

State of Ohio

Department of Rehabilitation and Correction

Summary of Departmental Actions
for the
**Prevention and Investigation of Instances of Sexual
Abuse**

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**Bob Taft,
Governor**

**Reginald A. Wilkinson, Ed.D.
Director**

SUMMARY OF DEPARTMENTAL ACTIONS FOR THE INVESTIGATION AND PREVENTION OF INSTANCES OF SEXUAL ABUSE

The department has long been committed to maintaining a safe, humane and appropriately secure environment for inmates and staff. This includes a position of zero tolerance of the sexual assault of inmates, either by staff or by other inmates. The following sections discuss actions taken in the past and currently in place to help eradicate this problem:

INITIATIVES

During the past thirteen years at least five committees have been formed to evaluate the department's current state in regards to addressing inappropriate staff/inmate relationships and to make recommendations for improvement. This has essentially been a continuous improvement process in this area. Each committee has made recommendations, actions have been taken, and the next committee expands on and/or refines the previous recommendations and action.

What follows are some of the initiatives implemented over the years intended to impact this issue.

Hiring Practices

Early in the 1990's, DRC implemented a psychological inventory test for correction officer candidates. This particular tool was ultimately discontinued and replaced with the current process of using an "Admissions Screening Video", which is comprised of sixty-six scenarios filmed in a correctional environment. The applicants must answer questions that measure behaviors in a multiple-choice format. This tool is designed to help screen out applicants unsuitable for work in a prison setting. Background investigations have also become more extensive over the years in an attempt to select only the most appropriate candidates. Probationary periods for employees were also expanded, allowing supervisors more time to assess an employee's job performance.

Pre-Service and In-service Training

The Corrections Training Academy (CTA) officially opened in 1984 under the direction of Reginald A. Wilkinson, the department's current director. The stated mission was to provide quality training to all department employees; to increase employee communication skills; to instill pride and professionalism in employees and to provide for staff career development. Since that time CTA has been providing in-service training for new employees and specialized training for current employees. Currently, pre-service training for all staff is three weeks long. Correction Officers receive one additional week of training at CTA specific to their job duties.

A random review of lesson plans and training agendas reflect that communication skills, appropriate supervision of inmates and inappropriate staff/inmate relationships have long been a staple of pre-service training. Indeed, by the very nature of the work, almost all training in one sense or another teaches staff how to appropriately interact with inmates. Currently, some of the specific pre-service training modules addressing appropriate staff/inmate interaction include "Standards of Employee Conduct", "Interpersonal Communication", "Introduction to Correctional Supervision"; "Inmate

Manipulation”, and a recently added separate module titled “Inappropriate Staff/Inmate Relationships”. This is consistent with DRC Policy 31-SEM-07-“Unauthorized Relationships”, which requires that CTA “implement and maintain lesson plans to address staff/offender relationships and provide continuing reinforcement of this policy throughout the pre-service training program.”

The issue of unauthorized staff/inmate relationships is also addressed during the orientation phase for new employees at their work site and during annual in-service training for current employees.

Specialized Training

In 1997 a three-member team from DRC attended a four-day training offered by the National Institute of Corrections (NIC) titled “Staff Sexual Misconduct with Inmates”. The agenda included: “Leadership”, “State Law And Policy”, “Management Practices”, “Operational Practices”, “Offender Programs and Services”, “Training”, “Investigative Policy and Procedure”, “Media Relations”, “Community Relations and the External Environment” and “Institutional and Office Culture”.

As a follow-up to the above referenced training, on June 3, 1998 NIC conducted training for the DRC executive staff and wardens, and on June 4, 1998 for DRC investigators and deputy wardens. Key topics included: “Scope of the Problem”, “Policy Development”, “Training Strategies”, “Legal Liabilities”, “Investigative Procedures”, “Responses to the Media”.

In 2001, another team from DRC attended the training at NIC. In December 2003, DRC again submitted an application to NIC for a three-member team to attend the updated training session. DRC was recently notified that its application was accepted. That training will occur in March 2004. DRC is also preparing an application for a team to attend another NIC training, “Investigations of Staff Sexual Misconduct” to be held in July 2004.

Standards of Employee Conduct

The “Standards of Employee Conduct” have long included prohibitions against staff becoming personally involved with inmates. These standards have always included not only the individual rules but also a narrative explaining what is inappropriate behavior as it relates to an inmate. The authorized sanctions for engaging in a personal relationship appears to have always included removal. Since 1986, the “Standards of Employee Conduct” have been revised and updated at least five times. A number of these revisions included clarification of what constitutes inappropriate interaction with an inmate.

Employees are issued the “Standards of Employee Conduct” during their pre-service training. Pre-Service training also includes a module devoted to explaining the standards. When the standards are revised they are reissued to all employees. The employees sign an acknowledgement of having received and read the standards.

Policy Development

Aside from the “Standards of Employee Conduct”, the earliest DRC policy specifically addressing inappropriate staff/inmate behavior is dated September 15, 1997. This policy has been revised twice since that time and is included in the department’s annual review of policies. The current policy contains examples of prohibited activities, required training, how to report potential unauthorized relationships, provisions for investigation and prosecution, and describes the method for an employee to report a “nexus” to a current inmate i.e. family relationship, etc.

Criminal Statutes

Ohio Revised Code 2907.03 is the Sexual Battery statute enacted January 1, 1974. At that time it included the following language:

(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person

In House Bill 510 of the 124th General Assembly, the department sought to add language to this statute that would clearly make any sexual conduct by an employee with an inmate sexual battery. Accordingly, in March 2003, the following language was added to section (A):

(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.

Investigation Procedures

As previously mentioned, on June 4, 1998 the department's investigators received specialized training related to investigating allegations of staff/inmate sexual relationships from NIC. In addition to this, in 2000, the investigators participated in a thirty-one hour training course presented by the Ohio State Highway Patrol. Other presentations/training have been provided to the investigators by the Attorney General's Office, the Office of the Inspector General and various other public and private agencies, either as a group or individually. The tools available to the investigators have also been improved; most notably would be the new inmate telephone system that investigators can monitor and gather other information from, as well as the increase in availability of surveillance equipment.

Another valuable tool made available to the department's investigators is the use of Computerized Voice Stress Analysis (CVSA). Over the past few years, the department's use of the CVSA has greatly enhanced the direction of investigations in the field by either verifying or refuting allegations of sexual misconduct or other violations of policy or administrative code. Briefly stated, the CVSA is a device that electronically detects, measures and charts the stress in a person's voice following a pre-formatted questionnaire to determine truth verification. Although used only as an investigative tool, the CVSA has aided in the identification of both employee and offender misconduct. Set forth in Department policy 09-INV-05, CVSA examinations are used as an informational aid that is used in conjunction with the traditional techniques of an administrative investigation. At no time are the results of the CVSA used as the sole determining factor in drawing a conclusion on an administrative investigation. Investigators generally request a CVSA examination for the purpose of establishing further leads and/or obtaining case direction. There are currently ten (10) certified examiners within the Department.

Employee Disciplinary Actions

Each institution has at least one investigator assigned to conduct administrative investigations of employee misconduct. Each institution also has an Ohio State Highway Patrol (OSHP) investigator assigned to it to conduct criminal investigations. The institutional investigator and the OSHP investigator will work cooperatively on those matters that constitute both a violation of the “Standards of Employee Conduct” and criminal statutes, such as sexual conduct between employee and an inmate. All allegations of sexual assault are reported to the OSHP. It is OSHP’s decision as to when a criminal investigation should be initiated. Likewise, it is at the discretion of the local prosecutor when to seek a criminal indictment.

It is frequently difficult to obtain adequate evidence to support allegations of sexual conduct between an employee and an inmate, due to lack of witnesses and/or other evidence. The department is also obligated to recognize an employee’s rights as established by law and/or bargaining unit contract. However, when sufficient evidence exists, the department does not hesitate to remove that employee and to support criminal prosecution of that employee. A database, logging inappropriate relationships between employees and inmates, maintained by the Office of the Chief Inspector indicates that since 1998, there have been approximately twenty-one contractors barred from admittance, sixteen probationary removals, one hundred sixty-three resignations, and fifty-nine terminations that occurred during or as a result of an investigation into allegations of an inappropriate relationship with an inmate. It is stressed that in most of these cases there would only be evidence of a personal/romantic relationship with no evidence of sexual conduct. A personal relationship, in and of itself however, is grounds enough for the department to seek removal of that employee. In cases where the employee has resigned prior to disciplinary action being taken, the personnel action will typically be coded “resigned-not in good standing”. This code indicates to other state agencies to which the individual may apply, that further checking of references and employment history may be necessary.

MOST RECENT INITIATIVES

The Director has recently initiated the “Ohio Correctional Institution Sexual Assault Abatement Ten Point Plan”. This plan contains a description of the actions that are or will be taken in the department’s continuing effort to prevent sexual assaults against inmates in Ohio prisons, whether those assaults are perpetrated by staff or other inmates.

Additional Actions

Additional actions being taken immediately include adding an investigator position at ORW (for a total of two full-time investigators), and implementing a security review team. The security review team consists of a security administrator, a major, a deputy warden, a health and safety coordinator and an administrative assistant from the Pickaway Correctional Institution. They will complete a “Back to Basics” security review at the three women’s’ prisons: The Ohio Reformatory for Women, Northeast Correctional Institution and Franklin Pre-Release Center. The review will include, but is not limited to:

1. An analysis of building security i.e. placement of officers desks, key/lock types, procedures and access, line of sight issues, use of mirrors/cameras for observation, privacy shields, and use of solid versus grill doors
2. A review of similar factors in all other areas of the prison i.e. powerhouse, maintenance, farm, and warehouse and
3. A review of daily practices to ensure effective security and accountability.