

Northern Ohio Juvenile Community Corrections Facility
Policy and Procedure

PREA Standard Number	115.311
State Standard Number	
Chapter:	Prevention Planning
Policy:	Zero Tolerance / Coordinator
Initial Date:	3/21/16
Approved By:	 _____, Director  _____, Superintendent of Corrections
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Policy:

It is the policy of the Northern Ohio Juvenile Community Corrections facility to ensure that sexual activity between staff and juveniles, volunteers or contract personnel and juveniles, regardless of age or consensual status is prohibited. 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. The Northern Ohio Juvenile Community Corrections Facility has a zero tolerance for sexual abuse and sexual harassment. This includes all forms of sexual abuse and harassment. (PREA 115.311(a))

Procedure:

1. All staff is mandated to report allegations of the abuse/ assault/ harassment. Any information related to the sexual victimization should be limited to medical and mental health practitioners and other staff, as necessary to inform management.
2. As a part of the orientation, each resident will be given a PREA pamphlet with directions for reporting abuse/ assault and harassment. This assures that they will be protected against retaliation for reporting allegations.
3. All staff are required to report any allegations of abuse/assault/harassment to the Superintendent of Corrections or designee as soon as they are made aware of the allegations. If an employee fails to report such activities, they are subject to disciplinary action.
4. The allegation will be reported to the proper authorities for investigation.

5. The Northern Ohio Juvenile Community Corrections Facility will designate a staff to be the PREA Coordinator who develops, implements and oversees the PREA compliance issues in the facility. (PREA 115.311(b))
6. 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 charges.
7. Youth to youth sexual activities, sexual assault, rape, sexual conduct and sexual contact as defined in this policy and within the Ohio Revised Code are prohibited. Information shall be provided to the juveniles about sexual abuse/ assault including prevention/ intervention, self-protection, reporting sexual abuse/ assault, medical treatment and mental health counseling.
8. Staff will execute the NOJCCF 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 the staff first responders, medical and behavioral health services, investigators and administrators.
9. The NOJCCF is a single facility. (PREA 115.311(c))

Definitions-

1. **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.
2. **Agency head**-the principal official of an agency.
3. **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 non-residential hours.
4. **Contractor**- a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
5. **Detainee**- any person detained in a lockup, regardless of adjudication status.
6. **Direct staff supervision** means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.
7. **Employee**- a person who works directly for the agency or facility.
8. **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.
9. **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.
10. **Facility head**- the principal official of a facility.
11. **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.
12. **Gender nonconforming** -a person whose appearance or manner does not conform to traditional societal gender expectations.

13. **Inmate** - any person incarcerated or detained in a prison or jail.
14. **Intersex** - a person who's 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.
15. **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.
16. **Juvenile** - any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
17. **Juvenile facility** - a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.
18. **Law enforcement staff** - employees responsible for the supervision and control of detainees in lockups.
19. **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.
20. **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.
21. **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.
22. **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.
23. **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.

24. **Resident** - any person confined or detained in a juvenile facility or in a community confinement facility.
25. **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.
26. **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.
27. **Staff** - employees.
28. **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.
29. **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.
30. **Substantiated allegation** - an allegation that was investigated and determined to have occurred.
31. **Unfounded allegation** - an allegation that was investigated and determined not to have occurred.
32. **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.
33. **Volunteer** - an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
34. **Youthful inmate** - any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
35. **Youthful detainee** - any person under the age of 18 who is under adult court supervision and detained in a lockup.

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 sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and

(4) 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 gestures.