
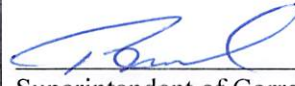


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| Northern Ohio Juvenile Community Corrections Facility |
| Policy and Procedure |

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| PREA Standard Number | 115.364 115.365 115.371 115.372 115.373 |
| State Standard Number | |
| Chapter: | Official Response Following a Resident Report |
| Policy: | Staff First Duties Coordinated Response Investigations Evidentiary Standards for Administrative Investigations Reporting to Residents |
| Initial Date: | 3/21/16 |
| Approved By: |  _____ Director  _____ Superintendent of Corrections |
| Reviewed / Revised Date: | 3/21/22 TW |
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| Reviewed / Revised Date: | 3/25/25 RW |

Policy:

It is the policy of the Northern Ohio Juvenile Community Corrections Facility to develop a written institutional plan to coordinate actions taken to response to an incident of sexual abuse among first responders, medical and mental health staff, investigators, and facility administration. Allegations of sexual abuse and sexual harassment will be thoroughly investigated. The resident with the allegations will be notified as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The NOJCCF shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. (PREA 115.373 (a))

Procedure:**First responder duties (PREA 115.364)**

1. Any staff member witnessing a resident being sexually victimized and/or two residents engaging in sexual activity must call a "Code Yellow" and state his/her location immediately per the Code Yellow procedure.
2. All available staff members are required to secure residence and respond to the location.
3. Once at least one other staff member responds, the residents are separated and placed in available empty rooms. The Senior Youth Specialist calls the Program Director and/or the Superintendent of Corrections.
4. If there are no qualified medical staff or NOJCCF treatment team members on duty then the Senior Youth Specialist/designee is responsible for taking the preliminary steps to protect the victim, pursuant to 115.362 and immediately notify the on call nursing staff and the primary counselor for that youth.
5. The Senior Youth Specialist or designee is responsible for detailing the event to the Program Director and/or the Superintendent of Corrections.
6. Based on the actions witnessed and reported, the Program Director and/or Superintendent of Corrections will call the Erie County Sheriff's Department to report the sexual assault.
7. Erie County Sheriff's Department investigates the alleged sexual abuse allegations that could result in prosecution for any alleged abuser.
8. All staff, including the Juvenile Detention Center staff are trained in first responder duties. If the first responder is not a security staff, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify the Senior Youth Specialist or designee.
9. The Senior Youth Specialist or designee is responsible for preserving and protecting the crime scene until appropriate steps can be taken to collect any evidence. This includes, but not limited to:
 - a. Placing the alleged victim and alleged abuser in two separate rooms that are not assigned to them. Examples: multi-purpose room, interview room, and group room;
 - b. Directing staff members to provide a line of sight supervision for the alleged victim and for the alleged abuser;

- c. Directing the JDC central control to monitor the location of the alleged incident;
 - d. Directing no one to enter the location where the abuse is alleged to have occurred.
10. To allow for collection of physical evidence, the Senior Youth Specialist or designee will request that the alleged victim not take any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, or drinking or eating. Smoking is not permitted in the facility.
 11. To allow for collection of physical evidence the senior youth specialist or designee will request that the alleged abuser not take any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, or drinking or eating. Smoking is not permitted in the facility.
 12. If not present in the facility, the Program Director and/or Superintendent of Corrections are required to report to the NOJCCF immediately.
 13. All staff members are required to cooperate with the request of the Erie County Sheriff's Department regarding the investigation of alleged sexual abuse.
 14. The alleged victim is transported by the Erie County Sheriff's Department or a staff member of the NOJCCF to Firelands Regional Medical Center. At Firelands Regional Medical Center the alleged victim will be seen by a SANE nurse for a forensic medical evaluation.
 15. The alleged victim will be accompanied to the hospital by the NOJCCF staff.
 16. The alleged victim's parents/guardian will be contacted by the Program Director and/or Superintendent of Corrections and is requested to meet the alleged victim at the hospital.
 17. The alleged abuser may be removed to the Erie County Juvenile Detention Center, depending on the outcome of any investigation.
 18. The Program Director and/ or Superintendent of Corrections is responsible for contacting the youths' involved juvenile court, and the Ohio Department of Youth Services.

Investigations (PREA 115.371)

1. Northern Ohio Juvenile Community will contact the Erie County Sheriff's Office to report any allegations of sexual abuse or sexual harassment unless those actions are not criminal in nature. The Erie County Sheriff's Office is responsible for conducting criminal investigations of all sexual abuse or sexual harassment that are criminal in nature. The Erie County Sheriff's Office will conduct the interviews pursuant to the methods that they follow, while consulting with the prosecutor's office and obstacles for prosecution.
2. When an allegation of sexual abuse or sexual harassment is made, staff will follow the coordinated response flow chart to start an investigation.
3. Internal, specifically trained employees will conduct an administrative investigation for all incidents of sexual abuse or sexual harassment for incident review pursuant to 115.334. This investigation will be conducted promptly, thoroughly, and objectively for all allegations.

4. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. The NOJCCF will not require a resident who alleges abuse to submit to a polygraph as a condition of the allegation.
5. Administrative investigations will gather and preserve direct and circumstantial evidence including any available electronic monitoring data and will review prior complaints and reports of sexual abuse involving the suspected perpetrator. If the matter is not criminal in nature then the internal investigator will interview alleged victims, suspected perpetrators and witnesses.
6. The Northern Ohio Juvenile Community Corrections Facility will provide the Erie County Sheriff's Office access to any material necessary for them to complete their investigation as allowed. The NOJCCF will work with the sheriff's office and remain informed about the progress of the investigation.
7. 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. The agency does not terminate an investigation solely because the source of the allegation recants the allegation.
8. All incident reviews and outcomes of investigations will be forwarded to the Superintendent.
9. Erie County Sheriff's Office will complete the criminal investigation as per the agreements of the Memorandum of Understanding and by law.
10. The NOJCCF will retain all written reports pertaining to administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Reporting to residents (PREA 115.373(a-f))

1. Subsequent to any administrative investigation for sexual abuse, sexual harassment or sexual assault, the resident and parent/guardian will be informed as to whether the allegation prompting the investigation had been determined to be substantiated, unsubstantiated, or unfounded.
2. The NOJCCF will request the relevant information from any criminal investigation from the Erie County Sheriff's Department in order to inform the resident and parent/guardian.
3. Following a resident allegation that a staff member has committed sexual abuse against the resident, the NOJCCF will subsequently inform the resident and parent/guardian (unless the allegation was unfounded) whenever:
 - a. The staff member is no longer assigned within the resident's pod
 - b. The staff member is no longer employed at the facility
 - c. The NOJCCF learns that the staff member has been indicted on the charge related to the sexual abuse within the facility
 - d. The NOJCCF learns that the staff member has been convicted on the charge related to sexual abuse within the facility.

4. Notifications of the information in #3 will be made in letter form to the parent/ guardian with a copy provided to the youth as well.
5. The NOJCCF obligation to report shall terminate if the resident is released from the agency custody.