

PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS

Date of report: March 6, 2016

Auditor Information			
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Telephone number: 724.679.7280			
Date of facility visit: June 16-17, 2015			
Facility Information			
Facility name: Eastern Regional Jail			
Facility physical address: 94 Grapevine Road, Martinsburg, WV 25405			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: (304) 267-0045			
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: John Sheeley			
Number of staff assigned to the facility in the last 12 months: 72			
Designed facility capacity: 320			
Current population of facility: 397			
Facility security levels/inmate custody levels: Medium and Maximum			
Age range of the population: 18 and older			
Name of PREA Compliance Manager: Michael Sullivan		Title: Sergeant	
Email address: Michael.R.Sullivan@wv.gov		Telephone number: (304) 267-0045	
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> 1325 Virginia St., Charleston, WV 25301			
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 Eastern Regional Jail of the West Virginia Regional Jail Authority contracted with this auditor to conduct this audit for the Authority. The onsite portion of this audit was conducted June 16-17, 2015. This is the third audit this auditor has conducted for the WVRJA.

The audit was scheduled for two days and began the evening of June 15, 2015. The auditor was able to meet with staff for dinner the night before the onsite audit. The actual audit began on June 16, 2015. The morning began by meeting with the administrative team of the facility. After the initial meeting, the auditor and PREA Compliance Officer discussed the agenda for the audit and items that need to be completed.

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

Once the facility tour concluded in the morning, the interviews with staff and inmates commenced.

The auditor conducted interviews with the following staff member classifications:

- PREA Compliance Officer
- Jail Administrator/designee
- Contracted Medical Services Director (Prime Care Medical)
- Security Staff (responsible for conducting investigations)
- Human Resources Manager

In addition to the above listed interviews, this auditor conducted nine staff interviews were conducted including random staff chosen by the auditor.

Twenty-four interviews were conducted with inmates in the facility. Inmate interviews consisted of randomly chosen inmates, inmates that had made a PREA report, and inmates that are part of the LGBTI community.

For random inmate interviews, the PREA Compliance Officer provided the auditor with lists of inmates organized 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.

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.
- The capacity of these facilities are laid out as follows.
 - 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 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.

Eastern Regional Jail

The Eastern Regional Jail (ERJ) is a three pod facility with twenty four housing units. This facility began operation in September 1999. This facility houses adult male and adult female inmates. ERJ has a booking area where offenders are brought initially when they are arrested or after they have been sentenced before entering the main portion of the facility. The facility permanently houses both pre-sentence and sentenced individuals from three counties surrounding the facility including Berkeley, Jefferson and Morgan. The Eastern Regional Jail does hold federal detainees on a regular basis until U.S. Marshalls are able to pick up the individual to transfer them to a federal facility.

This facility is designed with the same footprint as all regional jails in West Virginia and is in the medium size facility category.

This auditor commends the staff of Eastern Regional Jail, especially the PREA Compliance Officer and the PREA Coordinator for the hard work that was done in order to be successful obtaining compliance with PREA standards. The PREA Compliance Officer at Eastern Regional Jail was very professional and takes PREA compliance very seriously and ensures that staff are following all policies and procedures related to PREA.

SUMMARY OF AUDIT FINDINGS

The Eastern Regional Jail has been diligent about implementing PREA standards appropriately. The facility exceeds two PREA standards, 115.11 Zero tolerance of sexual abuse and harassment, PREA Coordinator and 115.87 Data collection.

In addition, three standards were not applicable to this facility. These standards are 115.12 Contracting with other entities for the confinement of inmates, 115.14 Youthful inmates and 115.66 Preservation of ability to protect inmates from contact with abusers.

This facility did not have any standard in which they did not meet. There was a great deal of discussion between the auditor and PREA Compliance Officer regarding ways to enhance the work that is already being done at the facility.

Number of standards exceeded: 2

Number of standards met: 38

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 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.”

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. At Eastern Regional Jail this position is held by Sgt. Michael Sullivan. This position does have other duties. Sgt. Sullivan indicated during his interview that he does have the time to complete the necessary tasks of the PREA Compliance Officer. Sgt. Sullivan has done an excellent job preparing this facility for the PREA audit. His files are very organized and Sgt. Sullivan was able to provide all information requested by this auditor in a very efficient manner.

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 Eastern 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 Eastern Regional Jail conducted its last staffing plan on March 18, 2015. This staffing plan had a recommendation of adding one captain position and one additional lieutenant position. During this review, the facility administrator, facility PREA Compliance Officer and the agency PREA Coordinator review and approve the jail’s staffing plan that lays out any and all reasons for deviations from the staffing plan. This is directed by the RJA’s policy and is conducted on an annual basis.

As with all WVRJA facilities, Eastern Regional Jail has recently had cameras installed in the facility. Cameras have been placed in all housing units, common areas and hallways. Cameras can be viewed in the control center and in the administrative offices of the jail administrator and captain.

The higher level staff members in the facility, Lieutenants and Sergeants in particular, conduct unannounced rounds on all shifts throughout the facility to include housing units, kitchen, booking, laundry, and any area where inmates have access to.

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 Eastern 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, confirmed through inmate interviews. However the facility did indicate that they do not have any issues with having a female available to conduct the required searches.

During the audit tour it was noted that the cells in the booking area of the facility did not provide for privacy from the opposite gender staff seeing an inmate change clothing or preform bodily functions. In order to correct this issue, the facility has purchased magnetic window coverings that can be attached to cover the window, but are easy to remove if there is an inmate being held in the cell on suicide watch.

When working with transgender individuals, staff members acknowledged 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.

Although staff was able to articulate that individuals who were not able to be easily identified as male or female, training on conducting cross gender pat searches had not yet occurred at the time of the audit. Once this was identified, the facility began the training of all staff members within two weeks of the on-site audit and had all staff members trained within two weeks after the training began. This was a commendable effort on the part of the PREA Compliance Officer and the training staff at the facility.

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 Eastern 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 individual understands 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 which was provided.

In addition, the Eastern Regional Jail provides resources to Spanish speaking inmates. 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 to obtain a contract with a language line which offers additional language services as the need arises. In addition, ERJ keeps a listing of staff and volunteers that speak different languages.

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 from any prior employer where the applicant worked for a detention facility.

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. The PREA Compliance Officer at ERJ keeps a spreadsheet with all staff and contractors listing the date of the last background check for each individual and the date in which the next background check is due.

The Human Resources Managers works with the main office in Charleston to obtain all background checks required for any employees, contractors or volunteers.

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.

The facility provided examples of applications and reference check forms with the required information included.

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 Eastern Regional Jail has not done any major construction projects since it was built, with the exception of the addition of a camera system to the facility six months prior to the PREA audit. The WVRJA does have policy which requires 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 Eastern Regional Jail has a MOU with Berkeley Medical Center which was signed on May 29, 2015. 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.

The PREA Compliance Officer did indicate that there have not been any incidents in the past twelve months that required an inmate be transported to Berkeley Medical Center for a forensic examination. There was one incident approximately 14-15 months prior to this audit.

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)

WVRJA Policy #3052 requires that all allegations of sexual abuse and sexual harassment are investigated thoroughly. The Eastern Regional Jail has trained the PREA Compliance Officer as well as additional staff members to conduct administrative investigations within the facility, as well as to assist with investigations at other facilities.

If there is an allegation that is made while the PREA Compliance Manager is at the facility, he will determine who will conduct the investigation at that point. If the allegation is made when the PREA Compliance Officer is not in the facility, then the shift commander will begin the investigation while they are in communication with the PREA Compliance Officer.

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 Eastern Regional Jail. The jail has trained 98% 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.

During the first audit of the Authority (Southern Regional Jail), it was determined 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 the subsequent audits have shown that the revised training has been used with all staff since that point, including this training at the Eastern Regional Jail.

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 Eastern 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 receives, the revisions that were made to the staff training were also incorporated in the volunteer and contractor training.

The Training Sergeant is responsible for keeping the training records of all staff, contractors and volunteers.

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 Eastern 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 local rape crisis center. The booking department is a short term holding area within the Eastern Regional Jail that all new receptions must go to before admission to any other portion of the facility.

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.

The Training Sergeant remains 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 PREA Compliance Officer and several other staff members at the Eastern Regional Jail have 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.

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)

ERJ contracts with Prime Care Medical for all medical and mental health services provided at the facility. 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 in addition to the PREA training provided by the ERJ. 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 Eastern Regional Jail, also provides psychological services to other jails in the system. These services are provided either via video conferencing system or in person.

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 Eastern Regional Jail implemented the PREA Screening Tool and is conducting that screening on all new receptions that enter the facility through the Booking Department. This ensures that all inmates receive the screening tool within the 72 hour timeframe required by this standard.

Staff interviews indicated the required 30 day assessments are being conducted as required, usually within several days of the initial assessment. The recommendation of this auditor is conduct the 30-day assessment closer to the 30 days after initial arrival. This may produce more accurate information being provided as the inmate is more accustomed to their new surroundings and the functioning of the facility.

During prior audits of the WVRJA, there were corrections made to the screening instrument and to the policy regarding the implementation of these instruments. These changes have continued to be implemented throughout the Regional Jail Authority.

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 Eastern 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 staff making housing placement decisions is careful not to place potential victims with potential abusers.

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 all trustees who work together and who cannot.

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 interview 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. This is not a practice that ERJ utilizes for those that have been victimized. 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 Eastern Regional Jail have multiple ways to make a report about sexual abuse or harassment. The WVRJA has established a phone line (#78) that the inmates may use to place a call to the jail to report sexual abuse. They may report to this line anonymously or they 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 local rape crisis center. 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.

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.

The Eastern Regional Jail indicated that they have not had any grievances related to sexual abuse or sexual harassment in the last year.

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)

Currently ERJ does not have an official Memorandum of Understanding with the local rape crisis center to provide services. The local center, Shenandoah Women's Center, has been reluctant to enter in a MOU with ERJ without the approval of the statewide coalition. The PREA Coordinator for the Regional Authority is working towards a comprehensive MOU with the West Virginia Foundation for Rape Information and Services (statewide coalition) to provide rape crisis services to all regional jails in the state.

While there is documentation to verify that the facility has been trying to work with the local rape crisis center, the PREA Compliance Officer has indicated that it has been difficult getting in touch with the center in order for inmates to receive services.

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 (Shenandoah Women's 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.

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 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 envelope.

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 post orders, any incidents or allegations of sexual abuse or harassment. This auditor has retained copies of applicable post orders. 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.

Staff, contractor and volunteer interviews support the requirement that all staff, contractors and volunteers have a duty to report all allegations or suspicions of sexual abuse and/or sexual harassment.

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)

The facility implements multiple protection measures for victims and potential victims of sexual abuse. Both post orders and Policy# 3052 clearly articulate the responsibility of the facility to protect an inmate that is at substantial risk of victimization.

The facility notates victims and abusers and does not house those individuals together in a cell. Additionally, the facility implements “keep away’s between alleged victims and abusers, which will include separation in housing placement. If it would become necessary, the facility could transfer either the abuser or victim to another facility within the Authority to protect inmates. ERJ indicates that they have not had to utilize this measure to this point in order to keep inmates safe.

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, the facility has not had any disclosures regarding sexual abuse at another facility.

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. If the PREA Compliance Officer is not at the facility at the time of the report, the Shift Commander will contact the PREA Compliance Officer for further direction.

ERJ has done a commendable job in training staff members on the initial response to allegations of sexual abuse. Staff was able to clearly articulate the steps that are to be taken when there is an allegation of sexual abuse. It is clear that this process has been reinforced at multiple levels for staff at ERJ.

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 Eastern 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 staff interviews, staff were able to articulate this process during the interviews with the auditor. Specialized staff (medical, mental health, security, administration) were 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)

West Virginia Regional Jail Authority has a policy 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 to be monitored is a staff member, this function will be completed by the Director of Operations.

The agency ensures that a “keep away” has been established for the alleged victim and the alleged abuser if both are inmates. The jail also has the option of moving the alleged abuser to one of the other facilities in the system. Eastern Regional Jail has not had to implement this practice but could be an option in order to keep the victim inmate safe.

Monitoring information is kept in the investigation file. Upon review of these files, it was noted that monitoring information was contained in the most recent files, but not in the oldest ones. During discussion with the PREA Compliance Officer, he indicated that monitoring was occurring prior to the timeframe that was verified by documentation, but it was not documented. After the audit at the Southern Regional Jail, the practice changed to keeping written documentation of the monitoring of the required individuals for each case.

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, protective custody is an entire housing unit. This creates a situation in which the person placed in “PC” is not necessarily isolated from the rest of the population, but rather the inmate will be single celled in this pod of the housing unit.

Staff was clear in their interviews that victims are not sent to protective custody, unless they have requested it. The staff utilize “keep away’s” to protect the victim. “Keep away” is the term used by the Regional Jail Authority for separations. Supervisory staff did indicate during interviews that this can be difficult at times with limited pods to move inmates to if they have multiple “keep away’s”.

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. These investigations 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.

that it will be forwarded for prosecution if the facts warrant it.

The PREA Compliance Officer provided fourteen administrative investigation files for this auditor to review. These investigations were conducted in a timely manner and are well organized.

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. Facility investigators try to utilize all tools that are available to them to complete investigations such as camera footage, interviews with inmates and staff and direct witness accounts.

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. The facility provides written notification to inmate victims at the conclusion of the administrative investigation. In addition, it is in policy that notification will be provided when criminal charges are filed and if there is a conviction.

During the review of the administrative investigation files, the auditor observed that the most recent files had the required notifications included in the file, but the oldest files did not include this information. When questioned, the PREA Compliance Officer indicated that the procedure for notification changed to a written format after the audit at the Southern Regional Jail. Ever since, it is common practice to provide written notification to inmates that are still housed at the facility or at another regional jail. The PREA Compliance Officer obtains the signature of the inmate and files it in the investigation file.

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. Staff interviews confirmed that staff members know that they would be disciplined or terminated as a result of an allegation of sexual abuse with

an inmate.

At the time of the audit, ERJ indicated that there have not been any staff members disciplined for PREA related cases.

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 when an allegation is made. 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.

At the time of the audit, ERJ indicated that there have not been any contractors or volunteers disciplined for PREA related cases.

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)

As required by standard, 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 Eastern 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 Eastern Regional Jail has an in house contracted medical department (Prime Care Medical) 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 the intake process.

Mental health services are provided via video conferencing at Eastern Regional Jail. If there is an indication through the admission process that mental health services are required, a referral is made to the mental health professional. If the mental health professional meets with the

inmate, then screening questions regarding sexual abuse will be asked.

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 Eastern Regional Jail have access to emergency medical and mental health services if there is an allegation of sexual abuse. The Eastern Regional Jail has an agreement with the local hospital (Berkeley Medical Center) 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 PREA Compliance Officer indicated that it had been approximately 14 months since the facility has had to take an inmate out to Berkeley Medical Center for a forensic sexual assault examination.

The contracted medical service (Prime Care 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 from the Shenandoah Women's Center 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 Care Medical) provides the follow up services that are required by 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 indicated.

If the alleged victim is a female inmate, the medical provider will provide the inmate with information regarding all lawful pregnancy related options. Prime Care Medical, the contracted medical service, 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 be used during these reviews that include all of those present, particulars of the incident, any issues that may have contributed to the incident, and what actions the group will be taking as a result of this review to prevent any future incidents.

The PREA Compliance Officer was able to provide 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, making it available to the public. The report includes information from all ten jails in the agency, including the Eastern Regional Jail. 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 first audit making revisions to policy and procedure. And all PREA Compliance Officers and the PREA Coordinator have been very professional and adaptive in working with this auditor to make all necessary corrections.

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

March 8, 2016

Auditor Signature

Date