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| <p>POLICY NUMBER 101.15</p> | <p>POLICY TITLE: Investigations</p> | |
|  <p>EFFECTIVE DATE: January 1, 2003</p> <p>REVISION DATE (S): November 10, 2003 October 25, 2007 November 2, 2009 March 2, 2012 March 17, 2014</p> | <p>AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS</p> | |
| | <p><u>CENTRAL ADMINISTRATION:</u> NONE</p> | |
| | <p><u>CORRECTIONAL TRAINING ACADEMY:</u> NONE</p> | |
| | <p><u>JUVENILE CORRECTIONAL FACILITY:</u> 4-JCF-3B-09, 4-JCF-3C-16, 4-JCF-3D-01, 4-JCF-3D-04</p> | |
| | <p><u>JUVENILE PROBATION & AFTERCARE:</u> 2-7110, 2-7153, 2-7154</p> | |
| <p><u>JUVENILE COMMUNITY RESIDENTIAL FACILITIES:</u> NONE</p> | | |
| <p>STANDARD OPERATING PROCEDURE Prohibited</p> | | |
| <p>LOCAL PROCEDURE Prohibited</p> | | |
|  <p>Harvey J. Reed, Director</p> | | |

I. Policy Provision

The policy of the Ohio Department of Youth Services (ODYS) is to establish procedures for determining when and by whom investigations occurring in facilities, regional offices, Central Office or other location within the control, supervision or responsibility of the Ohio Department of Youth Services are conducted. Investigations shall only be conducted by exempt staff that has successfully completed the Chief Inspector’s Office Administrative Investigations Training. Allegations of sexual abuse and sexual harassment shall only be conducted by staff who have received specialized training in conducting such investigations. [PREA 115.334]

When an investigation is assigned, it shall be initiated within two (2) business days and completed without unreasonable delay, unless there are circumstances for delaying the investigation. [3-JTS-3C-12, 4-JCF-3B-09] Unless an extension is granted, investigations shall be completed within thirty (30) calendar days. Extensions may be granted by the Chief Inspector (or designee) for good cause, based upon documented extenuating circumstances.

II. Applicability

This policy applies to all employees, volunteers and interns of the Ohio Department of Youth Services. Compliance with this policy is mandatory to ensure the safety and security of the youth, staff and public; and to ensure those incidents which warrant

investigation by the Chief Inspector's Office or law enforcement are referred in a timely manner.

III. Definitions

Activity Management System (AMS) – A database system designed to document and track incidents, investigations and grievances which occur within the jurisdiction of ODYS.

Administrative Investigation – An objective fact finding probe into alleged violations of departmental policy which is conducted by the Chief Inspector's Office or site personnel.

Criminal Investigation – A probe into an alleged violation of state or federal criminal statutes conducted by a designated law enforcement agency.

EEO – Acronym for Equal Employment Opportunity

E-mail Alert – Tier I and Tier II incident reporting notice sent electronically to the Chief Inspector and appropriate Deputy Director, Bureau Chief of Facility Operations & Programs or Bureau Chief of Release, Parole & Integrated Reentry Services

OSHP – Acronym for Ohio State Highway Patrol

PCSA – A local Public Children's Services Agency

Prison Rape Elimination Act (PREA) – The first United States Federal law passed dealing with the sexual assault of prisoners. The bill was signed into law on September 4, 2003.

Site – Any ODYS operated state owned or leased location; i.e. institution, regional office, central office or SOCC; or other location where ODYS staff are present where an incident or allegation of an incident occurs.

Tier I Incidents – Incidents which require investigation by the Chief Inspector's Office and shall be reported to the Chief Inspector's Office within one (1) hour of their occurrence or knowledge of their occurrence utilizing the E-mail Alert Notice.

Tier II Incidents – Incidents which require investigation by the Chief Inspector's Office and shall be reported to the Chief Inspector's Office by the end of the current shift in which the incident occurred utilizing the E-mail Alert Notice and prior to departure from the facility.

Tier III Incidents – Incidents which require investigation by site personnel

IV. Procedure

A. Tier I Incidents require investigation by the Chief Inspector's Office and include:

1. Deaths of any on-duty employees, volunteers or interns or the deaths of any youth who at the time of death, are under the institutional custody of ODYS. This includes but is not limited to deaths caused by foul play, accidents, natural causes or suicide.
2. Life threatening injuries to any youth under the institutional custody of ODYS, on-duty employees, volunteers or interns which requires immediate and emergency medical care in an outside medical facility.
3. Child abuse or medical neglect of youth under the supervision of ODYS by employees, volunteers or interns of ODYS where there are serious physical injuries requiring immediate and emergent outside medical attention. [3-JTS-3D-06-01, 4-JCF-3D-01] See ODYS Policy 304.05 Suspected Child Abuse and Neglect Reporting for additional information.
4. Sexual abuse of a youth by employees, volunteers, interns or contractors while under the custody of ODYS as defined in ODYS Policy 304.04 Sexual Abuse, Sexual Assault and Sexual Harassment. [PREA 115.322]
5. Romantic/sexual contact or conduct between ODYS employees, volunteers and interns and any youth under institutional custody or parole supervision of ODYS.
6. Youth on youth sexual abuse as defined in ODYS Policy 304.04 Sexual Abuse, Sexual Assault and Sexual Harassment occurring within ODYS facilities regardless of whether criminal charges have been brought or arrests made. [3-JTS-3D-06-4, 4-JCF-3D-04] [PREA 115.322]
7. Escapes from any secure ODYS facility or from lawful transportation to or from an ODYS facility. Escape includes leaving the facility grounds, or leaving the custody of staff when outside the facility regardless of the length or duration of the departure and regardless of the youth's intent.
8. Riot/Disturbances as defined in accordance with ODYS Policy 301.14 Critical Incident Management.

B. Tier II Incidents require investigation by the Chief Inspector's Office and include:

1. Use of physical force by an employee against a youth under the supervision of ODYS which requires that the youth receive medical care beyond first aid in an outside medical facility regardless of whether the case requires reporting to a PCSA.

2. Use of physical force by an employee against a youth under the supervision of ODYS where there is evidence of the use of prohibited techniques as defined in ODYS Standard Operating Procedure 301.05.01 Use of Force
 3. Pursuant to ODYS Form 301.05.01.F Use of Force Incident Review conducted as outlined in ODYS SOP 301.05.01 Use of Force, the Bureau Chief of the Bureau of Facility Operations (or designee) or the Superintendent (or designee) may request that the investigation be conducted by the Chief Inspector's Office.
 4. Physical attacks by youth against an employee, volunteer or intern or other youth that requires medical care in an outside medical facility for serious injury
 5. Alleged staff on youth sexual harassment or voyeurism as defined in ODYS Policy 304.04, Sexual Abuse, Sexual Assault and Sexual Harassment.
 6. Alleged youth on youth sexual harassment as defined in ODYS Policy 304.04 Sexual Abuse, Sexual Assault and Sexual Harassment.
 7. Suicide attempts by youth under the institutional custody of ODYS that require transport to an outside facility for treatment due to serious injury.
 8. All felony law violations by ODYS employees, volunteers or interns as evidenced by arrest, indictment, official charging document or law enforcement complaint.
 9. Display/usage of deadly weapons/firearms by employees, volunteers, interns, visitors or youth while on ODYS premises or contract sites.
- C. Tier III Incidents require investigation by site personnel and include:
1. Pursuant to Use of Force Incident Review, use of physical force by an employee against a youth under the custody and supervision of ODYS where there is evidence of a violation of ODYS SOP 301.05.01 Use of Force even when there is no documented injury to the youth.
 2. Escape attempts by youth under the custody and supervision of ODYS. A reportable escape attempt includes, but is not limited to, the discovery of escape tools and paraphernalia, broken doors or windows, penetrated ceilings or vents, running from the facility, scaling fences or other unsuccessful attempts to leave the custody of staff or boundaries of a facility. See ODYS SOP 301.14.06 Escape for additional information.
 3. Unforced youth on youth sexual contact or conduct occurring within ODYS facilities.

4. Life threatening injuries, suicide attempts, and deaths of any youth who at the time of death, are under the parole supervision of ODYS.
5. Murder, attempted murder, sexual battery or kidnapping committed by any youth under the parole supervision of ODYS as evidenced by arrest, indictment, information (official charging document), or law enforcement complaint. This does not include offenses committed prior to the youth being placed under supervision of or in the custody of ODYS.
6. All misdemeanor law violations by employees, volunteers and interns as evidenced by arrest, indictment, information (official charging document) or law enforcement complaint.
7. Any other violations of department policy that are not identified as Tier I or Tier II incidents. See ODYS Policy 103.17 General Work Rules for additional information.

D. Alleged Criminal Activity

1. Criminal investigations do not negate the necessity to conduct an administrative investigation.
2. Administrative investigations shall not interfere with criminal investigations. Clearance shall be obtained from OSHP prior to proceeding with the Administrative Investigation.

E. Notifications to Ohio State Highway Patrol

1. If there is any evidence of criminal violations, notification shall immediately be made to OSHP. The administrative investigation shall not begin until authorization is received from OSHP. [PREA 115.322, 115.371]. The Investigator shall maintain periodic contact with OSHP in order to receive authorization to proceed with the administrative investigation.
2. If during the course of an investigation there is evidence of criminal violations, the administrative investigation shall immediately be suspended and notification made to OSHP. The administrative investigation shall not resume until authorization is received from OSHP.

F. Notifications to Youth

1. In accordance with ODYS Policy 304.03 Youth Grievance Process, youth shall be advised when their grievance matter is being assigned for investigation.
2. The institutional Labor Relations Officer shall be responsible for providing the youth with written notification as to the outcome of the investigation. The Labor

Relations Officer shall deliver the Youth Notification Letter to the youth within five (5) business days from the date the investigation is closed in AMS.

3. In accordance with the Prison Rape Elimination Act (115.373) following an investigation into a youth's allegation of sexual abuse and sexual harassment, ODYS shall notify the youth as to the outcome of the investigation.
4. The institutional Labor Relations Officer shall be responsible for providing youth with written notification as to the outcome of the investigation. The Labor Relations Officer shall deliver the Youth Notification Letter to the youth within five (5) business days from the date the investigation is closed in AMS.

G. Training

1. The Chief Inspector shall be responsible for the creation of a training manual that shall be provided to those ODYS personnel trained to conduct administrative investigations.
2. The manual and training materials shall be reviewed annually by the Chief Inspector in consultation with the Training Director and updated as necessary.
3. The Chief Inspector's Office shall receive periodic specialized training to ensure continued competency in conducting PREA investigations [PREA 115.334].

H. Equal Employment Opportunity

EEO Investigations shall be conducted by the Central Office EEO Manager in accordance with Policy ODYS 103.35 Employee Anti-Discrimination and Anti-Harassment Policy.

I. Quality Assurance

It shall be the responsibility of the Chief Inspector's Office to systematically monitor the Investigations conducted by site personnel. Feedback shall be provided to the sites on a systematic basis.

V. Attachments

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| 101.15.A | Question and Answer Interview Form |
| 101.15.B | Report of Investigation |
| 101.15.C | Youth Notification Letter |

VI. Monitoring

Monitoring and annual review of this policy shall be the responsibility of the Chief Inspector, in consultation with Chief Legal Counsel, Bureau Chief of Facility Operations and Bureau Chief of Release, Parole and Integrated Reentry Services.

VII. References

None.