

MCJAS SYSTEM DIRECTIVES
OFFICE OF THE SUPERINTENDENT

SYSTEM DIRECTIVE: Y-6
SUBJECT: Prison Rape Elimination Act (PREA)
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 ORC 2907.03
 PREA Standards
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Authorized By: _____ Superintendent

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

POLICY:

Zero Tolerance of Sexual Abuse and Harassment

[PREA115.311(a)]

The Multi-County Juvenile Attention System has a zero tolerance policy against all forms of sexual abuse and sexual harassment.

It is the policy of the Multi-County Juvenile Attention System to ensure that sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, regardless of age, or consensual status, is prohibited, regardless of accidental mistakes, ignorance, or extenuating circumstances and subject to administrative and criminal disciplinary sanctions. All employees, volunteers and independent contractors are expected to have a clear understanding that the system strictly prohibits any type of sexual relationship with any individual under our supervision, and that such behavior will not be tolerated. Engaging in a personal and/or sexual relationship or behavior that would constitute sexual harassment will result in disciplinary action up to and including employment

termination and/or termination of the contractual or volunteer status, and formal criminal charges. Anyone engaging in behavior described in Chapter 2907.03 of the Ohio Revised Code will be prohibited from entering MCJAS property pending an administrative and criminal investigation.

The Compliance Officer is Multi-County Juvenile Attention System's agency wide PREA Coordinator who will develop, implement, and oversee agency efforts to comply with the PREA standards in all facilities.

Each Multi-County facility has designated the administrator as the PREA compliance manager with the exception of CCF where the ACA Coordinator has been designated. These individuals will have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

Youth to youth sexual activity, sexual assault, rape, sexual conduct and sexual contact as defined in this policy and within Ohio Revised Code are prohibited. Information shall be provided to juveniles about sexual abuse/assault including: prevention/intervention, self-protection, reporting sexual abuse/assault, medical treatment and mental health counseling. This information shall be communicated orally and in writing, in a language clearly understood by the juvenile, at reception during intake into the facility. Each institution shall be responsible for incorporating this information into the Youth Handbook at the site. This information shall be available on each housing unit and in the clinic in a self-serve format via pamphlet, "What You Should Know about Sexual Abuse and Assault". Training for youth on this topic shall be verified in writing.

Any employee who is a witness to or has knowledge of any sexual activity, assault, sexual harassment and/or rape shall be responsible to immediately report it to the site manager or designee. An employee who knowingly fails to report sexual activity, assault, sexual harassment and/or rape of a youth shall be subject to disciplinary actions.

Any employee or youth of Multi-County Juvenile Attention System is prohibited from retaliating against other employees or youth for reporting allegations of sexual activity/assault. Employees and/or youth who are found to have violated this prohibition shall be subject to disciplinary action.

Staff will execute the MCJAS Response to Sexual Abuse and Sexual Assault Plan when responding to an incident of sexual abuse or sexual assault. This plan coordinates the actions taken by staff first responders, medical and behavioral health services clinicians, investigators, and Administrators.

GENERAL DEFINITIONS:

For purposes of these policies and procedures, the term—

Agency means 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.

Agency head means the principal official of an agency.

Community confinement facility means 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.

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

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

Exigent circumstances mean 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.

Facility means 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.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means 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.

Jail means 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.

Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means 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.

Medical practitioner means 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.

Mental health practitioner means 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.

Pat-down search means 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.

Prison means 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.

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility means 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 resident's 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.

Security staff means 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.

Staff means employees.

Strip search means 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.

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

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

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

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

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

Definitions related to sexual abuse.

For purposes of this part, the term—
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.

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.

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.

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.

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 gesture

PREA Coordinator

[PREA 115.311(b)]

The Multi- County Juvenile Attention System (MCJAS) has a Compliance Officer as the PREA Coordinator with sufficient time and authority to develop, implement, and oversee the agency's efforts to comply with the PREA standards in all facilities.

[PREA 115.311(c)]

MCJAS has designated the administrator of each facility as the PREA Compliance Manager (PCM) for their facility. The only exception being the Community Corrections Facility where the ACA Coordinator has been designated. The PCM's have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. PREA Coordinator and PCM serve as a resource with regard to all PREA matters and its applicable Standards.

In the event of a PREA incident the PREA Compliance Managers will report to the C.O.O. who will then consult the PREA Coordinator on all PREA specific related incidents. The PREA Compliance Managers may contact the PREA Coordinator directly if they have questions on policy or procedure. PREA Compliance Managers are to submit a copy of the PREA Incident Summary and Youth Safety Plan to the PREA Coordinator after every PREA incident for data tracking.

Contracting with other entities for confinement of residents

[PREA115.312(a)(b)]

MCJAS does not contract with private agencies or other entities for the confinement of its residents. If any such contract were initiated, the contract would include an obligation to comply with PREA standards as well as measures for contract monitoring to ensure compliance with PREA standards.

Supervision and monitoring

[PREA 115.313(a)]

Each facility has developed, implemented, and documented a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect against sexual abuse. Each staffing plan takes into consideration generally accepted detention and correctional/ secure residential practices, any judicial, federal, or internal or external oversight findings of inadequacy, all components of the facility's physical plant including blind spots or areas where

staff or residents may be isolated, the composition of the resident population, the number and placement of supervisory staff, institution programs occurring on a particular shift, any state or local laws, regulations, or standards, the prevalence of substantiated or unsubstantiated incidents of sexual abuse and any other relevant factors.

[PREA 115.313(b)]

Each facility will comply with the staffing plan except during limited and discrete exigent circumstances as approved by the facility Administrator. Staff shall fully document any deviations from the staffing plan in the facility/ unit log book and the call off/ overtime rotation log.

The Community Corrections Facility maintains a staffing level based on the 24 bed capacity and does not deviate the staffing plan under any circumstances.

The Stark Attention Center has a 30 bed capacity they maintain a staffing level based on the amount of bed capacity being used by residents.

The Tuscarawas Attention Center has a 24 bed capacity they maintain a staffing level based on the amount of bed capacity being used by residents.

The Louis Tobin Attention Center has a 20 bed capacity they maintain a staffing level based on the amount of bed capacity being used by residents.

The Linda Martin Attention Center has a 20 bed capacity they maintain a staffing level based on the amount of bed capacity being used.

See also P-20 (Hours of Work), D-15 (Facility Log), T-15 (Permanent Log)

[PREA 115.313(c)]

Each MCJAS facility shall maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only direct care staff will be included in these ratios. Each facility maintains the staffing ratios set forth in the Ohio Administrative Code, Ohio Revised Code, and required licenses and accreditations specific to its functions. Any facility that does not maintain minimum staff ratios of 1:8 during waking hours and 1:16 during sleeping hours will meet these requirements no later than October 1, 2017. See also D-19, T-19. (Staff/ Youth Ratios), Y-3 (Youth Supervision), P-16 (Staff Coverage in Emergencies).

[PREA 115.313(d)]

Whenever necessary, but no less frequently than once each year, each facility will be audited internally by the CQI, in conjunction with the PREA coordinator in order to assess, determine, and document whether adjustments are needed to the staffing plan, prevailing staffing patterns, the facility's deployment of video

monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan.

[PREA 115.313(e)]

Every month a minimum of two (2) unannounced checks of each facility are to be completed. These checks should occur at different times and days each month. Checks are to be completed by Supervisors, Assistant Unit Managers, Unit Managers, or Administrators at each facility. These check are to identify and deter staff sexual abuse and sexual harassment. Copies of Unannounced Visitation Forms are maintained by the Facility PCM a copy of the Unannounced Visitation Form is also provided to the Compliance Officer / PREA Coordinator every month for data tracking. Staff are prohibited from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. For example, secure facilities require that persons be identified via camera or intercom before doors are unlocked electronically. If a staff member is found to be willfully alerting other staff members to the unannounced checks that staff may receive disciplinary actions at the discretion of the facility administrator.

Limits to cross-gender viewing and searches

[PREA 115.315(a)]

Cross gender strip searches are prohibited in all facilities.

Body cavity searches are prohibited in all facilities.

If a search reveals evidence or suspicion that contraband is being secured in a body cavity, a medical practitioner outside of the facility from that facilities local hospital may perform the search.

[115.315 (b)]

All “pat down” or “frisk” searches will be conducted by a staff member who is the same sex as the youth in accordance with OAC 5139-37-11. In circumstances where a pat down or frisk search of a transgender, or inter-sex youth is necessary, the youth may choose who they would feel most comfortable with a male or female staff to conduct the search.

[115.315 (c)]

MCJAS shall not conduct cross-gender searches of any kind. This includes cross gender pat downs, strip searches or cross gender visual body searches (meaning a search of the anal or genital opening). MCJAS prohibits Body Cavity Searches in all facilities. In exigent circumstances youth may be transported to the local hospital for a Body Cavity Search which is only to be performed by a medical practitioner. In the event a staff of the same gender is not available at the time the youth will be held in a secure area until the staff of the same gender is available to conduct the search. There is always at minimum one staff of each gender per shift.

Also see A-32 (Incident Reporting), D-12, CCF-13 (Searches).

[PREA 115.315(d)]

Opposite gender staff will not enter or observe youth in the shower/ toilet areas except in exigent circumstances or when such viewing is incidental to routine checks. In the event of an exigent circumstance staff must obtain approval from the Administrator / PCM and document the reason for the observation on the Critical Incident Reporting Database.

All staff will provide youth with reasonable accommodations for privacy for all shower/toilet areas and when and where youth change their clothing. Staff of the opposite sex will announce their presence before entering the Living Unit. The announcement will be made when the status quo on the unit changes from exclusively same gender to some element of cross gender. For example: All males are working on a boy's unit. When a female staff comes on unit, she will announce her presence. Staff will also announce their presence when entering areas where it is likely that youth may be showering, changing clothes, or performing bodily functions.

[PREA 115.315(e)]

It is the policy of MCJAS that staff are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the youth's genital status is unknown, it will be determined by asking the youth and reviewing medical records. In any case where a youth's genital status must be confirmed, it will be done so in private and only through a medical examination conducted by a medical practitioner.

[PREA 115.315(f)]

MCJAS staff responsible for conducting searches will receive appropriate training. The training will include how to conduct cross- gender pat down searches of transgender and inter-sex residents, in a professional and respectful manner, and in the least intrusive manner. A lesson plan for this training is maintained in the MCJAS Central Office. Training certificates are maintained in each employees file. Also see P-6 (Orientation and Training), D-12, t-13 (Searches).

Residents with disabilities and residents who are limited English proficient

[PREA 115.316(a)]

All MCJAS facilities take appropriate steps to ensure that residents with disabilities (including, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with residents who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, MCJAS shall ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

Each facility administrator shall be notified immediately of any disability that may hinder the learning process and take immediate action to secure an interpreter specific to the needs of the youth.

MCJAS uses the following agency this information should be available to staff at all times:

Access 2 Interpreters

492 South High Street Suite 200
Columbus, Ohio 43215
1-888-869-7405

Additional Resources for the Stark County Campus Include:

a.) Philamtheon Society of the Blind
2701 West Tuscarawas Street
Canton, Ohio 44708
330-453-9157

b.) Triad Deaf Services
408 Ninth Street SW
Canton, Ohio 44707
330-437-6255

[PREA 115.316(b)]

MCJAS facilities shall take all necessary steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. MCJAS maintains contractual services with an agency capable of translation of the necessary intake and orientation materials including residents' rights to be free from sexual abuse and sexual harassment and from retaliation from reporting such incidents, and regarding facility policies and procedures for responding to such incidents. These services are accessible by any intake staff who may contact the agency 24 hours a day, seven days a week by phone and initiate the intake process by use of a speaker or extension phone. Agency phone numbers are posted at each facility intake area.

[PREA 115.316(c)]

MCJAS will not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first response duties, or the investigation of resident allegations. Such assistance shall be documented in the resident file detailing the need for resident assistance. Multi-County staff can also use the website www.freetranslator.com as a temporary means to communicate with youth that are not English proficient until an Interpreter can get to the facility.

Multi-County can ask teaching staff at each location when needed to assist in explaining all aspects of PREA information and procedures with residents based on needs for level of comprehension.

The Sheriff Department in the facilities location will be contacted to assist in interpreting PREA documentation to any youth in need of assistance in reporting concerns or allegations of abuse or harassment.

Hiring and promotion decisions

[PREA 115.317]

(a) MCJAS will not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who—

(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.

(b) MCJAS will consider all incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.

(c) Before hiring new employees who may have contact with residents, MCJAS will:

(1) Perform a criminal background records check;

(2) Consult the child abuse registry maintained by the State or locality in which the employee would work; and

(3) Consistent with Federal, State, and local law, make our best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

(d) MCJAS will also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with residents.

(e) MCJAS will conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees.

(f) MCJAS will also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. MCJAS will also impose upon employees a continuing affirmative duty to disclose any such misconduct.

(g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(h) Unless prohibited by law, MCJAS will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Also See P-5 (Hiring).

Upgrades to facilities and technologies

[PREA 115.318(a)]

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, MCJAS project managers will consider the effect of the design, acquisition, expansion, or modification and assure the ability to protect residents from sexual abuse.

[PREA 115.318(b)]

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the MCJAS Information Technology Department and/ or Maintenance Department, in conjunction with the PREA Coordinator will consider how such technology may enhance the ability to protect residents from sexual abuse. Video and audio monitoring devices will not substitute for required level of supervision, or youth to staff ratios.

Evidence protocol and forensic medical examinations

[PREA 115.321(a)]

MCJAS responsibility for investigating allegations of sexual abuse is limited to evidence and crime scene security and preservation. The County Sheriff's Department is responsible for conducting all investigations of sexual abuse or sexual assault. The Stark County Sheriff and Stark County Children's Services are notified of all allegations of sexual abuse at the Stark Attention Center, CCF. The Wayne County Sheriff and Wayne County Children's Services are notified of all allegations of sexual abuse at the Linda Martin Attention Center. The Tuscarawas County Sheriff and Tuscarawas County Children's Services are notified of all allegations of sexual abuse at the Tuscarawas Attention Center. The Columbiana County Sheriff and Columbiana County Children's Services are notified of all allegations of sexual abuse at the Louis Tobin Center.

Procedure:

- 1.) Secure the scene using tape, rope, or another barrier to mark off the area.
- 2.) Establish a perimeter and tell everyone to remain clear of the scene.
- 3.) Use 150% Rule. Take the distance you see where evidence is located and add 50% more.
- 4.) The Supervisor or Shift Lead shall notify law enforcement and the facility administrator.
- 5.) The Supervisor or Shift Lead shall assign a staff member to the scene to ensure that no one enters the scene besides law enforcement or medical personnel.

[PREA 115.321(b)]

The County Sheriff's Department shall be responsible for conducting all investigations of sexual abuse or sexual assault. The County Sheriff's Department 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 and make appropriate referrals to the County Prosecutor. MCJAS and each county Sheriff's Office shall establish a memorandum of understanding in order to assure compliance with this standard.

[PREA 115.321(c)]

Each MCJAS facility shall offer the resident who experienced sexual abuse access to forensic medical examination at the designated area Hospital, without financial cost, where evidentiary or medically appropriate. MCJAS and each Hospital shall establish 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. Efforts to provide SAFEs or SANEs and requests for this to occur shall be documented.

[PREA 115.321(d)(e)(h)]

MCJAS shall attempt to make available to the victim a victim advocate from the local rape crisis center, if the local rape crisis center is not available to provide victim advocate services, the facility shall make available 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.

MCJAS has a memorandum of understanding with Rape Crisis Centers in Stark, Tuscarawas, Wayne, and Columbiana Counties that provides for a victim advocate to accompany the victim during the forensic examination. The victim may request that the 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. 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.

[PREA 115.321(f) (g)]

To the extent that MCJAS is not responsible, requirements specified in paragraphs (a) through (e) shall be requested to be followed by all entities outside of the facility responsible for investigating allegations of sexual abuse in juvenile facilities including any Department of Justice component or investigating agency.

Policies to ensure referrals of allegations for investigations

[PREA 115.322]

MCJAS ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. All allegations of sexual abuse or sexual harassment are referred to the County Department of Children's Services and/ or County Sheriff for investigation through execution of the Plan for Coordinated Response, unless the allegation does not involve potentially criminal behavior. The Response Plan is published on the MCJAS website. The plan identifies the responsibilities of MCJAS, Children's Services, and Sheriff Office. All referrals to these agencies are documented in the Critical Incident Database and maintained in the facility PREA file.

Employee training

[PREA 115.331 (a)(1) – (11),(b)(c)(d)]

See System Directive P-6 (Orientation and Training)

Volunteer and contractor training

[PREA 115.332 (a)(b)(c)]

See System Directive P-44 Volunteer Policy

Resident education

[PREA 115.333 (a)]

Upon arriving at a MCJAS facility, youth will be educated on the MCJAS zero tolerance policy regarding sexual abuse, sexual assault and sexual harassment and how to report incidents or suspicions of sexual abuse, sexual assault or sexual harassment. Each youth will have these policies and procedures explained to them by a staff member, in an age appropriate manner, asked if they understand the policies and given a copy of the MCJAS "What you should know about sexual abuse brochure" (PREA form 03A). Each youth will sign acknowledgement form (PREA form 03B) to document that they have received and understand the information.

[PREA 115.333 (b)]

Within 10 days of arriving at the MCJAS parent facility, all youth will receive comprehensive age-appropriate education either in person or through video that will explain their rights to be free from sexual abuse, sexual assault and sexual harassment, their rights to be free from retaliation for reporting such incidents, and MCJAS policies and procedures for responding to such incidents. They will also be given a copy of the MCJAS brochure. Each youth will sign Education Acknowledgement form to document their participation in the education session.

[PREA 115.333 (e)]

The PCM will maintain a copy of MCJAS Sexual Abuse, Sexual Assault and Sexual Harassment Education Acknowledgements and the original shall be maintained in the youth's file.

[PREA 115.333 (d) (f)]

MCJAS staff will provide youth education in formats accessible to all youth, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to youth who have limited reading skills. Prior to admission at the Community Corrections Facility, staff will seek out all necessary information on PREA to accommodate needs. In Multi-County Detention Facilities staff will seek out all necessary information on PREA to accommodate the new resident's needs within 2 business days of the intake. All information will be read and/ or explained to each youth, and on a level that is easily understood on an individual basis which may include provisions for an interpreter, or assistance from the Education Department. In addition to providing such education, the PCM shall ensure that key information is continuously and readily available or visible to youth's through posters, videos, and youth handbooks. Each facility will have information readily available including informational posters and copies of the MCJAS Checking In pamphlet in areas regularly accessed by youth. These areas include but not limited to recreation areas, cafeteria and dining areas, clinics, libraries, and school areas.

[PREA 115.333 (c)]

Current residents who have not received the education will be educated within 10 days of the date the PREA Standards/ Directives are adopted by the MCJAS Board of Trustees.

Specialized training: Investigations; Medical and Mental Health Care

[PREA 115.334 (a)(b)(c), PREA 115.335]

See System Directive P-6 (Orientation and Training)

Obtaining information from residents

[PREA 115.341(a) (b) (c) (d)]

MCJAS intake staff will obtain information about each youth's personal history and behavior to reduce the risk of sexual abuse by or upon a resident. This information shall be ascertained through conversations with the youth during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's file. Each youth is screened utilizing the MCJAS Sexual Abuse and Sexual Assault Victim/Aggressor Profile Checklist (Form PREA 03) within 72 hours of arrival at the admitting facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Residents will be screened again whenever an incident or situation occurs that indicates a need to reevaluate the potential risk for victimization or abuse and at each ninety day review:

- a. Whenever an incident or situation occurs that indicates a need for a re-screen.
- b. At least every ninety days during the placement.

[PREA 115.341 (e)]

Screening Results will be maintained as followed:

At the Community Corrections Facility, the files are kept in the ACA/PREA Coordinators Office in a locked cabinet. Access to these files is limited to the Therapist, ACA/PREA Coordinator, Unit Managers, Assistant Unit Managers, and Administrator.

At the Stark Attention Center, Tuscarawas Attention Center, Louis Tobin Attention Center, and Linda Martin Attention Center Multi-County's four detention facilities the files will be kept in the Secretaries locked office. Access to these files is limited to the Supervisors, Facility Administrators, and Facility Secretaries.

Screening results are subject to MCJAS confidentiality policies. See System Directive A-27 (Confidentiality). Information obtained in the screening process will only be accessed by MCJAS staff involved in housing, bed, program, education, and work assignments.

Placement of residents in housing, bed, program, education, and work assignments

[PREA 115.342(a)]

Information obtained during the screening process will be used to determine housing, bed, program, education, and work assignments with the goal of keeping all youth safe and free from sexual abuse and sexual assault. MCJAS will utilize the vulnerability assessment to determine if a youth is at risk for victimization.

[PREA 115.342(b) (c) (d) (e) (f) (g) (h) (i)]

Residents who are isolated pursuant to this policy are governed by System Directive Y-1, (Behavior Management).

Resident Reporting and Exhaustion of Administrative remedies

[PREA 115.351(a) (b) (d), 115.352 (b)(1)]

Youth have multiple internal ways to privately report sexual abuse, sexual assault, sexual harassment, retaliation by other youth or staff for reporting sexual abuse, sexual assault and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. There is no time limit on when a resident may report regarding an allegation of sexual abuse. All residents have access to paper and writing utensils necessary to make a written report by asking any staff member, teacher, counselor, administrator, or medical staff.

Ways to Report:

Verbally talk to a Counselor or Nurse

Verbally talk to a Supervisory Staff which include: Unit Managers, Assistant Unit Managers, Supervisors, and Administrators.

Write a Statement and Turn it in to a Staff Member

File a Grievance

Youth also have the option to report sexual abuse, sexual assault and sexual harassment to their Guardian Ad Litem, Attorney, Probation Officer or

Caseworker or any other entity that is not part of the MCJAS and is able to receive and immediately forward youth reports of sexual abuse, sexual assault and sexual harassment to MCJAS officials, therefore allowing the youth to remain anonymous upon request. Residents detained solely for civil immigration purposes will be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

[PREA 115.351(c)]

All staff will accept reports of sexual abuse, sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties and notify their supervisor immediately and document such reports via MCJAS Youth Incident Reporting procedures.

Staff, volunteers or contractors who witness or have knowledge of any sexual activity, sexual abuse, sexual assault or sexual harassment shall immediately report it to the Facility Administrator, COO, Superintendent or designee. Any employee that fails to report shall be subject to disciplinary action up to and including termination.

Staff can privately report sexual abuse and sexual harassment of residents several ways. They can speak to a supervisor, administrator, PMC, fill out an Incident Report that gets passed on to the C.O.O. or contact their facilities local sheriff's department and/or JFS.

[PREA 115.352(a)]

MCJAS has administrative procedures to address resident grievances regarding sexual abuse, therefore is not exempt from this standard.

Grievance: Sexual Abuse

- A grievance alleging sexual abuse, assault, misconduct, retaliation for reporting, or failure to respond to a report of sexual abuse or harassment can be filed by a resident, parent, guardian, staff member, or anyone on behalf of the resident at any time.
- MCJAS will not place any time limits on the grievance, including those alleging sexual abuse.
- If the grievance is not an alleged incident of sexual abuse, the facility will respond within 48hrs of the filing of the grievance. An appeal may be made to the administrator if the resident is not satisfied with the result of the grievance. The administrator has 1 week to respond. If the grievances are collected on the weekend or holiday, then the grievances not related to sexual abuse or harassment are placed in boxes to be picked up by the supervisory staff the next business day.

- If a grievance is made regarding sexual abuse, this is considered an emergency grievance and will not be submitted to the staff member who is the subject of the grievance. If the grievance is for sexual abuse, it is marked and the resident signs. This ensures, if the grievance is against the person collecting it, they will not know.
- On the front of the grievance form, located in the living units, there is a line to mark if it is an emergency and the resident feels they are in danger of sexual abuse. At this point, the resident does not have to fill out anymore of the grievance and it is then turned into the staff or supervisor the youth is comfortable with. If that facility has a locked grievance box youth may also place it in the locked box.
- Grievances are checked Monday through Friday by Supervisory Staff. During the weekends they are checked by the Supervisory Staff on Shift.
- If a grievance alleges substantial risk of imminent sexual abuse, the Supervisory Staff or Administrator is notified immediately so that the response to the allegation can begin. Immediate corrective action will be taken and an initial response will be given within 48hrs and a final decision within 5 calendar days. The initial response will be documented and determine whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- Residents making verbal grievances or statements to staff members may be asked to write out the allegations, depending on the nature of the allegations.
- Final decisions on the merits of the grievance alleging sexual abuse will be issued within 90 days of filing of the grievance. This time period will not include time consumed by the resident preparing to appeal.
- MCJAS may claim an extension of the time responded to, of up to 70days, if the normal time period to respond is insufficient to make appropriate decisions. In these instances, the Administrator or designee will inform the resident in writing of such an extension and provide a date by which a decision will be made.
- MCJAS will respond to all residents who file a grievance. At any level of the grievance process, including the final level, if the resident does not receive a response within time allotted for reply, including properly notified extension, the resident may consider the absence of a response as a denial at that level.

- Third parties including fellow residents, staff members, family members, attorneys and outside advocates, are permitted to assist residents in filing out grievances regarding sexual abuse, and will also be permitted to file such request on behalf of the resident.
- MCJAS addresses and investigates any and all grievances alleging sexual misconduct, including those filed by a third party, other than a parent or legal guardian who is filing on behalf of the resident who has not agreed to have the request filed on their behalf. This includes the appeal process.
- If the resident declines to have the request processed on his/her behalf, MCJAS will document their decision and proceed with the grievance process.
- A resident may be subject to discipline if they are filing a grievance to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith. Depending on the nature of the grievance, criminal charges may also be filed.

Youth are not required to file a formal grievance in accordance with the MCJAS Youth and Family Grievance Form regarding incidents of sexual abuse or harassment. If a youth chooses to file a formal grievance, the grievance will not be subject to the administrative procedures described in the Youth and Family Grievance Procedure. The form also contains a box simply marked “I Need Help”. Residents may check this box if they fear for their safety from anyone in the facility. The staff in receipt of the grievance form will immediately notify the supervisor and implement the MCJAS Response to Sexual Abuse Plan. Each facility provides a locked Grievance/ Help box accessible to all youth. This box is checked daily by the facility PCM. An upper level Manager will be responsible to check this box in the absence of the PCM. Any incidents alleging sexual abuse, sexual assault, or sexual harassment will immediately activate the MCJAS Plan for coordinated Response to Sexual Abuse or Assault. The agency shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff and alleged incident of sexual abuse or harassment.

Third parties including fellow residents, staff members, family members, attorneys and outside advocates, are permitted to assist residents in filling out grievances regarding sexual abuse, and will also be permitted to file such request on behalf of the resident.

If a third party, other than a parent or guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have their request filed on his/her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

If the resident declines to have a request processed on his / her behalf, the agency shall document the resident decision.

A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse and harassment, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on their behalf.

Residents access to outside support services and legal representation

[PREA 115.353]

Each facility provides residents with access to the local Rape Crisis Center victim advocates for emotional support services related to sexual abuse. A “Hot Line” between the living unit and the Crisis Center is accessible to all residents. MCJAS maintains a Memo of Understanding with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. Phones are to be checked weekly by the PCM. Copies of these agreements are on file with the PREA Coordinator. Reasonable access to parents/ guardians, Attorney, and Clergy are defined in System Directives D-32, and CCF-34.

All youth calls are subject to monitoring. All MCJAS employees are mandated reporters and must report any and all incidents of alleged sexual assault and sexual abuse to the appropriate Children Services Agency and the local Sheriff Department.

Third party reporting

[PREA 115.354]

Information regarding third-party reporting of sexual abuse, sexual assault and sexual harassment can be obtained through the MCJAS website on behalf of any resident of a MCJAS facility by logging on to: www.mcjas.org and clicking on the PREA Information icon. Third party reporting forms are also available to the public in the visitation areas of each facility.

Staff and agency reporting duties

[PREA 115.361 (a) (b)]

All MCJAS staff must report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or harassment that occurred in any facility, whether or not it is part of MCJAS; retaliation against residents or staff who reported such an incident; and any staff neglect that may have contributed to the incident. MCJAS staff are also required to comply with all mandatory reporting laws defined in the Ohio Administrative Code.

[PREA 115.361 (c)]

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

[PREA 115.361(d) (1)(2)]

Medical and behavioral health services clinicians/providers must also report sexual abuse or sexual assault to their designated supervisor as well as the appropriate Children Services Agency as required by mandatory child abuse reporting laws. Mental Health/ Medical staff inform all residents of their duty to report, and limitations of confidentiality upon initiation of services.

[PREA 115.361(e) (1)(2)]

Upon receiving any allegation of sexual abuse, the facility Supervisor, Unit Manager or Administrator shall promptly report the allegation to the COO, and to the alleged victim's legal guardian, Caseworker, Probation Officer as required by the Plan for Coordinated Response to Sexual Abuse or Assault.

[PREA 115.361(e)(3)]

If a Juvenile Court retains jurisdiction over the alleged victim, the PCM shall report the allegation to the juvenile's legal representative of record within 14 days of receiving the allegation.

[PREA 115.361(f)]

Facility Administrators report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports to the PREA Coordinator, regardless of merit.

Agency protection duties

[PREA 115.362]

Upon intake, and/or at any time during a youth detainment or placement, it is discovered that a resident may be at a substantial risk of imminent sexual abuse, staff will take immediate action to protect the resident.

At any time a youth is at risk of imminent sexual abuse, MCJAS will make whatever arrangements that are needed to keep that resident, as well as all residents, safe from abuse. Changes in housing or transfers to another facility could be options that are used.

Reporting to other confinement facilities

[PREA 115.363 (a)(b)(c)]

Upon receiving an allegation that a youth was sexually abused or sexually assaulted while confined at another facility, the facility administrator shall notify the administrator of the facility or appropriate office of the agency where the alleged abuse or assault occurred and shall also notify the County Department of Jobs and Family Services. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. A critical Incident Report will be completed by the staff who initially received the allegation. A copy of the CIR will be placed in the facility PREA file.

Staff first responder duties

[PREA 115.364(a)(1)(2)(3)(4)(b)]

As the first responders, Shift Supervisors or Senior Staff will take immediate action to protect the victim by physically separating the victim and aggressor.

Non-punitive protective housing will be provided as needed. The placement of at risk youth on another unit will be documented in the Facility Log Book and youth's file.

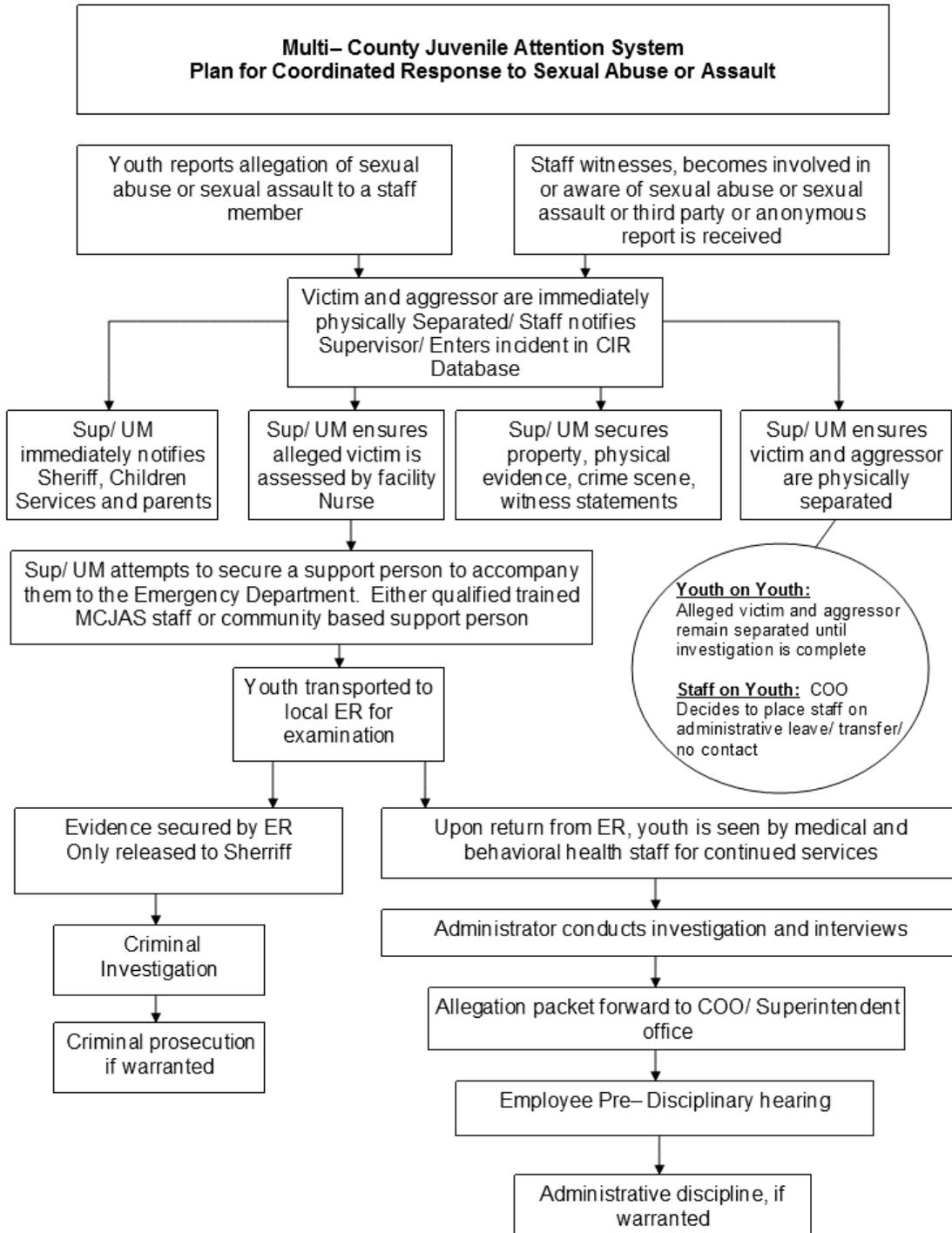
If the at risk youth is on a Close Observation or Suicide Warning status, alternative rooming will be made in consultation with the Suicide Intervention Specialist, Medical Director, or if they are not available, the Facility Administrator in accordance with established supervision standards for Close Observation and Suicide Warning.

The First Responder will take the necessary steps to preserve and protect the scene and physical evidence. If the first responder is a support staff, they will request that the alleged victim not take any action that could destroy physical evidence. If the First Responder is not a supervisory staff, the responder will provide any necessary first aid, and advise the alleged victim to not take any action that could destroy physical evidence and then notify the Shift Supervisor. If the sexual abuse or sexual assault occurred within 96 hours, the alleged victim and aggressor will be advised by the staff receiving the report or the shift supervisor not to shower, change clothes, urinate, defecate, drink, eat or otherwise clean themselves, or if the abuse or assault was oral, to not drink or brush their teeth, or otherwise take any action that could damage or destroy evidence. The staff receiving the report/ shift supervisor shall make every effort to ensure these measures are taken.

Coordinated response

[PREA 115.365]

Staff first responders, medical and behavioral health services clinicians, investigators, and Administrators will follow the MCJAS Response to Sexual Abuse or Assault Plan (PREA form 01) in order to coordinate the immediate actions taken in response to an incident of sexual abuse and sexual assault.



Preservation of ability to protect residents from contact with abusers

[PREA 115.366]

Neither MCJAS or any entity responsible for collective bargaining will enter into or renew an agreement that limits MCJAS ability to remove alleged staff abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

Nothing in this standard shall restrict the entering into or renewal of agreements that govern:

- a.) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of PREA 115.372 and 115.376; or
- b.) Whether a no contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

Agency protection against retaliation

[PREA 115.367(a)(b)(e)(f)]

Retaliation against youth or staff who report sexual abuse, sexual assault or sexual harassment is strictly prohibited and is subject to disciplinary action up to and including termination. The PCM is responsible for monitoring retaliation from staff or youth against other staff or youth who report allegations of sexual abuse, sexual assault or sexual harassment or cooperate with sexual abuse, sexual assault or sexual harassment investigations. MCJAS will take appropriate measures to protect all individuals against retaliation. These measures may include housing or facility changes for victims or abusers, removal of alleged staff or resident abusers from contact with victims, and other support services for residents or staff that fear retaliation. If any other individual expresses a fear of retaliation for cooperating with an investigation MCJAS will take the appropriate measures to protect that individual as well. The monitoring will cease if the allegation is determined to be unfounded. The monitoring shall be documented in the facility PREA Incident file.

[PREA 115.367 (c) (d)]

For at least 90 days following a report of sexual abuse or sexual assault, the PCM will monitor the conduct or treatment of youth who reported the incident and of youth who were reported to have suffered sexual abuse or sexual assault to see if there are changes that may suggest possible retaliation by youth or staff, and shall act promptly to remedy any such retaliation. Items the PCM will monitor for youth reporting or youth victims include: any youth disciplinary reports, housing, or program changes, youth status changes, loss of program points, negative reviews or progress reports, and other information as deemed appropriate. The PCM shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

For at least 90 days following a report of sexual abuse or sexual assault, the facility administrator in conjunction with the facility PCM will monitor the conduct or treatment of staff who reported the incident to see if there are changes that

may suggest possible retaliation and will immediately notify the COO who will act promptly to remedy any such retaliation. Items the PCM and facility administrator monitor include: employee allegation reports, post allegation schedule or shift changes, negative employee evaluations, and other information as deemed appropriate. The PCM will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

Post allegation protective custody

[PREA 115.368]

Any resident who is segregated because they are alleged to have suffered sexual abuse shall be subject to the requirements of 115.342.

Residents who are isolated pursuant to this policy are governed by system directive Y-1 (Behavioral Management).

Criminal and administrative agency investigations

[PREA 115.371, 115.372]

All allegations of sexual abuse, sexual assault, and sexual harassment are referred to the County Sheriff and County Department of Children Services for investigation. The agency shall not terminate an investigation solely because the source of the allegation recants the allegation. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with the prosecutor as to whether compelled interviews may be an obstacle for subsequent 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 a resident or staff. No agency shall require a resident who alleges sexual abuse or harassment to a polygraph examination or other truth telling devices as a condition for proceeding with the investigation of such an allegation.

Administrative Allegations Should:

- 1.) Include an effort to determine whether staff's actions or failures to act contributed to the abuse; and
- 2.) Be documented on written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Criminal Investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attach copies of all documentary evidence where feasible. The agency shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus 5 years, unless the abuse was committed by a juvenile resident and applicable laws require a shorter time for retention. The departure of the alleged abuser or victim from employment or control of the facility or agency shall not provide a basis for terminating the investigation. Any state or Department of Justice component that conducts such investigations shall

do so pursuant to the above requirements. MCJAS cooperates with outside agencies and asks to remain informed of the progress of the investigations.

The agency shall impose no higher standard than the preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Reporting to residents

[PREA 115.373(a) (b)]

Following an investigation into a resident's allegation of sexual abuse in a MCJAS facility, MCJAS shall request the investigating agency to provide information regarding the outcome of the investigation and inform the resident if the allegation was substantiated, unsubstantiated, or unfounded within 90 days. The notification will be documented in the facility PREA file and a copy of the grievance and/or outcomes will be given to the youth.

[PREA 115.373(c)(1)(2)(3)(4)(d)(1)(2)(e)(f)]

Following a residents allegation that a staff member has committed sexual abuse, MCJAS will subsequently inform the resident (unless it is determined that the allegation is unfounded) whenever the staff member is no longer assigned to the resident's facility, is no longer employed at MCJAS, or if MCJAS learns the staff member has been indicted on a charge related to sexual abuse within the facility, or that the staff member has been convicted on a charge of sexual abuse within the facility. If he or she has been sexually abused by another resident, MCJAS shall subsequently inform the resident whenever MCJAS learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or has been convicted on a charge of sexual abuse within the facility. All such notifications or attempted notifications will be documented in the facility PREA file. The obligation to report under this standard shall remain in effect until the resident is released from MCJAS.

Disciplinary sanctions for staff

[PREA 115.376(a)(b)(c)]

MCJAS Employees are subject to disciplinary sanctions up to and including termination for violating MCJAS sexual abuse or sexual harassment policies. The disciplinary sanction for staff who has engaged in sexual abuse is termination. Disciplinary sanctions for violating agency policies relating to sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the act committed, staff disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (Also see MCJAS Discipline Grid).

[PREA 115.376(d)]

All terminations for violations of MCJAS sexual abuse or harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to any relevant licensing bodies and Law Enforcement unless the activity was clearly not criminal.

Corrective action for contractors and volunteers

[PREA 115.377(a)(b)]

Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with residents and shall be reported to any relevant licensing bodies and to law enforcement unless the activity was clearly not criminal. MCJAS will not tolerate violations of sexual abuse and sexual harassment from contractors and volunteers. The presumptive action will be termination of the contract and/ or volunteer status.

Intervention and disciplinary sanctions for residents

[PREA 115.378(a)(b)(c)]

A resident may be subject to disciplinary sanctions after an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. Disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, disciplinary history, and sanctions imposed for comparable offenses by other residents with similar histories. In the event a disciplinary sanction results in the isolation of a resident, MCJAS shall not deny the resident daily large-muscle exercise or access to any legally required educational programming or special education services. Residents in isolation shall receive daily visits from a medical or mental health care clinician. Residents shall also have access to other programs and work opportunities to the extent possible. MCJAS Administrators shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

[PREA 115.378(d)]

If the resident is housed in a MCJAS treatment program, he or she shall be offered therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. The resident's Individualized Service Plan may require participation in these interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education.

[PREA 115.378(e)(f)]

MCJAS shall discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

[PREA 115.378(g)]

While MCJAS prohibits all sexual activity between residents and will discipline residents for such activity, MCJAS will not deem such activity to constitute sexual abuse if it is determined that the activity was not coerced.

Medical and mental health screenings; history of sexual abuse

[PREA 115.381(a)(b)(c)(d)]

See System Directives D-2 (Intake and Admission); CCF-2 (Youth Intake Procedures)

Access to emergency medical and mental health services

[PREA 115.382 (a)(b)(c)(d)]

Alleged victims of sexual abuse and sexual assault will be immediately referred to medical and behavioral health services and given unimpeded access to emergency medical treatment and crisis intervention. If there are no qualified medical or behavioral health staff on duty, the Supervisor or First Responder shall take preliminary steps to protect the victim pursuant to 115.362. Residents who suffer sexual abuse while in a MCJAS facility will be offered timely information about access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Medical treatment and behavioral health services will be provided as ordered by the MCJAS Medical Director and will be made available to all victims without financial cost regardless of whether the victim names the abuser or cooperates with the investigation. The facility PCM shall attempt to secure a Victim Advocate from the local Rape Crisis Center. Verification will be documented in the facility PREA file.

Ongoing medical and mental health care for victims and abusers

[PREA 115.383(a)(b)(c)]

MCJAS offers medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

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. MCJAS provides such victims with medical and mental health services consistent with the community level of care. These evaluations will be conducted by the MCJAS contracted Medical Director, on site Nurse, on site mental health counselors, local hospitals, or local health departments. Youth can be sent to outside community health resources for several things, such as STD's and other mental health concerns.

[PREA 115.383(d)(e)]

Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

[PREA 115.383(f)(g)(h)]

Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate through the county health departments. 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. The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Sexual abuse incident reviews

[PREA 115.386 (a)]

The PREA review team shall conduct a sexual abuse or sexual assault incident review at the conclusion of every sexual abuse or sexual assault investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

[PREA 115.386 (b)(c)]

Such review shall occur within 30 days of the conclusion of the investigation. The review team shall include the PREA Coordinator (COO), Facility Administrator and Facility PCM with input from all MCJAS staff who became involved in the investigation.

[PREA 115.386 (d1- d6)]

The review team shall:

Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse and sexual assault; 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; examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and prepare a report of its findings, including but not limited to determinations made pursuant to this section, using the Sexual Incident Review Checklist (PREA Form 003) and any recommendations for improvement and submit such report to the Facility Administrator and PCM.

[PREA 115.386 (e)]

The facility Administrator implements the recommendations for improvement, or shall document its reasons for not doing so. The Facility Administrator shall provide written notification as to the outcome of the recommendations no later than 45 days following the Incident Review. The notification will be submitted to the PREA Coordinator date and time stamped via e-mail and retained in the facility PREA file.

Data collection, storage, publication, and destruction.

[PREA 115.387(a)-(f), 115.389(a)(b)(c)(d)]

MCJAS collects accurate, uniform data for every allegation of sexual abuse at all facilities using the most recent version of the Survey of Sexual Violence made available by the Department of Justice. This data is also maintained in the

MCJAS Critical Incident Database and is aggregated at least annually. MCJAS shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. All data required by this standard will be secured in the office of the PREA Coordinator for at least 10 years after the date initial collection unless required otherwise by Federal, State, or local law. MCJAS would also obtain incident-based and aggregated data from any private agency with which it contracts for the confinement of residents. Upon request MCJAS will provide all such data from the previous calendar year to the Department of Justice no later than June 30, or as otherwise requested by the DOJ. These reports are made public through the MCJAS website at least annually, only after all personal identifiers have been removed.

Data review for corrective action

[PREA 115.388(a)-(d)]

MCJAS reviews all data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by identifying problem areas, taking ongoing corrective action and preparing an annual report of its findings for each facility, and MCJAS as a whole. These reports include a comparison of the current year's data and corrective actions with those from prior years and an assessment of the progress in addressing sexual abuse. The report is approved by the MCJAS Superintendent and made available to the public through the MCJAS website. MCJAS will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but will indicate the nature of the material redacted.

Audits of standards

[PREA 115.393]

The Stark Attention Center, Linda Martin Attention Center, Louis Tobin Attention Center, Tuscarawas Attention Center, Community Corrections Facility, -will be audited pursuant to §115.401–405 and publish audit findings on the MCJAS website.