

PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS

Date of report: June 2, 2017

| | | | |
|---|---|---|---|
| Auditor Information | | | |
| Auditor name: Adam T. Barnett, Sr. | | | |
| Address: P.O. Box 20381, Augusta Georgia 30916 | | | |
| Email: Adam30906@gmail.com | | | |
| Telephone number: 706-550-7978 | | | |
| Date of facility visit: May 2, 2017 | | | |
| Facility Information | | | |
| Facility name: Central Regional Jail / West Virginia Regional Jail Authority | | | |
| Facility physical address: 1255 Dyer Hill Road, Sutton, WV 26601 | | | |
| Facility mailing address: <i>(if different from above)</i> Click here to enter text. | | | |
| Facility telephone number: 304-765-7904 | | | |
| The facility is: | <input type="checkbox"/> Federal | <input checked="" type="checkbox"/> State | <input 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: James Shaver | | | |
| Number of staff assigned to the facility in the last 12 months: 314 | | | |
| Designed facility capacity: 200 | | | |
| Current population of facility: 309 | | | |
| Facility security levels/inmate custody levels: Low/Medium | | | |
| Age range of the population: 18 - Older | | | |
| Name of PREA Compliance Manager: Barton Foster | | Title: Administrative Sergeant | |
| Email address: Barton.C.Foster@wv.gov | | Telephone number: 304-765-7904 | |
| 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> Same | | | |
| 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: PREA Coordinator | |
| Email address: Louis.c.armendariz@wv.gov | | Telephone number: 304-660-66877 | |

AUDIT FINDINGS

NARRATIVE

Methodology

The PREA audit of the Central Regional Jail, a facility operated by the West Virginia Regional Jail Authority was conducted on May 2, 2017. The facility posted the required PREA audit notice of the upcoming audit sixty days prior to the audit for confidential communications. As of May 1, 2017, there were no communications from inmates or staff. The Pre-Audit Questionnaire was completed by the facility and sent to the Auditor as required. The PREA Compliance Manager confirmed that all information on the Pre-Audit Questionnaire is accurate.

The audit process was a team approach. The Audit Team completed a documentation review using the Pre-Audit Questionnaire, internet search, policies and procedures review, and additional documentation provided via email. The results of the documentation review were shared with the facility prior to and at the site visit. Phone conversations were conducted and emails exchanged with the facility.

The Audit Team consists of Adam T. Barnett, Sr., Certified Juvenile and Adult PREA Auditor (Lead Auditor) and Robert Lanier, Certified Juvenile and Adult PREA Auditor. Mr. Lanier is also the President / CEO of Diversify Correctional Services.

On Tuesday, May 2, 2017 the Facility PREA Compliance Manager met the Auditors at 5:50am to begin the on-site visit.

Welcomes were given by the Facility PREA Compliance Manager and other security officers. The PREA Auditors were introduced and the PREA Audit Agenda was reviewed and released. Additional pre-audit information requested weeks prior to on-site visit was obtained. The lead Auditor began the facility tour and Robert Lanier began interviewing security officers from the second shift.

Tour

On the first day of the audit after meeting the Facility PREA Compliance Manager, the lead PREA Auditor toured the physical plant escorted by the PREA Compliance Manager. The Auditor spoke informally with 8 staff and 25 inmates during the tour which covered housing and common areas of the facility, day areas, classroom areas, shower and toilet areas. The Auditor noted video camera placement throughout the facility and reviewed the video monitoring setup in the control room areas. Notices of the PREA audit were posted throughout the facility as required by the Auditor.

During the tour of the physical plant, the Auditor observed the location of cameras, staff supervision of inmates, dorm layout including sleeping rooms with individual toilets and community showers, placement of posters and PREA informational resources, security monitoring, inmate's movement procedures, and inmate's interaction with staff. The Auditor noted that toilet areas allow inmates to use the bathroom ensuring their privacy from staff direct viewing; however, there are concerns regarding the community showers.

The Auditor was provided unimpeded access to all parts of the facility and all secure rooms and storage areas in the facility.

The laundry room had cameras and no blind spots. Inmates were fed in their living areas. Cameras were located in the kitchen. Most of the office doors in the Administration area had safety windows. Medical had cameras, PREA information, and a ceiling mirror to eliminate blind spots. The gym and the recreation yard had cameras and inmates were well behaved during the tour.

Sampling Interviews and Staff Contact

The audit work plan was discussed, random samples of inmates and staff were selected, and specialized staff was identified. Agency and Facility staff selected for interviews included:

- Agency PREA Coordinator

- Jail Administrator
- Facility PREA Compliance Manager
- Higher Level Facility Staff (PREA Unannounced Rounds)
- Lead Medical Staff
- Lead Mental Health Staff
- Human Resources Administrator
- Volunteer
- Contractor
- Investigator
- Staff who Conduct PREA Screenings
- Staff who Supervise Inmate Segregated Housing
- Incident Review Member
- Staff Monitoring Retaliation
- First Responder (Non-Security Staff)
- First Responder (Security)
- Intake Staff
- Random Correctional Officers 1st Shift = 4
- Random Correctional Officers 2nd Shift = 5
- Random Correctional Officers 3rd Shift = 4
- Random Staff Met/PREA During Facility Tour = 8

One hundred and twenty-three (123) staff members were employed at the facility as of the May 2, 2017. Twenty-nine (29) staff members were formally interviewed; the Auditor interacted with eight (8) staff members during the facility tour for a total of thirty-seven (37) staff members.

Sampling Interviews and Inmates Contact

For random inmate interviews, the PREA Compliance Manager 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.

- Random Inmate Interviews= 20
- Disabled - 1
- Limited English Proficient Inmates (use facility interpreter) - 0
- Transgender - 1
- Intersex Inmates - 0
- Inmates in Segregated Housing - 0
- Inmates who Reported Sexual Abuse - 1
- Inmates who Disclosed Prior Sexual Victimization - 1
- Gay or Bi-Sexual – 0
- Lesbian or Bi-Sexual - 0
- Random Inmates Met/PREA During Facility Tour = 25

On May 2, 2017 inmate census reported the population count was 314 (254 Males and 60 Females) and the total bed capacity is 200. The age range of the population is 18 and older. Twenty (20) inmates were interviewed. The Auditor interacted with twenty-five (25) inmates during the facility tour for a total of forty-eight (48).

DESCRIPTION OF FACILITY CHARACTERISTICS

The West Virginia Regional Jail and Correctional Facility Authority adopted the following Vision and Mission Statements. The Vision and Mission Statement applies to Central Regional Jail.

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."

Facility Background

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. 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 Central Regional Jail (CRJ) is located in Flatwoods, off of interstate 79 in Braxton County. The facility opened in February 1993, and was the prototype for the jails that would be built for the Regional Authority. The facility houses adult male and adult female inmates, and permanently houses both pre-sentence and sentenced individuals from eight counties surrounding the facility including Braxton, Calhoun, Clay, Gilmer, Lewis, Nicholas, Roane, and Webster.

Facility Accreditations

The facility was ACA Accredited, but reported no current accreditations.

Physical Plant

The Central Regional Jail is a two wing facility with sixteen housing units. Central Regional Jail 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. This facility is designed with the same footprint as all regional jail in West Virginia and is in the small size facility category.

Each dorm unit provides basic furnishings, shower facilities, a toilet in each room, and a common TV area. All inmate showers at Central Regional Jail have half doors. The Auditor has concerns regarding some of the showers location. Some of the showers are located directly behind the stairs. When staff or inmates walk up the stairs, they can see in the top of the showers, inmates use newspapers to block direct viewing by other inmates or staff. This concern is addressed in standard 115.15.

Security Supervision

Correctional officers provide security supervision. The security perimeter consists of wire fences with one roll of razor ribbon wire. A control center monitors all traffic entering and exiting the facility. Numerous cameras control the perimeter and are placed throughout the facility to monitor security and to open doors. The facility has two entry points, the front staff and motor entrance and the rear wire gate for vehicles.

Facility Demographics

- The facility's rated capacity = 200
- Actual population on the first day of the onsite audit = 314
- Number of Males Housed = 254
- Number of Females Housed = 60
- Number of Youthful Inmates Housed = 0
- Custody/Security Level in the facility = low/medium
- General Medical Services = On-site
- Mental Health Services = On-site
- Investigation = On-site

Programming Options

The Educational Programs include Adult Basic Education (ABE), and General Educational Development (GED).

There are also recreational activities, religious, and social services available.

SUMMARY OF AUDIT FINDINGS

The Auditor conducted an exit conference with the agency and facility officials on Tuesday, May 2, 2017. Agency officials, facility officials, and staff were very open and receptive to an honest discussion regarding areas where PREA compliance needs to be strengthened. The facility PREA Compliance Manager began corrective action on each provision immediately. Present at the exit conference:

- Jail Administrator
- Agency PREA Coordinator
- Facility PREA Compliance Manager
- Adam T. Barnett, Auditor
- Robert Lanier, Auditor

The standards are rated as exceeded, met, not met or not applicable. Most standards have between 1 – 15 provisions. To achieve compliance on any given standard, the facility must achieve 100% compliance with each provision within the standard. The Auditor used the Department of Justice Final Rule Prisons and Jail PREA Standards published in May 17, 2012. Forty-three (43) Prisons and Jail Standards were audited.

The Agency PREA Coordinator and the Facility PREA Compliance Manager were very knowledgeable about the PREA requirements and the implementation of processes and systems.

Specific detail about deficiencies and corrective actions regarding these findings appears in the standard-by-standard discussions in the main body of the report. The facility completed concerns within the 45 days before the Auditor released the primary report will be reviewed as corrected and will be noted with each standard.

Number of standards exceeded: 0

Number of standards met: 40

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the agency to adopt a zero tolerance policy for sexual abuse and harassment.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052 – Pages 1 – 54
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A Pages 1 - 28
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Agency PREA Coordinator
 - o Facility PREA Compliance Manager

Findings (By Provisions):

- (a) West Virginia Regional Jail and Correctional Facility Authority Policy #3052 mandate a zero tolerance toward all forms of sexual abuse and sexual harassment. The policy outlined the agency's approach to prevent, detect, and respond to sexual abuse and sexual harassment. The agency policy outline is found in Personnel chapter page 1. The agency policy clearly defines general definitions and definitions of prohibited behaviors to include sexual abuse and sexual harassments.
- (b) The West Virginia Regional Jail Authority has established a full time position for an agency wide PREA Coordinator. Agency Policy #3052 designates an upper level PREA Coordinator for the company who has sufficient time and authority to develop, implement and oversee all West Virginia Regional Jails efforts to comply with the PREA Standards in all of its jails. The agency operates more than one facility; each of West Virginia Regional Jails is required to designate a PREA Compliance Manager with sufficient time and authority to coordinate the Jail's efforts to comply with the PREA Standards.
- (c) The Central Regional Jail has a designated PREA Compliance Manager. An interview indicated that he has a great deal of correctional experience and sufficient time and authority to coordinate the jail's effort to comply with the PREA Standards.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the agency who has facilities for the housing of inmates at other locations.

This standard is rated non-applicable.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Agency PREA Coordinator
 - o Facility PREA Coordinator
 - o HR Administrator

Findings (By Provisions):

- (a) The West Virginia Regional Jail Authority is the State agency that has delegated authority with direct responsibility for the operation of jails that confine inmates. Therefore, the Central Regional Jail does not have authority to contract with other entities for the confinement of inmates. Interviews with the Facility PREA Compliance Manager and the Jail Administrator indicated that the facility does not and has not contracted any other entity for the confinement of inmates.

A review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, there were zero contracts for the confinement of inmates that the facility entered or renewed with private entities or other government agencies since the last PREA audit.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in how to monitor and supervise inmates as it relates to PREA.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Staffing Plan Review
- Memo: Shift Below Minimum Staffing
- Supervisor's Checklist – PREA Unannounced Rounds
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Central Regional Jail Special Management Statistics (Population Report)
- Interviews:
 - o Agency PREA Coordinator
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Higher Level Facility Staff (Lieutenants and Sergeants)

Findings (By Provisions):

(a) The Central Regional Jail develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and uses video monitoring to protect inmates against abuse. An interview with the Jail Administrator indicated that the facility takes into consideration the 11 requirements in standard 115.13 (a) – 1:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy;
- Any findings of inadequacies from Federal Investigative agencies;
- Any findings of inadequacy from internal and external oversight bodies;
- All components of the inmate population;
- The composition of the inmate population
- The number and placement of supervisory staff; institution programs occurring on a particular shift;
- Any applicable State or Local Laws, Regulations or Standards;
- The prevalence of substantiated or unsubstantiated incidents of sexual abuse; and
- Any other relevant factors.

(b) An interview with the Jail Administrator revealed that each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. Cameras are strategically located to supplement staffing and to enhance supervision of inmates. There are approximately 130 plus cameras deployed. The Auditor is not going to provide further information related to these because of security concerns however, observations made during the tour confirmed this facility has a considerable number of cameras strategically located throughout the facility supplementing supervision inside the facility fence and outside.

The Central Regional Jail has cameras installed. 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.

(c) West Virginia Regional Jail and Correctional Facility Authority Policy #3052 and the interview with the Facility PREA Compliance Manager revealed that at least annually, in collaboration with the PREA coordinator, the facility reviews the staffing plan to see whether adjustments are needed in:

- The staffing plan;
- The deployment of monitoring technology or
- The allocation of agency/facility resources to commit to the staffing plan to ensure compliance.

The Jail Administrator and PREA Compliance Manager, in interviews, confirmed the process for conducting annual reviews. A review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed staff interviews showed that

the average daily number of inmates on which the staffing plan was predicated was 307.

- (d) Interviews with the Facility Management Team and documentation reviewed revealed that intermediate level and/or higher level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. West Virginia Regional Jail and Correctional Facility Authority Policy #3052, requires unannounced rounds to be performed on all shifts and all areas of the facility occupied by inmates.

When unannounced rounds are being conducted, West Virginia Regional Jail and Correctional Facility Authority Policy #3052 policy directs staff not to alert other staff. Interviews with some intermediate level staff indicated that unannounced rounds on all shifts throughout the facility to include housing units, kitchen, booking, laundry, and any area where inmates have access to.

The facility provided documentation to confirm unannounced rounds are being conducted. Unannounced rounds are documented using the supervisor's checklist. The documentation reviewed from the supervisor's checklist needs more detail.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard requires youthful inmates to be out of sight, sound and physical contact with adult inmates.

This standard is rated non-applicable.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Coordinator
 - o Agency PREA Coordinator

Findings (By Provisions):

- (a) Interviews with the Agency and Facility Management team and a review of facility demographics/documentation revealed that the Central Regional Jail does not admit youthful inmates. If an inmate deemed as "youthful" is received; the facility has a process where they place the youthful inmate in administrative segregation and services are provided while awaiting transfer to a more suitable facility.

Interviews with the Facility PREA Compliance Manager and randomly selected staff indicated youthful inmates are

not housed in this facility. Randomly selected staffs who were interviewed stated youthful inmates are not housed at this facility and during the audit period no youthful inmates were observed.

The PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails indicated in the past 12 months, the number of housing units to which youthful offenders are assigned is zero.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were no youthful offenders housed at the facility.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility about how it treats transgendered and intersex residents in regards to cross-gender strip searches or cross-gender body cavity searches.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Staff PREA Training and Understanding Verification
- MOU: Central Regional Jail & Women's AID In Crisis, INC. (WAIC)
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Agency PREA Coordinator
 - o Facility PREA Compliance Manager
 - o Random Officers
 - o Non-Medical Staff Cross Gender Searches (Officer)
 - o Random Inmates

Findings (By Provisions):

- (a) West Virginia Regional Jail and Correctional Facility Authority Policy #3052 directs staff not to conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. Documentation review indicated the Central Regional Jail reports no exigent circumstances for this audit period. The Jail maintains a log book to document when exigent circumstances occur. The facility's search policy prohibits female staff from conducting strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by authorized medical personnel. Facility documentation also indicated that no female staff member has been authorized to conduct the above searches within the PREA audit period. Interviewed staff related female staff does not conduct cross-gender pat searches of male inmates. Interviews with inmates confirmed that none of them had been strip searched by a female officer.

- (b) West Virginia Regional Jail and Correctional Facility Authority Policy #3052 rated capacity as 200, which exceed the 50 inmate rule. This provision does not apply.
- (c) Staff interviews and facility documentation indicated that all cross-gender strip searches and cross-gender visual body cavity searches will be documented. The facility houses male and female inmates.
- (d) West Virginia Regional Jail and Correctional Facility Authority Policy #3052, requires Central Regional Jail to implement policies and procedures that enable inmates to shower and perform bodily functions and change clothing without non-medical staff of the opposite gender viewing the breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell or bed checks. Interviewed inmates stated they are never naked in full view of staff and are provided privacy while changing clothes, showering and using the restroom.
- (e) According to staff interviews and documentation review, the facility has housed one transgender inmates within the past 12 months. West Virginia Regional Jail and Correctional Facility Authority Policy #3052 direct staff not to search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, the facility may determine during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The staff is trained on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The facility provided samples of documentation to confirm staff has received and receive search training consistent with the West Virginia Regional Jail and Correctional Facility Authority Policy #3052. The PREA Compliance Manager confirmed there have been no cross-gender strips or visual body cavity searches conducted within the audited cycle.

A review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months there were zero cross-gender strip and visual body cavity searches of inmates.

Overall Interview Results:

Thirteen (13) security staff, representing staff from all shifts, were interviewed. One hundred percent (100%) of staff interviewed indicated that cross-gender pat searches were not permissible. All the interviewed staff stated that they were trained on conducting cross-gender pat searches and searches of transgender and intersex inmates in a professional and respectful manner. All staff interviewed reported that they have been trained on the PREA policy prohibiting staff from searching or physically examining a transgender or intersex inmate for determining the inmate's genital status.

All twenty-three (23) inmates interviewed reported that staff announces their presence of female or male staff when they are entering the housing areas of the opposite gender. Three (3) of the twenty-three (23) inmates stated that others can see them when showering because they can go up the stairs and look into the shower. One hundred percent (100%) of the staff reported that inmates can dress, shower, and toilet without being viewed by staff of the opposite gender and that female presence on housing units is announced.

Corrective Actions and Verifications:

Concern #1: Observations of showers during the tour reveal that staff or inmates can see inmates taking showers in showers located under the stairs leading to the second tier. When staff or inmates walk up the stairs, about half way to the top you are able to look into the showers. To correct this concern, the facility will immediately

install PREA friendly shower curtains to block direct viewing and to provide more privacy. After installing the shower curtains, the Auditor requested that the facility provide pictures.

On May 21, 2017, the facility PREA Compliance Manager provided the Auditor pictures of the shower curtains installed of the shower doors. The Auditor's concerns were addressed and status change from non-compliance to compliance.

Concern #2: During the Auditor tour it was noted that the cells in the booking area of the facility did not provide for privacy from the inmates who are kept in the booking area. Staff sitting at the booking desk could see the inmate change clothing or preform bodily functions. After the Auditor voiced concerns, the facility reported to the Auditor that they had purchased magnetic window coverings that can be attached to cover the window, but are easy to remove if the inmate was being held in the cell on suicide watch.

At the end of the tour, the Facility PREA Compliance Manager invited the Auditor to revisit the cell in the booking area. The Auditor's concerns were addressed, the facility place the magnetic window covering on the doors which give the cells privacy without staff or other inmates viewing inside the cells.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility to ensure that inmates who are limited English proficient and inmates with disabilities be afforded the same equal opportunities to participate in or benefit from the facility's effort to prevent, detect, and respond to sexual abuse or harassment.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Inmates Handbook
- Propio Language Services (MOU)
- Translation Language Telephone Line
- PREA Posters (English & Spanish)
- PREA Video (English)
- PREA Video (Spanish)
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Random Officers
 - o Random Inmates
 - o Disabled Inmates
 - o English Proficient Inmates

Findings (By Provisions):

- (a) The facility has taken appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. To ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the facility ensures that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

The Central Regional Jail provided inmates with disabilities access to interpreters by using the Videophone communication system to access interpreters who can interpret effectively, accurately, and impartially, using receptively and expressively, specialized vocabulary. The facility may read the PREA information to the inmate.

- (b) The facility has taken reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Staff interviews and documentation indicated that onsite interpreters are provided for Spanish speaking inmates. The Facility PREA Compliance Manger keeps an updated list of all multi-lingual staff at the facility that would be able to provide translation for any PREA related issue. Outside interpreting services are available to the inmate population as dictated by policy and customer requirements. Central Regional Jail has an MOU with Propio Language Services, LLC. Propio LS provides telephone interpreting for over 200 languages. All interpreters are certified and the average connect time is under 30 seconds. Propio provides document translation services for over 100 languages. Translators of basic languages are certified to be grammatically and culturally correct.
- (c) The facility does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations. Interviewed staff consistently stated they would not allow, except in emergency situations, an inmate to translate or interpret for another inmate in making an allegation of sexual abuse.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were zero instances where inmate interpreters, readers, or other types of inmate assistants have been used.

Overall Interview Results:

One hundred percent (100%) of the interviewed security staff reported that resident interpreters, inmate readers, or other types of inmate assistants are prohibited. All thirteen (13) staff members stated to their best knowledge the facility never uses inmate interpreters.

One (1) of the twenty-three (23) inmates interviewed was limited English proficient. The one inmate reported that the facility provides information about sexual abuse and harassment in Spanish. In addition, the Agency Regional PREA Coordinator serves as the inmate and the auditor interpreter during the site visit.

One disabled inmate was interviewed and reported feeling safe at the facility, and confirmed being provided information regarding sexual abuse and harassment. The disability did not hinder the inmate from receiving

information consistent with the random sample of inmates interviewed.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in hiring and promotional practices in regards to PREA.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- West Virginia Regional Jail and Correctional Facility Authority Policy #3005
- West Virginia Regional Jail and Correctional Facility Authority Policy #3023

Interviews:

- o Jail Administrator
- o Facility PREA Compliance Manager
- o Human Resource Staff

Findings (By Provisions):

- (a) The facility does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates as listed in this standard to include the following provisions:
1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 2. 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
 3. Has been civilly or administratively adjudicated to have engaged in the activity described in number 2.

The West Virginia Regional Jail Authority Standard Operating Procedure requires Central Regional Jail to ask these three questions.

- (b) The facility considers incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of contractors, that may have contact with inmates.
- (c) The West Virginia Regional Jail Authority Standard Operating Procedure requires that policy directs facility before hiring new employees that have contact with inmates to complete a criminal background records checks and make its best efforts to contact all prior institutional employers for information on substantiated

allegations of sexual abuse and any resignation during a pending investigation of an allegation of sexual abuse.

- (d) The facility conducts criminal background records checks every five years on current employees and contractors who have contact with inmates. The facility Human Resources Manager oversees an updated background check every five years on current employees. An interview with the HR Manager indicated that all vendors/contractors and volunteers NCIC checks are approved by Regional Jail Authority.
- (e) The facility asks all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self- evaluations conducted as part of reviews of current employees. The facility also imposes upon employees a continuing affirmative duty to disclose any misconduct related to PREA.
- (f) West Virginia Regional Jail Authority policy prohibits staff from deliberate omission or falsification of information related to sexual abuse or harassment. Failure to do so, on the part of the applicant/new hire will result in exclusion for consideration or termination.
- (g) Interviews with the HR manager indicated that the facility will provide information on substantiated allegations of sexual abuse or sexual harassment involving former employees. Upon receiving a request from an employer that request information on a past employee applying for employment, the facility will release information. An interview with the HR manager indicated during this audit cycle there were no such requests.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the agency when considering upgrades to its facility or technologies.

This standard is rated non-applicable.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Agency PREA Coordinator
 - o Facility PREA Compliance Manager

Findings (By Provisions):

Interviews and facility documentation indicated that Central Regional Jail has not had any substantial expansion upgrades.

The facility has added major surveillance cameras to the video system.

- (a) According to the West Virginia Regional Jail and Correctional Facility Authority Policy, when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the plan will consider the effect of the design, acquisition, expansion, or modification upon the facility's ability to protect inmates from sexual abuse.
- (b) According to the West Virginia Regional Jail and Correctional Facility Authority, when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the plan will consider how the technology may enhance the facility's ability to protect inmates from sexual abuse.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility's evidence protocol and forensic medical examinations as it relates to PREA.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- Prime Care Medical, Inc.
- MOU - /with Women's AID In Crisis, Inc. (WAIC)
- West Virginia State Police Service Agreement
- Release from Responsibility for Medical Treatment Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Random Officers
 - o Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) The facility Administrator or facility Chief of Security review all PREA allegations and follow the notification process. The Administrator ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

The West Virginia Regional Jail and Correctional Facility Authority Chief of Operations assigns a West Virginia Regional Investigator to investigate allegations involving staffing. The Facility PREA Compliance Manager investigates all grievances, allegations, and investigations of inmate-on-inmate sexual abuse, assault, misconduct, or harassment. Both the Regional and Facility Investigators investigate all allegations promptly,

thoroughly, and objectively to include all third party and anonymous reports.

Substantiated allegations of conduct that appear to be criminal are referred for prosecution. The Regional Investigator or the Facility Investigator is responsible for all notifications that involve the West Virginia State Police or Prosecutor. The Investigator forwards all reports and information to the West Virginia State Police or Prosecutor for review and disposition.

The Regional or Facility Investigator request that the West Virginia State Police or any other agency with the authority to conduct criminal investigations to following the PREA investigations standards.

- (b) The Central Regional Jail has a Memorandum of Understanding with Women's AID Crisis, Inc. (WAIC) that will respond if an incident or allegation of sexual abuse is discovered or reported within 96 hours of the incident. The Central Regional Jail will contact the local rape crisis center and transport the victim of sexual abuse to the designated hospital for a forensic medical exam and to meet with a rape crisis advocate from Women's AID Crisis center.

The Central Regional Jail has a contract with Braxton County Memorial Hospital. This is the hospital where inmates would be taken if a forensic rape examination were required.

West Virginia Regional Jail and Correctional Facility Authority Policy requires that the Central Regional Jail medical staff ensures that the outside medical facility who examines a victim is a medical professional who is skilled and experienced in the use of a rape kit for the collection of forensic evidence. The facility uses a list of local hospitals that employ SANE or SAFEs and the medical facility entered into a Memorandum of Understanding (MOU), to determine the appropriate medical provider to transport to. If the inmate refused to undergo the forensic exam, he/she must sign a Release from Responsibility for Medical Treatment.

The protocol is appropriate, and is adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

If there was a sexual abuse allegation, interviewed staff indicated that the facility will offer all victims of sexual abuse access to forensic medical examinations at an outside hospital, without financial cost. Examinations are performed by Sexual Assault Forensic Examiners (SAFEs). If SAFEs cannot be made available, the examination is performed by other qualified medical practitioners at the hospital. The facility documents its efforts to provide SAFEs or SANEs through the MOU with the local Rape Crisis Center.

- (c) The facility makes available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the facility makes a qualified person from a community-based organization available to provide services, or a qualified facility staff member. The facility provided documents that showed efforts to secure services from rape crisis centers.

The victim advocate is a qualified facility staff member or a qualified community-based organization staff that accompanies and supports the victim through the forensic medical examination process, investigatory interviews, and provides emotional support, crisis intervention, information, and referrals.

- (d) Interview with the Jail Administrator and Investigator indicated when outside agencies are responsible for investigating allegations of sexual abuse, the facility requests that the investigating agency follows the requirements of PREA. This includes standard provision (g) 1 and 2. Policy requires the investigator or designee to request that outside investigative authorities conduct the investigation in accordance with PREA investigation standards.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months one forensic medical exam was conducted.

Overall Interview Results:

One hundred percent (100%) of the interviewed security staff were knowledgeable of the staff responsible for internal and external investigations. All of the staff were able to describe the process and steps required to protect physical evidence; which included securing the area, protecting the physical evidence, not allowing the victim to shower or brush teeth, and immediately seeking medical attention.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility’s efforts at referring allegations for investigations to an appropriate investigatory agency for all sexual abuse or harassment allegations.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- West Virginia State Police Service Agreement
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Regional Investigator
 - o Facility Investigator
 - o Random Officers

Findings (By Provisions):

- (a) According to interview with the Facility Investigator, the facility ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment reported on inmate-on-inmate or staff-on-inmate misconduct.

The initial investigation begins immediately. The facility uses a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. In accordance with policy, the Facility Administrator and/or the Facility PREA Compliance Manager are notified immediately and assume control of the investigation when appropriate. The Facility notifies the West Virginia Chief of Operations.

Investigations are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attached copies of all documentary evidence.

An additional interview with Facility Investigator confirmed the process for receiving an allegation and for conducting the investigation if an alleged sexual abuse was reported. Interviewed staff stated, they have been trained to report everything for investigations, including reporting, knowledge, allegations and suspicion of sexual abuse or sexual harassment. Staff affirmed they are trained to accept reports from all sources, including third parties and anonymous reports.

- (b) The West Virginia Regional Jail and Correctional Facility Authority have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations. Per policy substantiated allegations of conduct that appears to be criminal are referred for prosecution. The investigators impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity. The West Virginia Regional Jail and Correctional Facility Authority publish the policy on its website.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, during the past 12 months there were nine (9) allegations of sexual abuse and sexual harassment that were received.

Overall Interview Results:

Two (2) out of Thirteen (13) security staff interviewed did not know the facility PREA investigator, however, the two staff were hired within the past month. Eleven (11) of the security staff interviewed reported that internal investigations are handled by the Facility PREA Compliance Manager, and external investigations are handled by the West Virginia Regional Jail Authority and West Virginia State Police.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in its efforts to train all facility staff in the PREA requirements.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- West Virginia Regional Jail and Correctional Facility Authority Policy #3005

- Interviews:

- Sr. Director, Management & Operations (Agency PREA Coordinator)
- Director, Policy & Audits (Assistant Agency PREA Coordinator)
- Random Officers
- Staff

Findings (By Provisions):

- (a) The Facility has trained staff that has contact with inmates on the eleven (11) requirements stated in this standard. According to staff interviews, sexual abuse and sexual harassment training is provided in pre-service and in-service training and include all requirements.
- (b) Training is tailored to the gender of the inmates at the employee's facility. Review of documentation revealed that staff receive additional training if the staff is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. The staff will receive this training through additional pre-service training. This facility housed only male inmates.
- (c) All current employees have received training and the facility has provided each employee with refresher training every two years to ensure that all employees know the facility's current sexual abuse and sexual harassment policies and procedures. During the on-site visit the Auditor observed during a shift briefing that officers were given refresher training. Staff interviews indicated that refresher training is a common practice during shift briefings.
- (d) The Facility documents, through employee signature and electronic verification, staff understanding of the training they have received. The Central Regional Jail documents staff training using the Training Acknowledgement form and a training roster, which requires the staff and instructor signature, date, and job title.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were 129 employees assigned to the facility who were trained on the PREA requirements.

Overall Interview Results:

Interviewed thirteen (13) security staff that could articulate the topics covered in the PREA training. One hundred percent (100%) of the security staff reported being knowledgeable of the topics they had been trained in. The staff could describe the training on zero tolerance, inmates and staff rights, dynamics of sexual abuse and sexual harassment, working with vulnerable populations (LGBTI, prior history of sexual victimization), prevention and response protocol as well as supportive services available to inmates.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific

corrective actions taken by the facility.

s standard directs facility's efforts to train volunteers and contractors in the PREA requirement.

Supporting Documents, Interviews and Observations

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Volunteer Training Database
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Volunteer
 - o Contractor

Findings (By Provisions):

- (a) The Central Regional Jail trains all volunteers and contractors who have contact with inmates on their responsibilities under the facility's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. According to the PREA Audit: Pre-Audit Questionnaire the facility trained thirteen (13) volunteers and contractors within the past 12 months.
- (b) Interviews and documentation indicated that the level and type of training provided to volunteers and contractors is based on the services they provide and the contact they have with inmates. All volunteers and contractors are notified of the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report alleged incidents.
- (c) The facility maintains documentation confirming that volunteers and contractors understand the training they received. The Central Regional Jail documents volunteer and contractor training using the Training Acknowledgement form and rosters, which requires the volunteers, contractors and instructor signature and date.

Overall Interview Results:

Interview with the Chaplain/Volunteer Coordinator ,who has contact with the inmates, indicated that the volunteers receive PREA training in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response. The Volunteer Coordinator and the interviewed volunteer indicated that volunteers are provided additional training for faith based services regarding inappropriate and appropriate behavior that could impact PREA for religious practices. All volunteers sign a PREA document acknowledging that they understand the agency's policies related to PREA.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility to provide, during the intake process, information regarding the facility's zero tolerance policy about sexual abuse and harassment and how to report sexual abuse and harassment.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Pamphlet "What They Should Know About Sexual Abuse and Assault"
- Lesson Plan: Inmate Training
- PREA Video (Kiosk Machines)
- RJA Inmate PREA Training Acknowledgement
- Resident Historical Read/Watch
- PREA Posters (English)
- PREA Poster (Spanish)
- Inmate Handbook
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Intake Staff
 - o Random Inmates

Findings (By Provisions):

(a) Staff interviews and documentation review indicated that during the intake process, inmates receive information explaining the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. The facility included the following in the inmate education:

- Definition of Sexual Assaults
- The West Virginia Regional Jail Zero Tolerance
- How to avoid inmate on inmate sexual acts
- What to do if you are assaulted
- Did You Know?
- If you sexual assault another inmate
- Anonymous Letters
- The Local Resource Center Hot Line Number

During intake, inmates are given the inmate handbook. During orientation, additional PREA related information is provided and the video is shown using Kiosk machines. The staff conducting intake/orientation gives inmates the opportunity to ask questions to clarify anything they do not understand. Inmate acknowledgement statements were provided -when receiving PREA information.

(b) The facility provides comprehensive education to inmates in person and through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents. This information is provided to the inmates within 30 days.

(c) All inmates at the Central Regional Jail received and have been educated on PREA. Inmates that transfer to the facility also receive the required PREA Education.

- (d) Inmate interviews confirmed that the facility provides inmate education in formats accessible to all inmates, including limited English proficiency, deaf, visually impaired, disabled, as well as to inmates who have limited reading skills. Staff and inmate interviews reveal that the facility provides the PREA Education in English and Spanish, to include inmate handbooks and posters. Video is used during orientation as well as in the dorm setting. PREA related video content is narrated in both English and Spanish for the hearing and or visually impaired.
- (e) The facility maintains documentation of inmate participation in the education sessions by using the Inmate Orientation check list and the Resident Historical Read/Watch for the Kiosk machines.
- (f) In addition to providing PREA education, the facility ensures that key information is continuously and readily available and visible to inmates through posters, inmate handbooks, and other written formats.

Overall Interview Results:

Twenty (23) inmates were interviewed. Twenty (20) of the twenty-three (23) inmates reported that they recall receiving information upon intake and orientation regarding sexual abuse and harassment. The information was provided to them in a handbook within 1- 2 days of being at the facility. Three (3) of the inmates reported that they could not recall or remember. All inmates reported that they are aware of the PREA information on posters regarding who to call if they were being sexually abused or harassed; however, most the inmates struggled to articulate if they understood what would happen if they contacted the sexual assault center. A majority of the inmates reported that if they were to use the PREA hotline, they would feel comfortable with using the Sexual Assault hotline.

The PREA hotline posters are located throughout the facility. The intake officer, in an interview, stated that all inmates are provided an admission and orientation handbook immediately upon arrival at the site. All inmates are provided information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or harassment. There are PREA related posters in the intake area along with the resident handbook which covers the sites zero tolerance policies, how to report, and to be free from retaliation for reporting incidents. The handbook is also provided in Spanish.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the specialized training requirements for investigators.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052

- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- West Virginia State Police Service Agreement
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Investigator

Findings (By Provisions):

- (a) In addition to the general PREA training provided to all employees, the West Virginia Regional Jails Policy ensures that it's Regional and Facility Investigators have received training in conducting investigations in confinement settings. This training is facilitated by the West Virginia Regional Jail and Correctional Facility Authority PREA Coordinator or designee.
- (b) The Specialized training was conducted by Agency PREA Coordinator. Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action and prosecution referral.

The Central Regional Jail Training Officer ensures that the facility PREA Investigator receives the required training within three months of the effective date of appointment.

- (c) The facility maintains documentation of investigators having completed the required specialized training in conducting sexual abuse investigations.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility to have each medical and mental health staff member go through additional specialized training beyond that given to all employees.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- NIC Certificate of Completion (PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting)
- Prime Care Medical, Inc.
- NIC Certificate of Completion (PREA: Your Role Responding to Sexual Abuse)
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager

- Medical Staff
- Mental Health Staff

Findings (By Provisions):

- (a) Interview with the Central Regional Jail medical and mental health staff indicated that full- and part-time medical and mental health care practitioners who work regularly in the facilities have been trained.

Central Regional Jail contracts with Prime Care Medical for all medical and mental health services provided at the facility. The Prime Care staff completed the NIC online training.

The jail does not have a dedicated full time mental health provider. There is a psychologist that provides services to Central Regional Jail, who also provides psychological services to other jails in the system. These services are provided either via video conferencing system or in person.

- (b) The medical staff at Central Regional Jail does not conduct forensic examinations. The local hospital conducts all emergency care or treatment to include “Sexual Assault Forensic Examinations.” The local hospital examiners are qualified SAFE and SANE practitioners that comply with the National Protocol for Sexual Assault Medical Forensic Examinations.
- (c) The facility maintains documentation that medical and mental health practitioners have received the training referenced in this standard. Training rosters and staff meeting sign in sheets were submitted to the Auditor.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility’s effort at gathering information within 72 hours of intake and periodically thereafter during confinement.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- WV Regional Jail Authority PREA Screening Instrument (Initial)
- WV Regional Jail Authority PREA Screening Instrument (Reassessment)
- Trusty Clearance For Work Detail Report
- Offender Information Report
- Regional Jail Authority 90 Day Action Follow-Up Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:

- Facility PREA Compliance Manager
- Staff Screening for Risk of Victimization and Abusiveness
- Random Inmates

Findings (By Provisions):

- (a) The facility assesses all inmates during intake screening to include inmates that transfer from other prisons for risk of being sexually abused.
- (b) Interviews and documentation revealed that intake screenings are taking place within 72 hours of arrival at the Central Regional Jail. In addition, during intake screening, procedures require that staff review available documentation for any indication that an inmate has a history of sexually aggressive behavior. Housing assignments are made accordingly.
- (c) The facility uses the West Virginia Regional Jail Authority PREA Screening form as the objective screening instruments.
- (d) Staff interviews and documentation review reveals that the Screening for Risk of Victimization and Abusiveness include the following:
 - Whether the inmate has a mental, physical, or developmental disability;
 - The age of the inmate;
 - The physical build of the inmate;
 - Whether the inmate has previously been incarcerated;
 - Whether the inmate's criminal history is exclusively nonviolent;
 - Whether the inmate has prior convictions for sex offenses against an adult or child;
 - Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - Whether the inmate has previously experienced sexual victimization;
 - The inmate's own perception of vulnerability; and
 - Whether the inmate is detained solely for civil immigration purposes.

The PREA Intake Objective Screening Instrument has the required criteria. The results of the assessment are documented on the Screening Form whether the inmate is vulnerable or sexually aggressive. The facility has a "Trusty Clearance for work Detail Report" that tracks whether an inmate is Aggressor, Potential Victim or No/Medical.

- (e) Interviews and documentation reviewed indicated that the counselor reassesses the inmate's risk level for sexual victimization or sexual abusiveness whenever warranted and within 30 days of arrival at the institution if the inmate is identified at risk for victimization or for being at risk for being sexually abusive.
- (f) Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to any questions as stated in section (d).
- (g) The agency implements appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates as described above.

Overall Interview Results:

Sixteen (16) of the twenty-three (23) inmates were housed at the facility within the last 12 months. Ten (10) of the

sixteen (16) recalled being asked questions regarding prior history of sexual abuse, or whether they identified as being gay, lesbian, or bisexual, and whether they might be in danger of sexual abuse. The seven (7) inmates reported being asked such questions during orientation. Twenty-two of the inmates interviewed reported feeling safe at the facility. One inmate reported that he did not feel safety at the facility because of his crimes. The Auditor got the inmate's permission to meet with the Facility PREA Compliance Manager and Agency PREA Coordinator to share this information. The facility is addressing the inmate's concerns by transferring the inmate to another facility.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard sets forth guidelines for the use of screening information that is used in making housing, programming, bed, education, and work assignments.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- WV Regional Jail Authority PREA Screening Instrument (Reassessment)
- WV Regional Jail Authority PREA Screening Instrument (Initial)
- Regional Jail Authority 90 Day Action Follow Up Form
- Offender Information Report
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Staff Screening for Risk of Victimization and Abusiveness
 - o LGBTI Populations Inmates
 - o Transgender and Intersex Inmates

Findings (By Provisions):

- (a) West Virginia Regional Jail policy requires the Central Regional Jail to use information from the risk screening required to make inform housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. Individualized determinations about how to ensure the safety of each inmate will be made according to staff interviewed.
- (b) When the Central Regional Jail receives a transgender inmate and in deciding whether to assign a transgender or intersex inmate to a male living unit and in making other programming assignments, the facility will consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

- (c) Staff interviews indicated that when making placement and programming assignments for each transgender or intersex inmate, the facility will reassess them at least twice each year to review any threats to safety experienced by the inmate.

The West Virginia Regional Jail and Correctional Facility Authority Gender Review Committee may approve housing by gender identity when appropriate. When considering requests the Executive Director also consider the facility population, staffing patterns, physical layouts and legal requirements.

- (d) Staff interviews also indicated if they were to have a transgender or intersex inmate, the inmate's own views with respect to his or her own safety will be given serious consideration.
- (e) Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
- (f) Interview with the Facility PREA Compliance Manager indicated that the facility will not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely based on identification status for protecting such inmates.

Overall Interview Results:

One (1) resident interviewed identified as being transgender. The resident reported feeling safe at the facility and throughout her stay has encountered several administrative as well as line staff that she can speak to. The inmates stated that the staff have been very open to her and frequently check on her to see how she is doing and if she feels safe. The resident reported that there is no segregated housing; however, she is housed in the booking area because for her safety due to the nature of her crime, and her case being high profile. The resident reported that she is treated like all other inmates and that she showers alone.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard sets forth guidelines for inmates at high risk for sexual victimization.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews
 - o Facility PREA Compliance Manager

- Staff Supervise Inmates In Segregated Housing
- Inmates Placed in Segregated Housing (None)

Findings (By Provisions):

- (a) Interviews and documentation review at the Central Regional Jail indicated that inmates at high risk for sexual victimization are prohibited from being placed in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Interviews also reveal that if an assessment cannot be immediately completed, the facility will hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- (b) Staff interviews indicated that if an inmate is placed in segregated housing they will be provided with access to programs, privileges, education, and work opportunities.
- (c) If the Central Regional Jail assigns an inmate to involuntary segregated housing, policy requires them to be housed only until an alternative means of separation from likely abusers can be arranged, and assignment does not exceed 30 days.
- (d) If the facility places an inmate in involuntary segregated housing, the facility will document as required by this provision.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, there were zero inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility on how inmates are allowed to report sexual abuse and harassment.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA: What You Should Know About Sexual Abuse and Assault
- Inmate Handbook
- Sworn Statement
- PREA Hotline
- Prison Rape Elimination Act Orientation Information

- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Random Officers
 - o Random Inmates

Findings (By Provisions):

(a) Interviews with staff and documentation review indicated that the facility has established procedures allowing for multiple internal ways for inmates to report privately to the Central Regional Jail and the West Virginia Regional Jail and Correctional Facility Authority officials regarding sexual abuse and sexual harassment, retaliation by other inmates or staff, to include staff neglect or violation of responsibilities that may contributed to PREA incidents. The follow are internal reporting ways:

- Grievance System
- Sexual Abuse Hotline by dialing #9078
- Security Officers
- Medical Staff
- Mental Health Staff
- Counselors
- Chaplain
- The Facility PREA Compliance Manager or any other staff member they trust
- Write directly to West Virginia Intelligence Fusion Center

(b) Interviews with staff and documentation indicated that the facility has established at least one way for inmates to report abuse or harassment to a public or private entity that is not part of the agency. Inmates can also receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates are given a envelope with the mailing address to West Virginia Intelligence Fusion Center. The following are external reporting ways:

- Write directly to West Virginia Intelligence Fusion Center
- Women’s AID In Crisis, Inc.

Additionally, at intake each inmate is given an envelope that is addressed to the local rape crisis center. The inmates may use this envelop to make a report of sexual abuse or ask for services from the rape crisis center.

An interview with the Facility PREA Compliance Manager indicated that the Central Regional Jail does not detain inmates solely for civil immigration purposes; however, if they receive an inmate solely for civil immigration purposes the facility will provide the inmate with information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

Overall Interview Results:

All twenty (23) interviewed inmates stated that they had multiple ways to report. Most inmates reported that they could communicate with trusted staff, write a written report, use the Kiosk system or call the hotline. With prompting from the interviewer, one-hundred percent (100%) of the inmates understood the purpose of the hotline; however, struggled to articulate what would happen if they called the hotline. Only half of the inmates were aware that they could make a report without having to provide their name.

All interviewed staff reported that they have multiple means to privately report sexual abuse or harassment. Such reporting opportunities included the hotline, comment box, internal investigations, Jail Administrator, or medical

staff. The interviewed line staff reported that the inmates can privately report by using a resident Kiosk system, the hotline number, grievance, Jail Administrator, officers, other staff, family, or friends. Such reports can be made verbally or in writing. All of the interviewed line staff reported that if an inmate verbally or in writing reports sexual abuse or harassment the allegation is taken seriously and responded to immediately.

No inmates disclosed that they have ever reported to authorities, either in person or in writing, that they had been sexually abused or harassed while at the facility.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility's efforts in how inmates may use the grievance system for PREA allegations.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- West Virginia Regional Jail and Correctional Facility Authority Policy #14003
- Inmate Request/Grievance Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager
 - o Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) The Central Regional Jail has an administrative process to address inmate grievances regarding sexual abuse.
- (b) (b)-1 The facility does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. An inmate can submit a grievance any time regardless of when the incident is alleged to have occurred.
 - (2) According to staff interviews, the facility does not require an inmate to use any informal grievance process as it relates to PREA, or to attempt to resolve the issue with staff, for an alleged incident of sexual abuse.

(c) According to Staff Interviews, the facility ensures that:

- (1) Inmates who allege sexual abuse submit the grievance without submitting it to a staff member who is involved in the allegation. Grievance forms can be obtained from the Law Library, housing control, shift

supervisors, case manager, the Grievance Officer, or ask any staff member; they may mail it to the warden, and

(2) The grievance is not referred to a staff member who is involved in the allegation.

(d) (1) Staff interviews indicated that if an inmate files a grievance, the facility issues a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Staff interviews indicated no grievances were filed for the past 12 months.

(2) An interview with the Grievance Officer indicated that computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.

(3) The West Virginia Regional Jail and Correctional Facility Authority policy requires the Central Regional Jail to notify the inmate in writing when the organization files for an extension, including notice of the date by which a decision will be made.

(e)(1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and also be permitted to file requests on behalf of inmates.

(2) If a third party files such a request on behalf of an inmate, the facility will require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

(f)(1) The facility has established procedures for filing emergency grievances alleging that an inmate is subject to a substantial risk of imminent sexual abuse.

2) According to interviews, when the facility receives an emergency grievance alleging an inmate is at substantial risk of imminent sexual abuse, the staff immediately forwards the grievance for investigations.

(g) Inmate documentation indicated that the facility may discipline an inmate for filing a grievance related to alleged sexual abuse when the inmate filed the grievance in bad faith.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months one grievance were filed alleging sexual abuse.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility's effort at providing inmates with access to support services and legal representation.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- Authorization for Release of Health Information
- MOU: Women's AID In Crisis, Inc.
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Sr. Director, Management & Operations (Agency PREA Coordinator)
 - o Director, Policy & Audits (Assistant Agency PREA Coordinator)
 - o Random Inmates
 - o Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) The Central Regional Jail provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates the mailing address to the Women's AID Crisis, Inc. and the PREA hotline number.
- (b) The Central Regional Jail informs inmates prior to them communicating with outside organizations that phone calls may be monitored and that reports of sexual abuse or sexual violence will be forwarded to authorities in accordance with mandatory reporting laws. Inmates receive this information in their Admission and Orientation Booklet.
- (c) The Facility maintains a memorandum of understanding with the Women's AID In Crisis, Inc..--The agreement was entered into on July 11, 2016. The center provides inmates with confidential emotional support services related to sexual abuse. The facility maintains a copy of the agreement on file.

Overall Interview Results:

Ten (10) of the twenty-three (23) interviewed inmates stated they were not aware of services outside of the facility dealing with sexual abuse. The inmates who were aware stated that they recall seeing information on the posters for the hotline number, and they could speak to a counselor or staff. Thirteen (13) of the inmates could recall seeing the mailing address for outside counseling services. Most the inmates could recall information related to immigrant services and how to access the rape crisis hotline number.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard requires the facility to establish a third party reporting mechanism for sexual abuse or harassment.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews
 - o Facility PREA Compliance Manager
 - o Random Staff

Findings (By Provisions):

The Central Regional Jail uses the West Virginia Regional Jail Authority website as their method of third-party reporting of sexual abuse and sexual harassment. The public is made aware through a visitor's information.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard requires the facility to implement staff and facility reporting duties.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Random Officers
 - o Medical Staff

Findings (By Provisions):

- (a) Facility policy requires staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of the agency; retaliation against inmates or staff who reported the incident; as well as staff neglect or violation of responsibilities that contributed to the incident or retaliation. This policy information was confirmed by staff interviews.

- (b) Facility policy requires, apart from reporting to the designated supervisors or officials and designated state or local services, that staff is prohibited from revealing any information related to a sexual abuse incident to anyone other than to make treatment, investigation, and other security and management decisions.
- (c) When sexual abuse incidents occur at Central Regional Jail, staff interviews indicated that the facility will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, initially to the facility's designated investigators.

Overall Interview Results:

One-hundred percent (100%) of the sixteen (16) staff interviewed reporting being aware of the agency's procedure for reporting any information related to any inmate sexual abuse. Interviewed staff could clearly articulate the necessity to report any incident or alleged incident of sexual abuse or harassment immediately. They are aware of various methods of reporting in writing or verbally to include but not limited to: report to shift supervisor, ethics hotline, intelligence sheet, medical staff, and internal investigations.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard addresses the facility's protection duties.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Random Officers

Findings (By Provisions):

- (a) When the Central Regional Jail learns that an inmate is at substantial risk of imminent sexual abuse, it takes immediate action by offering the inmate the option to move to special housing or protective custody until the matter is resolved.

West Virginia Regional Jail Policy and Correctional Facility Authority policy requires any sexual contact between two or more inmates, witnessed, discovered, suspected, or reported to an employee is to be analyzed as a potential PREA incident.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months there were zero occasions where the facility has determined that an inmate was subject to substantial risk of imminent sexual abuse.

Overall Interview Results:

All the interviewed staff could clearly articulate the response process if an inmate is at risk of imminent sexual abuse. Many of the staff reported that action is taken immediately to address an inmate who is at risk of sexual abuse by immediately notifying the supervisor, staying with the victim, separating the involved inmates, and seeking medical care if necessary. Most of the staff articulated that information would only be shared with necessary parties.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility to report any allegations received from a resident that may have occurred at another confinement facility.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- Request for Information Of An Inmate’s PREA Allegation that Occurred at Your Facility
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager

Findings (By Provisions):

- (a) The Central Regional Jail has not received any allegation that an inmate was sexually abused while confined at another facility. According to staff interviews, if the facility did receive an allegation the facility would notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- (b) West Virginia Regional policy requires within 72 hours of receiving and allegation that an inmate was sexually abused while confined in another correctional facility, the Administrator of the facility that received the allegation will notify in writing the sending Administrator.
- (c) Staff interviews indicated that if receiving allegations were reported from other facilities, they would

complete an incident report for investigations.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, during the past 12 months zero allegations were received by the facility that an inmate was abused while confined 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility's first responder's actions.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Post Orders: Special Instructions (First Responder Guidelines for Sexual Assaults)
- PREA Checklist: Sexual Abuse Response
- PREA Check List: Health Services Sexual Abuse Response
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - Random Officers
 - Security Staff First Response
 - Non-Security Staff First Response
 - Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) Interviews with staff and staff training indicated when staff learn of an allegation that an inmate is sexually abused, the first security staff to respond separates the victim and abuser; preserves and protects the crime scene; and if the incident occurred within the appropriate time period for the collection of physical evidence, they will request that the alleged victim not take actions that could destroy physical evidence, to include washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (b) According to non-security staff, if they are the first responder they will request that the alleged victim not take any actions that could destroy physical evidence, and notify security staff.

Overall Interview Results:

○ Interviews were conducted with sixteen (16) security staff who might be required to be first responders. All the interviewed staff consistently reported that the duties of a first responder to include but not limited to: take immediate action, stay with the inmate, separate the victim from the perpetrator, isolate/secure the scene and

secure evidence, call for additional staff, and notify supervisor. Nine (9) of the security staff also reported that they would send the victim to medical for an initial evaluation of his/her medical condition.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility to have a coordinated response plan for sexual abuse.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Post Orders: Special Instructions (First Responder Guidelines for Sexual Assaults)
- PREA Checklist: Sexual Abuse Response
- PREA Check List: Health Services Sexual Abuse Response
- PREA Incident Review Sheet
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Staff from Review Team

Findings (By Provisions):

The facility policy response protocol provided guidelines for staff through a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The Central Regional Jail uses the First Responder Guidelines for Sexual Assaults. The response protocol is outlined in policy #3052 and in the post order for the facility.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion

must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard is not applicable because there are no collective bargaining units or unions operating at facility or agency.

This standard is rated non-applicable.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager

Findings (By Provisions):

- (a) Staff interviews indicated that the West Virginia Regional Jail Authority does not 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in its effort to protect inmates and staff from retaliation.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Monitoring Retaliation
 - o Inmates Placed in Segregated Housing
 - o Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) The West Virginia Regional Jail Authority policy prohibits retaliatory behavior by inmates or staff in regards to the reporting of sexual abuse, sexual harassment or cooperation with investigators as it relates PREA related incidents and allegations. Inmate rights documentation and staff policy establishes expected conduct. The Chief of Security or designee is responsible for monitoring retaliation. The Chief of Security also determines if the initial monitoring needs to be extended beyond the 90 days. If the person to be monitored is a staff member, this function will be completed by the Captain of the facility.
- (b) The facility has several protection and reporting measures, for inmates. They can utilize the “Grievance Program” to document retaliatory acts or other PREA related concerns and issues. The facility has the options to protect inmate when reporting retaliation.
- Housing or program changes
 - Disciplinary Reports
 - Transfers for inmate victim or abusers
 - Negative Performance Reviews or Reassignments of staff
 - Removal of alleged staff or inmate abusers from contact with victims
 - Provide emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations
- (c) The facility reported that there is no retaliation for this audit reporting period; however, if the facility were to have issues with retaliation, the policy will guide them on this standard. For example, for at least 90 days following a report of sexual abuse, the facility monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any retaliation. Items the facility should monitor include inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The facility continues monitoring beyond 90 days if the initial monitoring indicates a continuing need.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, there were zero incidents of retaliation that occurred in the past 12 months.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard gives guidelines on inmate restrictive housing.

Supporting Documents, Interviews and Observation:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A

- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Staff Supervise Inmates In Segregated Housing
 - o Inmates Placed in Segregated Housing

Findings (By Provisions):

(a) The facility’s use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is based on the requirements of standard 115.43. Interviews and documentation review at Central Regional Jail indicated that inmates at high risk for sexual victimization are prohibited from being placed in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Interviews also reveal that if an assessment cannot be immediately completed, the facility will hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, there were zero incidents of inmates held in involuntary segregated housing in the past 12 months.

Due to the physical layout of the jail, protective custody is an entire housing unit. This creates a situation where inmates placed in Protective Custody are not necessarily isolated from the rest of the population, but rather the inmate will be single celled in this pod of the housing unit.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in regards to administrative and criminal investigations.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- West Virginia State Police Service Agreement
- Consent To Release Information To The PREA Team
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager
 - o Investigator

- Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) Interviews with the Facility PREA Investigator indicated that when they conduct investigations into allegations of sexual abuse and sexual harassment, they do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) The Regional and Facility uses investigators who have received special training in sexual abuse investigations. When the Regional and/or Facility PREA Investigators conducted administrative and criminal investigations it is in accordance with best practice for the investigation of sexual assault and they follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative procedures and criminal prosecutions. If a criminal offense has been committed the West Virginia State Police is notified.
- (c) Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses. Investigators review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) When the West Virginia State Police investigates sexual abuse, the West Virginia Regional Jail and the Central Regional Jail cooperates with the State Police investigators and endeavors to remain informed about the progress of the investigation.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard is related to the evidentiary standard used for administrative investigations.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - Facility PREA Compliance Manager
 - Investigator

Findings (By Provisions):

- (a) The West Virginia Regional and the Facility investigators impose no standard higher than a preponderance of the

evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard establishes the reporting process relating to the outcome of an investigation.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Notification or Attempted Notification of Determination of an Inmate's PREA Allegation
- Inmate Notification: Determination of PREA Allegation
- PREA Sexual Abuse Incident Review

Interviews:

- o Facility PREA Compliance Manager
- o Investigator
- o Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) After investigating an inmate's allegation that he or she has suffered sexual abuse, the facility has a process in place to inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the allegation was against a staff, then the inmate is informed per the provisions of this standard.
- (b) When the Central Regional Jail notifies inmates, the facility uses the Notification or Attempted Notification of Determination of an Inmate's PREA allegation as documentation. If the facility does not conduct the investigation, then it will request the relevant information from the investigative agency in order to inform the inmate. Information given to the inmate is documented.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, there were eight (8) investigations of alleged inmate's sexual abuse that were completed by the facility in the past 12 months. There were also zero investigations of alleged inmate's sexual abuse that were completed by an outside agency in the past 12 months.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility’s efforts at disciplining staff who have violated the requirements of PREA.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Facility PREA Compliance Manager

Findings (By Provisions):

- (a) West Virginia Regional Jail and Correctional Facility Authority policies requires staff to be disciplinarily sanctioned up to and including termination for violating sexual abuse or sexual harassment policies, and termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- (b) Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the allegations committed, the staff disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (c) According to staff interviews all terminations for violations of facility sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated are reported to law enforcement agencies (unless the activity was clearly not criminal), and to any relevant licensing bodies.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months one (1) staff from the facility that has violated sexual abuse or sexual harassment policies. In the past 12 months, zero staff from the facility that has been terminated for violating facility sexual abuse or sexual harassment policies.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard provides guidance to the facility as it relates to disciplinary sanctions against a contractor or volunteer.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Jail Administrator
 - o Facility PREA Compliance Manager

Findings (By Provisions):

- (a) Staff interviews indicated that any contractor or volunteer who engages in sexual abuse are prohibited from contact with inmates and are reported to law enforcement. The Central Regional Jail investigates all alleged sexual abuse and harassment by West Virginia Regional Jail and contract employees. Upon knowledge of an alleged sexual abuse claim the State Police is notified regarding information relating to abuse allegation. If a volunteer or contract staff is under investigation for alleged inmate sexual abuse or sexual harassment the individual is placed on paid administrative leave pending the outcome of the investigation.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months, zero contractors/volunteers were reported to law enforcement for engaging in sexual abuse of inmates.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility’s disciplinary sanctions against inmates for violation of sexual abuse or harassment of staff or an inmate.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- West Virginia Regional Jail and Correctional Facility Authority Policy #3005
- Inmate Request/Grievance Form
- Property Seizure Form
- Central Regional Jail Rule Violation Report
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:

- Jail Administrator
- Facility PREA Compliance Manager
- Medical Staff
- Mental Health Staff

Findings (By Provisions):

- (a) The Central Regional Jail has a formal inmate disciplinary process when an inmate is subject to a disciplinary sanction following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilty for inmate-on-inmate sexual abuse.
- (b) The disciplinary process allows sanctions to commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories within the facility.
- (c) The Central Regional Jail considers whether an inmate’s mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed. The facility offers counseling and other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- (d) Staff interviews indicated for the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, if an investigation does not establish evidence sufficient to substantiate the allegation.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility on conducting medical and mental health screening and history of sex abuse.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- Authorization for Release of Health Information
- PREA Check List: Health Services Sexual Abuse Response
- Consent To Release Information To The PREA Team
- Prime Care Medical, Inc.
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:

- Medical Staff
- Mental Staff
- Staff Screening for Risk of Victimization and Abusiveness
- Inmates Disclosed Sexual Victimization

Findings (By Provisions):

- (a) Staff interviews and documentation review indicates that inmates that have experienced prior sexual victimization, whether it occurred in an institutional setting or in the community are offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. As part of the Intake Receiving Screening, an inmate is evaluated for current or chronic mental health problem, suicidality, and for history of sexual abuse, victimization or abusiveness. Trained Health Services staff perform the screening in a confidential manner. A mental health professional offers an inmate with a history of sexual victimization or sexual abusiveness a follow-up meeting within 14 days of the intake screening.
- (b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensures that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Mental health services are provided via video conferencing at Central 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.

- (c) The Central Regional Jail staff indicated that if an inmate reports a history of sexual abuse or sexual abusiveness appears at risk for victimization, security and case management are notified. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to need-to-know staff only for the purpose of treatment and security and management decisions, such as housing and cell assignments, as well as work, education and programming assignments.
- (d) The Central Regional Jail uses the Authorization for Release of Health Information for medical and mental health practitioners to obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

Overall Interview Results:

One (1) inmate was interviewed that disclosed prior sexual victimization; however, the inmate stated that she reported it when she was release the first time she was locked up.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in providing access to emergency medical health services.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Check List: Health Services Sexual Abuse Response
- Prime Care Medical, Inc.
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Medical Staff
 - o Inmates Reported Sexual Abuse

Findings (By Provisions):

(a) At the Central Regional Jail inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Alleged victims of sexual assault are promptly triaged at Health Services. Information is gathered and a brief examination of physical injury will take place, taking care of preserve medical evidence. The Health Services staff is consulted to determine if transfer to the local hospital is required.

If the inmate is medically stable, the inmate is requested to consent to a full physical examination off-site after triaging. A written consent is required before the exam, collection of evidence, before treatment can begin. The inmate is then transferred by Central Regional Jail, if possible, to the local hospital for the sexual assault exam. Rape crisis volunteers are also available if needed.

(b) Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. The facility offers prophylaxis treatment and follow-up for sexually transmitted and other communicable diseases to all victims, as appropriate.

(c) Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility's ongoing medical and mental health care for sexual abuse victims and abusers.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Check List: Health Services Sexual Abuse Response
- Prime Care Medical, Inc.
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - o Mental Health Staff
 - o Inmates Reported Sexual Abuse

Findings (By Provisions):

- (a) The Central Regional Jail offers medical and mental health evaluation, and provides treatment to all inmates who have been victimized by sexual abuse.
- (b) Staff interviews indicated that evaluations and treatment of victims include follow-up services, treatment plans, referrals for continued care following inmates transfer to, or placement in, other facilities, or their release from custody.
- (c) The facility provides victims with medical and mental health services consistent with the community level of care.
- (d) Staff interviews indicated that inmate victims of sexual abuse, while incarcerated, are offered tests for sexually transmitted infections as medically appropriate.
- (e) West Virginia Regional Jail and Correctional Facility Authority policy requires facility treatment services provided to victims without financial cost.
- (f) The facility conducts a mental health evaluation of inmate-on- inmate abusers when learning of abuse history and offer treatment. If the inmate reports history of sexual abuse or abusiveness and appears at risk for victimization, security and case management are notified.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility's efforts at reviewing sexual abuse incident that occurred at the facility.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Sexual Abuse Incident Review
- Annual PREA Report FY 2016
- PREA Monthly Statistical Report
- Consent To Release Information To The PREA Team
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
 - Jail Administrator
 - Facility PREA Compliance Manager
 - Incident Review Team

Findings (By Provisions):

- (a) Staff interviews indicated that if the facility had a sexual abuse, the facility will conduct a sexual abuse incident review after every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been unfounded. Investigations reviews occur within 30 days of the conclusion of the investigation. The facility provided PREA Team Review Meetings as review documentation.
- (b) The review team includes upper-level management officials, the Jail Administrator, Captain, Facility PREA Compliance Manager, Health Service Staff, Mental Health, and other staff as deemed necessary by the Jail Administrator.
- (c) According to interviews the review team will use the information from the sexual abuse incident review to identify any policy, training, or other issue related to the incident that indicated a need to change policy or practice.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard guides the facility in its data collection efforts.

Supporting Documents, Interviews and Observations

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- Survey of Sexual Victimization, 2015
- PREA Sexual Abuse Incident Review
- Annual PREA Report FY 2016
- WVRJA Internal Notification Form

- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews with the following:
 - o Jail Administrator
 - o Agency PREA Coordinator
 - o Facility PREA Compliance Manager

Findings (By Provisions):

(a) The Central Regional Jail collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions as required by West Virginia Regional Jail and Correctional Facility Authority. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. West Virginia aggregates the incident-based sexual abuse data at least annually and generates a comprehensive and informative annual report. Each West Virginia Regional facility is required by policy to maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.

The reviewed 2016 West Virginia Regional Jail and Correctional Facility Authority (WVRJCA) Annual Report was comprehensive and detailed and included Demographics of WVRJCA Operated Facilities as well as detailed PREA Data.

- (b) The agency aggregated incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency maintains, reviews, and collects data as needed from all available incident- based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility efforts at reviewing data for corrective action.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Monthly Statistical Report
- Annual PREA Report FY 2016
- Interviews with the following:
 - Jail Administrator
 - Agency PREA Coordinator
 - Facility PREA Compliance Manager

Findings (By Provisions):

- (a) The West Virginia Regional Jail and the Central Regional Jail review data collected and aggregated pursuant to § 115.87 to assess and improve the effectiveness of the facility's sexual abuse prevention, detection, and response policies, practices, and training, including by identifying problem areas, and taking corrective action on an ongoing basis. Interviews reveal that the West Virginia Regional Jail prepares an annual report of its findings and corrective action that includes the Central Regional Jail and the agency.
- (b) The report includes a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The report is approved by the West Virginia Regional Jail Authority and is made readily available to the public through its website.
- (d) The West Virginia Regional Jail Authority redacts specific material from the reports that would present a clear and specific threat to the safety and security of a facility.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

This standard directs the facility in its efforts to comply with data storage, publication, and destruction of records related to PREA.

Supporting Documents, Interviews and Observations:

- West Virginia Regional Jail and Correctional Facility Authority Policy #3052
- West Virginia Regional Jail and Correctional Facility Authority Policy #3036-A
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews

- Jail Administrator
- Agency PREA Coordinator
- Facility PREA Compliance Manager

Findings (By Provisions):

- (a) The West Virginia Regional Jail aggregated sexual abuse data from the Central Regional Jail under its direct control is made readily available to the public at least annually through its website. Before making aggregates sexual abuse data publicly available West Virginia Regional Jail removes all personal identifiers.
- (b) The West Virginia Regional Jail Authority maintains sexual abuse data collected for at least 10 years after the date of initial collection.

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.

Adam T. Barnett, Sr.

June 2, 2017

Auditor Signature

Date