

POLICY NUMBER 3.11	JUVENILE RESIDENTIAL CENTER OF NORTHWEST OHIO	
	POLICY AND PROCEDURE – PREA COORDINATED RESPONSE PLAN	
	A.C.A. Reference:	3-JCRF-3D-04-4
	PREA Standard	115.321 (a-e) 115.361 (a) (e 1-3) (f) 115.362 115.365 115.371 (a-m) 115.372
	OAC Standard	None Directly Applies
	Effective/Revised:	9-19-13; 4-18-14; 3-11-15; 06-06-19
	Review Date:	1-11-21
	Approved By:	<i>Montan Crawford</i> , Director

POLICY:

The Juvenile Residential Center of Northwest Ohio shall ensure that all allegations of sexual abuse and sexual harassment are referred for administrative review or criminal investigation. At all times, the victim shall be treated with dignity and respect while being fully informed of his/her rights, responsibilities, and options as a victim of crime. Measures will immediately be taken to protect residents who are at a substantial risk of imminent sexual abuse.

JRCNWO shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. JRCNWO shall publish this policy in its lobby, the resident handbook, and through other means.

JRCNWO requires that all staff shall report immediately, and according to policy, any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred at JRCNWO, any knowledge of retaliation against residents, or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to the incident or retaliation.

JRCNWO shall have a written plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

PROCEDURE:

Referrals of Allegations/Administrative Investigation

The following protocols shall be followed in regards to the referral of an allegation of sexual abuse or sexual harassment at JRCNWO:

1. Allegations of sexual abuse or sexual harassment shall be taken verbally or in writing, from any source, including but not limited to the following methods:
 - A. Resident note to any staff member
 - B. Resident verbal report to any staff
 - C. A verbal or written report from any staff
 - D. A grievance by resident, parent, or staff
 - E. A phone call or written report from any Third Party
2. All staff must report any knowledge, suspicion, or information of sexual abuse or sexual harassment by a resident or staff to the Supervisor on duty, PREA Coordinator, or Director. When staff receives a verbal or written report of sexual abuse or sexual harassment, it shall be reported immediately.
 - A. If the allegation involves the Supervisor on duty, staff shall report the allegation to their Co-Supervisor, PREA Coordinator, Director, or other Administrative staff member
 - B. In order to maintain confidentiality, when staff receive a report while stationed in a living unit, residents shall be instructed to return to their room and staff shall contact the Supervisor on duty via the mini-workstation phone
3. The Supervisor on duty or Youth Advisor receiving the allegation shall speak with the alleged victim or reporter in order to gather baseline information about the incident. This information will be used only to determine the level of danger to the alleged victim. A request will be made of the alleged victim or reporter to provide the information on a Voluntary Witness Statement form.
 - A. The alleged victim or reporter has the right to decline writing out the allegation
 - B. Staff must complete an incident report reflecting the alleged victim or reporter's willingness to document the allegation on a Voluntary Witness Statement form
4. When the Supervisor has received all of the necessary information, they will contact either the PREA Coordinator, or the Director, to assess the level of danger to the alleged victim in order to determine what immediate actions need to be taken to ensure the safety of the alleged victim. These steps shall include but are not limited to the following:
 - A. Determine if the alleged victim is a substantial risk of imminent sexual abuse
 - B. Separate the alleged victim and alleged abuser
 - C. Move the alleged victim to another living unit
 - D. Place the alleged victim on a Special Watch status
 - E. Consultation with Administration to determine if the allegation may be criminal in nature
5. Once the level of danger to the alleged victim has been determined, Supervision will instruct the Youth Advisor how to proceed. Staff shall implement and follow the instructions they have been given in order to ensure the safety of the alleged victim. This may include but is not limited to the following:
 - A. Items b-d as listed above
 - B. Resume normal programming
 - C. Secure the unit or facility under a "code" status
6. Third Party reports will be received by the Director, PREA Coordinator, and/or designee.

- A. The nature and severity of the allegation will determine if a Third Party report is referred for an Administrative or Criminal investigation. JRCNWO will follow the established procedures in this policy to ensure the allegation is investigated.
- 7. Alleged victims and reporters of sexual abuse or sexual harassment shall be treated with dignity and respect throughout. The identity of any alleged victim of sexual abuse or sexual harassment shall remain confidential. The identity of any alleged reporter of sexual abuse or sexual harassment may remain anonymous upon request.
 - A. Any staff failure to safeguard confidentiality or anonymity will be considered retaliation and grounds for staff discipline.

Coordinated Response Plan/Criminal Investigation

In the event that an Administrative Investigation reveals that a crime may have been committed or staff witnesses a sexual assault as it occurs, the following protocols will be followed:

1. Staff witnessing the sexual assault or the Supervisor on duty shall announce a "CODE RED" status and follow the appropriate security protocols.
 - A. If the sexual assault is witnessed by a non-security staff member, they shall immediately notify security staff of the incident.
2. The Supervisor shall call 911 to notify the Bowling Green Police Division, The COCOON, and other emergency response departments.
3. If the incident occurs outside of normal business hours, the Director or designee, PREA Coordinator, On-Call Administrator, Resident Counselor, and Medical personnel shall be notified **immediately**. The aforementioned staff shall report to the facility if available.
4. The Supervisor and facility staff will take every precaution to preserve and protect any evidence related to the incident. This includes the alleged crime scene and any evidence on the alleged victim or on the alleged abuser.
 - A. The Bowling Green Police Division is responsible for collection of any physical and usable DNA evidence where available.
5. The Bowling Green Police Division shall follow the Wood County Sexual Assault Protocol for adult and adolescent victims. This protocol covers topics such as interviewing, evidence collection, victim services, notification, and prosecution.
 - A. BGPD employs investigators with specialized training in sexual abuse investigations involving juvenile victims pursuant to PREA Standard 115.334
 - B. BGPD shall conduct compelled interviews only after consulting with prosecutors as to whether they may be an obstacle for subsequent criminal prosecution
 - C. BGPD shall maintain communication with JRCNWO about the progress of the investigation
6. If the alleged sexual assault occurred within the last 96 hours, usable physical or DNA based evidence may still be collected according to the Wood County Sexual Assault protocols for adolescent and adult victims. The alleged victim shall promptly be transported to the Wood County Hospital for the collection of this evidence through a forensic exam by a SAFE or SANE.

- A. In order to preserve evidence, staff shall request that the alleged victim take no action that could lead to its destruction. This includes but is not limited to: eating, drinking, washing, brushing teeth, changing clothes, urinating, or defecating.
 - B. In order to preserve evidence, staff shall request that the alleged abuser take no action that could lead to its destruction. This includes but is not limited to: eating, drinking, washing, brushing teeth, changing clothes, urinating, or defecating.
 - C. The COCOON shall provide a victim advocate to support the alleged victim throughout the investigation, medical, and forensic examination processes.
 - D. In the event that the Wood County Hospital cannot provide a SAFE or SANE to conduct the forensic exam, the alleged victim will be referred to a location where the exam can be conducted.
7. Upon the alleged victim's return to the facility, the residents Counselor and Medical personnel shall provide follow-up and on-going care. This care shall be given pursuant to facility Policy #4.05-1 and facility Policy #4.05-2. These services will be provided in a manner consistent with the community level of care.

Documentation

1. Any staff with knowledge of or involvement in the incident shall complete an Incident Report based on their knowledge and involvement. This report shall be completed prior to their departing the facility.
2. The Supervisor shall complete the PREA Criminal Investigative Checklist form, review staff incident reports, and resident statements. These documents will be forwarded directly to the PREA Coordinator or Director for review.
3. The Supervisor shall complete an Incident Report, with confidentiality and anonymity in mind, to place in the Incident Report log to alert other staff and shifts that a criminal investigation has been initiated.
 - A. All staff are prohibited from discussing the investigation with other staff and residents, unless it is part of the Administrative or Criminal Investigative process
 - B. All staff shall cooperate fully with all investigative agencies
4. The PREA Coordinator, Director, or designee shall complete a CCF Critical Incident Report form and forward it to the Department of Youth Services.

Administrative Actions/Review

1. Upon arrival at the facility, the Director, PREA Coordinator, or designee shall make the following notifications:
 - A. Parent(s) or Legal Guardian(s) of the alleged victim and alleged abuser
 - B. The Wood County Juvenile Court Judge
 - C. The Committing Court(s)
 - D. The Department of Youth Services
2. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the individual's status as a resident or staff. JRCNWO shall not

require a resident who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation.

3. JRCNWO shall not terminate an investigation solely because the source of the allegation recants their allegation.
4. The departure of the alleged victim or alleged abuser from the control of the facility or employment of JRCNWO shall not provide a basis for terminating an investigation.
5. JRCNWO shall not impose any standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
6. The Director, PREA Coordinator, or designee shall report all allegations of sexual abuse or sexual harassment, including Third Party or anonymous reports, to the facility's designated investigators, the Bowling Green Police Division, and/or the Wood County Prosecutor's office.
7. Criminal Investigations shall be documented and substantiated allegations shall be referred for prosecution.
8. Following incidents of sexual abuse, the circumstances shall be reviewed by Administration to determine if staff behavior contributed to the incident and/or if the policy or procedure needs modification.
 - A. This review shall be documented and kept on file.
9. JRCNWO shall retain all written reports referenced in PREA Standard 115.371 (g) and (h) for as long as the alleged abuser is incarcerated or employed by the facility, plus five years, unless the abuse was committed by a juvenile resident and applicable laws require a shorter period of retention.
 - A. All documentation pertaining to an Administrative or Criminal Investigation shall become a part of the resident's permanent file and is subject to the facility's record retention policy
10. JRCNWO shall post a summary of this policy in its lobby and on the facility website in order to make it available to all residents, staff, and parent(s) or legal guardian(s). Interested parties, including visitors, may make a written request for this policy.

Standard:

This policy is in accordance with applicable American Correctional Association (ACA), Prison Rape Elimination Act (PREA), and Ohio Administrative Code standards.