
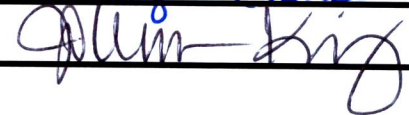
	POLICY TITLE	Institution Zero Tolerance Local Policy
	EFFECTIVE DATE	SUPERSEDES DATE
	October 26, 2020	April 23, 2018
LAKE ERIE CORRECTIONAL INSTITUTION	Warden's Approval	
	PREA Compliance Coordinator Approval	

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.38 which delegates to the Managing Officer the authority to manage all aspects of the institution.

II. PURPOSE

The purpose of this policy is to establish the facility's procedures for preventing, detecting, and responding to sexual misconduct. This plan shall be used as a supplement to DRC Policy 79-ISA-01, Prison Rape Elimination.

III. APPLICABILITY

This policy applies to all persons employed by the Lake Erie Correctional Institution, inmates, volunteers, and independent contractors.

IV. DEFINITIONS

Abuser – A high risk inmate who has been found guilty of committing one (1) or more instances of sexual abuse in an institutional setting.

Agency PREA Coordinator – The staff member designated by the Director to oversee the agency efforts to comply with PREA standards in all facilities. The Agency PREA Coordinator shall be the Operation Support Center liaison for the Institutional PREA Operational Compliance Managers.

Extended Restrictive Housing (ERH) – A security classification level represented as "E" in the Departmental Offender Tracking System (DOTS). ERH is the most restrictive security level in the ODRC reserved for incarcerated individuals who constitute the greatest threat to the safety and security of the community, staff, others and/or the secure operations of a correctional facility.

Indecent Exposure – Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate.

Institutional PREA Operational Compliance Manager – The staff person designated by the Managing Officer at each facility to coordinate the institution's efforts to comply with PREA standards.

LGBTI – An acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.

Limited Privilege Housing (LPH) - Assignment of an inmate to a cell or other designated area for the purpose of separating them from other inmates, but is still considered general population. Designated out of cell time shall be more than two (2) hours daily. Inmates may participate in meaningful activities, programs, and recreational opportunities as deemed appropriate by the managing officer.

Long-term Contractor – A contractor providing consecutive service for a period exceeding one year.

Mental Health Professionals (MHP) - Those persons who, by virtue of their training and experience, are qualified to provide mental health care within the provisions of the state's licensure laws, policies guidelines and position descriptions. This category includes psychology assistants, licensed professional counselors (LPC), licensed social workers (LSW), registered nurse (RN), activity therapists (AT), credentialed mental health professionals (CMHP), BHS social workers, RBHA, MHA 3, MHA 4, as well as ILMHP's.

Non-Escorted Contractor – A contractor that is not accompanied by DRC/Corecivic employees during the provision of services (i.e., temporary agency sub-contractors, personal service contractors, privatized service providers).

Out-to-Court Inmates - Inmates who have previously been received by DRC and are assigned to an institution, but temporarily leave DRC custody to a county jail or other criminal justice entity for court, hearings, or other proceedings.

Potential Abuser – An inmate who has been determined to be at risk of committing sexual abuse in an institutional setting based upon the information gathered in the screening process and the correctional judgment of unit management.

Potential Victim – An inmate who has been determined to be at risk of being a victim of sexual abuse in an institutional setting based upon the information gathered in the screening process and the correctional judgement of unit management.

PREA Accommodation Strategy (PAS) - A strategy plan prepared by the Chief of Unit Management or in their absence, the Acting Chief of Unit Management for an inmate's housing, bed, work, education and program assignments based upon the PREA Classification determined by the PREA Risk Assessment System, the needs of the individual inmate, the structure/security level of the facility, and the correctional judgment of the staff member.

PREA Accommodation Strategy Team (PAST) – A team, consisting of the Institution PREA Operational Compliance Manager, Chief of Unit Management, medical and mental health staff, and other staff as necessary, established to complete a PREA Accommodation Strategy in accordance with DRC Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies, for all transgender and intersex inmates. The team shall be chaired by the Institution PREA Operational Compliance Manager.

PREA Classifications – For purposes of tracking risk of sexual abuse, all inmates shall be designated as either an Abuser, Victim, Potential Abuser, Potential Victim, or No Classification based upon screening results from the PREA Risk Assessment System.

PREA Risk Assessment System – A computer system designed to assist the institutions assessing risk of sexual abuse for an individual inmate and to assist in tracking and sharing information about PREA Classifications and LGBTI inmates. The electronic PREA Risk Assessment forms shall be utilized until the automated system becomes available.

Recent Sexual Abuse - Oral sexual abuse that has occurred within twenty-four (24) hours; vaginal or anal abuse that has occurred within ninety-six (96) hours.

Restrictive Housing (RH) - Housing that separates an inmate from the general population and restricts the inmate to their cell twenty-two (22) hours or more per day.

Routine Volunteer – A volunteer whose assignment is such that routine visits to the parent site are anticipated; visits the facility more than three (3) times per calendar year.

SANE/SAFE – Sexual Assault Nurse Examiner/Sexual Assault Forensic Examiner

Serious Misconduct Panel (SMP) - A panel of two (2), or more, members of the unit classification committee who are authorized by the managing officer to conduct a placement hearing. The committee makes a recommendation to the managing officer of whether Level E placement is required.

Sexual Abuse - Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward an inmate by an employee, contractor, or volunteer, which may include one or more of: 1) Sexual Conduct, 2) Sexual Contact, 3) Voyeurism, or, 4) Indecent Exposure; OR Any behavior or act of a sexual nature 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, directed toward an inmate by another inmate which may include one or more of: (1) Sexual Conduct or (2) Sexual Contact.

Sexual Conduct – Vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without relation to official duties, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

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

Sexual Harassment – (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 toward another, OR (2) repeated verbal comments or gestures of a sexual nature to an inmate 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 Misconduct - Any behavior or act of a sexual nature directed toward an inmate by an employee, contractor, intern, volunteer or other inmate which may be Sexual Harassment, Sexual Abuse or a combination of both as defined in this policy.

Special Events Volunteer – An individual or group who has been invited for a specific event (e.g. Victim Impact Speaker, Guest Speaker) and is not a Routine Volunteer; visits the facility two – three (2-3) times per calendar year.

Substantiated Allegation – An allegation that was investigated and determined to have occurred.

Transitional Program Unit (TPU) - A specialized housing unit requiring close supervision of inmates that are placed in Restrictive Housing, Extended Restrictive Housing, or may be placed in Limited Privilege Housing.

Unfounded Allegation – An allegation that was investigated and determined not to have occurred.

Unit Management - For purposes of this policy, “unit management” refers to the unit management chief, unit manager, correctional counselor and/or case manager in a parent institution. Classification specialists are also included in this definition at the reception centers.

Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Victim – A high risk inmate who has been the victim of sexual abuse in an institutional setting, which has been confirmed by disciplinary records of the abuser and/or inmate on inmate assault records.

Victim Support Person - A designated employee that has been specially trained to support a victim of sexual abuse which may include: (1) Accompanying the victim to the hospital; (2) Supporting the victim through the forensic medical examination and investigatory interview; and/or (3) Providing emotional support, crisis intervention information, and referrals.

Voyeurism – An invasion of privacy of an inmate by a staff member, contractor, or volunteer 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 any inmate performing bodily functions.

Vulnerable Adult - Inmates that have been identified as having an intellectual and/or developmental disability (IDD) per DRC policy 67-MNH-22, Offenders with Intellectual Disabilities and Developmental Disabilities; Screening, Evaluation, Treatment and Reentry.

V. POLICY

It is the policy of the Lake Erie Correctional Institution (LaECI) to implement the DRC’s zero-tolerance policy of preventing, detecting, and responding to sexual misconduct.

VI. PROCEDURES

A. Sexual Misconduct Prevention Procedures

Lake Erie Correctional Institution will implement the agency's zero tolerance toward sexual misconduct prevention as outlined below:

1. In accordance with CoreCivic Policy 03-03 (Code of Conduct), all staff shall be subject to disciplinary sanctions up to and including termination for violating sexual misconduct policies. Terminations for violations of sexual misconduct policy, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also reported to any relevant licensing bodies.
2. In accordance with DRC Policy 71-SOC-01 (Recruitment, Training, and Supervision of Volunteers) and DRC Policy 39-TRN-12 (Contractor Orientation) any contractor or volunteer who engages in sexual misconduct is prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also to relevant licensing bodies. The facility shall take appropriate remedial measures and terminate the contract or volunteer arrangement with independent contractors or volunteers or shall demand that the offending employee of a contractor be excluded from providing services under the contract. The facility may hire or contract with an individual who would otherwise be prevented from such employment or contracting only if the Director of DRC: (1) determines that the individual does not pose a safety threat, based on considerations such as the length of time that has passed since the activity, the evidence of rehabilitation on the part of the individual, or other relevant factors, and documents all relevant factors and rationale leading to the safety threat determination; (2) considers the individual to be important to the success of a specialized inmate rehabilitative program; and (3) does not permit the individual to have contact with inmates without staff supervision (e.g., circumstances where an individual would have the opportunity to potentially sexually abuse an inmate, due to the ability to privately interact with, or to supervise, inmates).
3. In accordance with DRC Policy 56-DSC-01 (Inmate Disciplinary Process) and Administrative Rule 5120-9-06 (Inmate Rules of Conduct), inmates shall be subject to disciplinary sanctions following an administrative and/or criminal finding that the inmate engaged in inmate-on-inmate sexual misconduct.
4. Criminal background checks shall be conducted on all employees and contractors every five (5) years or a system shall be in place for otherwise capturing such information, when available. All employees and contractors shall have a current completed Authority for Release of Information form (DRC1404) or a PREA Background Check Authorization form (DRC1422), in addition to a CoreCivic Background Investigation Authorization form on file prior to the initial five year background check.
5. All employees who may have contact with inmates shall complete a Self-Declaration of Sexual Abuse/Sexual Harassment 14-2H. The PREA Operational Compliance

Manager shall ensure the acknowledgement is completed by all employees by December 31st of each year and forwarded to the Personnel Office. It is the responsibility of the PREA Operational Compliance Manager to ensure any positive responses on the form (14-2H) are also forwarded to Legal Services for review. The Personnel Office shall maintain the documents in the employee's personnel file. Healthcare staff shall not be utilized for this process as it is unrelated to healthcare and further prohibited by DRC Policy 68-MED-09 (Medical Legal Issues), which prohibits the collection of forensic information by healthcare staff.

6. An annual PREA staffing plan assessment shall be completed by the Lake Erie Correctional Institution whenever necessary, but no less frequently than once each year. The PREA Compliance Manager will complete the 14-21 Annual PREA Staffing Plan Assessment and forward it to the Warden/Administrator for review. Upon completion of the Warden/Administrator's review, the 14-21 Annual PREA Staffing Plan Assessment will be forwarded to the Facility Support Center PREA Compliance Coordinator.
7. When designing or planning any substantial expansion or modification of existing facilities, CoreCivic/LaECI shall consider the effect of the design, acquisition, expansion, or modification upon the facility's ability to protect inmates from sexual abuse. This consideration must be documented in written form on the PREA Physical Plant Considerations (7-1B) and forwarded to the Agency PREA Coordinator and appropriate Regional Director.
8. Lake Erie Correctional Institution has a video monitoring system that enhances the institution's ability to deter, prevent and detect sexual abuse and sexual harassment. Cameras are installed within various locations throughout the institution.
9. Security mirrors have been installed within the institution where blind spots exist, in an effort to detect sexual abuse and sexual harassment.
10. When any updating of the video monitoring system, electronic surveillance system, or other monitoring technology are considered, CoreCivic/LaECI shall consider how such technology may enhance the facility's ability to protect inmates from sexual abuse. This consideration must be documented in written form on the PREA Physical Plant Considerations (7-1B) and forwarded to the Agency PREA Coordinator and appropriate Regional Director.
11. Lake Erie Correctional Institution shall ensure that inmates are able to perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks, which includes viewing via video camera.
12. Inmates are notified through the Inmate Handbook, and a memo posted in the housing units, that when they are going to and from the restroom area, a shirt, state pants/sweat pants or a bath robe with undergarments must be worn. There will be no complete disrobing (nudity) in the sleeping area. At a minimum, inmates shall have on underwear at all times.

13. Opposite Gender Announcements

A PREA buzzer has been installed at the entrances of each housing unit that, when pushed, makes a unique audible sound, and has the ability to be heard at the farthest point within the housing unit. All staff members, contractors, and volunteers of the opposite gender whether assigned to the unit or not shall activate the PREA buzzer upon their arrival in a housing unit. If at any time the staff member leaves and returns to the housing unit, activation of the PREA buzzer shall be repeated. The announcement is only required when an opposite gender employee, contractor, or volunteer enters a housing unit where there is not already another opposite gender staff present. If opposite gender staff remain in the unit during shift change, the announcement shall always be made at the beginning of each shift. The only exceptions will be:

- a. From 10:00 pm to 8:00 am. The verbal announcement "Female in housing unit" shall be made instead of the use of the PREA buzzer.
- b. The inmate health service departments - All opposite gender staff shall only announce once at the beginning of each shift. No additional announcements shall be required as the inmate handbook shall inform inmates that opposite gender medical staff are in these units at all times.

14. The institution PREA OCM and the victim support person shall compile mailing addresses and telephone numbers including toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations. This information shall be provided to the unit staff for communication to the inmates. Inmates will be notified to see their unit staff for this information through a memo that is posted in all living areas.

15. Employee Training

- a. All new employees shall receive instruction related to the prevention, detection, response, and investigation of sexual misconduct during New Employee Orientation (NEO) training at the Corrections Training Academy. Additional PREA instruction shall be provided during the new employee's initial orientation days at the worksite, within the NEO program, and again reinforced in successive applied learning training during the orientation process. Employees who have previously completed pre-service/NEO training and transfer to LaECI from an institution housing female inmates shall receive training tailored to male inmates as part of their orientation training. New Employee Orientation shall be documented in accordance with DRC policy 39-TRN-10 (Employee Orientation Training) and DRC policy 39-TRN-09 (Training Record Keeping).
- b. LaECI shall provide training on sexual misconduct annually during staff in-service that is tailored to the gender of the inmates at the facility.
- c. All security staff shall be trained on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates to ensure

professionalism and to utilize the least intrusive manner possible consistent with security needs.

- d. Prior to conducting a PREA investigation, all investigators shall receive specialized training which shall include, but not be limited to, conducting investigations in confinement settings, interviewing techniques for sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. This training shall be documented on the PREA Training Session Report (DRC1680). The training may be received through the National Institution of Corrections (NIC). Completion of the training shall be documented with a certificate of completion.
- e. All routine volunteers, special event volunteers (as defined by DRC policy 71-SOC-01), Long Term Contractors and Non-Escorted Contractors (as defined by DRC policy 39-TRN-12) who have contact with inmates shall be notified of DRC's zero-tolerance regarding sexual misconduct and how to report such incidents. All volunteers and contractors shall also be trained on their responsibilities regarding sexual misconduct prevention, detection, and response. All training shall be documented on the PREA Contractor/Volunteer/Intern Training Acknowledgment Form (DRC1173).
- f. Specialized training shall be offered periodically through ODRC to employees designated as victim support persons including, but not limited to, victim services coordinators and chaplains. Lake Erie Correctional Institution shall have at least one (1) trained victim support person. Only employees that voluntarily agree to act as a victim support person shall be utilized in that capacity.
- g. Full time and part time medical and mental health staff at Lake Erie Correctional Institution shall initially complete the Specialized Medical and Mental Health Training in class and pass a written test. Completion of the course shall be documented in the DRC PREA Training Session Report (DRC 1680) and electronically in the CoreCivic Learning Management System (LMS). Annually, thereafter, full time and part time medical and mental health staff shall complete the Specialized Medical and Mental Health Training on the CoreCivic Learning Management System (LMS) and pass a written test. All written tests shall be graded and maintained in the employee training file.
- h. The Superintendent of the Corrections Training Academy shall approve all lesson plans and materials utilized for orientation, in-service or contractor training on inmate sexual misconduct.

16. Inmate Education

- a. Upon arrival at LaECI, all new inmates shall receive oral and written information (Inmate Handbook) explaining the agency's zero-tolerance policy regarding sexual misconduct including prevention; self-protection; reporting; and treatment and counseling. Within seven (7) calendar days of arrival at LaECI, all inmates shall be provided comprehensive education through the viewing of the ODRC

approved PREA education video. The PREA education video shall inform the inmates of their rights to be free from sexual abuse, sexual harassment and retaliation for reporting such incidents. Inmate participation in the orientation and education sessions related to PREA shall be documented on the Inmate Orientation Checklist (DRC 4141).

- b. All general population inmates at LaECI initially viewed the PREA comprehensive video during controlled group town hall meetings with staff supervision. Unit teams accounted for all current inmates that were on out counts, out to court, or on medical trips or otherwise not present during the video viewings and ensured these inmates viewed the video immediately upon their return to the facility. Current inmates that were not housed in general population (ie. segregation, medical, etc.) received a copy of the PREA Education Video Information for Inmates Not Housed in General Population document provided by ODRC. The Acknowledgement of PREA Education and the Department's Zero-Tolerance Policy form was signed by every inmate viewing the video or receiving the approved written document.
- c. The Institution PREA Operational Compliance Manager shall ensure that information is continuously and readily available using materials such as posters, handbooks, townhalls etc. At a minimum, the inmate reporting posters identifying the hotline numbers and the local rape crisis center posters (if available) shall be posted in all housing units, restrictive housing units, receiving and discharge department, Medical, Mental Health and the library. Posters for third party reporting (family and friends) shall be posted in all visitation areas and front entry buildings.
- d. The inmate handbook inserts issued by DRC in both English and Spanish shall be made available to the inmate population during the annual health fair at LaECI. In addition, a copy of the most current Inmate Handbook is available on the inmate JPAY system.
- e. Staff shall make appropriate provisions for inmates not fluent in English, those with low literacy levels, and those with disabilities that hinder their ability to understand the information in the manner provided pursuant to ODRC policy 79-ISA-01, Prison Rape Elimination. In accordance with DRC policy 64-DMC-02, Inmates with Disabilities, the agency PREA coordinator shall ensure all inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of DRC's efforts to prevent, detect, and respond to sexual misconduct. An inmate interpreter, inmate reader, or other inmate assistant shall not be used except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.
- f. All materials provided to inmates on the subject of sexual misconduct and any lesson plans used during inmate orientation on this topic shall be approved by the ODRC Agency PREA Coordinator.

B. Sexual Misconduct Detection Procedures

Lake Erie Correctional Institution will implement the agency's zero tolerance toward sexual misconduct detection procedures as outlined below:

1. All inmates shall be assessed for risk of sexual victimization or abusiveness within seventy-two (72) hours of arrival at LaECI including when returning from an outside agency. These screenings shall be initiated in the PREA Risk Assessment System by medical personnel during the intake medical screening and completed by unit management within seventy-two (72) hours of the inmate's arrival at the facility or returning from an outside agency.
 - a. If the inmate has been found guilty of committing one or more instances of sexual abuse in an institutional setting, the inmate shall be assigned Abuser as a PREA Classification.
 - b. If the inmate has been the victim of a confirmed sexual abuse in an institutional setting, the inmate shall be assigned Victim as a PREA Classification.
 - c. If the assessment indicates that the inmate is at risk or has experienced prior sexual victimization or the inmate has previously perpetrated sexual abuse, whether it occurred in an institution setting or in the community, staff shall offer a follow-up meeting with a medical or mental health practitioner within 14 calendar days of the intake screening. All inmates shall be screened by Mental Health in accordance with DRC policy 67-MNH-02, Mental Health Screening and Mental Health Classification.
 - d. For inmates not assigned Abuser or Victim as a PREA Classification, the PREA Risk Assessment System shall contain minimum criteria for determining the risk of victimization and abusiveness. These criteria, in conjunction with correctional judgment, shall guide unit management in assigning an inmate a PREA Classification. No single factor or combination of factors is solely determinative of risk. Unit management shall use the criteria as a guide to make informed decisions about the inmate's risk of abusiveness or victimization.
 - e. Inmates that do not have any significant risk of victimization or abusiveness shall be assigned No Classification in the PREA Risk Assessment System. Assessments for inmates with no significant risk may be verified at the case manager level. The case manager may request verification of a No Classification assignment from the unit manager. All Victim, Abuser, Potential Victim and Potential Abuser classifications shall be sent to the Chief of Unit Management (COUM) or final verification. If an inmate is designated a PREA classification, the COUM or acting COUM shall also document the inmates' classification in DOTS Portal on the CLASI screen with the appropriate flag.
 - f. Staff shall ensure the sensitive assessment information is not exploited and that any documents obtained from the assessment are secured. The information shall be used to inform housing, bed, work, education, and programming assignments

with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

- g. Inmates shall not be disciplined for refusing to answer or for not disclosing complete information in response to questions concerning: mental, physical or developmental disabilities; whether the inmate is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming; whether the inmate has previously experienced sexual victimization; or, the inmate's perception of his own vulnerability.
 - h. Any change in PREA Classification from Victim, Abuser, Potential Victim, or Potential Abuser to No Classification shall be sent to the ODRC PREA Coordinator for verification and to the COUM for validation.
 - i. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information to law enforcement about prior sexual victimization that occurred in the community. If an inmate wishes to report the information, the Informed Consent (DRC1169) shall be completed and forwarded to the institution investigator. The institution investigator shall contact the Ohio State Highway Patrol (OSHP) and provide them with the information. The institution investigator shall document the contact with the OSHP. The only exception is if the alleged victim is under the age of eighteen (18) or considered a vulnerable adult as defined by this policy, the institution shall report the allegation to the OSHP.
 - j. No sooner than fifteen (15) calendar days, but no later than thirty (30) calendar days from the inmate's arrival at LaECI or return from outside agency, the inmate shall be reassessed (30 Day Review) regarding their risk of victimization or abusiveness based upon any additional, relevant information received since the institution's initial screening of the inmate. Unit management shall complete this reassessment. The inmate shall be present during the thirty (30) day reassessment. A thirty (30) day reassessment shall not be conducted after the completion of a special assessment or existing inmate assessment.
2. Based on the information obtained in the PREA Risk Assessment System, assigned PREA Classification and good correctional judgment, the Chief of Unit Management, or in their absence the Acting Chief of Unit Management, shall complete an initial PREA Accommodation Strategy to make individualized determinations about how to ensure the safety of each inmate through appropriate work, education, and programming assignments within five business days, however, housing assignments must be considered immediately. All assignments shall be made with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- a. An inmate's PREA Accommodation Strategy shall be reviewed at every standard and special screening and shall be adjusted as necessary. At no time shall the review and revision of the PREA Accommodation Strategy exceed five (5) business days from the completion of a standard or special screening.

- b. For a transgender or intersex inmate, staff shall consider on a case-by-case basis whether the housing assignment would ensure the inmate's health and safety and whether the placement would present management or security problems. The transgender or intersex inmate's own views shall be given serious consideration during the classification process and shall be documented. Transgender and Intersex inmates shall be given the opportunity to shower separately from other inmates. If the inmate requests to shower alone, they will report to medical during the AM or PM treatment time and shower in the infirmary. The PREA Accommodation Strategy Team (PAST), consisting of the Institutional PREA Operational Compliance Manager, Chief of Unit Management, medical and mental health staff, and other staff as necessary shall complete a PREA Accommodation Strategy for all transgender and intersex inmates. The team shall be chaired by the Institutional PREA Operational Compliance Manager. It is the responsibility of the PREA Accommodation Strategy Team to reassess (special screening) all transgender and intersex inmates housed at LaECI at least every six months regarding their placement and programming assignments using the PREA Assessment Strategy. Specific attention shall be given to any threats to safety experienced by the inmate. This reassessment shall be documented in the PREA Risk Assessment System.
- c. Inmates assigned No Classification in the PREA Risk Assessment System shall not require a PREA Accommodation Strategy.
3. Inmates returning from out to court or another criminal justice entity shall be taken to inmate health services upon arrival at the institution. Medical staff shall complete the medical or case manager screen 1 section on the 72 hour assessment checking the box inmate returning from Out-to- Court or another criminal justice entity.
4. In accordance with DRC policy 67-MNH-02 (Mental Health Screening and Mental Health Classification), any employee may make a mental health referral based on their observation of the inmate's behavior or at the inmate's request, which include referrals based on concerns that the inmate has been or is at high risk of being subject to sexual misconduct. This referral shall be documented on a Referral to Mental Health Services form (DRC 5265). Following their assessment, mental health services may recommend further mental health services or referral to other institutional services. Mental health services' response and recommendations shall be communicated to unit management for purposes of completing a special screening and to the referral source. Referrals from Mental Health Services shall have a special screening completed by unit management within seven (7) calendar days of the referral.
5. If it is learned an inmate is subject to substantial risk of imminent sexual abuse, staff shall take immediate action to protect the inmate at risk of victimization.
6. Mental Health Services shall attempt to conduct an evaluation on all known inmate-on- inmate abusers within sixty (60) calendar days of learning of such history and offer treatment when deemed appropriate.

7. Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmates of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.

C. Responding to Report of Sexual Misconduct

Lake Erie Correctional Institution will implement the agency's zero tolerance toward sexual misconduct response as outlined below:

1. Reporting

- a. Incidents or suspicions of sexual abuse, sexual harassment and retaliation may be reported to ANY STAFF Member:
 - i. Verbally to ANY STAFF MEMBER
 - ii. In writing to ANY STAFF MEMBER
 - iii. Operation Support Center (614) 995-3584 (No cost to call from inmate phone)
 - iv. Outside Agency Hot Line *89 (No cost to call from inmate phone)
 - v. Inmates in Restrictive Housing may also anonymously report sexual misconduct or retaliation by writing to:

Bureau Chief of the Office of Quality Assurance and Improvement
Ohio Department of Youth Services
30 West Spring Street, 5th Floor suite D
Columbus, Ohio 43215

- b. Inmates shall be given the opportunity to remain anonymous upon request to the outside agency.
- c. A Sexual Abuse or Sexual Harassment complaint may be submitted at any time, however, a timely complaint is essential to providing services and proper investigation. Acceptance of a late complaint does not waive the applicable statute of limitations with respect to any related lawsuit. The Inmate Grievance procedure is not the administrative process to report allegations of Sexual Abuse or Sexual Harassment. However, any Inmate Grievance (Including ICR, NOG, and related Appeal Forms) filed regarding a complaint of Sexual Abuse or Sexual Harassment shall immediately be reported to the Institution Investigator for proper handling in accordance with ODRC Policy 79-ISA-02 (Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation).
- d. There will be NO retaliation for reporting incidents of sexual abuse or harassment.

- e. Family and friends may report allegations of sexual abuse, sexual harassment and retaliation on the inmates behalf:
 - i. By calling (614) 995-3584
 - ii. By emailing DRC.ReportSexualMisconduct@odrc.state.oh.us
 - iii. Notification of the purpose and use of this shall be posted in the inmate visiting area and entry building.
- f. In accordance with DRC policy 01-COM-08 (Incident Reporting and Notification), staff shall immediately report any knowledge, suspicion, or information regarding an incident of sexual misconduct. Staff shall also report retaliation against inmates or staff who report such incidents and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to this section and to inform inmates of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.
- g. Staff may privately report sexual misconduct by completing an Incident Report (DRC1000), marked confidential and submitting it directly to the Institution PREA Operational Compliance Manager or the Agency PREA Coordinator. The Institution PREA Operational Compliance Manager and/or the Agency PREA Coordinator shall ensure the allegation is investigated in accordance with this policy while maintaining the anonymity of the reporting staff. The Institution PREA Operational Compliance Manager or Agency PREA Coordinator shall maintain a confidential file of the privately reported allegations either in the Managing Officer's office at the institutions or the Agency PREA Coordinator's office at the Operation Support Center.
- h. Any employee that receives a verbal or written report from an inmate, an anonymous source, or a third party of sexual misconduct or retaliation shall immediately notify the shift supervisor and complete an Incident Report (DRC1000), marked confidential, with a copy to the Institutional PREA Operational Compliance Manager and Institutional Investigator. If it is a report of sexual abuse, staff shall request that the alleged victim not take any actions that could destroy physical evidence. Professionals are further obligated to report any communications indicating a danger to any other person or the person making the communication, regardless of any established professional privilege. Allegations of sexual misconduct shall be reported as a special incident pursuant to DRC Policy 01-COM-08 (Incident Reporting and Notification).
- i. Any staff member that observes incidents or behaviors that cause a reasonable concern that an inmate may be at significant risk of sexual victimization shall document this incident or observation on an Incident Report form (DRC1000), marked confidential, consistent with DRC Policy 01-COM-08 (Incident Reporting and Notification). A copy of this report shall immediately be forwarded to the Institution Investigator, Shift Supervisor, Chief of Unit Management, and the

PREA Coordinator. Upon receipt of a report, security staff shall take immediate action to employ protection measures to ensure the inmate's safety. Reports of substantiated risk of imminent sexual abuse shall be investigated by the institutional investigator and documented within the electronic PREA Incident Reporting System.

- j. Upon receiving an allegation that an inmate was sexually abused while confined at another institution/facility, the Managing Officer/designee of the institution that received the allegation shall notify the Managing Officer of the institution/facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. The notification shall be documented on an Incident Report (DRC1000). The Managing Officer or agency office that receives such notification shall ensure the allegation is investigated in accordance with applicable provisions of this policy.
 - k. All reports of allegations of sexual misconduct and retaliation, including third-party and anonymous reports, shall be reported to the institutional investigator.
 - l. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as required by law. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary.
 - m. Lake Erie Correctional Institution/CoreCivic has a contract with Language Line for interpretive services. This is available for staff to use for inmates who report sexual abuse allegations and require this service.
2. First Responders

Any staff responding first to an alleged sexual assault shall be considered a First Responder. First responders shall coordinate actions taken in accordance with the First Responder Flowchart (Appendix C of DRC Policy 79-ISA-02 - Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation) and complete the First Responder Checklist (Appendix D attached to DRC policy 79-ISA-02 Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation).

- a. **The first security supervisor to respond to a report of alleged inmate sexual abuse shall be required to:**
 - i. Separate the alleged victim and abuser.
 - The alleged victim shall be housed in an environment that shall, to the extent possible, permit the victim the same level of privileges the victim was permitted immediately prior to the sexual abuse.

- The alleged aggressor shall be placed in restricted housing under investigation until the investigation is complete unless other circumstances require the transfer or other placement of the alleged abuser.
 - If the alleged abuser is an employee, immediate efforts shall be made to eliminate contact between the inmate and the staff member. The Managing Officer shall determine if the employee should be placed on administrative leave during the course of the investigation.
 - During the course of the investigation, the victim and the alleged aggressor shall remain separated.
- ii. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence pursuant to DRC policy 310-SEC-13 (Protection of a Crime Scene) and the Investigator Protocol outlined in Appendix A of DRC policy 79-ISA-02 (Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation). Encroachment of the area is not recommended with the exceptions of administering medical treatment, establishing security or maintaining safety. Any unnecessary encroachment has the potential to destroy valuable evidence. The crime scene shall remain secured until released by the Ohio State Highway Patrol.
 - iii. Request that the alleged victim not take any actions that could destroy physical evidence
 - iv. Ensure the alleged abuser does not take any actions that could destroy physical evidence.
- b. The first non-security or the first line security staff member to respond to the report of alleged inmate sexual abuse shall be required to:**
- i. Separate the alleged victim and abuser.
 - The alleged victim shall be housed in an environment that shall, to the extent possible, permit the victim the same level of privileges the victim was permitted immediately prior to the sexual abuse.
 - The alleged aggressor shall be placed in restricted housing under investigation until the investigation is complete unless other circumstances require the transfer or other placement of the alleged abuser.
 - If the alleged abuser is an employee, immediate efforts shall be made to eliminate contact between the inmate and the staff member. The Managing Officer shall determine if the employee

should be placed on administrative leave during the course of the investigation.

- During the course of the investigation, the victim and the alleged aggressor shall remain separated.

- ii. Request that the alleged victim not take any actions that could destroy physical evidence and then notify the security Shift Supervisor.

3. Medical Responsibilities

- a. The shift supervisor shall be notified of all alleged sexual conduct or recent sexual abuse immediately.
- b. Per Medical Protocol B-11, all inmates who report sexual conduct and/or recent sexual abuse shall be escorted to inmate health services as soon as possible after the reported conduct or recent sexual abuse.
 - i. A health care professional shall collect sufficient history/information from the inmate, utilizing a Medical Exam Report (DRC 5251) or Emergency Assessment form (DRC 5192), to enable a full and adequate medical examination to document the extent of physical injury and to aid in appropriate treatment.
 - ii. An Incident Report (DRC 1000) shall be completed by the nurse evaluating the inmate and forwarded to the shift supervisor for inclusion in the investigation of the incident.
 - iii. If the institution Advance Level Provider (ALP) is on-site, the ALP will perform an external exam for obvious external trauma. The ALP will document his/her findings on an Interdisciplinary Progress Note (DRC 5287). An order for transport to the Emergency Department for sexual assault examination is not required.
- c. All victims of sexual abuse shall have access to forensic medical examinations at an outside facility without financial cost where evidentiary or medically appropriate. The services shall be provided to the alleged victim regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. If evidentiary or medically appropriate, the patient will be transported to the Emergency Department (ED) for examination, treatment, and counseling. Lab specimens will be collected for forensic purposes at that time. The institution will attempt to utilize providers that have SANE/SAFE qualified staff where possible, though if not available the exam will be provided by other qualified medical practitioners. The institution shall document its efforts to provide SAFEs or SANEs. LaECI has a memorandum of understanding with Hillcrest Hospital to provide SAFE/SANE medical services.
- d. No forensic evidence shall be collected at the institution by medical staff

- e. Preparation for Collection of Forensic Evidence
- i. Sexual Conduct or Recent Sexual Abuse reported within twenty-four (24) hours:
 - Advise patient to avoid any oral hygiene, eating, drinking, bathing, showering, combing their hair, urinating or defecating and;
 - Secure all clothing worn at the time of the sexual conduct or recent sexual abuse and;
 - Observe and document all signs of injury
 - ii. Sexual Conduct or Recent Sexual Abuse reported within ninety-six (96) hours:
 - Attempt to obtain clothing worn at the time of the alleged conduct or recent sexual abuse and;
 - Observe and document all signs of injury
- f. Upon return to the institution, a registered nurse will evaluate and document the patient's health status. All patients reporting sexual conduct or recent sexual abuse shall be referred to mental health services using the Referral to Mental Health Services form (DRC 5265).
- i. The RN shall evaluate the patient for immediate mental health crisis counseling.
 - ii. If the inmate appears stable or refuses immediate intervention, the RN will ensure that the appropriate mental health referral has been completed.
- g. The patient will be prioritized for scheduling purposes in the next Doctors Sick Call. If not completed in the hospital emergency department, the following will be ordered;
- i. RPR (serology for syphilis) initially, repeat in three (3) months.
 - ii. GC and Chlamydia testing initially, repeat in three (3) months.
 - iii. HIV, HBV, and HCV testing initially, repeat in three (3) months for six (6) months following the alleged sexual assault.
 - iv. Each patient who is treated for sexual conduct or recent sexual abuse will be offered timely and appropriated prophylactic information and treatment for sexually transmitted diseases.
- h. When the report of alleged sexual conduct or abuse has been delayed longer than ninety-six (96) hours (anal) or twenty-four (24) hours (oral), the institution ALP, if on-site, will provide the following evaluation and care;
- i. Medical examination by an ALP that includes the presence or absence of physical trauma.

- ii. Referral to Mental Health Services for evaluation and counseling;
- iii. Perform follow-up STD testing as outlined above
- iv. Each patient who is treated for sexual conduct or recent sexual abuse will be offered timely and appropriate prophylactic information and treatment for sexually transmitted diseases.
- v. Medical personnel will carefully consider cases of recent sexual abuse that extend beyond the ninety-six (96) hour window.
 - Priority medical/forensic treatment and provision of care to the adult sexual abuse patients should always be given regardless of when the sexual abuse occurred. If it is within ninety-six (96) hours (four full days) after an attack, evidence should always be collected. Research and evidence analysis indicates that some evidence may be available beyond ninety-six (96) hours after the assault. Decisions about whether to collect evidence should be made on a case-by-case basis, guided by the knowledge that outside time limits vary due to factors such as the location of the evidence and type of sample collected. Cases in which evidence should be collected beyond ninety-six (96) hours occur where an exam may corroborate chronic injury, excessive force or significant trauma.
 - Cases involving an unconscious or sedentary patient, a patient with a cognitive disability, a patient that is uncertain of the timeline, or a patient that evidences chronic injury or excessive force from sexual trauma, may be candidates for SAFE/SANE Exam outside of the normal timeline.
 - Reference: Ohio Protocol for Sexual Assault Forensic and Medical Examination, Office of Healthy Ohio, Bureau of Health Promotion and Risk Reduction
<http://www.healthy.ohio.gov/sadv/sassault/sadvprot.aspx>

4. Mental Health Responsibilities

- a. Crisis Referrals to Mental Health (may be inclusive of sexual abuse referrals):
 - i. Any staff who becomes aware of an inmate exhibiting signs or symptoms of being in crisis, inclusive of suicide risk shall make an immediate referral to mental health services via phone or in person.
 - ii. Mental health staff shall have a process to see inmates who are in crisis.
 - iii. If the staff making the referral is unable to access Mental Health, staff shall then notify the shift commander of the situation while ensuring constant observation/supervision of the inmate.
 - iv. The shift supervisor has the authority to place an inmate on constant watch utilizing the Authorization for Crisis Precautions (DRC5200).

- v. Mental health staff shall follow DRC policy 67-MNH-09, Crisis Management and Suicide Prevention, when this occurs.
- b. PREA Referral:
- Any referral for PREA shall be documented in the mental health file as a PREA referral in the following manner:
- i. Upon receiving such a referral, the staff seeing the inmate shall be notified of the inmate's PREA status.
 - ii. The MHP shall ask the inmate about the PREA status and document any outstanding concerns on the Detailed Mental Health Screening (DMHS) (for those being seen upon admission) and take the appropriate action based upon clinical judgment and information presented.
 - iii. In addition to documenting on the DMHS (for those being seen upon admission), the MHP shall document a short SOAP note in the EHR that inmate was seen for a PREA referral and any action taken such as referring on for additional evaluation and assessment or if no action is needed at this time.
 - iv. If further action is needed based on the PREA assessment, the MHP shall also complete the action in HER alerting the person completing the FMHE that there is a PREA concern so it can be further addressed during the FMHE process.
- c. During the PREA Assessment Screening process, if any inmate is identified as a victim or abuser shall be offered a follow-up meeting within fourteen (14) calendar days of arrival or being identified. This also includes inmates who were victims of sexual abuse or who perpetrated abuse in the community. These referrals shall be handled during the normal detailed screening process (non-caseload) or treatment plan review process (inmates on mental health caseload).
- d. If the inmate is identified as a victim, Mental Health shall see the inmate per policy and document any identified PREA issues that are to be addressed through ongoing mental health services. If no services are needed, that too shall be documented.
- e. Inmates identified as abusers shall be offered a mental health referral upon transfer or identification as an abuser. Newly identified abusers offer of mental health referral shall be triggered from the PREA Incident Reporting System when a sexual abuse case is substantiated and/or an inmate being found guilty of sexual abuse (Rule 11 or 12) by the Rules Infraction Board.
- f. Mental Health Services shall be notified whenever an inmate is designated as an abuser in the PREA risk assessment system and/or when a sexual abuse case is substantiated in the PREA Incident Reporting System. Within sixty (60) calendar days of that notification, mental health services shall consult with the director of sex offender services to determine placement in a sex offender specific program

or other sex offender specific service is appropriate. This consultation shall be documented in the inmate's mental health case file. Additionally, this consultation does not need to be repeated (i.e, upon each institutional transfer) unless a new sexual assault incident occurs that again qualifies the inmate as being identified as an abuser.

- g. It should be noted that all abusers shall not be referred to mental health but only offered a referral. If the inmate accepts the referral, the process noted above shall be followed and the abuser shall be seen within fourteen (14) days. All interactions shall be documented as a "PREA Referral".

5. Victim Support Person Responsibilities

- a. Lake Erie Correctional Institution has a Memorandum of Understanding with the Cleveland Rape Crisis Center to provide victim advocate services. This community provider is able to provide inmates with confidential emotional support related to sexual abuse. Calls made by the inmates to the community service provider may be subject to monitoring.
- b. If the victim advocate from the Cleveland Rape Crisis Center is not available to provide victim advocate services, the institution will make available a victim support person to provide these services. The victim support person supports a victim of sexual misconduct which may include: 1) accompany the victim to the hospital; 2) supporting the victim through the forensic medical examination and investigatory interview; and 3) providing emotional support, crisis intervention, information and referrals. LaECI is responsible for providing support to a victim of sexual misconduct. This is not the responsibility of the Ohio State Highway Patrol.
- c. The institution Victim Support Person shall follow-up with the victim to determine if any additional services are requested. The institution Victim Support Person shall document the activities of the Cleveland Rape Crisis Center and the institution Victim Support Person on the Victim Support Person Activity Report (DRC1178). After the form has been completed, the original shall be forwarded to the institution investigator. A copy shall be forwarded to the Institution PREA Compliance Manager.
- d. By the end of the next business day following the report of sexual abuse, the victim support person, shall meet with the victim to conduct a preliminary assessment of the inmate's current safety needs. The victim support person shall also review the privilege levels afforded the inmate while in the safe housing environment to assure they are as consistent with the inmate's prior privilege level as possible. The victim support person shall further review the needs of the inmate in the following areas:
 - Housing;
 - Medical;
 - Mental Health;
 - Threat of harm from alleged aggressor or other inmates; and

- Any other area of concern that is raised by the inmate or staff relevant to future administrative/management decisions affecting the inmate.
- e. The designated victim support person shall participate in the institutional Sexual Abuse Review Team (SART) as required by DRC policy 79-ISA-03 (Sexual Abuse Review Team).
6. Unit Management Responsibilities
- a. Within seven (7) calendar days, unit management shall complete a special assessment of both the alleged victim and abuser within the PREA Risk Assessment System. The special assessment shall be initiated and completed by unit management staff. The alleged victim shall be given a classification of Potential Victim. The alleged abuser shall be given a classification of Potential Abuser. Unit management shall prepare a written PREA Accommodation Strategy based upon those assessments and any relevant information from the victim support person.
- b. All inmates who were identified as being involved in an allegation of sexual abuse (alleged victim and abuser) shall be reassessed in the PREA Risk Assessment System within seventy-two (72) hours of the completion of the final investigation. The Institution Investigator shall notify the Chief of Unit Management of the completion of the investigation and the need for a special assessment.
- i. If the allegation was substantiated, unit management shall assign the inmate the appropriate PREA Classification of Victim or Abuser.
 - ii. If the allegation was unsubstantiated, unit management shall utilize the criteria within the PREA Risk Assessment System and good correctional judgment to determine whether a change in PREA Classification is warranted for each inmate who was alleged to be involved in an unsubstantiated allegation of sexual abuse. Unit management may choose to maintain the PREA Classification assigned during the initial special assessments of the alleged victim and abuser.
 - iii. If the allegation was unfounded, unit management shall remove the automatic PREA Classifications of Potential Abuser and Potential Victim assigned during the initial special assessment. New special assessments shall be completed. Unit Management may choose to reduce the PREA Classification assigned to each inmate.
7. Investigator Responsibilities
- a. All reports of sexual harassment shall be investigated by a qualified, trained designee as assigned by the managing officer and initiated in the electronic PREA incident reporting system within seven (7) calendar days of the incident being reported. The investigation narrative shall include a description of the physical

and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

- b. All reports of sexual abuse and retaliation shall be investigated by the Institution Investigator and initiated in the electronic PREA incident reporting system within seven (7) calendar days of the incident being reported. The investigation narrative shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- c. All allegations of sexual abuse shall be administratively investigated by the institution investigator. Consensual sexual contact and imminent risk of sexual abuse shall be investigated by an employee assigned by the managing officer.
- d. All allegations of sexual misconduct shall be referred for investigation to the Ohio State Highway Patrol (OSHP) unless the allegation does not involve potentially criminal behavior. If the OSHP is responsible for investigating allegations of sexual abuse, the DRC shall request that they follow the investigator protocols as listed in Appendix A of DRC policy 79-ISA-02 (Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation) and that any OSHP investigator conducting such investigations has received training in conducting investigations in confinement settings.
- e. The designated victim support person shall consult with the institution investigator on abuse cases and offer assistance as is appropriate based on their training.
- f. Procedures and Investigation of Sexual Abuse
 - i. If the alleged sexual abuse is recent, as defined by this policy, the requirements of DRC Policy 79-ISA-02 Appendix A - Investigator Protocol shall be followed unless directed otherwise by the OSHP. In addition, the Institution Investigator, if present, or the shift supervisor if the Institution Investigator is not present, shall place the alleged inmate abuser in restricted housing under investigation until the investigation is complete unless other circumstances require the transfer or other placement of the alleged abuser. If the alleged abuser is an employee, the Managing Officer shall determine whether the employee should be placed on Administrative Leave with Pay. During the course of the investigation, the victim and alleged aggressor shall remain separated.
 - ii. If the alleged sexual abuse is not reported or discovered within a time frame to consider it recent, as defined by this policy, the requirements of DRC Policy 79-ISA-02 Appendix A - Investigator Protocol shall be followed unless directed otherwise by the OSHP. The Institution Investigator, if present, or the shift supervisor if the Institution Investigator is not present, shall secure the alleged crime scene if feasible. The alleged aggressor, if known, shall be placed in restrictive housing under investigation.

- g. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution. The Institution Investigator and OSHP shall work together with the local county prosecutor's office to assure appropriate criminal prosecution of sexual misconduct cases. All criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence. Copies of documentary evidence shall be attached when feasible.
- h. When the institution conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports. The institution shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual misconduct are substantiated. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reason behind credibility assessments, and investigative facts and findings.
- i. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- j. The Institution Investigator, and where appropriate, the Institutional PREA OCM shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving suspected perpetrator. 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 inmate or staff. The institution shall not require an inmate 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. When the quality of evidence appears to support criminal prosecution, the institution shall conduct compelled interviews only after consulting with the Ohio State Highway Patrol as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- k. The departure of the alleged Abuser or Victim from the employment or control of the institution or DRC/Corecivic shall not provide a basis for terminating an investigation.
- l. A final decision on all allegations of sexual abuse shall be issued by the Institution Investigator within ninety (90) calendar days of the initial filing. If ninety (90) calendar days is not sufficient to make an appropriate decision, the Institution Investigator may extend the decision up to seventy (70) calendar days. The inmate shall be notified in writing of such extension and be provided a date by which a decision will be made. Following an investigation into an inmate's allegation that he suffered sexual abuse in the institution, the Institution Investigator shall inform the inmate as to whether the allegation has been

determined to be substantiated, unsubstantiated, or unfounded. If the institution did not conduct the investigation, the Institution Investigator shall request relevant information from the Ohio State Highway Patrol in order to inform the inmate.

- i. Upon completion of an inmate sexual abuse allegation against a staff member (unless unfounded), the Institution Investigator shall inform the inmate that the staff member is no longer posted within the inmate's unit, the staff member is no longer employed at the facility, and when the institution learns that the staff member has been indicted and/or convicted on a charge related to the sexual abuse within the institution.
 - ii. Upon completion of an inmate sexual abuse allegation against another inmate (unless unfounded), the Institution Investigator shall inform the inmate victim when the institution learns that the alleged abuser has been indicted and/or convicted on a charge related to sexual abuse within the institution.
 - iii. All such inmate notifications or attempted notifications shall be issued in writing and documented on the 14-2E, Inmate Allegation Status Notification. The inmate shall sign the form, verifying that such notification has been received. The signed form shall be filed in the inmate's institutional file.
 - iv. The institution's obligation to report shall terminate if the inmate is released from the DRC's custody.
 - m. The Institution Investigator shall notify the Chief of Unit Management of the completion of the investigation and the need for a special assessment.
 - n. All substantiated cases of Sexual Abuse, Sexual Harassment or Retaliation shall be reported to the agency PREA Coordinator by the Institutional PREA Operational Compliance Manager via email within seventy-two (72) hours of the conclusion of the case.
8. Prevention of Retaliation
- a. Lake Erie Correctional Institution shall protect all inmates and staff who report sexual misconduct or cooperate with sexual misconduct investigations from retaliation by other inmates and staff. A qualified, trained designee as assigned by the managing officer shall monitor all cases of retaliation.
 - b. All monitoring shall be documented on the PREA Retaliation Monitoring document in the electronic PREA Incident Reporting System. The inmate and/or employee being monitored shall be interviewed during the periodic status check. They shall also sign the completed PREA Retaliation Monitoring report..
 - i. For at least ninety (90) calendar days following the report of sexual misconduct, there shall be monitoring of the conduct and treatment of

inmates or staff who reported the sexual misconduct and of inmates who were reported to have suffered sexual misconduct to see if there are changes that may suggest possible retaliation by inmates or staff, and acts promptly to remedy any such retaliation. Periodic Status checks shall occur at least every thirty (30) calendar days during the monitoring period and shall include: reviewing inmate discipline, housing changes, program changes, job changes, negative performance reviews, or reassignment of staff. Monitoring shall continue beyond ninety (90) calendar days if the initial monitoring indicates a continuing need.

- ii. The institution shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations.
- iii. If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual against retaliation.
- iv. An institution's obligation to monitor retaliation shall terminate if the Institution Investigator/assigned designee determines the allegation is unfounded, the inmate victim or witness is transferred to another institution, or the inmate victim or witness is released from custody.

9. Facility Leadership

- a. The Warden, Assistant Wardens, Chief of Security and executive staff shall ensure all employees, contractors and volunteers under their supervision comply with all PREA requirements by monitoring all sexual abuse, sexual harassment and retaliation reports and incidents, first responder actions, medical and mental health services provided to inmates, victim support actions, investigative actions, inmate discipline and administrative and criminal sanctions.
- b. The Managing Officer shall designate a Sexual Abuse Review Team (SART) to analyze policies, protocols, practices, and preventative measures after each substantiated and unsubstantiated allegation of sexual abuse to determine whether revisions should be made in order to minimize the risk of future sexual abuse incidents.
 - i. The SART shall, at minimum, consist of the Institution Operational Compliance Manager (OCM) - Chair; a Deputy Warden; the Institutional Investigator; a Designated Victim Support Person; and any other staff that may have relevant input, such as unit staff, line supervisors, medical and mental health professionals.

- ii. The SART shall consider:
 - Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - 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;
 - Whether the area in the facility where the incident allegedly occurred contains physical barriers in the area that may enable abuse;
 - The adequacy of staffing levels in that area during different shifts;
 - Whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- iii. The SART shall review all sexual abuse incidents, unless determined to be unfounded. The SART shall complete the Sexual Abuse Case Review in the electronic PREA Incident Reporting System and document the committee findings and recommendations for improvement within thirty (30) calendar days of the conclusion of the investigation. The managing officer may grant an additional fifteen (15) calendar day extension in exigent circumstances.
- iv. The OCM shall advise the Managing Officer of the completed Sexual Abuse Case Review. The Managing Officer shall implement the recommendations outlined in the Sexual Abuse Case Review for improvement or shall document reasons for not doing so. The Managing Officer's signature shall be electronically captured in the PREA Incident Reporting System.