

AFFIDAVIT OF DEAN VANDEVENDER

**STATE OF WEST VIRGINIA
COUNTY OF KANAWAH, To Wit:**

I, Dean VanDevender, being of sound mind and over the age of eighteen (18), do solemnly swear that the following are true and correct statements based on my personal knowledge:

1. My name is Dean VanDevender. I am a former employee of the West Virginia Division of Corrections and Rehabilitation (“DCR”).

2. From June 9, 2019 to November 23, 2020, I was employed as a correctional officer at Southern Regional Jail (“SRJ”) in Beaver, West Virginia.

3. I am personally familiar with, and have knowledge of, DCR policy, SRJ policy, the living conditions at SRJ, and how inmates are treated at SRJ.

4. When an inmate is first incarcerated at SRJ, he/she is supposed to be given a “flex cup” for drinking and a “spork” for eating. While I was a correctional officer at SRJ, new inmates were regularly not provided flex cups or sporks. Those inmates were left to drink from old milk cartons or plastic bottles and to eat with their hands.

5. While I was a correctional officer at SRJ, the portions of food provided to certain groups of inmates, particularly sex offenders, were regularly cut or “thinned” by other inmates working in the kitchen. Correctional officers were aware of this practice, and it was often done at their direction.

6. While I was a correctional officer at SRJ, food provided to certain groups of inmates, particularly sex offenders, was regularly tampered with or contaminated with saliva (spit), hair, urine, or semen. Correctional officers were aware of this practice, and it was often done at their direction.

7. While I was a correctional officer at SRJ, inmates were regularly served food on dirty/unsanitary trays. After a meal, food trays were often not cleaned/disinfected and then used again.

8. While I was a correctional officer at SRJ, inmates were regularly served spoiled milk for breakfast.

9. At SRJ, food is supposed to be served to each individual inmate in his/her cell. However, it was a regular practice for correctional officers to pile food trays up in the middle of an inmate pod and let them fend for themselves. As a result of this “free for all” practice, inmates would often fight each other for food and some inmates would go hungry.

10. While I was a correctional officer at SRJ, overcrowding was a widespread and ongoing problem.

11. Almost every cell at SRJ was overcrowded, with three (3) and often four (4) inmates living in a two-person cell. As a result, many inmates in the jail slept on the concrete floor on a regular basis. I specifically recall one female cell with six (6) inmates living in it at once.

12. SRJ was so overcrowded, inmates were regularly forced to live and sleep in the open common room or “day room” in the middle of a pod.

13. Inmates living and sleeping in a day room had no individual toilet or sink access.

14. Inmates living and sleeping in a day room were left in an unsafe environment at night, because they were not safely locked in individual cells.

15. While I was a correctional officer at SRJ, there were widespread and ongoing water problems at the facility.

16. Inmate cells at SRJ often had no running water. Inmate cells with no running water were problematic, because inmates (often in an overcrowded cell already) would go without access

to drinking water while in lockdown, sometimes for as long as six (6) hours. I am aware of inmate cells going for as long as two (2) weeks with no running water.

17. In inmate cells that did have running water, the water often ran constantly (*i.e.*, could not be turned off).

18. In inmate cells that did have running water, the sinks often ran only hot water. If the inmate cell also ran water constantly (which was a regular occurrence), this created a steamy, sauna-like environment inside the cell and throughout the pod.

19. While I was a correctional officer at SRJ, the air conditioning to certain pods (or sometimes the entire jail) would go out for weeks at a time, especially in the summer.

20. While I was a correctional officer at SRJ, inmate cells often had toilets that did not flush or would never stop running. Inmate cells with no functioning toilet were problematic, because inmates (often in an overcrowded cell already) would go without access to a working toilet while in lockdown, sometimes for as long as six (6) hours. I am aware of inmate cells going weeks without a properly functioning toilet.

21. While I was a correctional officer at SRJ, the drinking fountain in inmate pods regularly did not work. Often, there would be only one (1) working inmate drinking fountain in the entire jail. As a result, inmates who had no working water in their cell had limited or no access to drinking water.

22. Pods at SRJ are supposed to have two (2) showers for inmates. However, the water to one shower in a pod regularly did not work, often leaving seventy (70) to eighty (80) inmates in an overcrowded pod sharing one shower for extended periods of time.

23. Because of ongoing problems with either the hot or cold water in pod showers, inmates were regularly forced to take scalding hot showers (even in the summer) or freezing cold showers (even in the winter) if they wanted to bathe.

24. While I was a correctional officer at SRJ, water leaks in cells were a widespread and ongoing problem.

25. Broken or running sinks regularly leaked water onto to the floor of inmate cells.

26. Broken or running toilets regularly leaked water or sewage onto the floor of inmate cells.

27. Inmate cells next to working showers often had water leaking or seeping in from the ceiling, walls, and floor.

28. Since virtually all inmate cells at SRJ were overcrowded, it was a common occurrence for inmates to sleep in water (from the sink, toilet, or next-door shower) on the floor of their cell.

29. While I was a correctional officer at SRJ, the presence of black mold throughout the jail was a widespread and ever-present problem.

30. Black mold was present inside inmate cells, pod showers, air vents, and grew on the clothing of inmates.

31. To the best of my knowledge, nothing was ever done about the black mold throughout SRJ, except to have inmate trustees paint over it.

32. While I was a correctional officer at SRJ, inmates being given insufficient (or no) access to hygiene items (*e.g.*, toilet paper, soap, shampoo, toothpaste, tooth brushes, etc.) was a widespread and ongoing problem.

33. At SRJ, inmates are supposed to be provided hygiene items every day. However, it was a regular occurrence for inmates to go weeks or even months without being provided basic hygiene items, including toilet paper. I am aware of inmates using rags or socks as toilet paper because none was provided to them.

34. Female inmates at SRJ were also not provided an adequate amount of feminine hygiene products.

35. I am aware of correctional officers at SRJ falsifying log records to indicate that hygiene items were distributed to inmates, when in fact none were.

36. On the rare occurrence when hygiene items were distributed to inmates, it was a common practice for correctional officers to pile hygiene items in the middle of an inmate pod and let the inmates fend for themselves. As a result of this “free for all” practice, inmates would often fight each other for hygiene items and some inmates would go without.

37. Hygiene items at SRJ were withheld or not distributed even though there were sufficient amounts of hygiene items kept in a storage room in each inmate pod.

38. At SRJ, inmates are supposed to be issued two (2) sets of clothing. However, inmates were often only given one set of clothing when arriving at SRJ.

39. With only one set of clothing, an inmate cannot send laundry out for cleaning (with nothing else to wear), so laundry must be washed piecemeal and by hand. The majority of inmates at SRJ have to wash their clothes in the sink or in a mop bucket. If the sink in an inmate cell was broken, inmates often were unable to clean their clothes.

40. At SRJ, each pod has a “tower” room where a guard is stationed at all times. Each inmate cell is equipped with an intercom or “call box,” which is routed to the tower room. The

call box allows inmates to communication with the correctional officer in the tower in case of an emergency.

41. At SRJ, correctional officers stationed in a tower regularly muted the call boxes to entire pods during the night shift and slept for hours (sometimes for a full six-hour lockdown). This was a dangerous practice, because if an inmate had an emergency (*e.g.*, fight, injury, medical problem, etc.), requests for assistance were ignored.

42. While I was a correctional officer at SRJ, inmates were regularly denied the ability to file a grievance.

43. When an inmate requests to file a grievance, a correctional officer is supposed to provide a grievance form to the inmate. Once a grievance form is completed, the inmate is supposed to return the form to a correctional officer, who is then supposed to pass the grievance form on to a supervising officer for filing.

44. I am aware of correctional officers at SRJ regularly refusing to provide inmates with grievance forms.

45. If correctional officers did provide an inmate with a grievance form, the form was commonly torn up in front of the inmate, thrown in the trash, or not passed on to supervisors for filing.

46. While I was a correctional officer at SRJ, correctional officers would regularly beat inmates as punishment for filing or attempting to file a grievance. Inmates were also commonly beaten by correctional officers for talking back, refusing orders, or voicing complaints, among other things.

47. I am aware of correctional officers taking inmates into cells or showers (where there are no cameras) and beating them as punishment. Once an inmate was beaten, he/she would be

taken to medical, where nursing staff was usually told that the inmate “slipped in the shower,” “fell down the stairs,” or some other obvious lie. The nursing staff at SRJ knew that inmates were being beaten by correctional officers, but did nothing about it.

48. Some correctional officers at SRJ would even take inmates into medical examination rooms (where there were also no cameras) and beat inmates as punishment. The nursing staff at SRJ was aware of this practice as well.

49. As a result of these beatings, inmates commonly suffered broken bones, lacerations, bruises, and concussions, but were almost never sent to a hospital for evaluation and treatment.

50. I am also aware of correctional officers at SRJ falsifying “use of force” reports to cover up inmate beatings. Correctional officers who beat inmates would regularly falsify use of force reports to make it appear that the force used against an inmate was justified (*e.g.*, claiming the inmate resisted, was belligerent or aggressive, attacked an officer, etc.), even when there was no justification for the beating.

51. While I was a correctional officer at SRJ, inmates were regularly put in isolation suicide cells as a form of punishment, even though the inmates were not suicidal.

52. Suicide cells at SRJ were also very overcrowded. Because there were only two suicide cells in the jail, there were often as many as ten (10) inmates placed in a two-person suicide cell for as long as two (2) weeks.

53. While on suicide watch, inmates would go days without access to a shower.

54. While I was a correctional officer at SRJ, inmate requests for medical attention or “sick calls” were regularly ignored by correctional officers.

55. While I was a correctional officer at SRJ, correctional officers would regularly tell inmates what another inmate was charged with, which is a safety violation.

56. Correctional officers at SRJ would commonly disclose an inmate's charges to other inmates, knowing that the inmate would likely get attacked by his fellow inmates as a result.

57. Inmates at SRJ are supposed to be offered one (1) hour of recreation time (uncirculated air) every day. While I was a correctional officer at SRJ, inmates were regularly denied recreation time.

58. A common trick used by correctional officers was to "offer" recreation time during the early hours of the morning (when most inmates are sleeping) and then log that recreation was offered, but "declined."

59. Supervising correctional officers and jail administrators – including Superintendent Michael Francis (who inspected the jail weekly) – were fully aware of the aforementioned problems at SRJ.

60. This affidavit is true and correct to the best of my knowledge.
Affiant further saith not.

Dean VanDevender
Dean VanDevender

7.20.2022
Date

Taken, subscribed, and sworn before me by Dean VanDevender,
this 20 of July, 2022.

[Signature]
Notary Public

[NOTARY SEAL]

