



## West Virginia Division of Corrections Office of Research and Technology



## Addressing Sexual Abuse in Prisons Annual Report 2012

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## 2012 Annual Assessment of WV DOC's Progress in Addressing Sexual Abuse

The Prison Rape Elimination Act (PREA) of 2003, 42 U.S.C. 15601 et seq., requires the Attorney General to promulgate regulations that adopt national standards for the detection, prevention, reduction and punishment of prison rape. The finalized PREA standards were released on August 20, 2012, with an implementation date of August 20, 2013.

Pursuant to standard § 115.88 of the Prison Rape Elimination Act, the West Virginia Division of Corrections (WVDOC) is required to:

(a) Review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

(1) Identifying problem areas;

(2) Taking corrective action on an ongoing basis; and

(3) Preparing an annual report of findings and corrective actions for each facility, and the WVDOC as a whole.

(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

(c) WVDOC's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

(d) The WVDOC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

### Data Collection:

During calendar year 2012, the Office of Research and Technology collected the referrals for investigations into allegations of inmate on inmate and staff on inmate sexual abuse in order to report findings to the Department of Justice for their annual Survey of Sexual Violence. The data received is the basis for this section of the report.

In 2011, the WVDOC received and investigated 47 reports of possible sexual victimization, 11 (23%) which later were determined to be substantiated. In 2012 there were 85 reports of sexual victimization, and approximately 19% (16 events) of the 85 reported cases were found to be substantiated cases.

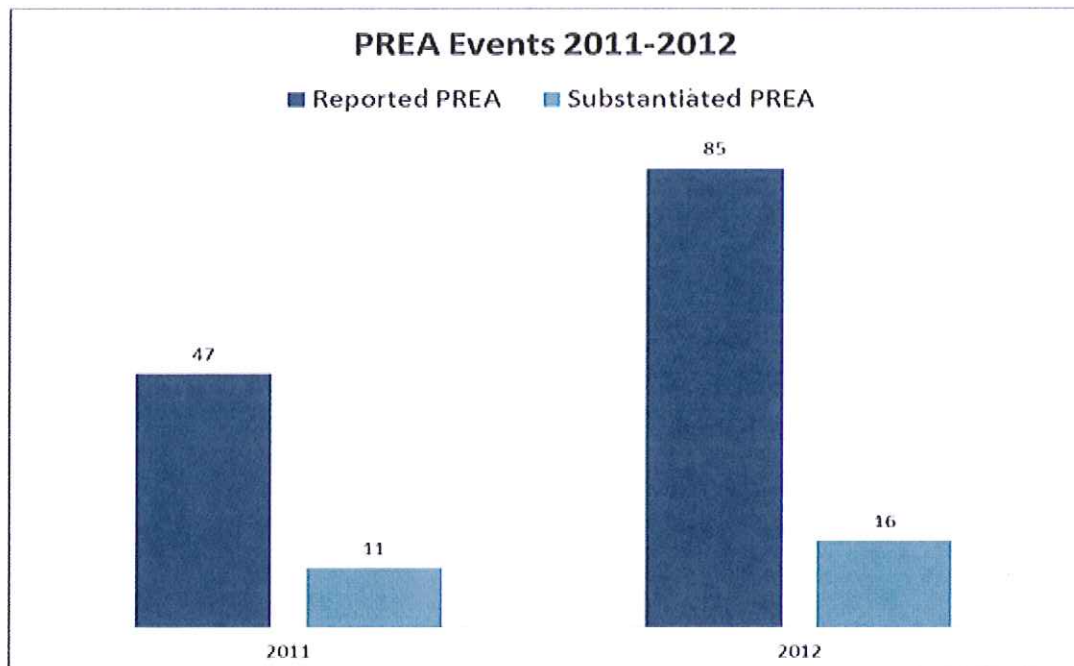


Chart 1

Table 1 shows a breakdown of types of PREA events reported in the WVDOC and the result of the investigation for 2011 and 2012.

Table 1

<b>PREA EVENTS By Type and Result of Investigation</b>					
	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation	Total Reported
Abusive Sexual Contact--2011	6	8	0	0	14
Non Consensual Sex Act--2011	2	9	1	0	12
Staff Sexual Misconduct--2011	2	9	3	0	14
Staff Sexual Harassment--2011	1	5	1	0	7
<b>Total 2011</b>	<b>11</b>	<b>31</b>	<b>5</b>	<b>0</b>	<b>47</b>
Abusive Sexual Contact--2012	7	11	3	0	21
Non Consensual Sex Act--2012	1	4	5	0	10
Staff Sexual Misconduct--2012	6	22	10	0	38
Staff Sexual Harassment--2012	2	12	2	0	16
<b>Total 2012</b>	<b>16</b>	<b>49</b>	<b>20</b>	<b>0</b>	<b>85</b>

Table 2 below depicts the total number and percentage of PREA related allegations by facility in 2012.

Table 2

	Total Number of Allegations	Percentage of ALL Allegations
Anthony Correctional Center	4	5%
Beckley Correctional Center	1	1%
Charleston Work Release Center	0	0%
Denmar Correctional Center	1	1%
Huntington Work Release Center	1	1%
Huttonsville Correctional Center/Work Camp	21	25%
Lakin Correctional Center	12	14%
Martinsburg Correctional Center	1	1%
McDowell County Correctional Center	15	18%
Mt. Olive Correctional Complex/Slayton Work Camp	15	18%
Northern Correctional Center	4	5%
Ohio County Correctional Center	0	0%
Parkersburg Correctional Center	1	1%
Pruntytown Correctional Center	7	8%
St. Marys Correctional Center	2	2%
<b>Total</b>	<b>85</b>	<b>100%</b>

Table 3 below shows a breakdown of allegations and results of investigations by type of sexual abuse per facility in 2012.

Table 3

### 2012 PREA Reported Events by Facility

	Inmate on Inmate Non Consensual Sex Acts				Inmate on Inmate Abusive Sexual Contact			
	Allegations	Substantiated	Unsubstantiated	Unfounded	Allegations	Substantiated	Unsubstantiated	Unfounded
Anthony Correctional Center	0	0	0	0	4	2	2	0
Beckley Correctional Center	0	0	0	0	0	0	0	0
Charleston Work Release Center	0	0	0	0	0	0	0	0
Denmar Correctional Center	1	1	0	0	0	0	0	0
Huntington Work Release Center	0	0	0	0	0	0	0	0
Huttonsville Correctional Center/Work Camp	2	0	1	1	4	1	2	1
Lakin Correctional Center	2	0	2	0	4	0	4	0
Martinsburg Correctional Center	0	0	0	0	0	0	0	0
McDowell County Correctional Center	1	0	0	1	5	4	0	1
Mt. Olive Correctional Complex/Slayton Work Camp	1	0	1	0	1	0	1	0
Northern Correctional Center	2	0	0	2	1	0	1	0
Ohio County Correctional Center	0	0	0	0	0	0	0	0
Parkersburg Correctional Center	0	0	0	0	0	0	0	0
Pruntytown Correctional Center	1	0	0	1	1	0	0	1
St. Marys Correctional Center	0	0	0	0	1	0	1	0
<b>Total</b>	<b>10</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>21</b>	<b>7</b>	<b>11</b>	<b>3</b>

	Staff Sexual Misconduct				Staff Sexual Harassment			
	Allegations	Substantiated	Unsubstantiated	Unfounded	Allegations	Substantiated	Unsubstantiated	Unfounded
Anthony Correctional Center	0	0	0	0	0	0	0	0
Beckley Correctional Center	1	0	1	0	0	0	0	0
Charleston Work Release Center	0	0	0	0	0	0	0	0
Denmar Correctional Center	0	0	0	0	0	0	0	0
Huntington Work Release Center	0	0	0	0	1	0	1	0
Huttonsville Correctional Center/Work Camp	9	0	3	6	6	1	5	0
Lakin Correctional Center	5	0	3	2	1	0	0	1
Martinsburg Correctional Center	0	0	0	0	1	0	1	0
McDowell County Correctional Center	6	3	3	0	3	1	1	1
Mt. Olive Correctional Complex/Slayton Work Camp	13	2	10	1	0	0	0	0
Northern Correctional Center	1	0	1	0	0	0	0	0
Ohio County Correctional Center	0	0	0	0	0	0	0	0
Parkersburg Correctional Center	0	0	0	0	1	0	1	0
Pruntytown Correctional Center	2	1	0	1	3	0	3	0
St. Marys Correctional Center	1	0	1	0	0	0	0	0
<b>Total</b>	<b>38</b>	<b>6</b>	<b>22</b>	<b>10</b>	<b>16</b>	<b>2</b>	<b>12</b>	<b>2</b>

### ***Analysis/Corrective Action:***

There were no PREA Standards requirements to analyze efforts in 2011, due to final PREA standards/requirements not being finalized until August 2012. As a result, there is no corrective action in 2011 with which to compare in 2012.

### ***WVDOC: 2012***

**Analysis:** Although there were 38 more reported allegations of sexual abuse from 2011 to 2012, the rate of *substantiated* incidences actually decreased from 23% to 18.8%. The reason for the increase in allegations is most likely attributed to an increase in inmate and staff awareness of PREA. Both inmates and staff may have recently heard/read or seen high profile cases in newspapers, and on television, also raising awareness of the prison rape elimination act.

**Corrective Action:** Inmates are given policies at intake regarding WVDOC PREA Zero Tolerance. A PREA Screening Instrument must be completed within 24 hours of inmate reception into WVDOC custody. Readily available language interpretation software is in place for inmates with limited English proficiency and contracted medical/mental health staff are utilized to effectively communicate WVDOC PREA policies to inmates with disabilities. Orientation for inmates also includes inmate access to outside confidential support services for sexual abuse and sexual harassment.

**Analysis:** Staff sexual misconduct/sexual harassment reported events went from 21 allegations in 2011 to 54 in 2012. Nearly 64% of all PREA allegations reported in 2012 were staff on inmate related (staff on inmate sexual misconduct or staff on inmate sexual harassment); 36% were inmate on inmate nonconsensual sex act or abusive sexual contact allegations.

**Corrective Action:** Beginning in 2013, it is mandatory that ALL WVDOC staff complete Staff Sexual Misconduct/PREA training annually. Previously staff only received PREA training during their Basic Academy training. We are hopeful that with this additional mandatory training which includes the most updated PREA policies, staff will be fully aware of the WVDOC's zero tolerance to staff and inmate sexual relationships and/or sexual harassment in prison.

### ***Correctional Facilities: 2012***

**Analysis:** See Table 3 for a breakdown of reported PREA related events from 2012 for each WVDOC facility.

It is noted in Table 2, Huttonsville Correctional Center had the most reported incidents of prison sexual abuse, with 25% of allegations, followed by Mt. Olive Correctional Complex and McDowell County Correctional Center with 18% and Lakin Correctional Center with 14%.

**Corrective Action:** 2012 is first year that PREA standards require an analysis and corrective action on PREA related events at facilities, therefore our initial "corrective action" procedurally was a statewide plan of action. Wardens and Administrators were tasked with the responsibility to ensure ALL DOC staff at every facility received training on the new PREA standards. In addition, all State WVDOC Investigators received specific training on the investigations of PREA allegations.

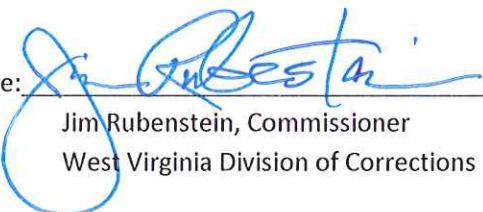
A team of 4 members went to Atlanta for investigations regional training. This training included: investigating sexual abuse in confinement settings, PREA updates and investigation standards, use of Miranda and Garrity warnings, medical and mental health interventions, report writing, implementation plan and prosecutorial collaboration.

**Summary:**

It is our responsibility and part of our mission to enhance public safety by providing safe, secure, humane correctional facilities. This cannot be achieved without a collaborative effort amongst the staff and offenders of the West Virginia Division of Corrections (WVDOC). Both need to know their roles and responsibilities in reporting and preventing prison sexual violence. The WVDOC is committed to taking corrective actions to comply with the Prison Rape Elimination Act Standards. In 2012, one action was to modify and in some cases create new policies to demonstrate a "zero tolerance" for sexual abuse in our prison facilities. A training curriculum was established to incorporate these policies/standards and to ensure that all WVDOC staff are not only made aware of the new policies/procedures but are instructed on the proper techniques in dealing with such events of prison sexual abuse should they occur.

It is our hope that by demonstrating our belief in having zero tolerance for sexual abuse in prison, that over time with education and practicing procedures, that the WV DOC will stand united in its efforts to reduce incidents of sexual abuse in West Virginia prisons.

Approved Signature: \_\_\_\_\_



Jim Rubenstein, Commissioner  
West Virginia Division of Corrections



August 16, 2013

Date