

Perry Multi-County Juvenile Facility

Chapter: 6.0 **PREA**
Section: **Response**
Subject: **Staff Coordinated Response, Director Response, Treatment, Criminal and Administrative Investigation**

Related Standards:
O.A.C. **None**
A.C.A. **3-JCRF-3D-04-8**
P.R.E.A. 28 CFR §115.321 (a)(b)(c)(d)(e)(f)(g)(1)(2)(h) §115.322 (a)(b)(c)(d)(e)
 28 CFR §115.364 (a)(1)(2)(3)(4)(b) §115.365 §115.383 (a)(b)(c)(f)(g)
 28 CFR §115.371 (a)(b)(c)(d)(e)(f)(g)(1)(2)(h)(i)(k)(l)(m) §115.382 (a)(b)(c)(d)

- 1.0 Purpose**
To ensure a coordinated response for victims of sexual assault with provisions in place for referral for treatment and the gathering of evidence.

- 2.0 Persons Affected**
All employees

- 3.0 Policy**
Staff shall take immediate actions to implement a coordinated response to reports of sexual misconduct. Whenever a sexual assault is alleged, an investigation or review into the incident must be conducted and documented. Any state entity or Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy for governing the conduct of such investigations and shall conform to the requirements of the criminal and facility investigations. The facility shall ensure that an administrative review or criminal investigation is promptly, thoroughly, and objectively completed for all allegations of sexual abuse or harassment including third-party and anonymous reports. All residents who experienced sexual abuse shall have access to free off-site forensic medical examinations where evidentiary or medically appropriate.

- 4.0 Definitions/Documents**
Appendix D: Coordinated Response Plan

- 5.0 Responsibility**
 - 5.1 All employees are responsible for immediately responding to allegations of sexual misconduct in accordance with policies and procedures and the coordinated response plan.

- 6.0 Procedures**
 - 6.1 Staff Coordinated Response for Recent Event
An employee who receives any allegation or report of sexual misconduct or possible sexual assault, whether verbally or in writing shall respond immediately. The alleged victim and aggressor shall be separated and remain separated until an investigation or review is completed.

- 6.2 If the first responder is not a security staff member, the responder shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.
- 6.3 The Director and Nurse shall be notified. If the allegation concerns a recent event, the facility shall be placed on lock down while the Perry County Sheriff's Department is notified by the Director or a designee and an ambulance is requested.
- 6.4 The Director or designee will offer the resident a victim advocate from Family Health Services of East Central Ohio. The victim may also request a specific staff member to remain with them during emergency transportation. If staff is able, they may accompany the victim and provide support as requested.
- 6.5 The alleged abuser shall be placed in the watch room on special watch with water turned off. If the abuse occurred within a time period that still allows for the collection of physical evidence, staff shall ensure that the alleged abuser does not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- 6.6 The alleged victim shall be placed on special watch and remain with the staff member of their choosing. If the nurse is available and the alleged victim is able to be moved, he shall go to the nurse office with an accompanying staff member until an ambulance arrives. If the nurse is unavailable, he shall go to the administrative office area with a staff member remaining in full view of cameras until an ambulance arrives. If the abuse occurred within a time period that still allows for the collections of physical evidence, staff should request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- 6.7 If the alleged abuser is an employee, the employee shall be instructed to turn over the facility keys and shall wait for the arrival of the Perry County Sheriff's Department in the administrative office area in full view of the cameras where video recording will ensure staff has not taken any steps to destroy evidence. The employee will be placed on administrative leave pending the outcome of the investigation. The alleged victim shall remain with a staff member of their choosing in the Central Control area.
- 6.8 Staff shall preserve and protect the crime scene until the Perry County Sheriff's Department commences an investigation and takes appropriate steps to collect any evidence. The employee who first received the allegation of sexual abuse or sexual assault is responsible for completing a significant incident report detailing the report and actions taken. All staff involved at the facility at the time of the allegation shall complete an incident report.
- 6.9 The Director or a designee shall be responsible for ensuring appropriate notifications have been made. Notifications may include the Perry County Sheriff's Department, Family Health Services of East Central Ohio, Perry County Children Services, the governing board, and the Ohio Department of Youth Services. Resident's parents and juvenile court must also be notified of the situation in a timely manner.

- 6.10 Discipline and/or additional criminal charges for the alleged aggressor may occur pending investigation results. The Director shall ask for any alleged sexual abuser to be removed to a detention facility pending the results of an investigation. The resident may be returned to the facility pending the outcome of the investigation.
- 6.11 Staff Coordinated Response for Past Allegation of Sexual Abuse or Harassment Any state entity or Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy for governing the conduct of such investigations and shall conform to the requirements of the criminal and facility investigations.
- 6.12 If the allegation concerns an event that occurred in the past where no material evidence exists, the alleged victim and alleged abuser shall be immediately separated and placed upon special watch. The Director shall be notified and will order the Compliance Coordinator to conduct a prompt, thorough and objective review of all the allegations of sexual abuse or harassment including third party and anonymous reports within a maximum of three business days.
- 6.13 A review will also be conducted for allegations of past sexual assault where no corroborating physical evidence is likely to be found. The review will be documented and will determine if the allegation has any foundation. All allegations of sexual abuse or harassment that are determined to have some foundation and involve potentially criminal behavior during a review shall be referred the Perry County Sheriff's Department and/or Perry County Children Services to conduct criminal investigations. This policy shall be publicly available on the PMCJF website with details concerning responsibilities of both the facility and other entities. All referrals shall be documented.
- 6.14 Administrative reviews shall include an effort to determine whether staff 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 reasoning behind credibility assessments, and investigative facts and findings. The alleged victim and alleged victimizer shall remain separated until the conclusion of the review and/or the Perry County Sheriff's Department investigation.
- 6.15 The facility shall not terminate an investigation or review solely because the source of the allegation recants the allegation or the alleged abuser or victim departs from the employment or control of the facility. Where quality of evidence appears to support criminal prosecution, the facility shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. No facility shall require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

- 6.16 The Perry County Sheriff's Department shall be responsible for conducting all investigations of sexual abuse or sexual assault. Their investigative protocols shall be developmentally appropriate and adapted from or otherwise based upon the most recent edition of the Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or similarly comprehensive and authoritative protocols developed after 2011. The Perry County Sheriff's Department investigator shall receive special training in sexual abuse investigations involving juvenile victims. The investigator shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- 6.17 Criminal investigations shall be documented in written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- 6.18 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.
- 6.19 Treatment
To the extent the facility is not responsible, requirements specified below shall be requested to be followed by all state entities outside of the facility responsible for investigating allegations of sexual abuse in juvenile facilities including any Department of Justice component or investigating agency.
- 6.20 Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. The Clinical Coordinator and facility nurse shall each document in case notes in private files noting the timeliness of emergency medical treatment and crisis intervention service that were provided, evaluation of the appropriate response by non-health staff in the event that health staff are not present at the time the incident is reported, and the provision of appropriate and timely information and services concerning sexually transmitted infection prophylaxis.
- 6.21 The facility shall attempt to make available to the victim a victim advocate from the local rape crisis center, Family Health Services of East Central Ohio. A 24-hour hotline is available at 1-800-688-3266. If the local rape crisis center is not available to provide victim advocate services, the facility shall make available to provide these services a qualified staff member from a community-based organization or a qualified facility staff member. Qualifications for victim advocates from the community or facility include prior

screening for appropriateness to serve in this role and receipt of education concerning sexual assault and forensic examination issues in general.

- 6.22 Facilities shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.
- 6.23 The victim may request that a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- 6.24 The facility shall offer the resident who experienced sexual abuse access to forensic medical examination at Genesis Hospital, without financial cost, where evidentiary or medically appropriate. Genesis Hospital has a memorandum of understanding providing that such examination shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. Facility efforts to provide SAFEs or SANEs and requests for this to occur shall be documented. Any alleged victim under the age of fourteen, shall be transported to Children's Hospital in Columbus for SAFE or SANE forensic medical examination.
- 6.25 Resident victims of sexual abuse while incarcerated shall be offered timely information about and access to emergency sexually transmitted infections prophylaxis in accordance with professionally accepted standards or care where medically appropriate. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- 6.26 Any evidence shall be given directly to the Perry County Sheriff's Department or State Highway Patrol. Such evidence includes forensic evidence secured by the emergency room hospital. Supervising staff must obtain copies of examination results.
- 6.27 Upon returning to the facility, the nurse shall be responsible for ensuring that the resident receives testing to include, but not be limited to: Gonorrhea, Chlamydia, Syphilis, Hepatitis B, and HIV testing if testing did not occur at the emergency room. The nurse shall also ensure testing of the alleged aggressor if the aggressor was a youth. Medical follow-up shall reflect re-testing five to six months after the initial test.
- 6.28 The resident shall be seen by the facility mental health professional as soon as possible. Other appropriate referrals shall be made.

6.29 If the victimization was not recent, the facility nurse may be contacted and appropriate referrals for treatment and gathering of evidence shall be made within a reasonable timeframe. Residents will be permitted to call the victim support hotline and/or talk to the Mental Health Professional as needed.

6.30 Electronic Monitoring Evidence

Available electronic monitoring data shall be accessed by the Director, Assistant Director, Compliance Coordinator, and Shift Supervisors only. When observations reveal evidence of sexual abuse, data will be preserved as evidence and turned over to the Perry County Sheriff's Department for investigation.

7.0 Document Approval

Signature: *Jean Ann Wells*

8.0 Review History

Date Issued:	06-03-14	Date Reviewed:	07-17-18; 07-16-19; 07-21-20; 07-20-21
Prior Effective Date:	06-25-15; 07-18-17; 07-17-18		
Date Revised:	07-21-20		