


POLICY NUMBER 3.11-1	JUVENILE RESIDENTIAL CENTER OF NORTHWEST OHIO	
	POLICY AND PROCEDURE – PREA Administrative Investigations	
	A.C.A. Reference:	3-JCRF-3D-04-4
	PREA Standard:	115.322 (a-e) 115.361 (a, c, e1-3, & f) 115.362 115.364 (a1-4, & b) 115.371 (a-m) 115.372
	OAC Standard:	Not Applicable
	Effective/Revised:	8-1-19
	Review Date:	1-12-24
Approved By:	 , 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 and fully informed of their rights, responsibilities, and options as a victim of crime. Measures will be immediately 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. When the agency conducts its own investigations, it shall do so promptly, thoroughly, and objectively. The facility shall publish this policy in its lobby, resident handbook, parent handbook, and through other means.

JRCNWO requires that all staff 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 the facility; 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 an 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

1. The facility shall accept any allegation of sexual abuse or sexual harassment whether it is made verbally, in writing, anonymously, or through third parties.
 - A. All allegations shall be investigated promptly, thoroughly, and objectively.

- B. The facility shall not require that the allegation be in a written format unless the reporting party agrees to filling out a Voluntary Witness Statement.
2. Allegations of sexual abuse or sexual harassment can be reported through the following methods, including but not limited to:
 - A. A resident note to any staff
 - B. A resident verbal report to any staff
 - C. Filing of a Grievance
 - D. Filing of a Medical Request
 - E. A verbal or written report from any staff

Third-Party Referrals

1. Third Party individuals may report allegations through the following methods, including but not limited to:
 - A. A written note to any staff
 - B. A verbal report to any staff
 - C. Filling out a Third-Party Reporting form
 - D. Making a phone call to the facility
 - E. Sending an e-mail to the facility or filling out an online form
2. Electronic communication with the facility will be received by the PREA Coordinator and the Director.

Investigative Responsibilities

1. The PREA Coordinator, Director, Counselors, or Case Manager shall be responsible for conducting an administrative investigation of sexual abuse or sexual harassment.
 - A. If an administrative investigation reveals criminal activity, Administration will then implement the facility Coordinated Response Plan to initiate a criminal investigation into the matter.
2. Victims and/or reporters of sexual abuse or sexual harassment shall be treated with dignity and respect. The confidentiality and/or anonymity of the victim or reporter shall be safeguarded.
3. The facility shall not impose a standard higher than the preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
4. The credibility of the alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the individual's status as resident or staff.
 - A. The facility 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.
5. An investigation shall not be terminated solely because the victim or reporter recants their allegation.

Staff Responsibilities

1. All staff must immediately report any knowledge, suspicion, or information regarding sexually inappropriate behavior by a resident or staff to the Supervisor on duty or Administration.
2. Reporting of the allegation should be done in as confidential a manner as is possible to protect the confidentiality and/or anonymity of the victim or reporter.
 - A. Staff should be aware of their environment and surroundings when making this report to the Supervisor on duty to avoid breaking confidentiality.
3. The Supervisor on duty, in conjunction with Administration, will review the allegation to determine the severity of risk to the alleged victim and implement appropriate protective measures.
4. If the alleged victim is deemed to be a substantial risk of imminent sexual abuse, immediate protective actions must be implemented. The following protective measures may be taken, but are not limited to:
 - A. A separation order between the alleged victim and alleged abuser, separation within the living unit, moving the alleged victim to a different living unit, placing the alleged victim on a Special Watch, etc.
5. Once the protective measures have been implemented, the receiving staff and the Supervisor on duty shall complete an incident report prior to their departure from shift.

Administrative Actions

1. The Administrator conducting the investigation shall review the allegation, cameras, statements, and reports that are available. Interviews of the alleged victim, alleged abuser, and any other known witnesses will be conducted and documented.
2. If it is determined that the resident or staff action violates facility rules or policies, but does not rise to the criminal level, the discipline issued will be in accordance with the established facility discipline system and commensurate to the nature of the infraction.
 - A. Facility policy 6.01 outlines the facility resident discipline system and administrative sanctions that may be issued.
 - B. Facility policy 2.19 outlines the facility staff discipline measures for incidents related to the Prison Rape Elimination Act.

Record Retention

1. The facility 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 at the facility, plus five (5) years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
2. All documentation pertaining to an administrative or criminal investigation shall become part of the resident's permanent file and subject to the facility's record retention policy.

STANDARD(S):

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