


POLICY NUMBER 3.10	JUVENILE RESIDENTIAL CENTER OF NORTHWEST OHIO	
	POLICY AND PROCEDURE – PRISON RAPE ELIMINATION ACT PREA	
	A.C.A. Reference:	3-JCRF-3D-04-2 3-JCRF-3D-04-3 3-JCRF-3D-04-4 3-JCRF-3D-04-5 3-JCRF-3D-04-6 3-JCRF-3D-04-7 3-JCRF-3D-04-8 3-JCRF-3D-04-9 3-JCRF-3D-04-10
	PREA Standard	115.311 (a) (b) (c); 115.312 (a), (b)
	OAC Standard	None directly applies
	Effective Date:	9-06-00
	Review Date:	6-06-19
Approved By:	<i>Bridget Ansberg</i> Bridget Ansberg, Director	<i>6/06/19</i> Date

Policy:

The Juvenile Residential Center of Northwest Ohio is committed to complying with all provisions of the federally mandated Prison Rape Elimination Act and establishes a zero tolerance toward all forms of sexual abuse and sexual harassment and will provide for safe practices related to the prevention, detection, reduction and punishment of all sexual assaults.

The Director shall appoint a PREA coordinator to assist with the development, implementation, and over-site of agency efforts to comply with the PREA standards.

Sexual conduct between staff and juveniles, volunteers, or contract personnel and juveniles, as well as juvenile to juvenile, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

JRCNWO shall report all instances of child abuse and / or neglect consistent with appropriate state and local laws.

JRCNWO shall ensure that information is provided to juveniles about sexual abuse/assault including:

- Prevention/intervention
- Self-protection
- Reporting sexual abuse/assault
- Treatment and Counseling

The information is communicated orally and in writing, in a language clearly understood by the juvenile, upon arrival at the facility.

Juveniles are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly.

JRCNWO shall require that an investigation is conducted and documented whenever a sexual assault is alleged, threatened, or occurs.

JRCNWO shall require that juveniles identified as at risk for sexual victimization or assaultive behavior are assessed by mental health or other qualified professionals. Such juveniles are identified, monitored and counseled and provided appropriate treatment.

JRCNWO shall ensure that any victim of sexual assault is referred under appropriate security provisions to a community facility for treatment and gathering of evidence.

Juveniles who are victims of sexual abuse shall have the option to report the incident to a designated staff member other than an immediate point of contact line staff member.

All case records associated with claims of sexual abuse and /or assault, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and / or counseling, are retained in accordance with an established schedule.

JRCNWO is a single facility, and shall not contract for the confinement of its residents with private agencies or other entities, including other government agencies.

Procedure:

Education, Training and Awareness

A. Staff

1. During orientation training, all new employees shall be trained on the facility's policy of zero tolerance towards any form of sexual abuse, sexual harassment or sexual conduct by staff, juveniles, contract personnel, or volunteers, regardless of consensual status, is prohibited and subject to Administrative and Criminal disciplinary sanctions.
2. Annual training for all employees to include resident to resident sexual assault; sexual harassment and all forms of inappropriate resident / staff relationships.
3. Orientation and as needed training for all contract personnel and volunteers

B. Youth

1. Juveniles are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly.
2. Youth are introduced to PREA at the time of admission and issued a pamphlet. Information is provided to juveniles about sexual abuse/assault including:

Prevention/intervention
Self-protection
Reporting sexual abuse / assault
Treatment and counseling.

3. PREA is addressed under "General Conduct" in the Resident Handbook and discusses resident to resident sexual assault, staff to resident assault, resident to staff assault, as well as inappropriate resident /staff relationships.
4. Prevention of sexual abuse/assault is discussed with all newly admitted youth at the time of admission and during the orientation phase. Information is communicated orally and in writing, in a language clearly understood by the youth.
5. Youth that are identified as at risk for sexual victimization or assaultive behavior are assessed by mental health or other qualified professionals. Identified youth shall be monitored and counseled and provided appropriate treatment.

C. Documentation

1. All youth, employees and volunteers sign an acknowledgement form agreeing to not engage in any sexual conduct or contact, including sexual harassment, involving adults or juveniles whether consensual or not, and agree to report any instances of prohibited behavior to a staff member or appropriate supervisor.

Detection

A. Youth Victim

1. Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence.
2. The youth's parent and referring Court shall be notified as soon as possible.
3. The youth victim shall be moved to a safe location while an investigation is completed and /or the perpetrator is removed from the facility.
4. The matter shall be reported to the Bowling Green Police Department for investigation, as well as reporting to the Wood County Job and Family Services.
5. All case records associated with claims of sexual abuse and / or assault, including incident reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in the youth's permanent file, in accordance with the facility's established retention policy.

B. Staff Victim

1. Victims of sexual assault are referred to a community facility for treatment and gathering of evidence.

2. The matter shall be reported to the Bowling Green Police Department for investigation.
- C. All youth shall be encouraged to tell a trusted adult (their Parent, Counselor, Teacher, Youth Advisor, etc.) if they feel they have been a victim of sexual intimidation, assault or unwanted advances from either another resident or staff member so that the matter can be thoroughly investigated. Youth have the option to report the incident to any staff member, other than an immediate point of contact line staff.

Disciplinary Sanctions:

- A. Resident Discipline
1. Disciplinary action shall be clearly defined in the resident handbook and may include removal from the facility and further charges.
- B. Staff Discipline
1. Disciplinary action up to and including termination as well as possible criminal charges.

Physical Plant

- A. Common areas, hallways, and classrooms of the facility shall be available to be viewed by camera.
- B. All doors with the exception of bathrooms shall have view windows.
- C. All Counseling and Administrative offices may have blinds, but they must remain vertically open at all times.
- D. The PREA Coordinator and designated staff shall assess the facility's physical plant annually and make recommendations for improvement, including additional surveillance cameras.
- E. The Juvenile Residential Center of Northwest Ohio is a single facility and does not contract for the confinement of its residents with private agencies or other entities, including other government agencies.

Definitions of Prohibited Behavior:

Sexual Abuse includes:

1. Sexual Abuse of an inmate, detainee, or resident by another inmate, detainee, or resident, and
2. Sexual Abuse of an inmate, detainee, or resident, by a staff member, contractor or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee or resident by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1 – 5 of this section.
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor or volunteer.


Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes:

1. 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, detainee, or resident directed toward another , *and*
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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.

Standard:

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

POLICY NUMBER 3.11 	JUVENILE RESIDENTIAL CENTER OF NORTHWEST OHIO	
	POLICY AND PROCEDURE – PREA: COORDINATED RESPONSE	
	A.C.A. Reference:	3-JCRF-3D-04-4 Investigations
	PREA Standard	115.322 (a – e); 115.361 (a) (e)(1) (2) (3) (f); 115.362; 115.364 (a) (1) (2) (3) (4) (b); 115.365 115.371(a)(b)(c)(d)(e)(f)(g)(1)(2)(h)(i)(j)(k)(l)(m); 115.372
	OAC Standard	None Directly Applies
	Effective/Revised	9-19-13; 4-18-14; 3-11-15
	Review Date:	8-01-19
Approved By:	<i>Bridget Ansberg</i> Bridget Ansberg, Director	<i>8/01/19</i> Date

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 respect and dignity and fully informed of his/her rights, responsibilities and options as a victim of crime. Measures will be immediately taken to protect residents who are at substantial risk of imminent sexual abuse.

The Juvenile Residential Center of Northwest Ohio 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, resident handbook, parent handbook and through other means.

The Juvenile Residential Center of Northwest Ohio 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, and 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.

The Juvenile Residential Center of Northwest Ohio 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 for Allegations/Administrative Investigation

When JRCNWO receives an allegation of sexual harassment or sexual abuse the following protocols shall be followed:

1. Allegations of sexual abuse or sexual harassment shall be taken from any source, including but not limited to the following:
 - a. Resident note to any staff
 - 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 from any Third Party Representative
2. Reporters and/or Victims of sexual abuse or sexual harassment shall be treated with respect and dignity. Their request for anonymity shall be safeguarded.
3. All staff must report any knowledge, suspicion, or information of any inappropriate behavior by staff or resident to the Supervisor-on-Duty or the Director.
4. Third Party and/or anonymous reports are received by the Director, designee, and/or PREA Coordinator. Based upon the nature of the allegation, they shall initiate the procedures for an Administrative or Criminal Investigation.
5. When staff receives a verbal or written report of an incident of sexual abuse or harassment from a resident, staff will **immediately** report the information to the Supervisor on Duty.
 - a. If the allegation is about the Supervisor on Duty, staff should report the allegation to their Co-Supervisor, the Director, or Administration (In House or On-Call).
6. When a report is made to a staff member, while the staff is stationed on a living unit, in order to maintain confidentiality, the Youth Advisors should refrain from using the radio, and should instruct all residents to return to their rooms and contact their Supervisor by using the mini-workstation telephone.
7. Once the Supervisor receives the allegation then he/she will initially gauge whether the resident is subject to substantial risk of imminent sexual abuse and take immediate actions to protect the resident.
 - a. Steps may include: placing a resident on special watch, separating the alleged victim/abuser, moving the resident to another living unit, etc.
 - b. After gauging the level of danger, the Supervisor will then instruct the Youth Advisor on how to proceed (resume programming, secure facility, etc.)
8. The Supervisor will then speak with the reporter (resident) and ask for the information in writing using the Voluntary Statement Form.
 - a. The resident reporter may remain anonymous and is not required to use his name or submit a written report.
 - b. Staff will ensure the resident reporter/victim remains anonymous.
 - c. Staff failure to safeguard anonymity will be considered retaliation and grounds for staff discipline.
9. The Supervisor will then contact Administration (In House or On-Call) to determine the next course of action. If Supervision and Administration believe that a crime has been committed proceed to the Coordinated Response Plan for Criminal Investigations. If the Incident occurs outside of normal business hours, the Director, PREA Coordinator,

On-Call Administrator, Resident Counselor(s), and Medical personnel shall be contacted to report to the facility.

10. All staff with knowledge or involvement shall complete an Incident Report before the end of their shift.
11. Administrative Review/Action:
 - a. If it is determined that there is a high probability that a serious rule infraction occurred, determination shall be made if the alleged perpetrator/offender should be moved to a different housing unit, while the Administrative review or Investigation is completed.
 - b. The Supervisor and On-Call Administrator shall determine further course of action including if the incident should be investigated as potentially criminal behavior.
 - c. The Supervisor shall complete the PREA Administrative Investigation Checklist Form and give to the Director, along with staff Incident Reports and any resident statements.
 - I. A copy of the Supervisor's Incident Report, only, shall be placed in the workstation Incident Report Log to alert other shifts/staff that an internal Administrative Investigation has been initiated.
 - II. In an effort to protect the confidentiality of all parties, all staff are prohibited from discussing the investigation with other staff or residents, including the resident reporter/victim, unless as part of the Administrative review or Investigation
 - III. The circumstances shall be reviewed by Administration to determine if staff behavior contributed to the incident and/or if the policy and procedure needs modification. The review shall be documented and kept on file.
12. JRCNWO shall not impose a standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
13. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. The agency 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 of such an allegation.
14. JRCNWO shall not terminate an investigation solely because the source of the allegation recants the allegation.

Coordinated Response Plan for Criminal Investigation

If staff interrupts an assault in progress or the findings of the Administrative Investigation lead Supervision and Administration to believe that a crime was committed, staff will call a Code Red and follow all security protocols. The following protocols will then be followed:

1. The Supervisor shall call 911 to notify the Bowling Green Police Division (BYPD) and other Emergency Response departments.

2. The Director, or designee, PREA Coordinator, On-Call Administrator, Facility Victim Advocate, Resident Counselor(s) and Medical personnel, shall be notified ***immediately***. If the incident occurs outside of normal business hours, the aforementioned staff will report to the facility.
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged ***victim*** and ***abuser*** not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
 - a. If the first responder is not a security staff member, the responder shall be required to request the alleged ***victim*** not take any actions that could destroy physical evidence, and then notify security staff.
4. The victim will be transported to the Wood County Emergency Room where a forensic examination will be completed by a SAFE/SANE. If Wood County E.R is unable to conduct the forensic examination due to the young age of the victim, the resident will be referred to a hospital where the examination can be conducted.
 - a. Per Wood County Sexual Assault Protocol, and at the request of any alleged victim, the SAAFE Center shall be contacted to provide an advocate to support the victim through the forensic examination/investigation process and to provide emotional support.
5. The Supervisor will make every attempt to protect the scene until the appropriate steps can be taken to collect evidence.
6. BGPD shall follow the Wood County Sexual Assault Protocol for adolescent and adult victims. This protocol addresses areas such as interviewing, evidence collection, victim services, notification, and the prosecution of sexual assault cases.
 - a. The Bowling Green Police Division employs investigators with specialized training in sexual abuse investigations involving juvenile victims pursuant to PREA standard 115.334.
 - b. BGPD is responsible for collecting any physical and DNA evidence where available.
 - c. BGPD shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
 - d. BGPD shall maintain communication with JRCNWO about the progress of the investigation.
7. Upon arrival to the facility and reviewing the allegation, the Director or designee shall make the following notifications:
 - a. Parents/Legal Guardians of the alleged ***victim*** and ***abuser***
 - b. Wood County Juvenile Court Judge
 - c. The Committing Court(s)
 - d. The Department of Youth Services
8. Upon arrival to the facility and reviewing the allegation, Medical Personnel and resident Counselor(s) shall provide medical and mental health services pursuant to policy 4.05-1: Medical and Mental Health Screenings and Access for Services for Sexual abuse as well as policy 4.05-2: Ongoing Medical and Mental Health Care for Sexual Abuse Victims or Abusers.

9. All staff with knowledge or involvement shall complete an Incident Report before the end of their shift.
 - a. The Supervisor shall complete the PREA Criminal Investigation Checklist Form and give to the Director or designee, along with staff Incident Reports and any resident statements.
 - I. A copy of the Supervisor's Incident Report, only, shall be placed in the workstation Incident Report Log to alert other shifts/staff that a Criminal Investigation has been initiated.
 - II. In an effort to protect the confidentiality of all parties, all staff members are prohibited from discussing the investigation with other staff or residents, including the resident reporter/victim, unless as part of the Administrative review or Investigation.
10. The Director or designee shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports to the facility's designated investigators, the Bowling Green Police Division, and/or the Wood County Prosecutor's Office.
11. Criminal Investigations shall be documented and substantiated allegations shall be referred for prosecution.
12. The departure of the alleged abuser or victim from the control of the facility or employment of JRCNWO shall not provide a basis for terminating an investigation.
13. All JRCNWO staff shall cooperate fully with all outside investigative agencies.
14. 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.
15. JRCNWO shall not terminate an investigation solely because the source of the allegation recants the allegation.
16. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. The agency 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 of such an allegation.
17. In the event of receiving a report from a third party source (parent, guardian, minister, etc.) the protocols as stated above shall be followed.
18. Following all instances of sexual abuse and sexual harassment, the circumstances shall be reviewed by Administration to determine if staff behavior contributed to the incident and/or if the policy and procedure needs modification.
 - a. The review shall be documented and kept on file.
19. Record retention:
 - a. 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

agency, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

- b. 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.

20. The Juvenile Residential Center of Northwest Ohio shall post a summary of this policy in its lobby and on the facility website and make it available to all residents, staff, and parents/guardians. Interested parties and/or visitors may make a written request for the policy.

Standard:

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