

# WESTERN VIRGINIA REGIONAL JAIL

*Serving the City of Salem and the Counties of  
Franklin, Montgomery, and Roanoke*



## Sexual Violence Annual Report

Data in this report reflects calendar year 2017: January 1, 2017 to December 31, 2017

- On December 31, 2017, the daily population was 793 inmates, including 594 males and 199 females
- The average daily population for the WVRJ in 2017 was 851
- There were 3,654 commitments to the WVRJ in 2017

The following definitions are utilized when discussing sexual violence and PREA:

**Allegation** – An oral, written or electronic statement that sexual abuse has occurred or might occur, that is provided to a staff member or outside agency.

**Substantiated** – An allegation investigated and determined to have occurred

**Unfounded** - An allegation investigated and determined not to have occurred

**Unsubstantiated** - An allegation that was investigated and evidence was insufficient to make a determination of substantiated or unfounded

**Sexual Misconduct** – Any act or behavior of a sexual nature directed toward an inmate by any staff member. This includes acts or attempts, including but not limited to, sexual assault, sexual harassment, sexual contact, conduct of a sexual nature and unreasonable or unnecessary invasion of privacy.

**Behavior of a sexual nature** – Includes, but is not limited to, inappropriate remarks or conversations, sexualized name calling, correspondence that suggests a romantic or sexual relationship and physical contact in a sexual manner.

**Sexual Assault** – Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force, against the will of the victim, or under conditions in which the perpetrator knows, or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct.



**Sexual Victimization/Sexual Violence** – All types of sexual activity: oral, anal and vaginal penetration; hand jobs; touching of the inmate’s thighs, buttocks, penis, breasts or vagina in a sexual way; abusive sexual contacts; and both willing and unwilling sexual activity with staff.

**Abusive Sexual Contact** – Unwanted contact with another inmate or any contact with staff that involves touching of the inmate’s buttocks, thighs, penis, breasts or vagina in a sexual way.

**Non-consensual Sexual Acts** – Unwanted contact with another inmate or any contact with staff that involves oral, anal or vaginal penetration, hand jobs or other sexual acts.

**Sexual Harassment** – Sexual harassment includes:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or detainee directed toward another; and

Repeated verbal comments or gestures of a sexual nature to an inmate or detainee by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Western Virginia Regional Jail policy prohibits ALL SEXUAL ACTIVITY. All allegations of sexual misconduct and/or harassment, whether inmate on inmate, staff on inmate, or inmate on staff are investigated fully and appropriate action taken. All substantiated allegations of conduct that appear to be criminal are reported to the Roanoke County Police Department for further investigation and referral to the Commonwealth Attorney for criminal charges.

During the calendar year January 1, 2017 to December 31, 2017 there were:

**Two** allegations of inmate on inmate non-consensual sexual acts.

- One allegation was found to be substantiated. The case was referred to the Roanoke County Police Department, jointly investigate and subsequently referred to the Commonwealth Attorney for prosecution. The perpetrator and victim were separated and the victim was offered mental health and other counseling and follow-up services.
- One allegation was found to be unfounded. The alleged victim, during the course of the investigation, indicated that she had lied about the encounter being non-consensual because she was scared about getting in trouble and did not want to lose her job.

**Two** allegations of inmate on inmate abusive sexual contact

- One allegation was found to be unsubstantiated. The alleged perpetrator was separated from the alleged victim and rehoused. Although unsubstantiated, the alleged victim was offered counseling services and follow-up care.
- One allegation was found to be substantiated. The alleged perpetrator was separated from the victim and rehoused. This did not rise to the level of criminal conduct, therefore this allegation was not referred to the police department. The alleged perpetrator was charged institutionally. The victim was offered counseling services and follow-up care.

**Eleven** allegations of inmate on inmate sexual harassment

- Two allegations were determined to be unfounded. In both cases, it was found that inmates had made false claims in order to attempt to have inmates moved out of the housing unit.
- Five allegations were found to be unsubstantiated. In these cases the alleged perpetrator was separated from the alleged victim and rehoused.
- Four allegations were determined to be substantiated. In these cases, inmates had made sexually explicit or inappropriate comments and/or sexually propositioned other inmates. They were separated from the victim(s) and institutionally charged and sanctioned according to WVRJ policies and procedures. The conduct did not rise to the level of criminal conduct; therefore these allegations were not reported to the police department or referred for criminal prosecution.

**One** allegation of staff sexual misconduct or sexual harassment

- The allegation was determined to be unsubstantiated.

**Comparison of Previous Year's Data**

	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>
<b>Population 12/31</b>	<b>793</b>	<b>815</b>	<b>747</b>	<b>714</b>
<b>ADP</b>	<b>851</b>	<b>852</b>	<b>756</b>	<b>817</b>
<b>New Commitments</b>	<b>3654</b>	<b>3346</b>	<b>2965</b>	<b>3085</b>
<b>Inmate on Inmate Non-Consensual Acts</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Inmate on Inmate Abusive Sexual Acts</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>2</b>
<b>Inmate on Inmate Sexual Harassment</b>	<b>11</b>	<b>5</b>	<b>17</b>	<b>4</b>
<b>Allegation of Staff Sexual Misconduct</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>

At the end of 2016, we instituted a kiosk system of communication at the WVRJ, which enables inmates to report PREA through an email like system. This reporting mechanism, which only the PREA Coordinator and Investigator at the facility are able to access, gives the offenders another way to report to staff, without direct face to face communication. It was expected that this new reporting mechanism and the ease of reporting would increase the number of reports. We did see an increase in the number of reports, particularly with regard to sexual harassment related allegations.

After a review of all the incidents for calendar year 2017, it appears that inmates are comfortable reporting to staff. This was validated through inmate interviews held as part of the facility's PREA audit in October 2017.

The increase in allegations from 2016 to 2017 can be attributed to an increase in reporting and awareness, as well as the facility instituting the kiosk system and increasing the ease of reporting.

As a result of the substantiated allegation of inmate on inmate non-consensual act, the WVRJ reviewed screening and classification practices, as well as conducted a thorough debrief to ensure that all facility policies and practices, as well as federally mandated standards were being upheld.

All of the reported incidents occurred in the inmate housing areas. None of the locations contain blind spots or hiding areas. No problem areas were identified or need for corrective action.

Planned efforts for 2018 include continued training and education of staff regarding the application of the PREA standards, including a focus on screening and intake procedures, searches, inmate education, response procedures and investigations. Education for inmates will focus of rights and responsibilities, reporting procedures and ways to avoid sexual assault.

**Bobby D. Russell**  
**Superintendent**