in 2019/2020.
- ✓ 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 as part of 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 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 areas of concern.

