



CORRECTIONS CENTER OF NORTHWEST OHIO
STRYKER, OHIO

POLICY AND PROCEDURES

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POLICY: Sexual Assault and Sexual Misconduct with Offenders	PAGE: 1 of 18	SUPERSEDES NO: 5002 dated 6/14/16	DATE OF ISSUE: 11/14/16	EFFECTIVE DATE: 11/21/16
CROSS REFERENCE CCNO POLICY:	5001, 5005			

5002 – SEXUAL ASSAULT AND SEXUAL MISCONDUCT WITH OFFENDERS

State Standards: None

American Correctional Association Standards: 4-ALDF-2A-29, 4-ALDF-2A-34, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4-ALDF-4D-22-3, 4-ALDF-4D-22-4, 4-ALDF-4D-22-5, 4-ALDF-4D-22-6, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8

PREA Standards: 115.11(a,b,c,d); 115.21(a,c,d,e,f,g,h); 115.51(a,b,c,d); 115.52; 115.53(a,b); 115.54(a); 115.6; 115.61(a,b,c,d,e); 115.62(a); 115.63(a,b,c,d); 115.64; 115.65; 115.67(a,b,c); 115.77(a,b); 115.78(a,b,c,d,e,f,g); 115.83(a,b,c,d,e,f,g,h); 115.86(a,b,c,d1,d2,d3,d4,d5,d6,e); 115.87(a,b,c,d,e,f); 115.88(a1,a2,a3,b,c); 115.89(a,b,c); 115.93

Policy:

This policy is issued in compliance with Ohio Revised Code 307.93 which delegates to the Executive Director of the Corrections Commission of Northwest Ohio the authority to manage and direct the total operations of the Corrections Center of Northwest Ohio (CCNO). The CCNO mandates a zero tolerance toward all forms of sexual abuse and sexual harassment. The Executive Director is the agency PREA Coordinator and will oversee the agency efforts to comply with the PREA standards **(115.11[a])**.

The following procedures are established at the CCNO in order to discourage and prevent staff/offender sexual misconduct and offender on offender sexual abuse by providing clear definitions of prohibited conduct, establishing uniform methods for the prompt reporting and investigation of allegations of misconduct, and prescribing sanctions for both substantiated misconduct and false allegations. The CCNO prohibits sexual harassment, sexual abuse, and staff sexual misconduct. Due to the offender's custody or supervision status, in accordance with Public Law 108-79, ORC 2907.03 and these procedures, no prohibited act of sexual abuse can have as an affirmative defense, a claim of consent.

This policy is to provide guidelines for the prevention, detention, response, investigation, and tracking of sexual abuse. This policy applies to all offenders, and to all persons employed by the Corrections Commission of Northwest Ohio, volunteers and contractors working at CCNO and/or providing services to offenders.

Corrective action for contractors and volunteers: Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The CCNO shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of CCNO sexual abuse or sexual harassment policies by a contractor or volunteer **(115.77[a][b])**.

It is the policy of the CCNO to provide a safe, humane and appropriately secure environment, free from the threat of sexual harassment and sexual assault for all offenders, by maintaining a program of prevention, detection, response, investigation and tracking. During the admissions process offenders will be provided information about sexual abuse/assault including: prevention/intervention, self-protection, reporting sexual abuse/assault and treatment and counseling. The information is communicated orally and in writing, in a language clearly understood by the offender, including limited English, deaf, disabled, upon arrival at the facility **(4-ALDF-2A-29)**.

- I. Definitions of Prohibited Conduct – The following prohibitions apply to all employees, volunteers, and contract staff of the CCNO and conduct affecting any offender under the care, custody, or supervision of the CCNO. Being found guilty of any of the prohibited conduct will result in disciplinary action. Sexual conduct between staff and offenders, volunteers or contract personnel and offenders, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions **(4-ALDF-4D-22-5)**.

General definitions **(115.5)**. For purposes of this part, the term:

- A. *Abuser* – The person or individual committing a sexual assault against another.
- B. *Agency* – the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority. This would be the Corrections Commission of Northwest Ohio.
- C. *Agency head* – the principal official of an agency. The Executive Director is the agency head.
- D. *Community confinement facility* – a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.
- E. *Contractor* – a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
- F. *Detainee* – any person detained in a lockup, regardless of adjudication status.
- G. *Direct staff supervision* – security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.
- H. *Employee* – a person who works directly for the agency or facility.
- I. *Exigent circumstances* – any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
- J. *Facility* – a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals. The Corrections Center of Northwest Ohio is the facility.
- K. *Facility Head* – the principal official of a facility. The Executive Director is the Facility Head.
- L. *Full compliance* – compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.
- M. *Gender nonconforming* – a person whose appearance or manner does not conform to traditional societal gender expectations.
- N. *Inmate* – any person incarcerated or detained in a prison or jail.

- O. *Interference with Official Process* – Any failure to report or cover-up an incident of sexual misconduct, making an allegation or statement that the party or witness knew could not have been true, or any other form of failure to cooperate with an investigation or inquiry. Interference with official process will result in employee discipline.
- P. *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.
- Q. *Jail* – a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
- R. *Juvenile* – any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- S. *Juvenile facility* – a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.
- T. *Law enforcement staff* – employees responsible for the supervision and control of detainees in lockups.
- U. *Lockup* – a facility that contains holding cells, cell blocks, or other secure enclosures that are:
 1. Under the control of a law enforcement, court, or custodial officer; and
 2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.
- V. *Medical practitioner* – a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- W. *Mental health practitioner* – a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- X. *Offender Fraternization* – Prohibited activities with offenders and ex-offenders. Engaging in any non-professional association, contact, or personal relationship with offenders, ex-offenders, or members of their families, which compromises the employee’s ability to effectively discharge their professional duties. Exceptions include family members and previously established relationships.
 1. The following activities with offenders and ex-offenders are **strictly** prohibited:
 - a. No employee will develop or suggest the development of a relationship with an offender while incarcerated.
 - b. Personal trading, selling, or buying of any possession or other article/s of value.
 - c. Accepting or offering a gift, money, or anything of value, directly or indirectly. This prohibition includes any member of the offender’s family.
 - d. Giving, receiving, or loaning money, or anything of value, for any purpose.
 - e. Delivering or sending verbal or written messages which are not within the scope of the employee’s assigned duties.
 - f. Engaging in any other activity which constitutes, or offers the opportunity for, abuse of the employee’s position. Showing favoritism in job, housing or program assignments.
 - g. Sharing personal, intimate and/or sexual information.
 - h. Communicating with ex-offenders (including email, texts, delivering or sending verbal or written messages or sending or accepting “friend requests”) within 180 days of the date of their discharge or termination from custody or supervision.

- Y. *Pat-down search* – a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.
- Z. *Prison* – an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.
- AA. *Resident* – any person confined or detained in a juvenile facility or in a community confinement facility.
- BB. *Retaliation* – An act of vengeance, covert or overt action, or threat of action, taken against an offender in response to the offender’s complaint of sexual misconduct or cooperation in the reporting or investigation of sexual misconduct, regardless of the merits or the disposition of the complaint. Examples of acts of retaliation are unnecessary discipline, intimidation, unnecessary changes in work or program assignments, unjustified transfers or placements, unjustified denials of privileges or services. Retaliation will result in disciplinary action against an employee.
- CC. *Secure juvenile facility* – a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.
- DD. *Security staff* – employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.
- EE. *Sexual Conduct* – As stated in the ORC 2907.01 sexual conduct means 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 cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- FF. *Staff* – employees.
- GG. *Strip search* – a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.
- HH. *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.
- II. *Substantiated allegation* – an allegation that was investigated and determined to have occurred.
- JJ. *Unfounded allegation* – an allegation that was investigated and determined not to have occurred.
- KK. *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.
- LL. *Victim* – The person sexually abused
- MM. *Victim Support Person* – A Williams County Victim Services employee that has been specially trained to support an alleged victim/offender during the investigation of the alleged sexual assault. Their services are defined in an MOU.
- NN. *Volunteer* – an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
- OO. *Youthful inmate* – any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

- PP. *Youthful detainee* – any person under the age of 18 who is under adult court supervision and detained in a lockup.

Definitions related to sexual abuse (**115.6**). For purposes of this part, the term:

- A. *Sexual abuse* includes:
1. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
 2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
- B. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- C. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
 8. Voyeurism by a staff member, contractor, or volunteer.
 - a. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
- D. Sexual harassment includes:
1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
 2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Procedures:

I. Identifying and Screening For Sexually Assaultive Behavior

- A. Offenders identified as high risk with a history of sexually assaultive behavior are assessed by a mental health or other qualified professional. Offenders with a history of sexually assaultive behavior are identified, monitored, and counseled **(4-ALDF-4D-22-3)**.
- B. Offenders identified as at risk for sexual victimization are assessed by a mental health or other qualified professional. Offenders at risk for sexual victimization are identified, monitored, and counseled **(4-ALDF-4D-22-4)**.
- C. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule **(4-ALDF-4D-22-8)**.
- D. Offenders identified as high risk with a history of manipulative behavior with CCNO employees, contract staff, volunteers, or the public will be identified in CCNO's Inmate Records (IR) system as being manipulative. Identified manipulative offenders will be allowed to work as offender workers in a housing unit only. At no time should a manipulative offender be allowed to work outside a housing unit.
 - 1. Offenders will be identified through an investigation ordered by the Executive Director and reviewed each time offender may return to CCNO.

II. Employees/Contract Employees/Volunteers

- A. Employees, Contract Employees and Volunteers are responsible for:
 - 1. Adhering to these procedures by ensuring that their conduct does not constitute or promote sexual harassment, sexual misconduct, or offender on offender sexual assault nor in any other way violate the provisions of these procedures.
 - 2. Immediately reporting any known or suspected act, or allegation, of sexual misconduct, sexual assault, sexual harassment, or retaliation to the Executive Director through the appropriate chain of command.
 - 3. The victim does not have to name the abuser to receive services.
 - 4. Corrective action for contractors and volunteers
 - a. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies **(115.77[a])**.
 - b. The CCNO takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of CCNO sexual abuse or sexual harassment policies by a contractor or volunteer **(115.77[b])**.
- B. Directors, Investigator, Commanders, Managers, Program Supervisors and Correctional Supervisors are responsible for:
 - 1. Treating all reported incidents of prohibited conduct seriously and ensuring that all known or suspected acts, or allegations of sexual harassment, of sexual misconduct, or offender on offender sexual assault are reported immediately and referred for investigation.
 - 2. Ensuring that all substantiated allegations of prohibited conduct and all allegations that are substantiated as false are referred appropriately for disciplinary action.
 - 3. Ensuring that all offenders who report that they have been sexually abused or assaulted are appropriately referred to medical for psychological evaluation and receive appropriate ongoing support.
 - 4. Ensuring that offender orientation includes offender on offender sexual abuse, sexual misconduct and retaliation, understand the process by which such incidents are prevented, reported and investigated, and are informed of the sanctions for making false allegations against a staff member.
 - 5. Ensuring that adequate measures have been taken to provide separation between the affected offender and staff member during the investigation. Also ensure that such separation does not represent a form of punishment for the offender.

6. Taking appropriate disciplinary actions and applying appropriate sanctions for substantiated misconduct and false allegations. In the event that there is a preponderance of evidence that an act has been committed, a pre-disciplinary hearing will be scheduled.
7. Referring all substantiated staff-offender sexual misconduct and offender on offender sexual abuse, which violates state statutes, to the local Sheriff's office and prosecutor's office for criminal prosecution.
8. Ensuring any instance of alleged staff sexual misconduct is reported to the appropriate department Director.

III. General Provisions

- A. All offenders shall receive a mental health screening and/or appraisal at reception and upon arrival at CCNO. This screening and/or appraisal shall include potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. A single occupancy cell shall be assigned accordingly **(4-ALDF-4D-22-1)**.
- B. Any housing concerns noted by mental health screening at reception regarding an offender's history of sexual abuse-victimization or sexually predatory behavior shall be communicated to the Shift Commander/OIC. A Corrections Supervisor shall then interview and discuss with the offender these concerns. As a result of said interview staff may facilitate a bed or unit reassignment. All offenders considered sexual predators or who are likely to be exploited or victimized by others shall be assigned a single occupancy cell **(4-ALDF-2A-34)**.
- C. Offender access to outside confidential support services **(115.53)**
 1. The CCNO shall provide offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The CCNO shall enable reasonable communication between offenders and these organization and agencies, in as confidential a manner as possible **(115.53[a])**.
 2. The CCNO shall inform offenders, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws **(115.53[b])**.
 3. The CCNO shall maintain a memoranda of understanding or other agreements with community service providers that are able to provide offenders with confidential emotional support services related to sexual abuse. The CCNO shall maintain copies of agreements or documentation showing attempts to enter into such agreements **(115.53[c])**.
- D. Exhaustion of Administrative Remedies **(115.52)**
 1. The CCNO shall not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse **(115.52[b1])**.
 - a. The CCNO may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse **(115.52[b2])**.
 - b. The CCNO shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse **(115.52[b3])**.
 - c. Nothing in this section shall restrict the CCNO's ability to defend against an offender lawsuit on the ground that the applicable statute of limitations has expired **(115.52[b4])**.
 2. The CCNO shall ensure that:
 - a. An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint **(115.52[c1])**, and
 - b. Such grievance is not referred to a staff member who is the subject of the complaint **(115.52[c2])**.
 3. The CCNO shall issue a final CCNO decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance **(115.52[d1])**.

- a. Computation of the 90-day time period shall not include time consumed by offenders in preparing any administrative appeal **(115.52[d2])**.
 - b. The CCNO may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The CCNO shall notify the offender in writing of any such extension and provide a date by which a decision will be made **(115.52[d3])**.
 - c. At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for reply, including any properly noticed extension, the offender may consider the absence of a response to be a denial at that level **(115.52[d4])**.
4. Third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of offenders.
- a. If a third party files such a request on behalf of an offender, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
 - b. If the offender declines to have the request processed on his or her behalf, the CCNO shall document the offender's decision.
5. The CCNO shall establish procedures for the filing of an emergency grievance alleging that an offender is subject to a substantial risk of imminent sexual abuse.
- a. After receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, the CCNO shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the CCNO's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance **(115.62[a])**.
6. The CCNO may discipline an offender for filing a grievance related to alleged sexual abuse only where the CCNO demonstrates that the offender filed the grievance in bad faith.

IV. Reporting and Investigation of Sexual Assaults **(115.51)**

- A. The CCNO provides multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents **(115.51[a])**.
- B. The CCNO shall also provide at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to CCNO officials, allowing the offender to remain anonymous upon request. Offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security **(115.51[b])**.
- C. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports **(115.51[c])**.
- D. The CCNO shall provide a method for staff to privately report sexual abuse and sexual harassment of offenders through the CCNO web page **(115.51[d])**.
- E. The CCNO shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an offender **(115.54[a])**.

- F. An investigation is conducted and documented whenever a sexual assault or threat is reported **(4-ALDF-4D-22-2)**.
- G. First Response - An offender may report sexual harassment, a sexual assault or sexual misconduct to any employee, contract employee or volunteer. Anyone that receives a report of a sexual harassment, assault or sexual misconduct or possible sexual assault, whether verbally or in writing, shall immediately notify the Shift Commander/OIC and complete an incident report.
1. Staff and agency reporting duties **(115.61)**
 - a. The CCNO shall require all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of the CCNO; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation **(115.61[a])**.
 - b. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in CCNO policy, to make treatment, investigation, and other security and management decisions **(115.61[b])**.
 - c. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph "a" of this section and to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services **(115.61[c])**.
 - d. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws **(115.61[d])**.
 - e. The CCNO shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the CCNO's designated investigators.
 2. Staff First Responder Duties **(115.64)**
 - a. Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report shall be required to:
 1. Separate the alleged victim and abuser **(115.64[a1])**;
 2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence **(115.64[a2])**;
 3. If the abuse occurred within a time period that still allows for the collection of physical evidence, 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 **(115.64[a3])**; and
 4. If the abuse occurred within a time period that still allows for the collection of physical evidence, 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 **(115.64[a4])**.
 - b. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff **(115.64[b])**.

The First Responder checklist (see Attachment #5002-A) will guide the employee who receives the initial sexual assault complaint. The Corrections Supervisor on the scene shall assure that the alleged victim and alleged aggressor are physically separated. The designated Correctional Supervisor will refer to the Supervisor on the Scene checklist (see Attachment #5002-B). The alleged victim shall be advised by the employee receiving the report and/or the Supervisor not to shower or otherwise clean themselves, or if the assault was oral, to not drink or brush their teeth, or otherwise take any action that could damage or destroy evidence. If the alleged assault has occurred within the previous 72 hours, or other circumstances dictate, arrangements shall be promptly made to have the alleged offender/victim examined by medical services. All allegations of sexual abuse/harassment shall be reported **(4-ALDF-4D-22-7)**. The First Responder Checklist

(see Attachment #5002A) and Supervisor Checklist (see Attachment #5002B) will be available at each post.

- H. Coordinated Response **(115.65)**
 - 1. The CCNO shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership **(115.65[a])**.

- I. General Investigatory Guidelines – All investigations or allegations which could, if substantiated, result in criminal prosecution, will adhere to the guidelines established in CCNO policies: #5005 – Criminal Activity on CCNO Grounds and #5001 – Internal Investigations.
 - 1. To the extent the CCNO is responsible for investigating allegations of sexual abuse, the CCNO shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions **(115.21 a)**.
 - 2. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. 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 **(115.21[b])**.
 - 3. To the extent the CCNO itself is not responsible for investigating allegations of sexual abuse, the CCNO shall request that the Williams County Sheriff’s Office follow the requirements of CCNO Policy #5002 **(115.21 f)**.
 - 4. The above requirements of this policy shall also apply to **(115.21 g [1,2])**:
 - a. Any State entity outside of the CCNO that is responsible for investigating allegations of sexual abuse in prisons or jails; and
 - b. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.
 - 5. For the purposes of this section, a qualified CCNO staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general **(115.21 h)**.

- J. Investigative Techniques – Interviews will be conducted in a thorough, professional, non-abusive and non-threatening manner consistent with acceptable practices for potentially traumatized victims of sex crimes.
 - 1. A male and female Investigator will be assigned to all approved investigations of sexual abuse.

- K. Medical Services Responsibilities - The medical provider will follow medical protocol, which includes provisions for examination, documentation, transport to the local emergency department when appropriate, collection of forensic evidence, testing for sexually transmitted diseases, counseling as appropriate, prophylactic treatment, follow-up and mental health assessment.
 - 1. The CCNO shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFE’s) or Sexual Assault Nurse Examiners (SANE’s) where possible. If SAFE’s or SANE’s cannot be made available, the examination can be performed by other qualified medical practitioners. The CCNO shall document its efforts to provide SAFE’s or SANE’s **(115.21 c)**.
 - 2. The CCNO shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the CCNO shall make available to provide these services a qualified staff member from a community-based organization, or a qualified CCNO staff member. CCNO 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, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The CCNO 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 (such as

- a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services **(115.21 d)**.
3. As requested by the victim, the victim advocate, qualified CCNO staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals **115.21 e)**.
 4. Offender victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests **(115.83 d)**.
 5. If pregnancy results from the conduct described in paragraph 4 of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services **115.83 e)**.
 6. Ongoing medical and mental health care for sexual abuse victims and abusers.
 - a. The CCNO shall offer medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility **(115.83[a])**.
 - b. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody **(115.83[b])**.
 - c. The CCNO shall provide such victims with medical and mental health services consistent with the community level of care **(115.83[c])**.
 - d. Offender victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate **(115.83[f])**.
 - e. 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 **(115.83[g])**.
 - f. The Mental Health Specialist will attempt to conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners **(115.83[h])**.
- L. Mental Health Practitioner - The mental health professional shall be notified as soon as possible, but no later than the next business day, that an alleged sexual assault has occurred. This person will consult with the Investigator on the case and offer assistance as is appropriate. The victim will be evaluated for services during incarceration and post release.
- M. Investigation of Recent Sexual Assaults - If the alleged sexual assault is reported or discovered the following steps shall be taken by the Investigator, if present, or the Shift Commander/OIC if the Investigator is not present:
1. Notification shall be immediately made to the Williams County Sheriff's Office and CCNO Investigator. If a designated victim support person is on site they shall also be notified. Otherwise, they shall be notified no later than the next business day.
 2. In preparation of transporting the alleged victim to the hospital's emergency room the offender shall be provided and instructed to undress over a clean sheet, in order to collect any potential forensic evidence that may fall from their person. The sheet along with the offender's clothing shall be collected as evidence and placed in a paper bag with an appropriate chain of evidence form attached.
 3. A determination shall be made, based upon the amount of time that has passed since the alleged incident and the possibility of evidence still existing, as to whether the alleged aggressor, if known, should be placed in a dry cell to preserve forensic evidence. If an offender is placed in a dry cell for purposes of preserving forensic evidence, the offender shall be strip searched and all possessions taken from them and a paper gown issued. No offender placed in a dry cell per this policy shall remain in such status longer than sixteen (16) hours. The offender shall be logged every 20 minutes.
 4. A determination shall be made, based upon the amount of time that has passed since the alleged incident and other factors, whether there is a possibility of evidence still existing at the crime scene. If it is determined that evidence may still exist and it is possible, the crime scene shall be secured and any potential evidence shall remain in place for Williams County Sheriff's Investigator's examination and investigation. If the crime scene cannot be secured the crime scene shall be photographed and/or videotaped, and the

- evidence, if any, collected and placed in a paper bag with a chain of evidence form (refer to Policy #5005 Criminal Activity on CCNO Property).
5. The only persons that should be entering a secured crime scene are Williams County Deputies, the CCNO Investigator, or Medical Staff, as needed.
 6. A log shall be maintained of anyone entering the crime scene until Williams County Sheriff's Office releases it.
 7. When the alleged victim returns from the emergency room, they shall be placed in a safe cell located in the infirmary. If the facility does not have a safe cell in the infirmary available, the offender shall be placed in another designated safe cell, until released by the Psychologist. Placement in a safe cell under this provision does not require that the offender be placed on watch status unless such a status has been otherwise initiated per CCNO policy.
 8. The alleged aggressor shall be held in segregation under investigation until the investigation is complete, unless other circumstances require the transfer of the alleged aggressor. During the course of the investigation the alleged victim and the alleged aggressor shall remain separated. The victim support person shall be permitted to sit in on any interviews of the victim consistent with this section.
 9. Forensic evidence collected by the emergency room hospital will only be released to the Williams County Sheriff's Office. CCNO staff should not attempt to retrieve this evidence from the hospital.
 10. Williams County Victim Services will be contacted for victims of sexual assault. An MOU exists that lists all services to be provided. All services are confidential unless it affects the safety of the victim.
- N. Investigation of Sexual Assaults Occurring 73 or More Hours in the Past - If the alleged sexual assault is reported or discovered 73 or more hours after the incident, in addition to the provisions in Section E, the following steps shall be taken by the Shift Commander/OIC or Investigator:
1. Secure the alleged crime scene if feasible, as forensic evidence may still exist.
 2. Place the alleged victim in an individual cell, such as the infirmary or segregation.
 3. The alleged aggressor, if known, shall be placed in segregation under investigation.
 4. The Williams County Sheriff's Office and the CCNO Investigator shall be notified, as well as an on-site designated victim support person. If the victim support person is not on-site, they shall be notified no later than the next business day.
 5. The Williams County Sheriff's Office and the CCNO Investigator will typically conduct separate interviews of the alleged victim and alleged aggressor. The victim support person shall be permitted to sit in on any interviews of the victim consistent with Section E.
- O. Victims of sexual assault or sexual misconduct are referred under appropriate security provisions to Williams Co. Hospital for treatment and gathering of evidence.
1. A report is made to the facility or program administrator or designee to assure separation of the victim from their assailant **(4-ALDF-4D-22-6)**.
- P. Prosecutions - The CCNO Investigator and Williams County Sheriff's Office shall work together with the Williams County Prosecutor's Office to assure appropriate criminal prosecution of cases of sexual assault and sexual misconduct.
- Q. The Investigator shall report allegations of offender on offender assault and staff sexual misconduct, as defined by this policy, on an incident report, along with the dispositions of same. All case records associated with claims of sexual assault, including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with the CCNO Records Retention Schedule.
- R. Agency protection against retaliation **(115.67)**
1. The CCNO shall establish a policy to protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff, and shall designate which staff members or departments are charged with monitoring retaliation. The Human

Resources Manager will monitor for retaliation against staff. The Investigator will monitor for retaliation against an offender **(115.67[a])**.

2. The CCNO shall employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations **(115.67[b])**.
 3. For at least 90 days following a report of sexual abuse, the CCNO shall monitor the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff, and shall act promptly to remedy any such retaliation. Items the CCNO should monitor include any offender disciplinary reports, housing, or program changes, or negative performance review or reassignments of staff. The CCNO shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need **(115.67[c])**.
 4. In the case of offenders, such monitoring shall also include periodic status checks **(115.67[d])**.
 5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the CCNO shall take appropriate measures to protect that individual against retaliation **(115.67[e])**.
 6. The CCNO's obligation to monitor shall terminate if the CCNO determines that the allegation is unfounded **(115.67[f])**.
- S. Findings/Recommendations – The investigative report will indicate whether the evidence supports a finding that misconduct has occurred or the allegations are false, or the evidence is inconclusive. In the event there is a finding of misconduct which violates state statute, a copy of the report and supporting documentation/evidence will be forwarded for criminal prosecution. The requirements of this policy shall also apply to **(115.21 g)**:
1. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and **(115.21 g[1])**.
 2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails **(115.21 g[2])**.
 3. Sexual abuse incident reviews **(115.86)**
 - a. The CCNO shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded **(115.86[a])**.
 - b. Such review shall ordinarily occur within 30 days of the conclusion of the investigation **(115.86[b])**, to be held the first Tuesday of each month **(115.86[c])**.
 - c. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
 - d. The review team shall:
 - (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse **(115.86[d1])**.
 - (2) 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 **(115.86[d2])**;
 - (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse **(115.86[d3])**;
 - (4) Assess the adequacy of staffing levels in that area during different shifts **(115.86[d4])**;
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff **(115.86[d5])**; and
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section,

- and any recommendations for improvement and submit such report to the Executive Director and PREA compliance manager **(115.86[d6])**.
- e. The CCNO shall implement the recommendations for improvement, or shall document its reasons for not doing so **(115.86[e])**.
4. **Data collection (115.87)**
 - a. The CCNO shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions **(115.87[a])**.
 - b. The CCNO shall aggregate the incident-based sexual abuse data at least annually **(115.87[b])**.
 - c. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice **(115.87[c])**.
 - d. The CCNO shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews **(115.87[d])**.
 - e. The CCNO also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders **(115.87[e])**.
 - f. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 **(115.87[f])**.
 5. **Data review for corrective action (115.88[a])**
 - a. The CCNO shall review data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - (1) Identifying problem areas **(115.88[a1])**;
 - (2) Taking corrective action on an ongoing basis **(115.88[a2])**; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the CCNO as a whole **(115.88[a3])**.
 - b. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the CCNO's progress in addressing sexual abuse **(115.88[b])**.
 - c. The CCNO's report shall be approved by the Executive Director and made readily available to the public through its website or, if it does not have one, through other means **(115.88[c])**.
 - d. The CCNO may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted **(115.88[d])**.
 6. **Data storage, publication, and destruction (115.89)**
 - a. The CCNO shall ensure that data collected pursuant to §115.87 are securely retained **(115.89[a])**.
 - b. The CCNO shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means **(115.89[b])**.
 - c. Before making aggregated sexual abuse data publicly available, the CCNO shall remove all personal identifiers **(115.89[c])**.
 - d. The CCNO shall maintain sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise **(115.89[d])**.
 7. **Audits of standards (115.93)**
 - a. The CCNO shall conduct audits pursuant to §§115.401-.405.

V. **Reporting to other confinement facilities (115.63)**

- A. Upon receiving an allegation that an offender was sexually abused while confined at another facility, the Executive Director that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred **(115.63[a])**.

- B. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation **(115.63[b])**.
 - C. The CCNO shall document that it has provided such notification **(115.63[c])**.
 - D. The Executive Director when receiving such notification shall ensure that the allegation is investigated in accordance with these standards **(115.63[d])**.
- VI. Any exceptions to this procedure will require prior written approval from the Executive Director.

Sexual Assault – First Responder

Date / Time _____ Location _____

Staff Member _____ Supervisor _____

Check /
Time

Sexual Assault / Abuse in Progress

_____ Issue a verbal order to “Stop what you are doing now!”

_____ Avoid physical intervention until back up arrives. Time back up arrived.

_____ Identify the offenders involved, remove victim(s) from the immediate area and offer immediate protection. Names: _____

_____ Contact Supervisor / Commander / Medical. Names: _____

_____ Unit / area lockdown

_____ Clearly document reporting source (e.g., who, what, when, where, time, date, address/location, contact info and parties involved).

_____ Any persons attempting to leave or enter the scene. Names: _____

_____ Approach the scene cautiously; scan the entire area to thoroughly assess the scene and note any possible secondary scene. List: _____

Secure the Crime Scene / Set a Perimeter

_____ Control all individuals at the scene to prevent individuals from destroying physical evidence by restricting movement, preserve and secure any potential crime scene. One of the most important aspects of securing the crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence.

_____ Initial observations (look and listen) to assess the scene and ensure staff safety before proceeding. List initial observations: _____

_____ Call for medical personnel. Point out potential physical evidence to medical personnel; instruct them to minimize contact with such evidence. Evidence notes.

_____ Obtain the name, rank and contact info of attending personnel. List: _____

_____ Witnesses, be aware of any persons in the vicinity that may be related to the crime (lookouts or potential suspects). List: _____

_____ Determine if there are any concerns as to the protection of victims, witnesses, suspects, evidence or the safety of the institution. List concerns: _____

_____ Encourage victim not to bathe, douche or engage in an activity that may alter, contaminate or destroy potential evidence. Victim's actions: _____

_____ Crime scene secured by Investigator, Williams County Sheriff's Office. List: _____

_____ Prepare a detailed crime scene briefing for the investigator in charge. This should include any statements or comments made from witnesses, victims and suspects.

_____ Crime scene released (time/date)

Inmate on Inmate Sexual Assault Supervisor on the Scene

Date/Time _____	Location _____
Officer _____	Supervisor _____
Perpetrator(s) _____	Victim(s) _____
_____	_____
_____	_____

Check/ Time

_____ Medical on scene
 _____ - Follow up actions _____

_____ Lock down protocol

_____ Separation and escort

_____ Crime scene perimeter, where _____
 - High traffic area (dorm, bathroom, shower, work area, booking, food service)
 - Is it a hostile environment, special precautions _____

 - Operationally what needs to change? Work arounds _____
 - List of witnesses _____
 - Separation of witnesses, escorted and held where? _____
 - Control/order. Any problems? _____

_____ Secure any time sensitive evidence such as video surveillance tapes.

_____ Copy relevant logs (security checks, code checks, movement logs, etc.)

_____ Review incident reports (content, spelling, grammar, correct names and numbers)

_____ Summary of incident
 - Actions, initial review of correct response of policy

_____ Pass on information for briefing

_____ Relief of first responder for reports/interview

_____ Keep reported information confidential to include briefing. Example: there was a sexual assault in B unit on second shift. The perpetrator is in ED. _____

_____ Investigator(s) on scene

_____ Director(s) on scene

_____ Post order, log, policy review, corrective actions, recommended changes
