

# Montgomery County Jail

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## Sexual Violence Annual Report

Data in this report reflects calendar year 2019: January 1<sup>st</sup>, 2019 to December 31<sup>st</sup>, 2019

- On December 31<sup>st</sup>, 2019, the daily population was 87 inmates, including 81 inmates in house and 6 inmates on home electronic monitoring or (HEM)
- The average daily population for MCJ in 2018 was 90.
- There were 3,505 commitments to MCJ in 2018

The Prison Rape Elimination Act (PREA) of 2003 is a federal law established to support the elimination and prevention of sexual assault and sexual misconduct in correctional systems. PREA addresses both inmate on inmate sexual assault and staff on inmate sexual assault. The Montgomery County Jail fully supports the guidelines set forth in this law and has a Zero-Tolerance for any and all incidents of sexual assault and sexual misconduct in accordance with the Prison Rape Elimination Act of 2003.

Montgomery County Jail has implemented policies and procedures that educate both staff and inmates on sexual abuse and sexual harassment. Inmates that are admitted to the facility and stay at the facility go through an assessment during the classification process. Each inmate is screened to determine their individual risk of being a victim of sexual abuse or a predator of sexual abuse. This tool is used in the housing and classification of each inmate to make them safe and free from any form of sexual abuse or harassment.

After the assessment the inmate is assigned housing and programs that will best suit their stay at MCJ. After classification a video is shown to each inmate and a pamphlet is given to each inmate telling them policies and procedures of MCJ educating them on the PREA standards and it tells them how to report any sexual abuse or harassment. The inmate handbook given at classification also has PREA information on page 51 that explains all the facilities PREA standards and contact information if they need to report to staff members.

Throughout the facility, video monitoring is used to enhance the security and surveillance. Numbers and locations of the jails cameras are reviewed frequently to assess if the level of monitoring is adequate to protect the inmates from sexual abuse and ensure the safety of the inmates and staff.

Here at the Montgomery County Jail, ALL SEXUAL ACTIVITY IS NOT TOLERATED and is PROHIBITED. All forced or coerced sexual behavior is a criminal act. All incidents are reported for investigation to ensure that the perpetrator(S) face the full consequences of the law. The Montgomery County Sheriff's Office will investigate all incidents of sexual assault. Once investigated the investigator will refer all evidence to the commonwealth Attorney for prosecution.

Standard 115.88 of the Prison Rape Elimination Act requires Montgomery County Jail to:

1. Aggregate incident based sexual abuse data annually from publicly and privately operated facilities.
2. Use this data to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices, and training by:
  - a. Identifying problem areas
  - b. Tracking corrective action on an on-going basis: and
  - c. Prepare an annual report of its findings
3. Compare the current year data and corrective actions with those from the prior year's and provide an assessment of the agency's progress in addressing sexual abuse.
4. Publish the annual report on the Montgomery County Sheriffs website of its findings and corrective actions for the facility.

#### **1) Aggregated Data:**

During the calendar year 2019, the PREA Coordinator for the Montgomery County Jail had one incident of inmate on inmate sexual abuse or assault at the facility with one incident being unfounded. Both subjects were from the Western Virginia Regional Jail. This incident was a transport of 1 male inmate and 1 female inmate to the Montgomery County Jail to the Montgomery County Courthouse tunnel. The female inmate and male inmate were taken to court. While in the court elevator the female inmate stated the male inmate patted her backside and made a comment that her backside was soft. This incident occurred on the elevator going to the fourth floor of the courthouse. The female inmate stated she had to go to the rest room and then reported the incident to the Deputy working the court. The female inmate was given the opportunity to place charges on the male inmate but refused. The male inmate stated that he accidentally bumped into the female inmate as he was getting off the elevator and he apologized for the incident. As of the date of the report no charges have been filed. The female inmate was advised she had 365 days from the incident to file charges. She was also told she could receive medical and mental health treatment if she needed to do so.

A second allegation of staff on inmate also occurred in 2019. This incident was between a transgender male inmate and the shift Lieutenant during a pat down search of the transgender inmate. The transgender inmate was an inmate for the Western Virginia Regional Jail. The shift lieutenant was assisting the WVRJ staff getting inmates secured for transport back to the jail. The shift Lieutenant pointed to the male transgender inmate and told him to come to the docket counter. The inmate went to the counter and was searched. At the end of the pat down the inmate told him that he was a transgender inmate. The next day this inmate reported the incident and other incidents that he said occurred at MCJ and WVRJ jails. He stated that the Montgomery County officer groped his breast after he informed the officer that he was transgender.

The video was reviewed of the pat down search of the inmate. The lieutenant was visually seen using the back of the hand during the pat down search. According to the Montgomery County Jail standard 115.15 on page 13 of the MCJ PREA policy for the search of transgender and Intersex inmates, the lieutenant's search was conducted in a professional and respectful manner and in the least intrusive manner possible consistent with security needs. The inmate did not tell the lieutenant of his transgender status until the search had been concluded. This inmate is and was being housed inside general population at the WVRJ. He is and has been strip searched by male staff at this facility as it's their policy to do so. Transgender inmates are given the option if and when necessary to be patted down by female or male staff. This is a choice only when such options are available. This would have been available to the inmate if the inmate had told the officers of his Transgender status which did not occur until the end of the search.

## **2) Analysis:**

There was corrective action taken in 2019. All incidents were reviewed by the PREA coordinator. Changes in the transportation to and from court with male and female inmates being transported separately when possible. The keeping separate of male and female inmates from court since above incident have led to zero more incidents in the calendar year of 2019.

The Montgomery County Jail has always, in good faith, had and made effort to analyze its efforts to improve facilities to make safer conditions for Montgomery County inmates. The Montgomery County Jail will continue to improve and maintain a zero tolerance policy on sexual misconduct.

In dealing with transgender inmates, we have put in the place a plan, that if available, transgender inmates will be given the option of a male or female officer for pat down searches. This is only if the officer is available. If one gender is not present either the male or female officer can conduct the pat down search using the back of the hand in sensitive areas and will have at least one or more officers present to witness said pat down search. Use of body cameras and building surveillance would and could be used in this event of a pat down search only.

**Problem Areas:**

There were no known problem areas found during this past year.

**Corrective Actions:**

Initial training has taken place for all staff, new volunteers and contractors, and inmates. Montgomery County Jail will maintain a zero tolerance policy regarding sexual harassment and sexual misconduct.

**Planned efforts for 2020:**

Continued training efforts and continued education of staff and inmates will be conducted on all aspects and areas of the Montgomery County Jail. We are striving for a goal of zero PREA incidents at Montgomery County Jail for 2020. Our staff understands the importance of PREA and have worked hard to keep MCJ free from sexual abuse and sexual harassment.

**3) Summary:**

The Montgomery County Jail maintains a Zero-tolerance policy regarding sexual harassment and sexual assault and/or abuse. Montgomery County Jail will continue to comply with the Prison Rape Elimination Act to prevent in-custody sexual abuse and/or sexual assaults.

In the year 2019, the Montgomery County Jail has focused on the education and training of staff and inmates with its regards to policy and procedure outlined in the jails PREA policy including the federal standards of the PREA act. Montgomery County Jail had committed to jail 3,505 persons in 2019. Of those people incarcerated we had one incident of sexual harassment or sexual abuse and/or assault, and one incident of staff on inmate incident. The staff here at Montgomery County Jail are committed to keeping all inmates and staff safe and free from any abuse, assault or harassment and will continue into 2020.

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C.H. Partin Sheriff