

Prison Rape Elimination Act (PREA) Audit Report Adult Prisons & Jails

Final

Date of Report April 10, 2020

Auditor Information

Name: William Peck	Email: william199@comcast.net
Company Name: American Correctional Association	
Mailing Address: PO Box 10449	City, State, Zip: Fairbanks AK 99710
Telephone: 901-378-3998	Date of Facility Visit: 3-5 March 2020

Agency Information

Name of Agency: Ohio Department of Rehabilitation and Correction	Governing Authority or Parent Agency (If Applicable): State of Ohio		
Physical Address: 4545 Fisher Rd, Ste D	City, State, Zip: Columbus OH 43228		
Mailing Address: 4545 Fisher Rd, Ste D	City, State, Zip: Columbus OH 43228		
The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Agency Website with PREA Information: https://www.drc.ohio.gov/prea			

Agency Chief Executive Officer

Name: Annette Chambers-Smith	
Email: Annette.Chambers-Smith@odrc.state.ohio.us	Telephone: 614-752-0283

Agency-Wide PREA Coordinator

Name: Mark Stegemoller	
Email: Mark.Stegemoller@odrc.state.oh.us	Telephone: 614-315-4951
PREA Coordinator Reports to: Chief, Bureau of Operational Compliance (BOC)	Number of Compliance Managers who report to the PREA Coordinator 25

Facility Information

Name of Facility: Lebanon Correctional Institution

Physical Address: 3791 ST. RT. 63

City, State, Zip: Lebanon, OH 45036

Mailing Address (if different from above):
Click or tap here to enter text.

City, State, Zip: Click or tap here to enter text.

The Facility Is:

Military

Private for Profit

Private not
for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information: <https://www.drc.ohio.gov/prea>

Has the facility been accredited within the past 3 years? Yes No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):

ACA

NCCHC

CALEA

Other (please name or describe: Click or tap here to enter text.)

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:

Internal Mock Audits for PREA and ACA

Warden/Jail Administrator/Sheriff/Director

Name: Mr. Chae Harris, Warden

Email: Chae.Harris@odrc.state.oh.us

Telephone: 513-409-8000

Facility PREA Compliance Manager

Name: Mr. Dan Hudson

Email: Daniel.Hudson@odrc.state.oh.us

Telephone: 513-409-8068

Facility Health Service Administrator N/A

Name: Ms. Dana Ullery

Email: Dana.Ullery@odrc.state.oh.us

Telephone: 513-409-8050

Facility Characteristics

Designated Facility Capacity:	1460	
Current Population of Facility:	1997	
Average daily population for the past 12 months:	2280	
Has the facility been over capacity at any point in the past 12 months?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males	
Age range of population:	18.5-71.2 yrs	
Average length of stay or time under supervision:	4.61 yrs	
Facility security levels/inmate custody levels:	Level 3/Level 1	
Number of inmates admitted to facility during the past 12 months:	1682	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>72 hours or more</i> :	1682	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>30 days or more</i> :	1476	
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with inmates:	498	

Number of staff hired by the facility during the past 12 months who may have contact with inmates:	107
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	11
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	68
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	410
Physical Plant	
Number of buildings:	64
Number of inmate housing units:	16
Number of single cell housing units:	3
Number of multiple occupancy cell housing units:	11
Number of open bay/dorm housing units:	2
Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	165
In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Medical and Mental Health Services and Forensic Medical Exams	
Are medical services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are mental health services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Where are sexual assault forensic medical exams provided? Select all that apply.	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: Atrium Medical Center)
Investigations	
Criminal Investigations	
Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:	0

<p>When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.</p>	<input type="checkbox"/> Facility investigators <input type="checkbox"/> Agency investigators <input checked="" type="checkbox"/> An external investigative entity
<p>Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)</p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input checked="" type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A
Administrative Investigations	
<p>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</p>	<p>2</p>
<p>When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply</p>	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
<p>Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)</p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input checked="" type="checkbox"/> N/A

Audit Findings

ODRC Policy and Acronyms

ODRC	Ohio Department of Rehabilitation and Corrections
OCM	Institutional Operational Compliance Manager
BOC	Bureau of Operational Compliance
LPH	Limited Privilege Housing
OSHP	Ohio State Highway Patrol
PAST	PREA Accommodation Strategy Team

ODRC PREA Policy:	
79-ISA-01	PREA Policy July 13,2018
79-ISA-04	PREA Risk Assessments and Accommodation Strategies
79-ISA-02	Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation
79-ISA-03	Sexual Abuse Review Team
79-ISA-05	Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Policy
Medical Protocol B-11	Medical Care Guidelines for Sexual Conduct or Recent Sexual Abuse

Lebanon Correctional Institution Mission Statement

The Lebanon Correctional Institution (LeCI) is responsible for the incarceration of convicted felons in a humane, safe and secure manner until their transfer to another institution within the Department of Rehabilitation and Correction or upon their legal release from custody to society at-large, in accordance with the laws of the State of Ohio and Departmental Regulations. During this period of incarceration, the institution must provide for the safety and security of its staff as well as the surrounding community, while providing work and other specialized programming to meet the individual needs of its population. This falls in line with the Ohio Department of Rehabilitation and Corrections Mission Statement of: To reduce recidivism among those we touch.

Audit Narrative

The Audit Process

The Lebanon Correctional Institution (LeCI) (Ohio) is compliant with the U.S. Department of Justice PREA Standards (Prison Rape Elimination Act).

The LeCI audit was conducted on March 4-6, 2020 by Certified DOJ Auditors William Peck and Kristen Thomas. An outbrief was held on March 6, 2020, with the Warden.

Entrance Interview: The entrance meeting auditors was held in the office of Chae Harris, Warden. The following persons were in attendance:

Warden Chae Harris
 PREA OCM (Operations Compliance Manager) Dan Hudson
 Deputy Warden of Administration Adam Keesler
 ODRC PREA Coordinator Mark Stegemoller

Facility Site Review

The site review went through the main LeCI compound and the Camp from 1:00 p.m. to 4:00 pm. on the first day of the audit. During the site review, the auditors evaluated the conditions of confinement and quality of life at the facility. The following narrative and description of the relevant facility programmatic services and functional areas summarizes the findings regarding these conditions and quality of life.

The following persons accompanied the auditors on the site review and responded to questions concerning facility operations:

Chae Harris, Warden
Deputy Warden Adam Keesler
Dan Hudson, Lebanon Program Administrator OCM/PREA
Mark Stegemoller, ODRC PREA Coordinator

Departments Visited:

The auditors were present at the facility during the day and evening shifts during the audit. The team site reviewed the main facility, worked on the files, and began conducting interviews. The auditors observed inmates performing work duties, working at several locations throughout the facility, inmates attending education classes, and inmates attending recreational activities in the gymnasium and on the yard. Facility PREA notices were posted in all areas of the facility. Auditors visited the following departments to review conditions and operations:

Administration
Investigations
Security
General Population and Restricted Housing
LeCI Camp
Education
Mental Health
Dental
Medical
Recreation Areas

Security:

The facility has a total of 266 cameras which records for various lengths of time. The cameras are both PTZ and Fixed (8 cameras are located outside the facility, 17 cameras are at the Camp, and 241 cameras located in appropriate locations inside the facility).

Medical Care:

The medical care at Lebanon Correctional Institution is provided by Ohio state employees and contract staff providing primary care for its 2,200 offenders. The medical department is a 24/7 operating department staffed with two part-time Physicians totaling 3 days weekly; one Health Care Administrator, 6 LPN's, two Nurse Practitioners, 13 RN's, and support Technicians and Clerical Staff. Some of the staff is contract staff, all other staff are Ohio State Employees.

Sick call is provided seven days a week and emergency situations are seen anytime seven days a week. For offenders housed in restricted housing, medical staff visits the units daily and obtain sick call requests and are seen in their housing units; if more care is necessary, they are escorted to the health services unit.

The medical portion of the reception process is conducted in accordance with PREA Standards protocol. Each offender is given an orientation to health care. The nurse completes an intake screening and covers all areas to include medical, dental, and mental health. In addition, each offender is screened for sexual abuse/assault vulnerabilities and/or those that may be sexually assaultive. Medical staff was interviewed and verified that they are responsible for completing the PREA Screening Checklist when inmates arrive into the facility.

When outside consultations are required, the Atrium Medical Center Clinic or the Ohio State University Clinic is utilized. The medical department has the use of telemedicine when needed. Medical staff reported the facility staff does not conduct SAFE/SANE examinations on-site and the inmates are transferred to Atrium Hospital for a completed examination. However, they do see the inmate upon return from the hospital. If it is on a weekend they will keep the inmate in the infirmary until next working day and they can be seen by a physician. If it is during working hours the physician will see the inmate same day of return. The inmate is also treated for sexually transmitted infection upon return from the examination.

Mental Health:

Mental health staff was interviewed and reported receiving additional specialized training with respect to protocols for sexual abuse and sexual harassment. They discussed their protocols for gaining consent and their duty to report. Staff not only explained the follow-up process for their responsibility to the alleged victim, but also went into detail with respect to the alleged aggressor as well. They refer all aggressors to their sexual abuse coordinator at the headquarters level for further assessment.

The Mental Health (MH) Department offers; Crisis Intervention, Counseling Groups, Individual Counseling/Therapy, Dual Diagnosis treatment, Substance Abuse Counseling, Individual Treatment Plans, and a Multi-Disciplinary Team approach.

Mental Health Staffing:

- 1 Contract psychiatrist
- 1 LPC
- 1 LPCC
- 4 Psychologists (2 state, 2 contract)
- 1 LSW
- 2 RNs
- 1 ARNP
- 1 Social Work Supervisor
- 1 Psychology Supervisor (vacant)

Offenders can access MH by sending a "Kite" (request chit) for either crisis or routine care, or by staff referral. MH staff visit the Restricted Housing Units on a regular basis. If an offender says he is suicidal, he is escorted to MH immediately or MH responds to the area immediately. If it is deemed necessary, and/or after hours, the offender can be placed in one of the 6 suicide watch cells in Restrictive Housing for constant/close supervision. All orders come from the Mental Health Providers.

Groups that are offered by the department include; Stress Management, Creating Balance, Survivors of Sexual Abuse, Medication Education, Changes that Heal, Managing Anxiety and Worry, Sleep Group, Men's Life Skills, and in addition there are 4 Evidence Based Programs which include; PTSD, Anger Management, Illness Management, and Depression.

Religious Programming:

The Religious Department is led by a Chaplain who provides for all of the religious needs of the offender population. The Chaplain with the assistance of 168 volunteers presents the following programs to the offender population; Behind the Walls, Hope Literacy, Choir/Praise Team, Apostolic Bible Study, Walking in Step Jesus, Bible College, Grief Recovery, Catholic Instruction, Prison Fellowship, Crossroads, Peace Education, Kairos/Prayer & Share, and Life Builders. Other programs include Building Personal and Professional Success (Bible Study, Muslim Taleem, and Mindful Meditation.

Food Service:

Food service operations at the Lebanon Correctional Institution and the Camp are provided by Aramark Services, a private contract vendor. Inmates (170) are employed as cooks, bakers, servers, janitors and dishwashers. The kitchen area is well designed, clean and well maintained at the both Main institution and the Camp and both areas have very good camera and staff coverage

Offender Work Programs:

Work opportunities are offered for inmates in the following areas: Food Service, Janitorial, Laundry, Recreation and Barber Services. In addition to these there is an industry operation which includes three separate shops. LGBTI inmates are assigned work throughout the facility.

Academic and Vocational Education:

LeCI conducts a corrections education environment that allows inmate students to choose from a variety of academic offerings including: Adult Basic Education (ABE) and General Education Development (GED). LeCI also offers a number of vocational programs including: business information systems, culinary arts, office systems specialist, and graphic arts. All of these programs and classes are conducted by fully certified teachers. Security staff are readily present throughout program areas.

Social Services:

The Social Services Programs are managed by the Unit. Offerings include, among others, the Treatment Program Continuum, which includes a 4-stage Treatment Readiness Program from Intensive Outpatient through the Recovery Maintenance Program and ending with Continuing Care/Fellowship Meetings.

Visitation:

The Lebanon Correctional Institution has a designated visiting area and visitation is conducted every day. In addition, there is a program under which the inmates can visit utilizing a kiosk system located within the living unit dayroom which provides audio and video connectivity to the visitor via a Skype feature on a laptop computer.

Library Services:

The library is open according to a liberal schedule which includes both evening and weekend hours. The library provides recreational and educational reading material for the inmate population at both the main facility and the camp. Book carts are available for the Restrictive Housing Unit, and they are rotated on a regular schedule. A law library is provided in conjunction with regular library services at both the main compound and the camp dormitory.

Interviews

During the course of the audit, auditors met with both staff and offenders to verify observations and perform the Standards' interviews concerning facility operations. The major portion of the site audit consisted of conducting these structured interviews with specialized and randomly selected staff and also with random and targeted categories of offenders (LGBTI, reported victims of abuse, cognitive or handicapped offenders, etc.). All staff and offenders interviewed were very cooperative during the interview process.

Offender Interviews

In addition to interviews and discussions with employees selected during the site review, the Auditors conducted random and targeted offender interviews as noted below. The offenders and staff were well aware of PREA and the zero-tolerance policy of the Agency. Offenders interviewed were knowledgeable about how and where to report sexual abuse and sexual harassment. They all indicated they had received written information either on their arrival or on the housing units for those that have been at the facility for a considerable amount of time.

The offenders talked freely with the auditors and described their treatment by staff members as fair with few individual exceptions. LGBTI offenders interviewed reported that they felt safe and a significant number of older offenders responded in a similar vein.

The auditors had the opportunity during the conduct of the audit to speak with 21 Randomly Selected inmates and 22 Targeted inmates. The inmates felt that the large majority line staff at the facility treated them professionally and respectfully, with a few individual exceptions. The inmates stated that they felt that they could approach almost any of the staff at the facility with any concerns that they may have and that action would be quickly taken.

Some targeted offenders were part of more than one category and were interviewed for both categories (e.g., LEP and cognitive disability both; or physical disability and deaf both, etc.). The offenders were supportive of the PREA efforts by the warden and the administrative staff. There were a few general population complaints about staff treatment or fairness by a few individual staff, but these were non-specific. Overall, the offender interviews produced very few complaints.

Offenders selected for random interviews were selected from all housing areas. During all interviews, offenders communicated that they felt safe and they felt that their sexual safety was not at risk. Interviewed offenders felt that some few individual staff were less concerned than others but that anyone they reported to would take action on a report of sexual abuse, assault, harassment or retaliation.

Offenders Interviewed

4 Offenders Who Reported Victimization During Risk Screening
3 Offenders Who Identify As LGB
4 Transgender Offenders
4 Who Reported Abuse/Victimization
2 Inmates With a Physical Disability
1 Inmates Who Were Blind, Deaf or Hard of Hearing
1 Limited English Proficiency Inmate
3 Inmates With A Cognitive Disability
21 Random Offenders

Staff Interviews

Auditors interviewed a wide range of staff that included both executive and line staff for the facility. The auditors had the opportunity to speak with 12 Randomly selected staff members, 6 mandated senior staff (including 3 memorialized interviews with agency headquarters personnel), 38 specialized staff 1 volunteer and 3 contractors during the conduct of the audit. Specialized staff interviewed included Medical and Mental Health Supervisors, higher-level supervisors, as well as staff from Programs, Human Resources, Training, Classification, Volunteer and Intake Staffs. The consensus of the auditors was that staff at the facility were professional in the performance of their duties and very knowledgeable of their duties and responsibilities.

It was observed by the auditors that the line staff, as well as the executive level staff, was responsive to inmate concerns. The line staff felt that the executive level staff had an open communication culture and were available to them at generally any time. Many staff have been at the facility for a lot of years, which the auditors felt spoke very highly of the operation of the facility.

Staff at LECI is professional in their interaction with the offenders and other staff. The auditors observed a sense of pride in staff in the facility regarding their jobs. Officers the auditors talked with said they were committed to the success of the facility. Staff and officers feel that their work is recognized and appreciated by leadership.

Staff Interviewed

1 Agency Head
1 Agency PREA Coordinator
1 Facility Contracting Officer
1 Human Resources Manager
1 Warden
1 PREA Compliance Manager/Operational Compliance Manager

- 2 Facility Administrative Investigators
- 1 Criminal Investigator (Ohio State Highway Patrol)
- 2 Incident Review Team members
- 4 Contractors/Volunteers who have contact with offenders
- 6 Medical-Mental Health staff
- 1 SAFE/SANE Staff at the Medical Center
- 2 Victim Support Staff
- 6 Intermediate or Higher-level Supervisors
- 2 Staff Who Perform Risk Screening
- 2 Intake Staff
- 3 Staff Who Perform Screening for Risk of Victimization and Abusiveness
- 2 Staff Who Supervise Segregated Housing
- 2 Designated Staff Charged with Monitoring Retaliation
- 7 First Responders
- 12 Random Staff*

All staff interviewed were well-versed in their respective areas of responsibility regarding PREA and affirmed compliance with the applicable PREA standards. Staff was familiar with the procedures regarding reporting, responding and evidence preservation. All uniformed staff are trained as first responders and are familiar with their duties.

Examination of Records

Prior to and during the site visit review, the auditors reviewed the various files and documents, noted below, to evaluate compliance levels of the policies and procedures. The facility has zero notices of non-compliance with local, state, or federal laws or regulations. These file and document reviews were also part of the triangulation of data following the on-site review.

- Staff Handbook
- Inmate Handbook
- Investigator training certification
- Receipt records of admission education by inmates
- Volunteer and Contractor training guide
- Staff training topics and dates training received
- Volunteer and Contractor Training Records and Topics
- Medical and Mental health staff training certificates
- Staffing Plan
- Investigation folders
- Personnel Folders, random, including Volunteer and contractor folders
- Personnel Background Investigations results
- Inmate online confinement folders, random
- Standards, Policies
- Coordinated Response Plan
- Medical and Mental Health department Logs
- Housing Unit logs, random

Facility Characteristics

Lebanon Correctional Institution is approximately 45 miles north of Cincinnati and was constructed/opened in 1960. It consists of 40 acres within a double fenced Compound, including 11 acres of indoor space under one roof and is constructed in a "telephone pole" configuration.

The institution employs more than 500 individuals in custody and security, food service, education, health care, maintenance, sanitation, laundry, recreation, industry, support and religious positions.

The main institution can house approximately 2450 inmates plus 200 minimum security inmates at the Camp. There are 16 housing units including 5 restricted housing units and 2 Camp units. This includes 9 General Population Units- (A, B, D, E, F, G, H, J, K); 5 Restrictive Housing Units- (C, R, L1, L2, L3); and 2 Camp Dormitories (A-Side / B-Side)

The general Description of these housing areas includes:

Blocks A, B, D, E, F, H, J, K house (two) offenders per cell on three ranges of cells
Blocks C (LPH) houses (one) offender per cell on three ranges (Restrictive Housing)
R Block (Special Management) houses (two) offenders per cell on two ranges
G Block is the "Merit" block; houses (one) offender per cell on three ranges
L1 Block (Special Management) closed due to decreased segregation
L2 (Special Management)
L3 (Special Management)

Facility Demographics

Rated Capacity: 1460

Average Daily Population the last 12 months: 2280

Average Length of Stay: 4.61

Security/Custody Level: Close (Medium)/Minimum

Age Range of Offenders: 18-71

Gender: Male

Exit Discussion

The exit outbrief was held at with the Warden, Chae Harris March 6, 2020. The auditors explained the procedures that would follow the audit expressed appreciation for the cooperation of everyone and explained the Post-Audit process to include review and triangulation of all data received.

The following persons were also in attendance:

Warden Chae Harris

Operations Compliance Manager Dan Hudson

Deputy Warden of Administration Adam Keesler

ODRC PREA Coordinator Mark Stegemoller

Corrective Actions

In regards to standard 115.32 (Volunteer and Contractor Training), the Auditors recommended that the facility develop a plan of action to ensure all medical and mental health contractors receive an improved level and type of training, based on the services they provide and level of contact they have with inmates. The on-site review, policy review, and interviews all indicated that contract medical personnel function largely in a manner similar to full-time State staff. The auditors believe that this can be accomplished through including such contractors in annual PREA refresher training equivalent to that in which full-time staff receive.

ODRC PREA leadership reviewed this recommendation and are revising policy 79-ISA-01 to include the following language: All routine volunteers, special event volunteers (as defined by DRC Policy 71-SOC-01), Long Term Contractors and Non-Escorted Contractors (as defined by DRC Policy 39- TRN-12) who have contact with inmates shall be notified of DRC's zero-tolerance regarding sexual misconduct and how to report such incidents. All volunteers and contractors shall also be trained on their responsibilities regarding sexual misconduct prevention, detection, and response. The level and type of training shall be based on the services they provide and the level of contact they have with inmates. "Annual PREA refresher training shall be completed by all contractors who provide services at prisons that are equivalent to that of full-time staff (i.e., medical, mental health, Aramark, etc.)." All training shall be documented on the PREA Contractor/Volunteer/Intern Training Acknowledgment Form (DRC1173).

The Auditors believe this action will meet enhanced training needs of certain contractors and resolves our recommendation.

Summary of Audit Findings

Standards Exceeded

Standards Met

Number of Standards Met: 43

Standards Not Met

PREVENTION PLANNING

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? Yes No
- Does the written policy outline the agency's approach to preventing, detecting, and responding

to sexual abuse and sexual harassment? Yes No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?
 Yes No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) Yes No NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

PREA management in ODRC facilities is managed by an Operational Compliance Manager (OCM), a Full-time Position who also manages ACA Accreditation Audits and other internal ODRC audits. ODRC Policy 79-ISA-01 provides the primary ODRC PREA Plan guidance.

The Agency OCM interview reflects that adequate time is available to himself, his 2 PREA Regional Compliance Administrators, and the 25 facility OCMs/PREA Compliance Managers.

The PREA Operational Compliance Manager reports to the Warden or Warden's designee. The ODRC Bureau of Operational Compliance (BOC) has functional supervision and oversees regular meetings and training, as well as conducting site visits and maintaining constant contact.

The ODRC policy mandates zero tolerance of sexual abuse and harassment. The policy outlines the agency's approach to preventing, detecting and responding to such conduct. Prohibited acts are clearly defined. Staff duties are defined within the policy. The ODRC OCM/PREA Coordinator and facility OCM/PREA Managers were familiar with their respective responsibilities to ensure compliance to policies by staff. The ODRC and Facility Coordinators interviewed indicated that they have sufficient time and authority to coordinate efforts to comply with the PREA standards as required. The extensive ODRC PREA compliance oversight and management effort is assigned to the HQ facility and Regional function statewide and is operated from ODRC headquarters. If a

local issue, the Compliance Administrators will contact the facility OCM and develop a plan of action to bring them into compliance. If it is an agency issue, the Bureau of Operational Compliance (BOC) adjusts policy or procedure.

Standard 115.12: Contracting with other entities for the confinement of inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The agency entered into 3 contracts for confinement of inmates since the last audit and all require contractors to adopt and comply with PREA Standards. The agency monitors all contracts for compliance and that provision is included in all contracts as well.

Based on contract documentation provided and interviews with the Agency Contract Administrator and the PREA Coordinator/BOC Chief, it was determined that the ODRC system (not Lebanon per se) does contract with other facilities to house offenders assigned to their custody and requirements to monitor are being met, as are contractual requirements that the contractor be compliant with PREA Standards. ODRC also has an extensive oversight system for contractual relationships. The Ohio Department of Rehabilitation and Correction contracts with private agencies for offenders housed at only three facilities. No other offenders are housed with a private agency or other entity. The Ohio Department of Rehabilitation and Correction conducts an annual PREA Compliance Review at each private facility

The ODRC Contracts policy, 79-ISA-01, requires that the 11 contracted service providers for LeCI meet all PREA requirements for training. The 3 agency-contracted facilities for ODRC also are required to be PREA-compliant and these facility operators are audited by ODRC annually. The agency has a full time Contract Monitor at each facility to monitor day to day operations and contract facilities are required to follow ODRC Policies.

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift? Yes No NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or

standards? Yes No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? Yes No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)
 Yes No NA

115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? Yes No

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? Yes No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The average daily count has averaged 2415 since the last audit in 2017 and the staffing plan is predicated on an average of 2215. ODRC's systemic approach meets requirements for the Staffing Plan, although only a portion of the process occurs at the facility level. The Annual Plan is developed by the Lebanon leadership team, including the OCM/PREA Coordinator, in conjunction with the Regional OCM/PREA Coordinator from ODRC. The local plan emphasis, as in most systems, is more geared towards managing allotted resources than a total review of needs to run the facility that addresses all sexual safety needs, but the Lebanon Warden's annual assessments are thorough and address all required basic areas.

The BOC coordinates the yearly staffing plan meetings with all institutions. And the Agency BOC Chief participate in all meetings.

The overall process includes the review of manpower and technology, the review of incidents, and the monitoring of deviations. The system is cumulative and addresses more overarching issues as it rises through the Region and other review echelons.

All deviations are required to be logged and explained. The staffing plan receives annual reviews and assessments by the facility, Region and at ODRC levels. There have been no deviations in the past 12 months.

Unannounced supervisory visits are required and routinely accomplished on all shifts and include visits by the Warden, Deputy Warden and Duty Officers.

Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].)
 Yes No NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Youthful Offenders are not housed at this facility. Not Applicable.

Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
 Yes No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)
 Yes No NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (d)

- Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? Yes No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? Yes No
- If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? Yes No

115.15 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

No female offenders are confined here, this element of the Standard is Non-Applicable. Female officers pat search males and are trained to do so; all strip searches are conducted by male staff. Search training specific to transgender offenders is provided to all staff but policy is clear that searches to determine genital status are prohibited.

Every security staff member has received training in conducting cross-gender searches and searches of transgender and intersex inmates according to interviews with transgender inmates, management and line staff.

Targeted offender interviews indicated there were no concerns in regard to the procedures utilized for the searches of transgender offenders and that all shower areas provided individual privacy. Transgender offenders reported they were mostly but not entirely housed within a large housing unit with a more vulnerable and mature population and are given job assignments throughout the facility. Interviewed transgender offenders reported that there were a few individual staff who were negative in their treatment but that this did not extend to safety issues or responding to reports.

Based on policy, tour observations, training curricula, staff and offender interviews, and documentation provided in logs, they do not conduct cross gender strip searches and/or cross-gender body cavity searches, although policy allows for exigent circumstances and requires extensive log data showing supervisory approval etc. ODRC allows cross-gender pat searches of males but not females; if exigent circumstances require a cross-gender pat down search of a female, these are approved and documented by supervisor; and 100% of staff are trained in correct cross-gender search techniques. There have been no instances to date but, if any occur, staff are aware of the procedures and that policy defines the requirement to document such searches in an Incident Report.

Offenders interviewed all supported that they are allowed to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing these evolutions. Interviewed offenders communicated that appropriate announcements were made by opposite-gender staff as required by the standard, with an occasional exception, but that they reported never being naked in full view of staff, and that they were aware of when female staff were inside their unit. Interviews and observation verified that privacy shower curtains are used in the showers and that toilets are within each cell.

Cameras are appropriately positioned to ensure basic privacy while maintaining a secure environment in general movement areas.

Opposite gender staff are required to announce their presence electronically using lights and sound prior to entering the housing areas and this was observed throughout the tour. Verbal announcements are made during hours of sleep to announce their cross-gender entry. Interviews with staff and offenders revealed that opposite gender announcements are common practice.

Staff were aware of the prohibition of searching or examining a transgender or intersex offender for the purpose of determining the offender's genital status. As to transgender offenders, policy, training documentation and staff interviews show that staff are familiar with the search procedures for this population.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with 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, including: Other (if "other," please explain in overall determination notes)? Yes No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

- Does the agency take reasonable 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 inmates who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There have been no uses of inmate interpreters, readers or other inmate assistants in the past 12 months. Offenders with disabilities are housed here but they are transferred to a more appropriate facility with the required services if the disability is severe enough to negatively impact participation in the LeCI programs. The Facility makes available written information in English and Spanish. Through staff and offender interviews, it is clear that staff are available to ensure effective communication with offenders having difficulty reading or understanding information provided, beginning with the initial arrival process.

ODRC has state-wide contracts for interpretation services, ASL services, and has also provided intake videos with signing included. The Agency Head interview indicates that the Inmate Education Video has sign language and closed captioning and that ODRC has contracts for interpreters and sign language available to all institutions.

Certified American Sign Language Interpreter service is provided for hearing impaired offenders, and access is provided to these interpreters, but profoundly deaf inmates are normally recommended for

transfer to a more appropriate institution where support services are more routinely available.

Offenders identified as Spanish speaking only or limited English will be provided orientation in Spanish, and this is noted on the Orientation Sign In sheet.

ODRC has training for all staff on PREA-compliant practices and communicating with offenders with disabilities or who are limited in English proficiency. Certified staff translators are available, as are translation services. Policy prohibits offender interpreters unless a hazardous situation is immediately present. No offender interpreters have been utilized in the past year.

There are contracts for all required translation and signing service etc., but LeCI also provided documentation that no interpreters and no 'reasonable accommodation' requests were received during this cycle.

Standard 115.17: Hiring and promotion decisions

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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)? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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)? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? Yes No
- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? Yes No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency perform a criminal background records check? Yes No
- Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its 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? Yes No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? Yes No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? Yes No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? Yes No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? Yes No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? Yes No

115.17 (h)

- Does the agency 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? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There were 107 persons hired who required and received a background check due to their potential contact with inmates, as well as 12 contracts that required checks of their staff who might have contact with inmates. The agency does require at least a 5-year re-check of all investigations of all staff and contractors.

Criminal background checks are conducted on all employees and contractors in accordance with DRC policy 34-PRO-07, Background Investigations. The agency considers any incidents of sexual harassment in determining whether to hire . . . anyone, or to enlist the services of any contractor who may have contact with inmates. ODRC investigators perform criminal background checks on all new employees, employee promotions and all contractors. Any background check for an unclassified position (higher level) is conducted by the Ohio State Highway Patrol.

ODRC policy is that the agency shall not hire anyone who may have contact with offenders, and shall not enlist the services of any contractor who may have contact with offenders, who:

- (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution;
- (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;
- (3) Has been civilly or administratively adjudicated to have engaged in the activity described.

By review of policy, an interview with a staff responsible for Human Resources functions, and documentation review, it was determined that the ODRC does not hire or promote staff or enlist the services of any volunteer or contractor who may have contact with offenders, if they have committed or been convicted of any of the prohibited acts as defined in sections 1-3 of standard 115.17(a) or had any incidents of sexual harassment.

All employees who may have contact with offenders complete a PREA Annual Acknowledgement form (DRC1214) by December 31st of each year and forward it to the personnel office. It is the responsibility of the OCM to ensure any positive responses on the PREA Annual Acknowledgement are followed up and also referred to legal counsel.

ODRC HR staff ask all applicants and contractors the series of PREA questions during the job interview process and on the contractor application. Any positive responses are referred to the Human Resources Attorney in the Legal Services division, who evaluates employee law and PREA law before advising the Human Resources division.

Agency policy dictates background checks are conducted at least every five years for current employees, done by Facility Investigators and Regional Human Resources staff conduct criminal background checks. Employee background are conducted every 5 years and contractor backgrounds are actually conducted every 2 years. Per the Employee Standards of Conduct, staff have a duty to report any misconduct.

Agency policy states also that material omissions regarding misconduct or material false information shall be grounds for termination, (Prison Rape Elimination 79-ISA-01, and 31-SEM-02 Standards of Employee Conduct).

Background Investigations for state employment (civil service) are maintained in a confidential file separate from the routine employee file in the personnel office for a period of no less than five (5) years from date of hire.

An applicant being considered for employment must complete Personal History Statement (DRC1683) with required documentation provided and the Authority for Release of Information form (DRC1404) prior to a background investigation being conducted.

The Background Investigation Checklist (DRC1674) includes:

- General Information
- Fingerprints
- LEADS (Local Law Enforcement (Residence only))
- Local Law Enforcement (a minimum of previous five (5) years)
- NCIC Done by Central Office Background Unit or by local investigator
- Education
- Employment: A review of the previous five (5) years is recommended utilizing the Background Investigation Employment Worksheet (DRC1676).
- Personal references section may be completed by the appointing authority/designee utilizing the Background Investigation Personal References Worksheet (DRC1678).

New employees and potential contractors receive criminal background checks and those are renewed every 5 years for employees (2 years for contractors, including checks through the NCIC system). Applicants for hire or promotion are asked directly about misconduct through a separate reporting form during the process and every applicant is reviewed and vetted by the HR Background Investigation facility before a selection is made.

Requests from employers concerning former employees are responded to by the staff responsible for HR functions but policies and interviews made it clear that ODRC ensures any staff member with adverse information on their record has that data provided to the requesting agency considering the former staff member for possible hire. This includes those who resign in the middle of an investigation. ODRC policy is to meet the standard. Any questions regarding actual substantiated sexual abuse or

sexual harassment claims by employees against offenders are referred to and answered by the facility.

Every applicant is fingerprinted with prints entered into the system so that the agency checks their history but also is notified of any subsequent arrests. Any staff not reporting an incident are directly reported to the Facility Head.

HR staff interviewed all indicated that any negative information regarding sexual abuse would be provided to prospective employers and that they have updated policy to provide this information unless prohibited by Ohio law. Currently, there is no Ohio law that prohibits providing the related information. Required questions about PREA-related actions are included in all interviews and processes, and ODRC staff sign a "PREA Annual Acknowledgement" every Fall.

Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

LeCI has not had any significant facility renovations or modifications but currently has 266 cameras (241 inside, 17 at the Camp, and 8 outside). Cameras are both Pan, Tilt & Zoom and fixed types, and retention time for camera footage is 21 days depending on the location and video activity.

Four (4) cameras were added this past year to the carpenter shop. It is noted that cameras significantly enhance security and sexual safety in this population. Most blind spots have been eliminated or greatly reduced; the Warden and executive staff are continuing to address the remaining areas as identified. A consistent trend across both staff and offender interviews is that there are many fewer actual incidents, and also far fewer allegations of incidents, since the population is well aware of the extensive coverage.

The Construction, Activation, Maintenance and Sustainability division is responsible for facility modifications and works directly with the Operational Compliance and PREA Coordinator offices to ensure PREA related issues are considered. These issues are also discussed in the annual Staffing Plan meetings, conducted as part of the staffing plan to ensure camera placement is appropriate and adequate to enhance sexual safety. The video monitoring system installed has high clarity and capability to monitor activities within the general facility zones and other areas; the recording capability is mostly 21 days to allow for use in investigations. Staff and offenders confirmed during interviews that they felt more safe and secure because of the widespread presence of the camera system.

Cameras can be placed, repurposed, and relocated at the discretion of the Warden who is the final authority on how to deploy the surveillance equipment in an effort to enhance the agency's ability to protect offenders from sexual abuse.

The quantity of cameras allocated may be increased or decreased as required by unit mission changes. Policy requires that, at least once a year, the Warden reviews deployment of video monitoring systems to ensure adequate coverage is provided to protect against sexual abuse. The Warden receives relevant data from the facility PREA Compliance Manager containing the prevalence of incidents during this review.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)
 Yes No NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? Yes No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? Yes No
- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA
- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

- As requested by the victim, does 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? Yes No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The agency is responsible for administrative investigations only, not criminal investigations, but the agency adheres to all PREA Standards regarding these investigations. There were 7 occasions of forensic examinations this past 12 months and all 7 were performed at the outside medical facility by SAFE or SANE Medical Center staff.

The Investigation MOU between ODRC and OSHP (Ohio State Highway Patrol) requires adherence by both agencies to PREA Standards.

Victims of sexual assault who require a forensic exam are taken to Atrium Medical Center for completion of the exam. Policy states "Healthcare staff shall not be utilized for this process as it is unrelated to healthcare and further prohibited by DRC policy 68-MED-09, Medical Legal Issues, which prohibits the collection of forensic information by healthcare staff."

Consistent with Medical Protocol B-11, "Medical Care Guidelines for Sexual Conduct or Recent Sexual Abuse", medical services conduct an examination for the presence or absence of physical trauma and perform follow-up testing for sexually transmitted diseases and pregnancy testing, as appropriate. Medical services also refer the inmate to mental health services for evaluation and counseling and offer the inmate appropriate prophylactic treatment for sexually transmitted diseases.

Priority medical/forensic treatment and provision of care to the adult sexual abuse patients is given regardless of when the sexual abuse occurred. If it is within ninety-six (96) hours (four full days) after an attack, evidence is always collected. Research and evidence analysis indicates that some evidence may be available beyond ninety-six (96) hours after the assault.

Decisions about whether to collect evidence should be made on a case-by-case basis, guided by the knowledge that outside time limits vary due to factors such as the location and type of sample collected. Cases in which evidence should be collected beyond ninety-six (96) hours occur where an exam may corroborate chronic injury, excessive force or significant trauma.

ODRC uses staff VSP's (Victim Support Persons) to be immediately available if an offender requests an advocate. VSP's are trained and selected from appropriate volunteer staff. There is no cost to the offender for this process. If outside transport is needed, a community crisis agency member can be made available. Women Helping Women is the local Rape Crisis Center. Wardens are required to screen VSPs for appropriateness to serve in this role, keeping in mind the emotional stability required when providing emotional support services to sexual assault victims.

Each newly designated VSP completes an ODRC Victim Support Person Training course prior to performing any VSP functions. The ODRC Office of Victim Services coordinates VSP training.

ODRC has an MOU state-wide with the Sexual Assault and Response Network of Central Ohio, as well as with the Ohio Sexual Violence Helpline, and Women Helping Women is the local crisis center. Additionally, Lebanon has trained a number of staff "Victim Support Persons" in the event crisis agency staff cannot respond.

The investigator is also the primary oversight of the post-allegation monitoring program.

The highest-ranking security supervisor on duty always notifies the PREA Coordinator on all allegations of sexual abuse and policy states that medical staff determine whether a forensic medical examination is required, however the guidance is clear that forensic exams would always be pursued if the incident was still in a window where evidence might be obtained.

Standard 115.22: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? Yes No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? Yes No

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? Yes No

- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

During the past 12 months 17 allegations were received and all resulted in an administrative or criminal investigation. Per ODCR policy, all cases are reported to OSHP, but OSHP only charged one inmate criminally and that criminal case is still pending. All other cases were administratively investigated.

The agency has an MOU on investigations with the Ohio State Highway Patrol that mirrors PREA standards for investigation requirements.

Per Policy 79-ISA-02, All allegations of sexual misconduct shall be referred for investigation to the OSHP unless the allegation does not involve potentially criminal behavior. The Agency PREA Coordinator/designee maintains a document that describes the responsibilities of the DRC and the OSHP for criminal investigations

The agency is responsible for conducting all administrative investigations, and the OSHP is responsible for criminal sexual abuse investigations- (including inmate-on-inmate sexual abuse or staff sexual misconduct). Institution Investigators initiate the investigation. If it appears to be criminal, the OSHP is immediately notified and the agency Investigator will then assist the OSHP. If not criminal, Investigator will conduct and complete the investigation.

There is a State Trooper liaison assigned to each facility with an office at their assigned facility and they work closely with our Investigators. Agency Head and other interviews and policy all reflected that the OCM/PREA Coordinator is notified immediately in every allegation. It is noted that the facility

investigator indicated in the interview that the OSP investigator at LeCI routinely reviews each allegation in concert with the institution investigator at the onset of the review, they approach it as a team. Troopers are rotated among three area prisons and a local OSP office support position on a 6-month basis.

ODRC follows a uniform evidence collection protocol that maximizes the potential for obtaining usable physical evidence. OSP criminal investigators are commissioned peace officers and have full law enforcement authority and statewide jurisdiction in criminal matters affecting the ODRC.

Employees are required to report occurrences or allegations of administrative violations, criminal offenses, and other incidents required to be reported by this directive immediately upon becoming aware of such conduct or as soon as practical. Reports may be made directly to the PREA or through the employee's supervisor. Supervisory staff ensure that incidents reported to them are also reported to the PREA Coordinator. ODRC specifies also that employees who do not report incidents are subject to discipline and charges themselves. Every employee interviewed was aware of this and could immediately relate consequences of failure to report.

All policies regarding reporting are clearly published on the ODRC website.

TRAINING AND EDUCATION

Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No

- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? Yes No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? Yes No

115.31 (c)

- Have all current employees who may have contact with inmates received such training? Yes No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? Yes No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? Yes No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

All 498 new staff hired during the past 12 months staff and 112 Volunteer/Contractor personnel were trained in required PREA elements. ODRC has very good volunteer and contractor training lesson guides. The required refresher training is provided annually rather than every 2 years.

Training Guides and curricula and all were of excellent quality. ODRC also has an excellent intranet training and information site, the PREA Information Center, for PREA resource purposes, new data and current update information.

Employees who have contact with offenders receive refresher training at a minimum during Annual Training on PREA requirements, including specialized staff.

All have signed the acknowledgment: "I understand the training on my responsibilities under the Ohio Department of Rehabilitation and Correction's Prison Rape Elimination Act Policies to include the following:

1. The Department's zero-tolerance for sexual abuse
2. The Department's zero-tolerance for sexual harassment
3. How to report sexual abuse and sexual harassment
4. Sexual abuse and sexual harassment prevention
5. Sexual abuse and sexual harassment detection
6. How to respond to sexual abuse and sexual harassment
7. The legal prohibition on any sexual activity with offenders
8. The identifiers of possible sexual assault victims
9. Sexual assault prevention strategies"

PREA Training:

Employees: All unit assigned employees receive PREA Training, in accordance with Standard 115.31, through required attendance at the Academy or Correctional Awareness training by viewing the PREA in departmental training videos. They sign a PREA Training Employee Acknowledgment Form. The officers on the shifts stated they feel safe working at LeCI and all had been through PREA training. In interviews, random correctional officers and staff expressed satisfaction with their PREA training and felt they knew their required actions when incidents occur.

Contract Employees and Interns: All contract employees are completing the PREA Training Contract Employee or Intern Acknowledgment Form after viewing the video. All contract employees/interns receive the refresher PREA Training every two years.

Agency policy requires that PREA investigators are trained in conducting sexual abuse investigations in confinement settings. In addition to the Institutional Investigators Specialized PREA training, they are required to take the PREA mandated annual training during staff In-service sessions. Institutional Investigators, Operational Compliance Manager (OCM) and the Ohio State Highway Patrol (OSHP) all have received either the NIC Prison Rape Elimination Act (PREA) Investigating Sexual Abuse in a Confinement Setting Course or the MOSS Group; Investigating Sexual Abuse in Confinement Settings.

The agency maintains documentation showing that investigators have completed the required training. All investigators currently employed have completed the required training. PREA Investigators also

complete the NIC training. Investigator training is received through the Agency's Chief Inspector office, who has oversight of the facility Investigators. In addition to the NIC PREA specialized training, the current Investigator has received PREA Specialized Investigator training through the MOSS Group.

Medical and Mental Health receive additional departmental "specialized training" for medical and mental health care in accordance with standard 115.35. The orientation is on similarities and differences between providing health care in the community and the correctional setting. Topics presented include: security, classification and health care needs of the offender population: detection, signs, assessment, and response to offender-victims of sexual abuse and sexual harassment; the preservation of physical evidence: and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

All contractors and volunteers receive training on their responsibilities under the sexual abuse and harassment prevention, detection and response policies and procedures. In the year prior to the visit, 112 contractors and volunteers received this training. Training included potential disciplinary and criminal or administrative procedures for violations. Interviews acknowledged compliance with the training required for the level of contact of the volunteer or contractor.

Both ODRC and the Lebanon Correctional Institution place great emphasis on staff training. Employee Training at the Academy is 3 weeks for non-security staff, and 4 weeks for custody staff. All ODRC line staff receive Academy preservice training upon hiring, as well as annual refresher training, on the required specific standards outlined in standard 115.31, as well as specific training on being first responders. Training documentation reveals that staff acknowledge their understanding of the training received within the training area files and the individual training files.

1. All new employees receive instruction related to the prevention, detection, response, and investigation of sexual misconduct during New Employee Orientation (NEO) training at the Corrections Training Academy (CTA). This training includes the following:
 - a. DRC policies that address the agency's zero-tolerance for sexual misconduct;
 - b. The employee's responsibilities regarding sexual misconduct prevention, detection, reporting, and response policies and procedures;
 - c. The inmate's right to be free from sexual misconduct;
 - d. The inmate's and employee's right to be free from retaliation for reporting sexual misconduct;
 - e. The dynamics of sexual misconduct in confinement and the common reactions of sexual misconduct victims;
 - f. How to avoid inappropriate relationships with inmates;
 - g. Effective and professional communication with inmates including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - h. How to comply with relevant laws for mandatory reporting of sexual abuse to outside authorities.
 - i. How to detect and respond to signs of threatened and actual sexual abuse.
2. Each institution provides training on sexual misconduct annually during staff in-service:
 - a. How to detect and respond to signs of threatened and actual sexual abuse.
 - b. All security staff are trained on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates to ensure professionalism and to utilize the least intrusive manner possible consistent with security needs.
 - c. Employees who transfer to an institution that houses inmates of a different gender receive training tailored to that gender of inmates as part of their orientation training as mandated in DRC policy 39-TRN-10, Employee Orientation Training. Training is documented on the Institutional Transfer Orientation Checklist (DRC1312)

Prior to conducting a PREA investigation, all investigators receive specialized training which includes conducting investigations in confinement settings, interviewing techniques for sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. This training is documented on the PREA Training Session Report (DRC1680). The training may be received through the National Institution of Corrections (NIC).

All routine volunteers, special event volunteers (as defined by DRC policy 71-SOC-01), Long Term Contractors and Non-Escorted Contractors who have contact with inmates are notified of DRC's zero-tolerance regarding sexual misconduct and how to report such incidents. All volunteers and contractors are also trained on their responsibilities regarding sexual misconduct prevention, detection, and response. The level and type of training are based on the services they provide and the level of contact they have with inmates. All training is documented.

The Bureau of Behavioral Health Services (BOBHS) provides or coordinates training to assure that each institution employs or has access to the services of a mental health professional who has a scope of practice, training and/or experience in trauma counseling.

Specialized training is given to employees designated as victim support persons. Only employees that voluntarily agree to act as a victim support person can be utilized.

It was evident during the random and training staff interviews, as well as upon review of training documentation, that staff received the training and were aware of their offender protection responsibilities concerning sexual abuse and harassment incidents as well as required steps of evidence collection.

Review of curricula showed that PREA training is both generic and also tailored to the gender-specific issues of offenders in each facility. Employees reassigned receive additional training if offender gender changes with the new assignment.

ODRC invests major resources in training and this is further supported by the Region and the Lebanon leadership; training exceeds the standard's requirements and is a strong pillar of the system and facility.

Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? Yes No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? Yes No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The Volunteer and Contractor training outline and script was reviewed and both volunteer and contractors interviewed affirmed that was the training they received. There were 112 volunteers and contractors trained in the past year regarding agency policies and procedures regarding sexual harassment, sexual abuse, and PREA Standards.

All routine volunteers, special event volunteers, and Contractors who have contact with inmates are trained in DRC's zero-tolerance regarding sexual misconduct, how to report incidents, and responsibilities regarding sexual misconduct prevention, detection, and response. All training is documented on the PREA Contractor/Volunteer/Intern Training Acknowledgment Form.

During the interview process, the volunteer confirmed receipt of the training and accurately communicated the requirements of reporting and response. The volunteer agreement utilized here accurately reflects requirements and potential sanctions for violations. Interviews acknowledged compliance with the training required for their level of contact.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? Yes No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility? Yes No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? Yes No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? Yes No

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Posters and signage were observed throughout the site review and interviews of both staff and inmates stated that they were in every unit and had been present for at least several years. There were 1682 inmates admitted this past year and all received this information in the Standard at the time of arrival. The original training of all inmates, at the time of first audit, was completed during January 2014. PREA education materials are available in various formats, including for Limited English Proficient offenders, Deaf, visually impaired, limited and learning/reading skills as required. All training is documented and signed for when received. Education information is also available in the Inmate Handbook.

Offenders effectively communicated multiple methods of reporting and many stated that they would feel comfortable directly telling a staff member at any time. All offenders made mention of the reporting phone numbers (some could provide the number from memory) and the location of the posters and that they received information in regard to PREA upon intake and were asked questions in regard to their history on a regular basis.

The Inmate Handbook has very good, very thorough PREA sections and is also available in Spanish. Intake/orientation is well documented and offenders sign an acknowledgment that they received the required training including the PREA Video.

According to the Lebanon PAQ, 1682 offenders were admitted during the past 12 months and given basic information at intake as required. That same number of offenders remained in Lebanon for more than 30 days and required the more comprehensive training on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents. There were none who did not receive the training within the 30 days allotted.

Intake orientation minimum:

- The Orientation Video (English or Spanish)
- An Orientation Handbook (English or Spanish)

ODRC policies clearly initiate the need to recognize and respond to/assist with disability from the onset of arrival at the Intake Facility.

Equal Access to Programs and Services Policy:

"The Managing Officer at each institution appoint an ADA Coordinator for offenders to assist the institution in assuring compliance with Title II of the ADA and to oversee training on the subject within

the institution. The Director shall appoint an Operation Support Center ADA Coordinator who shall: (a) oversee training of the Operation Support Center staff and the institutional coordinators; (b) assist the institutional coordinators; and (c) assure ADA compliance within the Operation Support Center and the institutions.”

The inmate orientation package and inmate handbook include an explanation of services available to offenders with disabilities, including the procedures necessary to receive an accommodation in a form understandable to the inmate, regardless of any disability. Inmate orientation also identifies the staff member who serves as the institution’s ADA Coordinator for offenders. Signs explaining ADA are posted in commonly accessed areas.

While in the ODRC reception process, all offenders receive the PREA-required information concerning sexual safety, to include response and retaliation issues, by video and in person. Training/education is documented in the ODRC electronic offender file.

Offenders receive additional information explaining the zero-tolerance policy regarding sexual abuse and harassment and the importance of reporting incidents or suspicions of sexual abuse or harassment. The zero-tolerance information is also disseminated in all staff training as well as in the offender handbook. All basic sexual safety postings were throughout the unit as required- including the Zero Tolerance posters that inform the offender to report to staff immediately. All were in both English and Spanish.

ODRC does receive some offenders who have limited English proficiency, or who are deaf/hard-of-hearing or visually impaired. Offenders identified as Spanish speaking only or limited English are to be provided orientation in Spanish, and this is required to be noted on the Orientation sheet. In the event such an offender is received, staff are available to personally assist the offender with accessing services available through the ODRC for translation services.

Certified American Sign Language Interpreter services are provided in accordance with ODRC policy for hearing impaired offenders. Profoundly deaf offenders would receive initial support but also generally be referred for transfer to a more appropriate facility with better services for confinement and care.

Standard 115.34: Specialized training: Investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The certificates for training, sign-in sheets, and interviews with both investigators and PREA Coordinator and PCM all supported the training is received. The agency and facility do administrative investigations and the State Police do criminal investigations. There are 2 facility investigators, and both have received the required training.

Prior to conducting a PREA investigation, all investigators receive specialized training which includes conducting investigations in confinement settings, interviewing techniques for sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The training curriculum was provided in the PAQ and meets required standards' levels of information. Investigators interviewed supported that they felt competent and comfortable in performing institutional administrative investigations. This training is documented on the PREA Training Session Report (DRC1680). Training may also be received through the National Institution of Corrections (NIC).

Ohio identifies the OSHP as the primary criminal investigative and law enforcement entity for ODRC and this is cemented by an MOU between the agencies employed by the PREA are required to be certified peace officers.

Agency policy requires that both OSHP and institutional PREA investigators are trained in conducting sexual abuse investigations in confinement settings. The Certificates presented in the PAQ indicated that all investigators of both agencies attended the same exact training, and this was verified in interviews. In addition to the Institutional Investigators Specialized PREA training, they are required to take the PREA mandated annual training during staff In-service training.

Interviews reflected the use of the required preponderance of evidence standard in PREA cases.

Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) Yes No NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)
 Yes No NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There are 22 medical and mental health practitioners at this facility and 100% have received the required specialized provider training.

All contractors receive PREA training through ODRC before allowed to work in a facility

The Bureau of Behavioral Health Services (BOBHS) provides or coordinates training to assure that each institution employs or has access to the services of a mental health professional who has a scope of practice, training and/or experience in trauma counseling. Medical and Mental Health staff (or temporary contractors) receive additional “specialized training” for medical and mental health care in accordance with standard 115.35.

Specialized training includes:

- a. How to detect and assess signs of sexual misconduct;
- b. How to preserve physical evidence of sexual abuse;
- c. How to respond effectively and professionally to victims of sexual misconduct; and
- d. How and to whom to report allegations or suspicions of sexual misconduct

All Health Services staff also complete an ODRC formal orientation program. Completion of the orientation is documented and kept in the employee's personnel file. Contract and subcontract personnel are also required to complete an orientation program and have all training documented, logged and signed.

The orientation is on similarities and differences between providing health care in the community and the correctional setting. Topics presented in orientation include: security, classification, health care needs of the offender population, offender social system; organization of Health Services and the Department of Criminal Justice, infection control, the Patient Liaison Program, the detection, signs, assessment, and response to offender-victims of sexual abuse and sexual harassment; the preservation of physical evidence, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
 Yes No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
 Yes No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? Yes No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior acts of sexual abuse? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior convictions for violent offenses? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, history of prior institutional violence or sexual abuse?
 Yes No

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? Yes No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a referral?
Yes No
- Does the facility reassess an inmate's risk level when warranted due to a request?
Yes No
- Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? Yes No
- Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? Yes No

115.41 (h)

- Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? Yes No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

All 1682 inmates arriving this past 12 months were screened for victimization as required. ODRC's PREA Risk Assessment system is an electronic automated system and is an excellent program that expedites required steps, alerts staff of any missed actions, as well as providing critical data in manageable format and quickly. The system provides information access protection safeguards and ensures the proper sequence of assessment and data usage is followed. The tool is further enhanced by the cross-departmental approach to risk assessment that is in evidence throughout the process.

Policy in ODRC is that all inmates be assessed for risk of sexual victimization or abusiveness upon arrival at intake and upon transfer to another institution. These screenings are initiated in the PREA risk assessment system by medical personnel during intake medical screenings and during routine health screenings pursuant to Medical Services policy. The facility is required to complete screening within seventy-two (72) hours of the inmate's arrival.

Facility staff /Case Mangers conduct the 30-day follow-up assessment review no sooner than fifteen (15) days, but no longer than thirty (30) days from the inmate's arrival at the institution. Case Managers are precluded from completing the assessment in less than 15 days. The inmate is also reassessed regarding their risk of victimization or abusiveness based upon any additional, relevant information received since that last institution's intake screening of the inmate.

Offenders are assigned a PREA Classification as a result of these screenings, and facility management makes appropriate housing assignments based upon the PREA Classification. The information is used to assist in housing, bed, work, education and programming assignments. If it is learned an inmate is subject to substantial risk of imminent sexual abuse, staff are required to take immediate action to protect the inmate at risk of victimization. If it is determined that an inmate is in substantial risk of imminent abuse, a special screening must be completed within seventy-two (72) hours of the final decision

Mental Health Services attempt to conduct an evaluation on all known inmate-on- inmate abusers within sixty (60) calendar days of learning of such history and offer treatment when deemed appropriate.

Medical and mental health practitioners are required to report sexual abuse and to inform offenders of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.

Pursuant to DRC policy 67-MNH-02, Mental Health Screening and Mental Health Classification, any employee may make a mental health referral based on an observation of the inmate's behavior or at the inmate's request, which include referrals based on concerns that the inmate has been or is at high risk of being subject to sexual misconduct.

PREA Assessment Process Tool

The ODRC PREA Risk Assessment Process was automated in September 2014. This system allows them to easily share information throughout facilities. Following is a summary of the process and system:

Upon admission to any facility, all offenders are immediately assessed by our Medical Department. The assigned nurse initiates the assessment and completes the first screen. The assessment is then put into a queue for the Case Managers.

The Case Managers check their "In-Progress" assessments and complete the second screen. The assessment then goes into the facility Manager queue. The facility Managers check their "Pending UM" cases and determines if the inmate does not need a PREA Classification or they recommend a classification listed below to the facility Unit Management Chief (UMC):

- Victim (High Risk): Previous victim of sexual abuse in an institution setting – *automatic classification*
- Abuser (High Risk): Previously sexually abused another in an institution setting – *automatic classification*
- Potential Victim: At risk of victimization
- Potential Abuser: At risk of abusing

If a PREA Classification is recommended, the UMC determines the final classification and develops the PREA Accommodation Strategy with the facility Management Team. This strategy addresses housing, programs, work and education with the goal of keeping the offenders safe.

All transgender and intersex offenders are referred to the PREA Accommodation Strategy Team. This team is chaired by the PREA Compliance Manager and includes the facility Team, Medical and Mental Health. This team will meet with the inmate to discuss his/her views and develop a PREA Accommodation Strategy.

All intake assessments are reviewed between 15 – 30 days to determine if any additional information has been received by the facility or if the inmate has any additional concerns.

Special assessments are also completed upon allegations of sexual abuse or at any time additional information/concerns are received.

The system captures all information and provides tools to monitor and share information. Only the classifications are shared with all staff, the assessments themselves are kept confidential.

ODRC policy and procedure requires an assessment of all offenders during intake screening and upon transfer from another unit for risk of being sexually abused by other offenders or sexually abusive toward other offenders. The Classification Counselor or designated alternate conducts the offender PREA assessment-screening interview and completes assessment forms for all newly assigned offenders upon transfer to this unit for permanent assignment.

The Classification Committee (UCC) shortly thereafter reviews information available in order to decide initial offender housing, job placement, education, and program assignments with the goal of keeping offenders with a high risk of sexual victimization separated from those at high risk of being sexually abusive. Evaluation includes: health screening, assessment for disabilities, drug and alcohol assessment, custody classification, sex offender assessment, educational, and mental health/psychological evaluation. This identification is enhanced by the participation of the classification and medical staff in the Intake screening process since they ask questions as well about victimization history.

The intake process consists of an orientation and screening process; a battery of assessments including mental health, Drug and Alcohol assessments, education testing and security classification for appropriate prison placement and treatment eligibility; a physical exam by a midlevel practitioner and an initial dental exam. The period immediately following arrival, about a week, is spent gathering information to verify histories and information prior to the offender's permanent housing assignment and/or transfer.

The ODRC risk assessment tool and program is a superior tool.

Standard 115.42: Use of screening information

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? Yes No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? Yes No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? Yes No

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the **agency** consider, on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? Yes No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? Yes No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? Yes No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? Yes No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? Yes No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

As noted earlier, ODRC has an excellent risk assessment tool and program and it provides both guidance and check steps to ensure adherence to strategies developed to protect individual offenders. ODRC tracks LGBTI offenders in this Risk Assessment System. The facility OCMs as well as the Bureau of Operational Compliance periodically check the list of offenders to ensure compliance. The PREA Classification listing is distributed on a weekly basis to staff in the housing, work, education and programming areas or as changes are made. All involved staff monitor housing placements relative to offenders with a PREA Classification of victim or potential victim. Case Managers interviewed indicated they monitor their caseloads weekly by utilizing the PREA Risk Assessment System and the PREA Classification Report.

Based on the information obtained in the PREA Risk Assessment System, assigned PREA classification and good correctional judgment, the UMC, or acting UMC, completes a PREA

accommodation strategy with individualized determinations about how to ensure the safety of each inmate. Inmates assigned no classification in the PREA risk assessment system do not require a PREA accommodation strategy.

As required by ODRC policy and as indicated through staff interviews, the Facility staff uses information from the risk screening to determine institutional location, housing, bed, work, and programs assignments with the goal of separating offenders determined at high risk of being sexually victimized from those at risk of being sexually abusive. Additionally, identification of potential predators or victims results in expedited notification to senior staff for individualized determinations of how to ensure the safety of each offender. This identification is enhanced by the participation of the classification and medical staff in the Intake screening process.

Generally, although there was only one in the population at the time of the audit, transgender offenders would be assigned to a larger institution with a wider range of services and resources for routine housing and programming assignments, ensuring the offender's health and safety as well as greater access to programming. Any transgender offender sent to this institution is sent there for specific security and risk issues and will be assigned single cell/single shower housing until transferred onward to another facility. In the event of a permanent assignment to this facility, policy provides that placement and programming assignments would be reassessed at least twice per year to review any threats to safety, with the offender's own views of safety given serious consideration.

Policy provides the opportunity to shower separately from other offenders. Offenders are not placed in dedicated facilities, units or wings solely on the basis of the LGBTI identification or status but they are separated on the basis of identification as either a potential predator or potential victim. Entries into the inmate information system and files are specifically marked for victim/aggressor status as well as required separation orders regarding other offenders.

Policy and procedure require an assessment of all offenders during an intake screening, and upon transfer from another unit, of his risk of being sexually abused by other offenders or sexually abusive toward other offenders. The Classification Committee (UCC) reviews intake data and risk assessment to facilitate offender housing, job placement, education, and program assignments.

In making housing assignments, consideration is given to characteristics such as age, height and weight, violent or passive tendencies, criminal sophistication, homosexual (active and passive) tendencies, offender enemies, separation requirements from specific offenders, Security Threat Group (STG) status and current institutional adjustment.

PREA Accommodation Strategies for Transgender and Intersex Inmates: In addition to the directives in Per DRC policy 79-ISA-04 Section VI. I., Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) Policy, and section VI.H of this policy, any accommodation other than showering alone is forwarded to the OCM/PREA coordinator by e-mail for approval.

Standard 115.43: Protective Custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been

made, and a determination has been made that there is no available alternative means of separation from likely abusers? Yes No

- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? Yes No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? Yes No
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? Yes No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the basis for the facility's concern for the inmate's safety? Yes No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the reason why no alternative means of separation can be arranged? Yes No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Lebanon reports no use of Involuntary Segregation in the past 12 months audit year.

Lebanon CI uses its risk assessment materials and with North and South compounds and nine housing units, it is able to separate and establish safety for its offenders. There have been zero (0) offenders in the last 12 months, held in involuntary segregated housing. Documentation has been reviewed. Interviews with the Warden, specialized staff, and the Institutional Investigator indicate that involuntary segregation has been unnecessary and that alternative means have been effective. The agency has a policy prohibiting the placing of offenders at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Staff and offender interviews, and files documentation, report that no offenders at risk of sexual victimization were held in involuntary segregated housing in the past 12 months.

A Lebanon offender undergoing an Investigation or already identified as the aggressor, during an allegation of sexual abuse, is immediately separated from the alleged victim and normally placed in segregation pending investigation.

ODRC policy does require that, if separation is used for this purpose, both a statement of the basis for facility's concern for the inmate's safety, and the reason or reasons why alternative means of separation could not be arranged are required. If an involuntary segregated housing assignment is made, efforts are made to review and move the offender within 12-72 hours. If required for a longer period, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

The Unit Management Team, consisting of the Case Manager, Unit Manager and the Unit Manager Chief (UMC) will make individualized determinations on how to ensure safety of each inmate. If an assessment cannot be completed immediately, they document the safety reason why no alternative means of separation can be arranged.

Policy provides that these offenders are to have access to programs, privileges, education, and work opportunities to the extent possible. This does not occur, of course, in very short time periods but there is access to some activities and programs and visits if the period extends past a few days.

REPORTING

Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report staff neglect or violation of responsibilities that may have contributed to such incidents? Yes No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No
- Does that private entity or office allow the inmate to remain anonymous upon request? Yes No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes) Yes No NA

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? Yes No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? Yes No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There is an agency agreement with the Franklin County (OH) Juvenile Facility that enables them to accept outside reports and allegations from ODRC inmates. All procedures for reporting are listed in intake processes and also in inmate handbooks. Staff is mandated to report any incident or allegation immediately, and verbal reports are always followed by written incident reports to the chain of command and the PREA Coordinator. The Staff handbook (reviewed) explains this process and is part of staff training received.

All offenders interviewed said they felt safe and they knew how to access services and the grievance process, that they were aware of multiple methods of reporting available, to include telling any staff member, utilizing the hotline, reporting to an outside third party, writing to outside agencies, and submitting anonymous reports in writing. Every inmate interviewed could readily recall at least 2 methods to report an allegation or incident. This information is also available in facility policy as well as the offender handbook.

Inmates can call (*89) and do not have to enter their PIN number, allowing for complete anonymity upon request. Inmates can also send letters.

The below data is on posters in all areas and mirrors information in the Handbook; the same data is on posters in the Visiting area, at all entrance buildings and on the website.

" Incidents or suspicions of sexual abuse, sexual harassment and retaliation may be reported to ANY STAFF Member:

- Verbally to ANY STAFF MEMBER*
- In writing to ANY STAFF MEMBER*
- Operation Support Center (614) 995-3584 (No cost to call from inmate phone)*
- Outside Agency Hot Line *89 (No cost to call from inmate phone)*
- Inmates in Restrictive Housing may also anonymously report sexual misconduct or retaliation by writing to: Bureau Chief of the Office of Quality Assurance and Improvement; Ohio Department of Youth Services; 30 West Spring Street, 5th Floor; Columbus, Ohio 43215 "*

Inmates have the opportunity to remain anonymous upon request to the outside agency. An inmate identifiable pin number is not required to make the call and was tested in the audit. If an inmate dials *89, the call goes to the Chief Inspector's office at ODRC; confidential letters and written material can also go to the Franklin County (OH) Youth detention facility as an external ODRC conduit for allegations, and an address is in the inmate handbook and is posted. Telephone Pin numbers are in use, but not needed or used to report sexual misconduct to an outside agency.

It was reported by two staff that offenders could submit a request card or letter to the PREA in the offender's own housing mailbox and it would be sent to the OCM/PREA staff in the same category as legal mail. Interviews inmates revealed their same understanding and that they could in fact make a

chit confidential.

According to guidance given inmates from ODRC, "The Inmate Grievance procedure is not the administrative process to report allegations of Sexual Abuse or Sexual Harassment. However, any Inmate Grievance filed regarding a complaint of Sexual Abuse or Sexual Harassment shall immediately be reported to the Institution Investigator for proper handling in accordance with ODRC Policy 79-ISA-02 (Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation)." Additional policy states "There will be no retaliation for reporting incidents of sexual abuse or harassment. Inmates are told at intake that "family and friends may report allegations of sexual abuse, sexual harassment and retaliation on your behalf."

The agency provides ways for offenders to report abuse or harassment to a public or private entity or office that is not part of the agency, primarily mail to internal or external organizations.

- There is a policy requiring information for offenders detained solely for civil immigration purposes, however, ODRC does not house offenders solely for immigration purposes.
- The agency has a policy mandating that staff accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. There have been a few 3rd party reports received from some offenders and they were acted upon.
- Staff are required to immediately document verbal reports.
- Staff are informed of these procedures in Staff handbooks and in required training and are subject to stringent potential penalties for failure to act or report.

The repeated emphasis provided to offenders in reporting information is to report to staff and, while that may be the staff's preference, that may not be the offender's preference or the offender may not feel safe in doing so.

The agency or facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment and publicly distributes this information to families and other, such as legislators, information on how to report inmate sexual abuse or sexual harassment on behalf of offenders. The posters and website information for families of offenders has all necessary contact information.

Interviewed transgender offenders reported that there were a few individual staff who were negative in their treatment but that this did not extend to safety issues or responding to reports. Interviewed offenders who had made reports of sexual abuse stated that staff took immediate action to ensure they were safe while initiating an investigation and providing information about the outcome. Those offenders reporting said that they felt comfortable speaking with staff about this matter.

Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of

explicit policy, the agency does not have an administrative remedies process to address sexual abuse. Yes No

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) Yes No NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may

also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) Yes No NA

- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
 Yes No NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)
 Yes No NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
 Yes No NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

The Agency considers this Standard to be “Applicable but Exempt.”

An informal process is not required for a grievance or allegation and the procedures listed all comply with PREA Standards in terms of time limits for response, etc. There have been no grievances alleging sexual abuse filed in the past 12 months and there have been no grievances alleging imminent danger of sexual abuse, however agency policies and processes are compliant with requirements of PREA Standards.

ODRC takes this position because of the PREA guidance that "An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse." ODRC has a grievance process for other operational areas, but it does not utilize the Inmate Grievance process as its administrative procedure for handling allegations of sexual abuse or sexual harassment.

All cases of sexual abuse or sexual harassment are referred to the Institution Investigator. An investigation into a sexual abuse or sexual harassment allegation follows Department Policy 79-ISA-02 Prison Sexual Misconduct Reporting, Response, Investigation and Prevention of Retaliation. This policy does also adhere to the time constraints referenced in this standard.

ODRC offenders are not absolutely prohibited from utilizing grievance forms to communicate PREA allegations in writing. However, ODRC does educate offenders (inmate handbooks and DRC Policy 79-ISA-02) that they are advised NOT to use the Grievance Process for any sexual assault allegation. Inmates are further advised that any PREA allegations received on grievance forms will be immediately channeled to the Institutional Investigator for proper handling.

The auditors concur that ODRC has a grievance mechanism but does not utilize it and is exempt from this Standard.

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? Yes No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility *never* has persons detained solely for civil immigration purposes.) Yes No NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? Yes No

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? Yes No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Inmate handbooks have this information and posters are located in all units that have information on contacting Rape Crisis Centers, both by phone and mail.

Inmates can call (*89) and do not have to enter their PIN number, allowing for some anonymity upon request. This call goes to the Office of the Chief Inspector at ODRC. Inmates can also send letters to the Chief Inspector office; the Hamilton County, Ohio Youth Detention Center; or to available advocacy groups. Groups part of the Victim Advocacy MOU are: Sexual Assault Response Network of Central Ohio (SARNCO) and the Ohio Sexual Violence Helpline.

The institution OCM and victim support person compile mailing addresses and telephone numbers including toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations. This information is to be provided to the unit staff for communication to the inmates. Inmates must be notified that telephone calls are not confidential.

The agency BOC/PREA coordinator, with assistance of staff from the Office of Victim Services (OVS), identifies rape crisis centers that can provide victim advocate services. All efforts to secure services from rape crisis centers are documented. In addition, the agency BOC/PREA coordinator, with assistance from OVS, shall maintain or attempt to enter into memoranda of understandings or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. Calls made by the inmates to community service providers may be subject to monitoring and inmates are informed of this.

A VSP is always required in any allegation, even if an advocate will be there to provide these

services. The victim support person services may include: (1) accompanying the victim to the hospital; (2) supporting the victim through the forensic medical examination and investigatory interview; and/or (3) providing emotional support, crisis intervention, information and referrals. If the alleged abuse requires an outside trip to a hospital for a forensic medical exam, the victim is offered outside victim advocacy services (MOU).

ODRC does not detain persons solely for civil immigration purposes so that element of the Standard is NA for this facility.

LeCI reports that they provide offenders with access to outside victim advocates for emotional support services related to sexual abuse through either designated and trained ODRC staff or through local agency agreements. Lebanon has an MOU state-wide with the Sexual Assault and Response Network of Central Ohio (SARNCO) as well as with the Ohio Sexual Violence Helpline.

ODRC uses staff VSP's (Victim Support Persons) in order to be immediately available if an offender requests an advocate. VSP's are trained and selected from appropriate volunteers from all staff areas, including correctional line officers. There is no cost to the offender for this process.

Informational postings were available or placed throughout the facility informing offenders how and to whom they could report issues. Phone numbers and addresses for inmates to contact reporting services and victim advocacy organizations are posted on the PREA informational posters in all inmate Housing Units, Medical, Mental Health, Education/Library. There is a directive from the Warden posted in all living areas advising inmates on how to contact local and state rape crisis organizations by contacting their Unit Staff. The information is also posted in all inmate Handbooks (appendix A) and is also available electronically on the Kiosk/J-Pay.

Wardens screen VSPs for appropriateness to serve in this role, keeping in mind the emotional stability required when providing emotional support services to sexual assault victims.

Each newly designated VSP completes an ODRC Victim Support Person Training course prior to performing any VSP functions. The Office of Victim Services coordinates VSP training with the appropriate Health Services Division Sexual Assault Nurse Examiner and inform agency leadership of any scheduled training.

The VSP may only provide the offender victim of sexual assault with counseling and other emotional support services but cannot delay or impede the screening or stabilization of an emergency medical condition.

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? Yes No

- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

ODCR has a hotline system for reporting allegations and the ODCR webpage has info for the public and external groups to report, including by email, and this is posted in visiting areas. The below data is on posters in the Visiting area, at all entrance buildings and on the website.

Incidents or suspicions of sexual abuse, sexual harassment and retaliation may be reported to ANY STAFF Member:

- *Verbally to ANY STAFF MEMBER*
- *In writing to ANY STAFF MEMBER*
- *Operation Support Center (614) 995-3584 (No cost to call from inmate phone)*
- *Outside Agency Hot Line *89 (No cost to call from inmate phone)*
- *Inmates in Restrictive Housing may also anonymously report sexual misconduct or retaliation by writing to: Bureau Chief of the Office of Quality Assurance and Improvement; Ohio Department of Youth Services; 30 West Spring Street, 5th Floor; Columbus, Ohio 43215*

The facility provides information concerning third party reporting directly to the inmate or writing to the ODRC PREA staff as well as poster information in all visiting areas. The pamphlet available to families reports this same information and third parties can either write or call these organizations. The facility takes all reports seriously no matter the method of reporting and each reported incident is investigated. Written reports and allegations can go privately to the Franklin County Juvenile Detention Facility by MOU and they will notify the ODRC Chief Inspectors Office. Similar information is located on the ODRC website and easily located there.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? Yes No

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? Yes No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? Yes No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? Yes No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

ODRC requires all staff (to include medical and mental health practitioners) to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or harassment or retaliation; and for staff not to reveal any information related to a sexual abuse report to anyone other than those necessary. All incidents are reported to the PREA since they have criminal investigation

responsibility. Random staff interviews confirmed staff awareness of their responsibility for the immediate reporting requirement and not disclosing information of allegations except in the investigation process, treatment or management process. This same policy also includes mandatory reporting of any activities related to retaliation.

Any allegations from juveniles or intellectually or Developmentally Disabled Adults are immediately reported to the Ohio State Highway Patrol.

Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There were no reports or allegations of imminent danger in the past 12 months.

All reports of substantial risk of imminent sexual abuse are immediately be forwarded to the institutional investigator, Institution OCM, UMC, and shift supervisor. Upon receipt of a report, security staff take immediate action to employ protection measures to ensure the inmate's safety.

When considering the protection of staff or inmates, staff consider:

- a. Housing changes;
- b. Transfers of inmate victims or abusers;
- c. Removal of alleged staff or inmate abusers from contact with victims.

Reports of substantial risk of imminent sexual abuse are investigated by the institutional investigator and documented within the electronic PREA Incident Reporting system. Inmates at high risk for victimization shall not be placed in involuntary RH or LPH unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. If an Imminent Risk of Sexual Abuse (DRC1187) assessment cannot be completed immediately, the inmate may be held in involuntary RH or LPH for less than twenty-four (24) hours while completing the assessment.

The PREA Involuntary Placement in RH/LPH (DRC1184) shall be completed if an involuntary TPU assignment is made pursuant to this section. Staff shall clearly document the basis for the concern for the inmate's safety and the reason why no alternative means could be arranged.

a. Inmates placed in RH for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If access is restricted, staff shall document:

- i. Opportunities that have been limited;
- ii. Duration of limitations;
- iii. Reasons for such limitations.

b. Involuntary TPU assignments shall only be until alternative means of separation from likely abusers can be arranged and shall not ordinarily exceed thirty (30) calendar days.

c. Every thirty (30) calendar days, unit management shall afford each inmate a review to determine whether there is a continuing need for separation from general population.

ODRC policy requires that all reports of substantial risk of imminent sexual abuse immediately be forwarded to the institutional investigator, Institution OCM, UMC (Unit Management Chief) and shift supervisor. Upon receipt of a report, security staff shall take immediate action to employ protection measures to ensure the inmate's safety. The Agency Head interview indicates that they immediately separate the alleged victim from the abuser(s). Reports of substantial risk of imminent sexual abuse shall be investigated by the institutional investigator and documented within the electronic PREA Incident Reporting system. An initial investigation is completed within 48 hours and a final outcome is determined within 5 days.

When considering the protection of staff or offenders, staff shall consider:

- a. Housing changes;
- b. Transfers of inmate victims or abusers;
- c. Removal of alleged staff or inmate abusers from contact with victims.

The ODRC policy requires all staff, volunteers and contractors to take immediate action to protect any offender subject to risk of imminent sexual abuse. During interviews, staff and volunteers were aware of the steps to take to protect an offender as well as most normal first responder procedures. Extensive training concerning this topic was evident throughout all positions interviewed and all lesson guides reviewed. Random questions to staff during the tour gave the same results, that staff were aware of the steps and processes required.

There were no cases this past year where the agency determined an offender was at risk of imminent sexual abuse and action was taken to protect them immediately in both cases.

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? Yes No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? Yes No

115.63 (c)

- Does the agency document that it has provided such notification? Yes No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Agency policy is exactly tracking PREA Standards but there were zero notifications received from other facilities about LeCI and no instances where a report to another facility was required.

ODRC policy requires that documented notification occur within 72 hours to the appropriate agency or facility, upon receiving an allegation that an offender was sexually abused while confined at that facility, in order to ensure it is investigated. There has been one instance of notification to another facility in the past year, and during interviews with the Warden and OCM/PREA Coordinator, familiarity with the required procedure was evident.

Upon receiving an allegation that an offender was sexually abused while confined at an outside agency facility, the Warden is required to notify the head of the facility or appropriate office of the agency where the alleged incident occurred as soon as possible, but no later than 72 hours after receiving the allegation at the ODRC. Notification is made from Warden to Warden via email correspondence and or DRC 1000 Incident Report.

Following receipt from an outside agency that an offender in their custody alleged sexual abuse while assigned in the ODRC, the individual receiving such notification provides notification to the Warden. Upon receipt, the notification is required to be investigated just as if it were a current local incident.

Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No

115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

ODRC policy requires that documented notification occur within 72 hours to the appropriate agency or facility, upon receiving an allegation that an offender was sexually abused while confined at that facility, in order to ensure it is investigated. There has been one instance of notification to another facility in the past year, and during interviews with the Warden and OCM/PREA Coordinator, familiarity with the required procedure was evident.

Upon receiving an allegation that an offender was sexually abused while confined at an outside agency facility, the Warden is required to notify the head of the facility or appropriate office of the agency where the alleged incident occurred as soon as possible, but no later than 72 hours after receiving the allegation at the ODRC. Notification is made from Warden to Warden via email correspondence and or DRC 1000 Incident Report.

Following receipt from an outside agency that an offender in their custody alleged sexual abuse while

assigned in the ODRC, the individual receiving such notification provides notification to the Warden. Upon receipt, the notification is required to be investigated just as if it were a current local incident.

There were 17 allegations of sexual abuse this past year and 12 were responded to initially by security staff, 5 by non-security staff as initial responders, and, in each instance, the required initial steps for first responders were taken as trained and required. Of the 17, there were 7 still in a time frame allowing the collection of physical evidence.

Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The Facility has a well-written and well-developed institutional policy and plan to coordinate actions of staff in response to an incident of sexual abuse. Interviews with Specialized Staff and intermediate level managers confirmed that all were knowledgeable concerning the response plan and the specific duties of each. The response checklist is very clear and specific as to which staff are responsible at each step and also includes the various requirements and restrictions involved.

Responding to an allegation of sexual abuse requires a coordinated effort between unit security staff, the OCM (PREA), OHSP, medical and mental health services, and victim advocates (where available) or a Victim Support Person (VSP). They follow detailed procedures that provide a systematic notification and response process following a reported sexual abuse incident. The checklist and matrix for investigation, and other security and management decisions is well-done and mirrors the needs of the standard.

Staff members are trained, and provided a responder checklist, to respond in accordance with the following ODRC/facility training:

- Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
- Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking,

- or eating.
- Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

These procedures are trained but, in these cases, all interviews, records, and information from the outside agency, reported that the common offenses were touching someone, fondling, grabbing buttocks or breasts over clothing etc. and therefore were not cases that allowed for the collection of forensic evidence.

ODRC specifically outlines the above detailed procedures for all staff to respond to allegations of sexual abuse in accordance with the standard. All line staff are trained as first responders, and all volunteers and contractors also receive instruction on appropriate initial responses if they are first on scene, and all are provided pocket-sized cards with the required steps as a memory tool in any crisis. All staff interviewed were aware of their expected duties to include protection and separation, evidence preservation and collection, medical assessment and treatment if needed. The checklist utilized by staff mirrors the PREA standard and staff have received required training specific to these duties as confirmed through interviews and training records provided.

The overall coordinated response plan includes:

The first line security responder shall, when applicable:

- a. Separate the alleged victim and abuser.
- b. Preserve and protect the crime scene until appropriate steps can be taken to collect any evidence pursuant to Department Policy 310-SEC-13, Protection of a Crime Scene.
- c. Advise the alleged victim not take any actions that could destroy physical evidence.
- d. Advise the alleged abuser does not take any actions that could destroy physical evidence.
- e. Notify Shift Supervisor.
- f. Complete an Incident Report DRC 1000.

The shift supervisor or on-site supervisor shall, when applicable:

- a. Ensure that the alleged victim and abuser are physically separated.
- b. Ensure the crime scene is preserved and protected until appropriate steps can be taken to collect evidence pursuant to Department Policy 31 O-SEC-13, Protection of a Crime Scene.
- c. If abuse occurred within the time period that still allows for the collection of physical evidence (oral sex within 24 hours; vaginal or anal abuse within 96 hours), request that the victim not take any actions that could destroy physical evidence.
- d. If the abuse occurred within the time period that still allows for the collection of physical evidence (oral sex within 24 hours; vaginal or anal abuse within 96 hours), ensure that the abuser does not take any actions that could destroy physical evidence.
- e. Contact Medical Services
- f. Make required notifications as referenced in First Responder Checklist, DRC Policy 79-ISA-02.
- g. Complete an Incident Report DRC 1000.

Medical Responsibilities

- In cases of alleged sexual abuse, medical staff assures appropriate examination, documentation, transport to the local emergency department, and other requirements of Medical Protocol.
- Medical services shall ensure testing for sexually transmitted diseases, counseling,

prophylactic treatment, follow-up and referral for mental health evaluation.

- Inmate Health Services shall conduct an examination of the alleged abuser for the presence or absence of physical trauma and perform follow-up testing for sexually transmitted diseases and pregnancy testing, as appropriate.
- Inmate Health Services refer alleged abusers to Mental Health Services.

Mental Health

- When alleged victims and abusers are referred to mental health services, mental health staff complete further screenings and/or assessments consistent with Department Policy.

Investigators

- All reports of sexual abuse shall be investigated and referred to the Ohio State Highway Patrol unless the allegation does not involve potentially criminal behavior.
- The timeframes and requirements outlined in Department Policy 79-ISA-02, Investigation and Prevention of Retaliation, shall be followed.
- All allegations of sexual abuse shall be documented using the PREA Incident Reporting packet or the automated system when available.

Leadership

- All cases of sexual abuse, unless determined to be unfounded, shall be reviewed by the Sexual Abuse Review Team (SART) within 30 calendar days of the conclusion of an investigation. The Managing Officer shall implement the recommendations from the SART or shall document his/her reason for not doing so.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

ODRC does engage in collective bargaining and the State retains the rights to: hire and transfer employees, suspend, discharge and discipline employees; make any and all rules and regulations; and determine the basis for selection, retention and promotion of employees.

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.67 (a)

- Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? Yes No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services, for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? Yes No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? Yes No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
 Yes No

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
 Yes No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The institutional investigator monitors retaliation resulting from cases of sexual abuse and the institution OCM monitors retaliation resulting from cases of sexual harassment. There were no instances of retaliation in the past 12 months.

ODRC policy is that the institution shall protect all inmates and staff who report sexual misconduct or cooperate with sexual misconduct investigations from retaliation by other inmates or staff.

For at least ninety (90) calendar days following the report of sexual misconduct, there is monitoring of the conduct and treatment of inmates or staff who reported the sexual misconduct and of inmates who were reported to have suffered sexual misconduct to see if there are changes that may suggest possible retaliation by inmates or staff and acts promptly to remedy any such retaliation.

Periodic Status checks occur at least every thirty (30) calendar days during the monitoring period and include:

- a. Reviewing inmate discipline (RIB1 in DOTS/facility Staff);
- b. Housing changes (DOTS/Count Office);
- c. Program changes (DOTS/facility Staff);
- d. Job changes (DOTS/facility Staff);
- e. Negative performance reviews (DOTS/facility Staff/Work Supervisor);
- f. Reassignment of staff (Supervisor/Shift Roster/Personnel Office).

The monitoring continues beyond 90 days if circumstances dictate the need. If any other individual who cooperates with an investigation expresses a fear of retaliation, the ODRC also will take appropriate measures to protect that individual against retaliation.

All monitoring of retaliation is documented in the electronic PREA incident reporting system. The inmate and/or employee being monitored is interviewed during the periodic status check. The inmate and institutional investigator sign and date the monitoring of retaliation document in the electronic PREA Incident Reporting System.

The institution employs multiple protection measures and emotional support services for inmates or staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations, such as housing changes, rare transfers of either victim or aggressor to a larger or different ODRC facility, emotional support services and removal of perpetrators.

An institution's obligation to monitor retaliation terminates if the institutional investigator or Institution OCM determines one (1) of the following:

- a. The allegation is unfounded;
- b. The inmate victim or witness is transferred to another institution; or
- c. The inmate victim or witness is released from custody.

Interviews with the OCM, a review of the ODRC and the Lebanon Correctional Institution policies, a review of incident review records and a review of the position descriptions support this standard being compliant.

Standard 115.68: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There was no use of involuntary segregated housing in the past 12 months. No offenders who alleged sexual abuse were held in involuntary segregated housing in the past 12 months awaiting completion of assessment. The agency does have a policy that offenders at high risk for sexual victimization will not be placed in 'protective custody' (PC) unless an assessment of all available alternatives has been made and it is determined there is no available alternative means of separation from likely abusers. If the assessment cannot be immediate, the unit may hold the offender in involuntary segregated housing while completing the assessment, for no longer than 24 hours.

ODRC policy is as follows:

- "Involuntary TPU (Transitional Program Unit) assignments shall only be until alternative means of separation from likely abusers can be arranged and shall not ordinarily exceed thirty (30) calendar days.
- Every thirty (30) calendar days, unit management shall afford each inmate a review to determine whether there is a continuing need for separation from general population."
- Inmates at high risk for victimization shall not be placed in involuntary Transitional Program facility (TPU) under Restrictive Housing (RH) or Limited Privilege Housing (LPH) conditions unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers.
- The PREA involuntary TPU screen shall be completed if an involuntary TPU assignment is made pursuant to this section. Staff shall clearly document the basis for the concern for the inmate's safety and the reason why no alternative means could be arranged.
- Inmates placed in TPU for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If access is restricted, staff shall document:
 - Opportunities that have been limited;
 - Duration of limitations;
 - Reasons for such limitations."

Policy provides that these offenders are to have to have access to programs, privileges, education, and work opportunities to the extent possible.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? Yes No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
 Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? Yes No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? Yes No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? Yes No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? Yes No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? Yes No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? Yes No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? Yes No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? Yes No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Institutional investigators conduct administrative sexual abuse investigations; the Operational Compliance Manager (OCM/PREA) conducts sexual harassment investigations; and the Ohio State Highway Patrol (OSHP) conducts all investigations of criminal incidents on state property, to include sexual misconduct activity.

Currently all criminal investigation records are held indefinitely by OSP. Cases that are open or considered an "active investigation" are maintained at each post/facility or component as long as the case is pending. Files are secure and protected from public access. Completed cases that are solved or cleared are forwarded to the OSP Central Records facility at General headquarters. At that point the reports and any supporting documents are scanned into the records system. Currently case files are pretty much held forever and are not subject to a retention schedule.

Any allegation of sexual abuse, no matter the method used to report, is immediately referred to PREA investigators for criminal or administrative investigation. In the event the incident is not, or cannot be proven to be, criminal, it may still be pursued for Administrative Investigation. All ODRC PREA investigators have received appropriate and documented training oriented towards investigating either staff or offenders. Interview and documentation reviews indicate that the OHSP Investigators always take the lead in a criminal investigation.

Substantial training has been received concerning sexual abuse investigations, evidence collection and preservation. Both OSP and institution investigators attend the same ODRC training and interviews indicated they work closely together, even to conducting shared initial interviews to determine if the presented data is indicative of criminal issues or administrative ones. All investigators and senior staff interviewed stated that any allegations substantiated would be referred for prosecution and any departure of the alleged abuser or victims would not terminate the investigation. Policy requires that the credibility of an alleged victims, suspect or witness be assessed on an individual basis and not be determined by any offender status.

Investigations involving allegations of sexual abuse are conducted by investigators who have received special training in sexual abuse investigations pursuant to this plan, both by ODRC, by contractors brought in several years ago, and by the NIC investigatory training module.

There were no substantiated allegations of potentially criminal conduct referred for prosecution since the last PREA audit however an incident which occurred on 4-14-2019 was referred to OSHP for criminal investigation. The case is currently pending criminal prosecution.

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

As defined in the policy Prison Sexual Misconduct, Reporting, Response, Investigation, and Prevention of Retaliation 79-ISA-02, the ODRC "imposes a standard no higher than a preponderance of the evidence for administrative investigations". This was supported by interviews of the OCM and the institution investigator. LeCI has not had any PREA incidents that were substantiated during the audit year.

Standard 115.73: Reporting to inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? Yes No

115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever:

The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? Yes No

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? Yes No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There were 18 criminal or investigative investigations completed in the past 12 months, however, there were only 17 cases initiated in 2019 since there were 5 cases that carried over from 2018 to 2019 and were closed in 2019. All completed cases resulted in the inmate being notified of the outcome, and each notification documented as completed.

Total Cases Completed – 18
Unfounded – 7
Unsubstantiated – 10
Pending – 1

Perpetrators of the Cases Completed:

Staff - 1

Inmate – 9

Unknown - 8

The agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency.

Per Policy 79-ISA-02: All such inmate notifications or attempted notifications shall be issued in writing and documented. The inmate shall sign the form, verifying that such notification has been received.

The interviews conducted, ODRC policy reviewed and records reviewed all indicate that offenders are notified of investigation outcomes and that this notification occurs from the investigating agency through the Institutional Investigator, including complaints against staff.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? Yes No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? Yes No

115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? Yes No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

In the past 12 months, there have been no staff, contractors, or volunteers from the facility who have violated agency sexual abuse or sexual harassment policies or who have been terminated or resigned prior to termination. No staff have been disciplined short of termination and none reported to law enforcement or licensing boards.

Policy states Sexual conduct with an inmate or anyone under the supervision of the Department is a criminal act pursuant to the Ohio Revised Code. The Department will refer and pursue disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies and the policy states that criminal charges will also be pursued.

Per DRC Policy 31-SEM-07: All terminations for violations of agency sexual misconduct policies are reported to DRC legal services by the managing officer for notification to any licensing bodies.

In accordance with DRC policy 31-SEM-02, Employee Standards of Conduct, all employees shall be subject to disciplinary sanctions up to and including termination for violating DRC sexual misconduct policies. Terminations for violations of DRC sexual misconduct policy, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also reported to any relevant licensing bodies

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. There were no reports this past 12 months.

ODRC policy clearly specifies that staff are subject to disciplinary sanctions, to include termination, for violating sexual abuse or harassment policies and that policy is reaffirmed in staff training and on acknowledgement documents with staff signatures throughout the hiring and promotion processes. Departure of the staff does not result in the ceasing of any ongoing investigations or process.

Standard 115.77: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? Yes No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

In the past 12 months, no contractors or volunteers were reported to law enforcement for engaging in sexual abuse of offenders.

ODRC policy clearly designates that sexual abuse of an offender by contract, volunteer or staff member is reported to law enforcement agencies and relevant licensing bodies and such persons will be prohibited from further contact with offenders. There have been no incidents involving volunteer or contractor sexual abuse of an offender, but interviews with a contractor reinforced that they are trained in the agency's policy, the stated consequences, as well as related training information on preventing, recognizing, and reporting signs of abuse by others. All contractors and volunteers receive training on dangers and avoidance of personal relationships with offenders and sign acknowledgements of these policies, actions and consequences.

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? Yes No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? Yes No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? Yes No

115.78 (g)

- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

There were no findings in the past 12 months of inmate-on-inmate sexual abuse, either administratively or as a criminal finding. One criminal case referred for prosecution by OSHP is pending.

In accordance with the Standard, and as reported during random and supervisory staff interviews, offenders are subject to discipline pursuant to a formal process if an offender engages in sexual misconduct. The disciplinary process does consider whether an offender's mental disability or illness contributed to his behavior when determining sanctions, and all sanctions are commensurate with the nature of the abuse, offender history and comparable offenses of other offenders. The policy clearly defines the ability to hold an offender accountable for sexual contact with staff only upon concluding that staff did not consent to such contact. The Offender handbook clearly states that all sexual contact with an employee is a crime and is subject to internal administrative charges as well and criminal charges.

Senior staff interviews supported that good faith reports of sexual abuse would not constitute false reporting. Additionally, there is a recognition of difference between coercive and non-coercive offender sexual activity.

Staff interviewed, including Mental Health staff, all supported that in PREA-related cases where sanctions would be imposed, offender mental health is taken into consideration.

A report of sexual abuse made in good faith, based on a reasonable belief that the alleged conduct occurred, does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

In the past 12 months LeCI has not had any criminal findings of guilt for inmate-on-inmate sexual abuse that occurred at the facility. LeCI has not had any PREA allegations during the past 12 months where an inmate was written a conduct report or given disciplinary sanctions for inmate-on-inmate sexual abuse.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
 Yes No NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) Yes No NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? Yes No

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? Yes No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

All (100%) of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner and this occurred within 14 days of admission.

Access to medical/mental health information related to sexual victimization or abusiveness is strictly limited. PREA SVR/SAB reports are strictly controlled and have limited distribution only to those with a specific need to know that information in making management and security decisions.

Medical and mental health practitioners obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting; and confidentiality rules and related mandatory reporting laws are clearly explained to offenders and acknowledged by them in writing. Following policy 79-ISA-02, no Medical/Mental Health information is

available to Custody Staff or Non-Health Personnel.

If the assessment indicates the inmate is at risk or has experienced prior sexual victimization, whether it occurred in an institution setting or in the community, staff offer a follow-up meeting with a medical or mental health practitioner within fourteen (14) calendar days of the intake screening. All inmates are screened by mental health in accordance with DRC policy on Mental Health Screening and Classification.

In the past year, per interviews of mental health staff, PREA and management-level staff, every inmate who disclosed prior victimization during screening was offered a follow-up meeting with a medical or mental health practitioner. All inmates interviewed who had reported any abuse all reported they had been offered following up visits. The checklist for risk assessment includes this requirement. Any offender disclosing prior sexual abuse while incarcerated or at any other time, whether victim or perpetrator, will be seen by a medical or mental health provider very quickly after disclosure.

No offenders disclosed at intake that they had previously perpetrated sexual abuse, during the screening, and so none were offered a follow up meeting with a mental health practitioner, but this referral would have been made if the report occurred.

Staff in Classification reported, and offenders interviewed, and pre-audit records reviewed supported that any offender reporting prior victimization is referred to medical or mental health for further evaluation. The OCM/PREA Coordinator indicated that 100% of these offenders had been referred.

If a known or potential victim or perpetrator, whether they report or not, they are also referred to mental health. Information is offered to both victims and perpetrators and they are automatically classified as requiring enhanced supervision and sent to separate housing areas.

Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
 Yes No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? Yes No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? Yes No

115.82 (d)

- Are treatment services 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? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The policy on first responders mirrors national PREA standards and governs both security and non-security staff who respond to crises in the facility. They have all been trained on responding specifically to PREA allegations and referral to medical services is automatic.

Offender victims of sexual abuse are offered timely information about and access to sexually transmitted infections prophylaxis, following professionally accepted standards of care and when medically appropriate. Services, including forensic medical examinations and mental health counseling, are provided to every victim without financial cost and this process was verified through policy review and interviews of senior and medical staff members.

The highest-ranking security supervisor on duty always notifies the OCM/PREA coordinator and Investigators on all allegations of sexual abuse. Policy states and interviews support that the medical staff determines whether a forensic medical examination is required, however all staff interviewed indicated that forensic exams would always be pursued if the incident was still in a timeliness window where evidence might be obtained.

The facility offers medical and mental health evaluation and, as appropriate, subsequent treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or youth facility. The evaluation and treatment of such victims includes follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to or placement in other facilities or release from custody. Medical/mental health staff interviews reported that emergency services, follow-up treatment, counseling, and whatever the offender needs are provided.

The prison does conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health providers. LeCI does not have a Residential Treatment facility (RTU) for severe mentally ill inmates and they are transferred to appropriate facilities designed for treating the mentally ill.

The ODRC medical, dental and mental health care is primarily provided to the offenders via State employees operating the health care system at LeCI. When needed, a full range of specialty consultations is available, and specialty hospital services are provided by either the Atrium Medical Center or the medical center at the Ohio State University.

Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.83 (b)

- Does the evaluation and treatment of such victims 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? Yes No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? Yes No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? Yes No

115.83 (g)

- Are treatment services 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?
 Yes No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Policy mandates mental health evaluation and appropriate treatment as required by the Standard. Elements of the standard related to female offenders are non-applicable at this male facility. Mental Health staff consistently supported that these standards are met. Testing is done as required and all costs associated with this are at no charge.

A Detailed Mental Health Screening is completed on all inmates within seven (7) calendar days of their arrival at any institution by a mental health professional (MHP). The facility offers medical and mental health evaluation and, as appropriate, subsequent treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or youth facility.

The evaluation and treatment of such victims includes follow-up services, individual treatment plans, and, when necessary, referrals for continued care following their transfer to or placement in other facilities or release from custody. Medical/mental health staff interviews reported that emergency services, follow-up treatment, counseling, and whatever the offender needs are provided.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? Yes No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? Yes No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? Yes No

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? Yes No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? Yes No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? Yes No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? Yes No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

ODRC policy requires a sexual abuse incident review within 30 days of the conclusion of every sexual abuse investigation, including those where the allegation has not been substantiated, and no review if the allegation has been determined to be unfounded. LeCI interviewed staff indicate it normally occurs within a week or so of the investigation completion.

The ODRC/LeCI has a policy (Sexual Abuse Review Team 79-ISA-03) that specifically addresses procedures at the conclusions of sexual abuse investigations. The SART team, by policy, is designated by the managing officer and includes, at a minimum, the Deputy Warden of Operations, the Institutional Investigator, designated victim support person (VSP), Deputy Warden of Special Services, and the Institutional OCM/PREA Manager. Other staff, such as unit staff, line supervisors, medical and mental health professionals are also included when appropriate.

Senior leaders interviewed all knew the policy requirements and considerations that must be reviewed in compliance with the standard; and that those do include:

- Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse
- Whether the incident was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility
- Examining the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
- Assessing the adequacy of staffing levels in that area during different shifts
- Assessing whether monitoring technology should be deployed/augmented to supplement staff supervision
- Preparing a report of its findings and recommendations for the facility Warden and OCM/PREA Coordinator

In the past 12 months, there were 18 completed investigations for alleged sexual abuse completed and all were followed by a SART review within 30 days. There were 17 actual cases initiated in 2019 and 5 cases carried over from 2018 to 2019 that were closed in 2019.

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? Yes No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? Yes No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? Yes No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) Yes No NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Senior staff and OCM/PREA Coordinator interviews, and PREA policy state the annual report is generated as required and has the essential elements of the standard. The report is generated by ODRC after data and input is submitted via the PREA and management chains. ODRC policy requires the review of aggregated data to assess and improve its abuse prevention, detection and response policies and training. A report is prepared annually and compares the current and prior year data. Aggregate information is submitted to the ODRC for inclusion in their annual reporting and publishing for the State. The OCM/PREA Coordinator indicated having prepared the data to report to ODRC HQ and that they report the published data. Redacted data areas are identified but are essentially limited to Personally Identifiable Information. The website is: <http://www.drc.ohio.gov/prea>

Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? Yes No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse? Yes No

115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? Yes No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The ODRC HQ staff and the LeCI leadership both use the collected data to determine where additional cameras or staff should be placed and also review data collected and aggregated pursuant to 115.87 to assess and improve the effectiveness of its overall sexual abuse prevention, detection, and response policies, and training, and this is done in the Annual Report as well.

A corrective action plan for each facility is developed for anything identified in the review; and the

annual PREA Compliance Review documents the facility's efforts to take corrective measures. The HQ BOC staff takes corrective measures for items identified for the agency as a whole. The HQ BOC staff don't use specific or confidential information in the report.

ODRC policy requires that all case records concerning claims of sexual abuse, to include incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings and recommendations for treatment and/or counseling are securely retained for a minimum of 10 years after the date of the initial collection and criminal-related data permanently. The provided documentation shows that all aggregated sexual abuse data under the ODRC is made readily available to the public at least annually through the agency website, following the removal of all personal identifiers.

Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? Yes No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

ODRC policy requires that all case records concerning claims of sexual abuse, to include incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings and recommendations for treatment and/or counseling are securely retained for a minimum of 10 years after the date of the initial collection and criminal-related data permanently. The provided documentation shows that all aggregated sexual abuse data under the ODRC is made readily available to the public at least annually through the agency website, following the removal of all personal identifiers. Systems are password protected and incident data is kept confidential.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*) Yes No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) Yes No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) Yes No NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) Yes No NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility? Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?
 Yes No

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

All standards are closely observed by ODRC and by all echelons involved in audit management. Facility and staff support were excellent and timely.

Standard 115.403: Audit contents and findings

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.ⁱ Auditors are not permitted to submit audit reports that have been scanned.ⁱⁱ See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

William E. Peck

April 10, 2020

Auditor Signature

Date