

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 2018: January 1, 2018 to December 31, 2018

- On December 31, 2018, the daily population was 883 inmates, including 650 males and 233 females
- The average daily population for the WVRJ in 2018 was 868
- There were 4166 commitments to the WVRJ in 2018

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, 2018 to December 31, 2018 there were:

Zero allegations of inmate on inmate non-consensual sexual acts.

One 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. The investigation revealed that that the alleged perpetrator had a medical condition and the report by the alleged victim may have been an attempt to have the inmate moved.

Eight allegations of inmate on inmate sexual harassment

- One allegation was determined to be unfounded. In this case, the investigation revealed there was no evidence to support this claim
- Three 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.

Four allegations of staff sexual misconduct or sexual harassment

- Three allegations were determined to be unfounded.
- One allegation was determined to be substantiated. The staff's employment was terminated. A joint investigation was conducted with Roanoke County Police Department and no criminal charges were pursued.

Comparison of Previous Year's Data

	2018	2017	2016	2015
Population 12/31	883	793	815	747
ADP	868	851	852	756
New Commitments	4166	3654	3346	2965
Inmate on Inmate Non-Consensual Acts	0	2	0	0
Inmate on Inmate Abusive Sexual Acts	1	2	4	4
Inmate on Inmate Sexual Harassment	8	11	5	17
Allegation of Staff Sexual Misconduct	4	1	2	1

The WVRJ uses a kiosk system of communication at the WVRJ, which enables inmates to report incidents of sexual assault and harassment through an email like system, as well as to staff. 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.

After a review of all the incidents for calendar year 2018, it appears that inmates are aware of the available reporting methods at the WVRJ and continue to be comfortable reporting to staff, using both the kiosk, as well as reporting to staff directly.

There was no significant change in the numbers of allegations in any area. The allegations in all areas decreased, with the exception of allegations of staff sexual misconduct.

As a result of the substantiated allegation of staff on inmate misconduct, the WVRJ conducted a thorough debrief to ensure that all facility policies and practices, as well as federally mandated standards were being upheld. All three unfounded allegations against staff were related to searches. A review of these allegations and the investigations revealed that all staff acted appropriately and the searches were in accordance with WVRJ policy and mandated standards. However, refresher training on proper searches for all staff was discussed and will be implemented.

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 2019 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. In addition, there are plans to add the inmate PREA education video to the kiosks and tablets in the inmate housing areas to increase awareness and educational opportunities. This will not replace the current system, but supplement it in order for the inmates to have more access to this information.

Bobby D. Russell
Superintendent