

<p>POLICY NUMBER <b>304.04</b></p>	<p>POLICY TITLE: <b>Sexual Abuse, Sexual Assault and Sexual Harassment</b></p>	
 <p>EFFECTIVE DATE: <b>April 11, 2005</b></p> <p>REVISION DATE (S): <b>April 14, 2005</b> <b>January 21, 2013</b> <b>May 10, 2013</b> <b>May 17, 2014</b></p>	<p>AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS</p>	
	<p><u>CENTRAL ADMINISTRATION: 2-CO-1G-07, 2-CO-1G-08</u></p>	
	<p><u>CORRECTIONAL TRAINING ACADEMY: NONE</u></p>	
	<p><u>JUVENILE CORRECTIONAL FACILITY: 4-JCF-3D-02, 04, 07, 08, 09</u></p>	
	<p><u>JUVENILE PROBATION &amp; AFTERCARE: 2-7224, 2-7226</u></p>	
<p><u>JUVENILE COMMUNITY RESIDENTIAL FACILITIES: 3-JCRF-1G-05, 3-JCRF-1G-07</u></p>		
<p>STANDARD OPERATING PROCEDURE</p>		<p><b>Prohibited</b></p>
<p>LOCAL PROCEDURE</p>		<p><b>Prohibited</b></p>
 <p>Harvey J. Reed, Director</p>		

**I. Policy Provision**

The Prison Rape Elimination Act (PREA) of 2003 establishes a zero tolerance standard for the incidence of inmate sexual assault and rape; makes prevention of inmate sexual assault and rape a top priority in each corrections facility; develops/implements national standards for the detection, prevention, and punishment of prison rape; increases available data and information of the incidence of inmate sexual assault and rape; standardizes the definitions used for data collection; increases accountability of corrections officials who fail to detect, prevent, reduce and punish prison rape; and protects the Eighth Amendment rights of federal, state and local inmates.

It is the policy of the Ohio Department of Youth Services (ODYS) to establish a zero tolerance standard for any incidence of sexual abuse, sexual assault, or sexual harassment between youth on youth, and staff, volunteers and contractors on youth. ODYS staff shall follow the agency’s written institutional plan, ODYS Form 304.04.C Institutional Plan for Coordinated Response to Sexual Abuse and Sexual Assault, to coordinate actions taken in response to an incident of sexual abuse and sexual assault among staff first responders, medical and behavioral health services clinicians, investigators, and Superintendent or designee. [PREA 115.365]

Youth on youth, and staff, volunteers and contractors on youth sexual activity, sexual abuse, sexual assault, rape, sexual conduct, sexual contact and sexual harassment as defined in this policy and within Ohio Revised Code are prohibited and subject to administrative and criminal disciplinary sanctions, regardless of consensual status. [4-JCF-3D-07]

Engaging in sexual abuse, sexual assault or sexual harassment with any youth under the agency's supervision is prohibited and subject to administrative discipline up to and including termination as well as criminal prosecution. Any contractor or volunteer who engages in sexual abuse, sexual assault or sexual harassment shall be prohibited from contact with youth and notification shall be made to the Ohio State Highway Patrol, unless the activity was clearly not criminal, and to relevant licensing bodies. ODYS shall take appropriate remedial measures, and shall consider whether to prohibit further contact with youth in the case of any other violation of this policy. [PREA 115.377]

Youth shall receive information regarding sexual abuse, sexual assault and sexual harassment including: prevention and intervention, self-protection, medical and behavioral health treatment services, their rights to be free from sexual abuse, sexual assault and sexual harassment and to be free from retaliation for reporting such incidents, and ODYS' policies and procedures for responding to and reporting such incidents. This information shall be communicated orally and in writing, in an age appropriate fashion and language clearly understood by the youth, at reception and upon arrival at the parent facility. [4-JCF-3D-02, PREA 115.333]

Any employee, volunteer or contractor who is a witness to or has knowledge of any sexual activity, sexual abuse, sexual assault, sexual harassment and/or rape shall immediately report it to the Superintendent or designee. An employee who knowingly fails to report sexual activity, sexual abuse, sexual assault, sexual harassment and/or rape of a youth shall be subject to disciplinary actions or termination of services.

ODYS employees, volunteers and contractors, as well as youth in the custody of the ODYS, are prohibited from retaliating against other staff or youth for reporting allegations of sexual abuse, sexual assault, sexual harassment and rape or cooperating with sexual abuse, sexual assault, sexual harassment and rape investigations. The PREA Compliance Manager (PCM) shall be responsible for monitoring the retaliation and ensuring that the agency's victim protection measures are enforced.

All staff, volunteers and contractors are prohibited from revealing any information related to a sexual abuse or sexual assault report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. [PREA 115.361]

## **II. Applicability**

This policy applies to all ODYS staff, contractors, and volunteers.

### III. Definitions

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

Aggressor – A person committing a sexual assault or sexual abuse against another person.

Behavioral Health Services Clinician (or simply “Clinician”) – A practitioner, not otherwise defined in this procedure, who delivers behavioral health services and who holds state licensure required for their position or one who practices under the license of a psychologist.

Behavioral Health Services Provider (or simply “Provider”) – A practitioner, not otherwise defined in this procedure, who delivers behavioral health services but who does not hold state licensure. Providers receive specialized training to deliver particular services to youth, or were hired into positions covered under the exceptions identified in ORC §4757.41 and §124.

Bisexual – A person who is attracted to and may form sexual and romantic relationships with, males and females.

Contractor – A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Exigent Circumstance – Any set of temporary or unforeseen circumstances that require immediate action in order to combat a threat to the security of a facility.

Gay – Generally refers to a person who is emotionally, romantically, and sexually attracted to people of the same gender. Sometimes, it may be used to refer to gay men and boys only. It is preferred over the term “homosexual.”

Gender Nonconforming –A person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Lesbian – Generally refers to a female who is emotionally, romantically, and sexually attracted to other females.

LGBTI Youth – Youth who have self-identified or are perceived by others as lesbian, gay, bisexual, transgender or intersex.

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.

PREA Coordinator – An upper-level ODYS staff member with sufficient time and authority to develop, implement, and oversee the agency's efforts to comply with the PREA standards in all facilities.

PREA Compliance Manager (PCM) – An ODYS facility staff member with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

Rape – Any sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force. (ORC 2907.02)

Sexual Abuse – Sexual abuse includes:

- (1) Sexual abuse of a youth by another youth 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:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  - d. 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.
  
- (2) Sexual abuse of a youth by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the youth:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. 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;
  - d. 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;
  - e. 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;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in (a)-(e) of this definition;
  - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth or resident, and
  - h. Voyeurism by a staff member, contractor, or volunteer.

Sexual Activity – Sexual conduct or sexual contact, or both. (ORC 2907.01)

Sexual Assault – Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force.

Sexual Conduct – Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse. (ORC 2907.01)

Sexual Contact – Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person. (ORC 2907.01)

Sexual Harassment (as it pertains to this policy) – (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a youth directed toward another youth; and (2) Repeated verbal comments or gestures of a sexual nature to a youth 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.

Sexual Victimization – Collective term to describe any acts of sexual violence perpetrated against an individual.

Site Manager – Director (or designee) for Central Office, Superintendent for Institutions, or Regional Administrator for Regional Offices.

Transgender – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Volunteer – A person who chooses freely to provide services for youth with no promise of compensation.

Voyeurism – An invasion of privacy by a staff member, contractor, or volunteer of a youth 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.

Vulnerability Assessment – An assessment which shall serve to identify physical plant and operational issues that exist within our institutions that create vulnerabilities for sexual abuse and sexual assaults to occur.

#### **IV. Procedures**

##### **A. Roles and Responsibilities [PREA 115.311]**

1. The Ohio Department of Youth Services (ODYS) shall designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee the agency's efforts to comply with the PREA standards in all facilities.
2. ODYS shall designate a PREA Compliance Manager (PCM) at each facility with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.
3. The PREA Coordinator and PCM shall serve as a resource with regard to PREA and its applicable Standards

##### **B. Screening for Sexual Abuse, Sexual Assault and/or Sexual Victimization at Reception**

In accordance with ODYS SOP 304.04.01 Medical and Mental Health Care Response to Sexual Abuse and Sexual Assault, all youth shall be screened utilizing ODYS Form 304.04.01.A Sexual Abuse and Sexual Assault Victim/Aggressor Profile Checklist within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing, bed, program, education, and work assignments shall be made accordingly with the goal of keeping all youth safe and free from sexual abuse and sexual assault. [PREA 115.341, 115.342]

##### **C. Youth Supervision**

1. During individual sessions with youth, staff shall leave the door open when in an area that does not have cameras or in an office without windows.

2. Opposite gender staff shall not enter or observe youth in the shower/ toilet areas except in exigent circumstances or when such viewing is incidental to routine checks.
3. All staff shall provide youth with reasonable accommodations for privacy for all shower/toilet areas and when and where youth change their clothing
4. Staff entering the living units shall announce their presence before entering the unit. The announcement needs to be made when the status quo on the unit changes from exclusively same gender to some element of cross gender. For example: All males are working on a boy's unit. When a female staff comes on unit, she has to announce her presence. [PREA 115.315]
5. Staff shall only be alone with youth of the opposite gender for the purposes of transport within the facility for a short period of time, for meetings or for individual sessions.
  - a. Transporting staff shall document the transport in the log book.
  - b. Individual sessions shall be recorded in the log book.
  - c. Security staff shall be notified of individual sessions and the location of the session.
  - d. Individual session rooms shall have unimpeded access including a door with a window if the door is to be closed.

D. Youth Reporting [PREA 115.351]

1. The youth shall have multiple internal ways to privately report sexual abuse, sexual assault, sexual harassment, retaliation by other youth or staff for reporting sexual abuse, sexual assault and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. Youth who are victims of sexual abuse, sexual assault and sexual harassment have the option to report the incident to any staff member other than an immediate point-of-contact line staff member. [4-JCF-3D-08]
3. Youth may file a formal grievance and place it in the secured grievance box on the living units and other common areas as described in ODYS Form 304.03.A Youth Grievance Handbook.
4. The youth shall also have the option to report sexual abuse, sexual assault and sexual harassment to the Legal Assistance Program (LAP), which is a legal entity that is not part of the ODYS and is able to receive and immediately forward youth reports of sexual abuse, sexual assault and sexual harassment to

ODYS officials, therefore allowing the youth to remain anonymous upon request.

5. Youth may access the Tip Line for emergency reporting. The Tip Line shall be managed by the Office of Quality Assurance and Improvement.
  - a. The Tip Line provides Youth, Families and Staff with a direct line to report safety issues including issues of sexual misconduct.
  - b. Youth Safety Posters shall be placed in all facilities advising Youth of the Tip Line and how to access it.
  - c. The Unit Manager shall educate the Youth on the Tip Line

#### E. Staff Reporting and Monitoring

1. All staff shall accept reports of sexual abuse, sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. [PREA 115.351]
2. Staff, volunteers or contractors who witness or have knowledge of any sexual activity, sexual abuse, sexual assault or sexual harassment shall immediately report it to the Superintendent or designee. An employee that fails to report shall be subject to disciplinary action up to and including termination.
3. Medical and behavioral health services clinicians/providers shall also report sexual abuse or sexual assault to their designated supervisor as well as the appropriate Children Services Agency as required by mandatory child abuse reporting laws and in accordance with ODYS Policy 304.05 Suspected Child Abuse and Neglect Reporting. [PREA 115.361]
4. Third-party reporting of sexual abuse, sexual assault and sexual harassment can be submitted via the ODYS website on behalf of the youth. [PREA 115.354]
5. Retaliation against youth or staff who report sexual abuse, sexual assault or sexual harassment is strictly prohibited and is subject to discipline up to and including termination. [PREA 115.351, 115.361]
6. The PCM shall be responsible for monitoring retaliation from staff or youth against other staff or youth who report allegations of sexual abuse, sexual assault or sexual harassment or cooperate with sexual abuse, sexual assault or sexual harassment investigations. If any other individual who cooperates with an investigation expresses a fear of retaliation, ODYS shall take appropriate measures to protect the individual against retaliation. The monitoring will cease if the allegation is determined to be unfounded. The monitoring shall be documented on ODYS Form 304.04.F Sexual Abuse and Sexual Assault

Retaliation Monitoring Checklist but not limited to the following: [PREA 115.367]

- a. For at least 90 days following a report of sexual abuse or sexual assault, the PCM shall monitor the conduct or treatment of youth or staff who reported the incident and of youth who were reported to have suffered sexual abuse or sexual assault to see if there are changes that may suggest possible retaliation by youth or staff, and shall act promptly to remedy any such retaliation. Items the PCM shall monitor include any youth disciplinary reports, housing, or program changes, or negative performance reviews or reassignment of staff. The PCM shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- b. Periodic status checks of youth.
- c. Review of youth disciplinary reports, housing unit or program changes, negative performance evaluations or staff post/area reassignments, and other information as deemed appropriate.

#### F. Staff Response

1. ODYS staff shall follow the agency's written institutional plan, ODYS Form 304.04.C Institutional Plan for Coordinated Response to Sexual Abuse and Sexual Assault, to coordinate actions taken in response to an incident of sexual abuse and sexual assault among staff first responders, medical and behavioral health services clinicians, investigators, and the Superintendent or designee. [PREA 115.365]
2. Operations Managers shall enter the incident in the Activity Management System (AMS) in accordance with ODYS Policy 101.14 Incident Reporting.
3. As the first responders, Operations Managers shall take immediate action to protect the victim by physically separating the victim and aggressor.
  - a. Non-punitive protective housing/safe haven shall be provided as needed.
  - b. The placement of at risk youth on another unit shall be documented in the Operation's Log book and youth's file.
  - c. If the at risk youth is on a Mental Health Unit, appropriate placement in made in consultation with the Psychology Supervisor/designee or in the absence, the Deputy of Program Services.
  - d. A report shall be made to the Superintendent or designee to confirm the separation of the victim from his or her aggressor. [PREA 115.364, 115.362]

4. Operations shall take the necessary steps to preserve and protect the crime scene according to ODYS Policy 101.13 Preservation of Crime Scene and Physical Evidence. If the First Responder is not a security staff, the Responder shall provide any necessary first aid, advise the alleged victim to not take any action that could destroy physical evidence and then notify Operations. [PREA 115.362, 115.364]
5. Alleged victims of sexual abuse and sexual assault shall be immediately referred to medical and behavioral health services. If there are no qualified medical or Independently Licensed Clinicians on duty, the Operations Manager shall immediately notify the appropriate medical staff and Behavioral Health Services Clinician. Medical treatment and behavioral health services shall be provided in accordance with ODYS SOP 304.04.01 Medical and Mental Health Response to Sexual Abuse and Sexual Assault. [PREA 115.382]. An attempt shall be made to provide a Victim Advocate from a local Rape Crisis Center.
6. If the sexual abuse or sexual assault occurred within 96 hours, the alleged victim and aggressor shall be advised by the staff receiving the report and/or the Operations Manager not to shower, change clothes, urinate, defecate, drink, eat or otherwise clean themselves, or if the abuse or assault was oral, to not drink or brush their teeth, or otherwise take any action that could damage or destroy evidence. [PREA 115.364]
7. The Operations Manager shall notify the youth's parent or guardian of the allegation in all cases.
8. The Operations Manager shall refer to ODYS Policy 304.05 Suspected Child Abuse and Neglect Reporting, for additional notifications and reporting requirements.
9. The Operations Manager shall notify the local Rape Crisis Center
10. The PCM shall complete ODYS Form 304.04.D Alleged Sexual Abuse and Sexual Assault Response Checklist for every alleged incident of sexual abuse or sexual assault. The form shall be completed the day of the allegation or no later than the next working day and forwarded to the PREA Coordinator and scanned into the Activity Management System (AMS). The Checklist shall be completed unless during the course of the Preliminary Investigation Review, the allegation is determined to be unfounded or unsubstantiated due to clear and convincing evidence. The Operations Administrator shall update AMS accordingly to document the clear and convincing evidence.
11. An investigation shall be conducted and documented whenever sexual abuse, sexual assault or sexual harassment is alleged, threatened, or occurs. The Ohio State Highway Patrol shall receive notification of all allegations of sexual abuse

and sexual assault. Discipline and/or additional criminal charges for the alleged aggressor may occur pending the results of the internal and external investigations. [4-JCF-3D-04, PREA 115.322]

12. If an allegation of sexual abuse or sexual assault is made by a youth on parole, staff receiving this information shall follow procedures as outlined in ODYS Policy 101.15 Investigations. This can include allegations of incidents in the past that may have occurred at an ODYS facility and/or that may have occurred during the youth's parole period.
13. Upon receiving an allegation that a youth was sexually abused or sexually assaulted while confined at another facility, the Superintendent or designee shall notify the appointing authority or designee of the facility or appropriate office of the agency where the alleged abuse or assault occurred and shall also notify the Ohio State Highway Patrol. Such notification shall be provided as soon as possible, but no later than 96 hours after receiving the allegation. [PREA 115.363]
14. All staff, volunteers and contractors are prohibited from disclosing any information relating to sexual abuse or sexual assault to anyone other than persons required to make treatment, investigation, security and administrative decisions. [PREA 115.361]

#### G. Sexual Abuse and Sexual Assault Incident Reviews [PREA 115.386]

1. The facilities shall conduct a sexual abuse or sexual assault incident review at the conclusion of every sexual abuse or sexual assault investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. (ODYS Form 304.04.E Sexual Abuse and Sexual Assault Incident Review Checklist)
2. Such review shall occur within 30 days of the conclusion of the investigation.
3. The review team shall include the Deputy Superintendent of Programs, Deputy Superintendent of Direct, PCM, Operations Administrator, Unit Management Administrator, Gang Intervention Specialist, Health Services Administrator and the Psychology Supervisor with input from line supervisors and investigators. The review team shall:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse and sexual assault;
  - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex

identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

- c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d. Assess the adequacy of staffing levels in that area during different shifts;
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - f. Prepare a report of its findings, including but not limited to determinations made pursuant to paragraphs (3a – 3e) of this section, and any recommendations for improvement and submit such report to the Superintendent and the PREA Coordinator.
4. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so. The Superintendent shall provide written notification as to the outcome of the recommendations no later than 45 days following the Incident Review. This recommendation shall be submitted to the Deputy Director and/or Bureau Chief of Facility Programs and Operations, Chief Inspector and PREA Coordinator.

#### H. Annual Vulnerability Assessment

1. The PREA Coordinator in conjunction with the Office of Quality Assurance and Improvements (OQAI) shall organize and schedule a Vulnerability Assessment at each facility annually.
2. The team assembled by the PREA Coordinator or designee, shall identify physical plant and operational issues that need to be addressed to ensure a safe and secure environment.
3. The team shall prepare a written report and submit to the Bureau Chief of Facility Operations and the Superintendent.
4. The Bureau Chief of Facility Operations and the Superintendent shall prioritize issues to be addressed.

#### I. Youth Education [PREA 115.333]

1. Within 10 days of intake and upon arrival at their parent facility, youth shall receive comprehensive age-appropriate education either in person or through video, the ODYS' zero tolerance policy regarding sexual abuse, sexual assault and sexual harassment, how to report incidents or suspicions of sexual abuse, sexual assault or sexual harassment, their rights to be free from sexual abuse,

sexual assault and sexual harassment and to be free from retaliation for reporting such incidents, and ODYS' policies and procedures for responding to such incidents. Youth shall also receive this information via ODYS Form 304.04.A ODYS Youth Safety Guide.

2. Each youth shall sign ODYS Form 304.04.B Sexual Abuse, Sexual Assault, and Sexual Harassment Education Acknowledgement to acknowledge and document their participation in the education session.
3. The PCM shall maintain a copy of ODYS Form 304.04.B Sexual Abuse, Sexual Assault and Sexual Harassment Education Acknowledgement and the original shall be maintained in the youth's main file.
4. ODYS staff shall provide youth education in formats accessible to all youth, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to youth who have limited reading skills. In addition to providing such education, the PCM shall ensure that key information is continuously and readily available or visible to youth's through posters, and youth handbooks.

#### I. Staff Training

1. Pre-service and annual in-service training plans shall include training for all staff on the following topics: [PREA 115.331]
  - a. ODYS Policy 304.04 Sexual Abuse, Sexual Assault and Sexual Harassment and ODYS SOP 304.04.01 Medical and Mental Health Care Response to Sexual Abuse and Sexual Assault to include, but not limited to the following:
    - i. Preventing, detecting, reporting, and responding to sexual abuse, sexual assault and sexual harassment;
    - ii. Youth right to be free from sexual abuse, sexual assault and sexual harassment; and
    - iii. Youth and staff right to be free from retaliation for reporting sexual abuse, sexual assault and sexual harassment;
  - b. The common reactions of youth victims of sexual abuse, sexual assault and sexual harassment;
  - c. How to detect and respond to signs of threatened and actual sexual abuse and sexual assault and how to distinguish between consensual sexual contact and sexual abuse and sexual assault between youth;

- d. How to avoid inappropriate relationships with youth;
  - e. How to communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming youth;
  - f. The dynamics of sexual abuse, sexual assault and sexual harassment in youth facilities;
  - g. General Work Rules to include Inappropriate Relationships with Youth;
  - h. ODYS Policy 304.05 Suspected Child Abuse and Neglect Reporting;
  - i. How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual assault to outside authorities; and
  - j. The relevant laws regarding the applicable age of consent.
2. Investigators, medical and behavioral health services clinicians/providers shall receive specialized training in sexual abuse, sexual assault and sexual harassment. [PREA 115.334, 115.335]
  3. ODYS shall document through staff signature or electronic verification that staff understand the training they have received. [PREA 115.331]

J. Volunteer and Contractor Training [PREA 115.332]

- a. All volunteers and contractors who have contact with youth shall be trained on the prevention, detection, reporting, and response to sexual abuse, sexual assault and sexual harassment as outlined in this policy. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with youth.
- b. The non-direct services contractor(s) shall sign ODYS Form 304.04.G Contractor (non-direct service) PREA Declaration of Understanding. The Contractor (non-direct service) PREA Declaration of Understanding shall be reviewed by maintenance with the applicable contractor(s) and that signed form submitted to the institution Training Officer. ODYS shall maintain documentation confirming that volunteers and contractors understand the training they have received.

K. Record Keeping

All case records associated with claims of sexual abuse and sexual assault, including incident reports, investigative reports, youth information, case disposition, medical and behavioral health evaluation findings, and

recommendations for post-release treatment and/or behavioral health services shall be securely retained in accordance with the ODYS record retention schedule. [4-JCF-3D-09, PREA 115.389]

#### L. Audits and Compliance

Pursuant to ODYS Policy 101.07 Internal Monitoring and Reporting, ODYS shall be audited by a certified Department of Justice Auditor every three (3) years. [PREA 115.393, 115.401]

### V. Attachments

- 304.04.A ODYS Youth Safety Guide
- 304.04.B Sexual Abuse, Sexual Assault and Sexual Harassment Education Acknowledgement
- 304.04.C.CY Institutional Plan for Coordinated Response to Sexual Abuse and Sexual Assault – Circleville Juvenile Correctional Facility
- 304.04.C.CH Institutional Plan for Coordinated Response to Sexual Abuse and Sexual Assault – Cuyahoga Hills Juvenile Correctional Facility
- 304.04.C.IR Institutional Plan for Coordinated Response to Sexual Abuse and Sexual Assault – Indian River Juvenile Correctional Facility
- 304.04.D Alleged Sexual Abuse and Sexual Assault Response Checklist
- 304.04.E Alleged Sexual Abuse and Sexual Assault Incident Review Checklist
- 304.04.F Alleged Sexual Abuse and Sexual Assault Retaliation Monitoring Checklist
- 304.04.G Contractor (non-direct service) PREA Declaration of Understanding

### VI. Monitoring

Monitoring and annual review of this policy shall be the responsibility of the Chief Legal Counsel, in conjunction with the Chief Inspector.

### VII. References

- Ohio Revised Code 2907.01
- Ohio Revised Code 2907.02
- Prison Rape Elimination Act (PREA) Juvenile Facility Standards (United States Department of Justice Final Rule May 17, 2012)
- Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79