



# 2022 Annual Internal Report on Sexual Assault Data

An Analysis of 2020-2021 Sexual Assault Data

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## **Introduction**

The Federal Prison Rape Elimination Act (PREA) of 2003 was established to address the sexual abuse and sexual harassment of incarcerated persons in confinement settings. On August 20, 2012, the PREA Standards Final Rule, to help prevent, detect, and respond to sexual violence, staff sexual misconduct, and sexual harassment behind bars was released. It is the policy of the Ohio Department of Rehabilitation and Correction to provide a safe, humane, and appropriately secure environment, free from the threat of sexual misconduct for all incarcerated persons by maintaining a program of prevention, detection, response, investigation, and tracking. The Department shall maintain a zero tolerance for sexual misconduct in its institutions and in any facilities with which it contracts for the confinement of incarcerated persons. Sexual misconduct among incarcerated persons and by staff towards incarcerated persons is strictly prohibited. All allegations of sexual misconduct and/or sexual harassment shall be administratively and/or criminally investigated.

This report serves as an annual review to assess and improve the effectiveness of sexual abuse prevention, detection, and response for the ODRC pursuant to 115.87 (Data collection) & 115.88 (Data review for corrective action) of the national PREA standards.

The ODRC shall:

1. Review and aggregate incident-based sexual abuse data annually to improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training to include:
  - Identifying problem areas;
  - Taking corrective action on an on-going basis; and
  - Preparing an annual report of its findings.
2. Compare 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.
3. Publish the annual report on the agency website of its findings and corrective actions for each facility, as well as for the agency.

Each year, the ODRC collects accurate, uniform data for every allegation of sexual abuse and sexual harassment at facilities under its direct control using a standardized instrument and set of definitions. Annually, the ODRC completes the U.S. Department of Justice Bureau of Justice Statistics Survey of Sexual Victimization (SSV-2) report. The SSV-2 report provides data on every allegation of an incarcerated person on incarcerated person and staff on incarcerated person sexual misconduct. The following analysis is ODRC's annual internal report that targets confirmed incarcerated person on incarcerated person and staff on incarcerated person sexual abuse and sexual harassment incidents. The report provides a comparison of incidents between 2020 and 2021. It will be utilized by the DRC PREA Coordinator to identify problem areas and formulate corrective measures in efforts to reduce future incidents of sexual abuse.

## GENERAL DEFINITIONS

Resulting determinations from completed investigations are classified as outlined in the Code of Federal Regulations Title 28, Chapter 1, subpart A, section 115.5, *General Definitions* (28 C.F.R. § 115.5) as Substantiated, Unsubstantiated, or Unfounded. This standard states that agencies shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**Substantiated Allegation** - An allegation was investigated and determined to have occurred based on a preponderance of the evidence.

**Unsubstantiated Allegation** - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.

**Unfounded Allegation** - An allegation that was investigated and determined not to have occurred.

## DEFINITIONS OF SEXUAL VICTIMIZATION

The Ohio Department of Rehabilitation and Correction (ODRC) utilizes uniform definitions as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). These definitions are used to categorize allegations of sexual abuse and sexual harassment within ODRC prisons and to separate allegations by incarcerated person type (staff or incarcerated person) and type of abuse. Like the Survey on Sexual Victimization (SSV), the following categories of sexual abuse have been placed into five categories as indicated below.

## AGGREGATED DATA:

The following are statistics of reported incidents of sexual victimization within ODRC adult institutions, by category:

### Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts

	2018	2019	2020	2021
Substantiated	14	11	8	4
Unsubstantiated	64	57	45	57
Unfounded	23	37	19	26
Ongoing Investigation	0	0	0	0
<b>Total:</b>	<b>101</b>	<b>105</b>	<b>72</b>	<b>87</b>

Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts is defined as Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and Contact between the penis and the vulva or the penis and the anus including penetration, however slight; or Contact between the mouth and the penis, vulva, or anus; or Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

In 2020, the number of allegations for Nonconsensual Sex Acts was 72. In 2021, the number of allegations for Incarcerated Person on Incarcerated Person Nonconsensual Sex Acts was 87, which equates to an increase of 20 percent.

### Incarcerated Person on Incarcerated Person Abusive Sexual Contact

	2018	2019	2020	2021
Substantiated	13	9	9	14
Unsubstantiated	68	58	58	45
Unfounded	29	18	21	11
Ongoing Investigation	0	0	0	0
<b>Total:</b>	<b>110</b>	<b>85</b>	<b>88</b>	<b>70</b>

Incarcerated Person on Incarcerated Person Abusive Sexual Contact is defined as Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

In 2020, the number of allegations for Incarcerated Person on Incarcerated Person Abusive Sexual Contact was 88, In 2021, the number of allegations for Abusive Sexual Contact was 70, which equates to a decrease of 20 percent.

### Incarcerated Person on Incarcerated Person Sexual Harassment

	2018	2019	2020	2021
Substantiated	15	2	9	5
Unsubstantiated	28	35	31	23
Unfounded	2	6	3	4
Ongoing investigation	0	0	0	0
<b>Total:</b>	<b>45</b>	<b>43</b>	<b>43</b>	<b>32</b>

Incarcerated Person on Incarcerated Person Sexual Harassment is defined as repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one incarcerated person directed toward another.

In 2020, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 43. In 2021, the number of allegations for Incarcerated Person on Incarcerated Person Sexual Harassment was 32, which equates to a decrease of 25 percent.

### Staff on Incarcerated Person Sexual Misconduct

	2018	2019	2020	2021
Substantiated	12	8	7	6
Unsubstantiated	36	28	15	36
Unfounded	46	26	13	19
Ongoing investigation	0	0	0	0
<b>Total:</b>	<b>94</b>	<b>62</b>	<b>35</b>	<b>61</b>

Staff on Incarcerated Person Sexual Misconduct is defined as any behavior or act of sexual nature directed toward an incarcerated person by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and incarcerated persons are included in this definition. Consensual or nonconsensual sexual acts include— Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

In 2020, the number of allegations for Staff Sexual Misconduct was 35. In 2021, the number of allegations for Staff on Incarcerated Person Sexual Misconduct was 61, which equates to an increase of 74 percent.

### Staff on Incarcerated Person Sexual Harassment

	2018	2019	2020	2021
Substantiated	2	1	0	0
Unsubstantiated	9	3	10	8
Unfounded	3	2	3	4
Ongoing investigation	0	0	0	0
<b>Total:</b>	<b>14</b>	<b>6</b>	<b>13</b>	<b>12</b>

Staff on Incarcerated Person Sexual Harassment is defined as repeated verbal comments or gestures of a sexual nature to an incarcerated person by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Including - demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

In 2020, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 13. In 2021, the number of allegations for Staff on Incarcerated Person Sexual Harassment was 12, which equates to a decrease of 7 percent.

**Privately Operated Facilities Housing Ohio Incarcerated Persons  
PREA Incident Information for Calendar Year 2021**

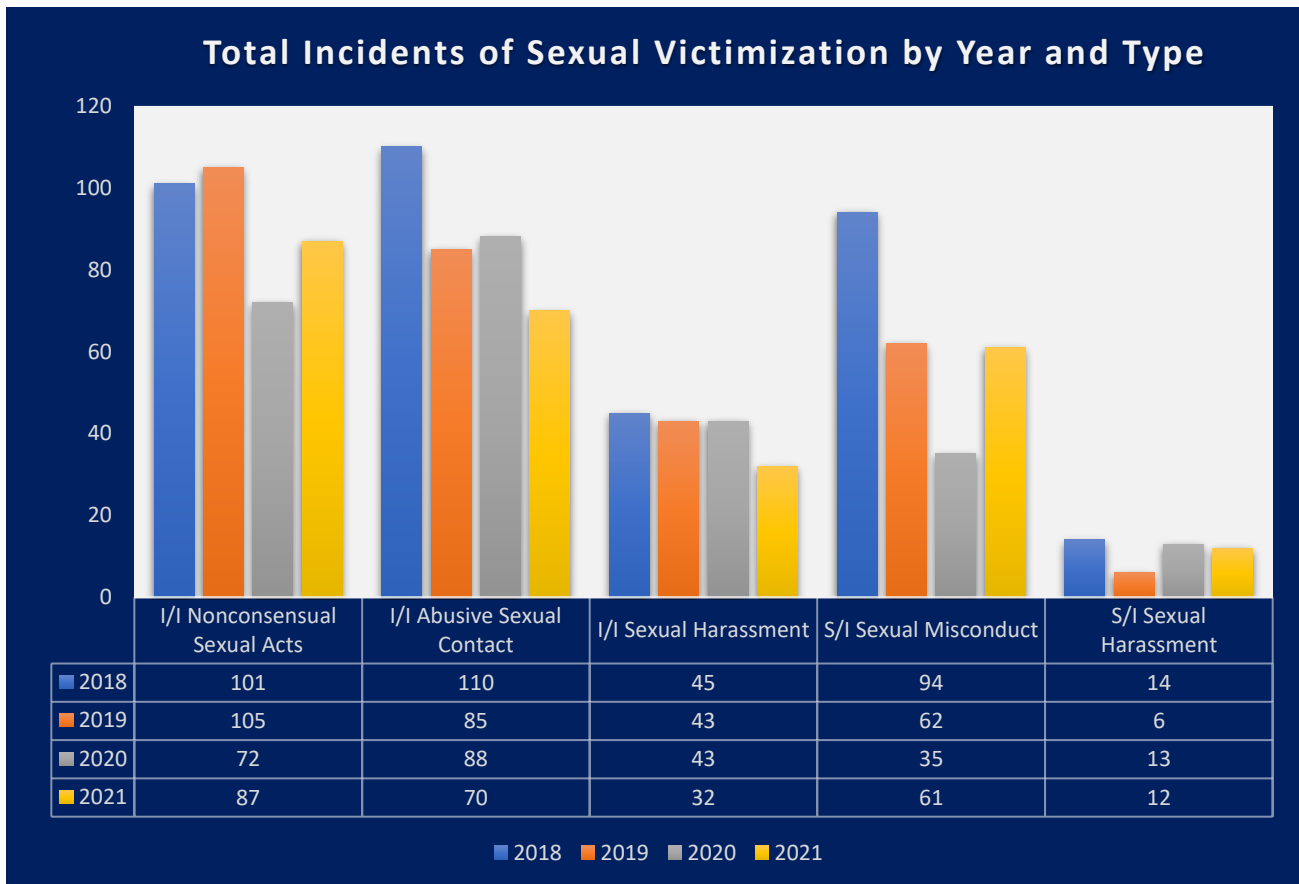
**Lake Erie Correctional Institution**, 501 Thompson Road, Conneaut, Ohio 44030  
(CoreCivic- Nashville, Tennessee)

<b>Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	3	1	4
<b>Incarcerated Person on Incarcerated Person Abusive Sexual Contact</b>			
Substantiated	Unsubstantiated	Unfounded	Total
1	4	0	5
<b>Staff Sexual Misconduct</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	1	1
<b>Incarcerated Person on Incarcerated Person Sexual Harassment</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
<b>Staff on Incarcerated Person Sexual Harassment</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	1	0	1

**Northeast Ohio Correctional Center**, 2240 Hubbard Road, Youngstown, Ohio 44505  
(CoreCivic- Nashville, Tennessee)

<b>Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
<b>Incarcerated Person on Incarcerated Person Abusive Sexual Contact</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	4	0	4
<b>Staff Sexual Misconduct</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
<b>Incarcerated Person on Incarcerated Person Sexual Harassment</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	2	0	2
<b>Staff on Incarcerated Person Sexual Harassment</b>			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0

Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts			
Substantiated	Unsubstantiated	Unfounded	Total
0	2	1	3
Incarcerated Person on Incarcerated Person Abusive Sexual Contact			
Substantiated	Unsubstantiated	Unfounded	Total
0	1	0	1
Staff Sexual Misconduct			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
Incarcerated Person on Incarcerated Person Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
1	0	0	1
Staff on Incarcerated Person Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
1	1	0	2



**I/I = Incarcerated Person on Incarcerated Person**  
**S/I = Staff on Incarcerated Person**

The below table depicts substantiated incidents of sexual victimization by facility for calendar year 2021.

	<b>Incarcerated Person on Incarcerated Person Nonconsensual Sexual Acts 2021</b>	<b>Incarcerated Person on Incarcerated Person Abusive Sexual Contact 2021</b>	<b>Staff on Incarcerated Person Sexual Misconduct 2021</b>	<b>Incarcerated Person on Incarcerated Person Sexual Harassment 2021</b>	<b>Staff on Incarcerated Person Sexual Harassment 2021</b>
<b>AOCI</b>	0	2	1	2	0
<b>BECI</b>	2	3	0	0	0
<b>CCI</b>	0	1	1	2	0
<b>CRC</b>	1	0	0	0	0
<b>DCI</b>	0	0	0	0	0
<b>FMC</b>	0	0	0	0	0
<b>GCI</b>	0	0	1	0	0
<b>LECI</b>	0	2	0	0	0
<b>LOCI</b>	0	0	0	0	0
<b>LORCI</b>	0	0	0	1	0
<b>MACI</b>	0	1	0	0	0
<b>MANCI</b>	0	0	0	0	0
<b>MCI</b>	0	0	0	0	0
<b>NCI</b>	0	0	0	0	0
<b>NERC</b>	0	1	1	0	0
<b>ORW</b>	0	3	0	0	0
<b>OSP</b>	0	0	0	0	0
<b>PCI</b>	1	0	1	0	0
<b>RICI</b>	0	0	0	0	0
<b>RCI</b>	0	0	0	0	0
<b>SCC</b>	0	1	1	0	0
<b>SOCF</b>	0	0	0	0	0
<b>TOCI</b>	0	0	0	0	0
<b>TCI</b>	0	0	0	0	0
<b>WCI</b>	0	0	0	0	0
<b>TOTAL</b>	<b>4</b>	<b>14</b>	<b>6</b>	<b>5</b>	<b>0</b>

For Calendar year 2021 the Total number of Substantiated Incidents of Sexual Victimization was 29.



The Total number of substantiated incidents of sexual victimization in calendar year 2020 was 33. In 2021, the total number of substantiated incidents of sexual victimization was 29. This was a percentage decrease of 12% in the number of overall substantiated PREA incidents of sexual victimization. The agency continues the emphasis and vigilance in mandating a zero-tolerance for sexual misconduct in all institutions and in any facility with which it contracts for the confinement of incarcerated persons. A continued emphasis is placed on annual PREA training for all staff, contractors, volunteers, and incarcerated person PREA comprehensive education. Staff PREA annual training and incarcerated person education is a constant reminder for all in how to report, detect, and respond to sexual misconduct while in confinement. The ODRC Electronic PREA Incident Reporting system allows for the collection of complete, accurate, and uninformed data. The ODRC 2022-SSV Report is in line with the requirements of U.S. Department of Justice, Bureau of Justice Statistics definitions for completing the SSV report.

Incarcerated person on incarcerated person sexual abuse incidents decreased from 160 cases in 2020 to 157 cases in 2021. It should be noted many of the incidents involved inappropriate touching or physical contact with incarcerated persons and were not an actual violent sexual assault. Staff on Incarcerated Person Sexual Misconduct incidents of sexual abuse increased from 35 cases in 2020 to 61 cases in 2021. There were six substantiated incidents of staff on Incarcerated Person Sexual Misconduct Incidents in 2021. It is important to note that five of the six incidents appeared to be consensual. Three cases involved fulltime DRC employees and two cases involved contract employees. These incidents fall in the category of PREA Staff Sexual Misconduct – (Any behavior or act of sexual nature directed toward an incarcerated person by an employee, volunteer, contractor, official visitor, or another agency representative.) Consensual sexual relationships of a romantic nature between staff and incarcerated persons are included in this definition.

All cases of sexual victimization involving either incarcerated person on incarcerated person or staff on incarcerated person incidents are thoroughly investigated and determined to be substantiated, unsubstantiated, or unfounded at the institution level. Findings and corrective actions for each facility with substantiated and unsubstantiated cases are also reviewed personally by the Agency PREA Coordinator and assigned PREA Audit Administrators. Each case's findings and corrective measures are shared directly with each facility's Warden and Operational Compliance Manager.

## **PREA Audits**

ODRC had (9) prisons that underwent their 3<sup>rd</sup> PREA audit during Year 3 of Audit Cycle 3. The below facility-specific corrective action measures were identified and corrected during this time. All prisons were found to be fully compliant with the PREA standards.

### Chillicothe Correctional Institution (CCI) April 24-26, 2022

There was no corrective action required of the Chillicothe Correctional Institution. All standards were either met or exceeded.

### Lake Erie Correctional Institution (LAECI) September 21-23, 2021

There was no corrective action required of the Lake Erie Correctional Institution. All standards were either met or exceeded.

### London Correctional Institution (LOCI) May 25-27, 2022

There was no corrective action required of the London Correctional Institution. All standards were either met or exceeded.

North Central Correctional Complex (NCCC) November 1-4, 2021

There was no corrective action required of the North Central Correctional Complex. All standards were either met or exceeded.

Northeast Ohio Correctional Center (NEOCC) March 22-24, 2022

Standard 115.15 (Cross Gender Announcements) Announcements were not done during the tour and incarcerated person interviews also confirmed it is not consistently done. Facility addressed this concern by providing training documents confirming that staff were re-trained on the cross-gender announcement requirement.

Standard 115.31 (Staff Training) Staff did not receive a PREA refresher training which is required every 2 years. Facility addressed this concern by providing training documentation proving all staff have completed the most recent PREA training.

Standard 115.35 (Specialized training: Medical & mental health care) Medical and mental health care staff did not consistently receive the specialized training. Facility addressed this concern by providing training documents confirming that medical and mental health staff received the specialized training.

Standards 115.82/115.83 – (HIV/STI testing and prophylaxis) HIV/STI testing and prophylaxis not provided for incarcerated person victims of sexual abuse involving penetration. Facility addressed this concern by providing training documents confirming that medical and mental health staff received training on medical guidelines for sexual conduct or recent sexual abuse. Additionally, facility provided documentation proving incarcerated person who reported sexual abuse were offered sexually transmitted infection prophylaxis.

Ohio Reformatory for Women (ORW) April 22-24, 2021

There was no corrective action required of the Ohio Reformatory for Women. All standards were either met or exceeded.

Ohio State Penitentiary (OSP) February 11-13, 2022

There was no corrective action required of the Ohio State Penitentiary. All standards were either met or exceeded.

Southeastern Correctional Institution (SCI) March 2-4, 2022

Standard 115.13 (Supervision & monitoring) Several areas beyond West Gate did not have adequate camera coverage and security rounds were inconsistent. Additionally, there were blind spots in the mental health offices. Facility addressed concerns by updating post order to ensure supervisors and officers make irregular checks of areas beyond West Gate approximately every 30 minutes. Facility also installed security mirrors to cover the blind spots in the mental health offices.

Standard 115.16 (Incarcerated persons with disabilities) Auditor noted the television where incarcerated persons view the PREA Education video is too small to allow deaf or hearing-impaired incarcerated persons to read the closed captioning or the sign language interpreter. Facility addressed concerns by buying a larger television.

Standard 115.33 (Incarcerated person education) Auditor noted incarcerated persons who require special accommodations in communication or to understand the PREA educational material are not identified to those staff responsible for providing the PREA education. Facility addressed concerns by developing a procedure where UMC and OCM are advised by medical, mental health, and education of individuals who may require special accommodations. These individuals will be individually asked if they would like an accommodation to better understand PREA.

Standard 115.41 (Screening for risk of victimization or abusiveness) Current risk assessment noted to not be weighted and objective. Agency addressed concerns by developing a weighted and objective risk assessment. Additionally, facility re-assessed population on new risk assessment.

Standard 115.53 (Incarcerated person access to outside confidential support services) Auditor noted several incarcerated persons were unaware of victim advocacy services outside the facility for dealing with sexual misconduct. Facility addressed concerns by re-educating population on access to victim advocacy services outside the facility.

#### Trumbull Correctional Institution (TCI) February 13-15, 2021

There was no corrective action required of the Trumbull Correctional Institution. All standards were either met or exceeded.

### **Continued Monitoring, Improvements, and Looking Forward**

- Continued updates to agency PREA policies and directives. All ODRC policies are reviewed annually.
- Annual staffing/camera assessments with all facilities.
- Annual PREA training for the Operational Compliance Managers; staff responsible for monitoring PREA compliance at the Prison level.
- Continued enhancements to the agency's PREA compliance review process. Annually, each prison undergoes a mock PREA audit to identify best practices and/or corrective actions that may be required.
- ODRC increased security cameras by 10% in 2022. Currently have 7,054 cameras throughout 28 facilities.
- Increased server space in 2022. Video storage prior to over-write increased to a minimum of 45 days.
- Implementation of 3,000 body worn cameras in 2022. PREA compliant body worn cameras increase security and staff accountability.
- An updated PREA risk assessment tool was created and will be applied to the electronic PREA Risk Assessment system. The PREA Risk Assessment system is utilized to track incarcerated persons' risk for sexual victimization or sexual abusiveness.
- Re-evaluate the annual PREA staffing plan process to better align with the PREA standards.
- Re-evaluate the PREA outcome measures to better align with PREA audit procedures.

### **Conclusion**

ODRC continues to progress in addressing sexual abuse by continually monitoring all allegations of sexual misconduct facilitated by staff or incarcerated persons. If any issues or trends are identified, they are addressed immediately both at the agency level and facility level. This may include modifications to the existing policy, procedures, education, or training. Additionally, this takes into consideration physical plant limitations and the need for video monitoring equipment. The Bureau of Operational Compliance continues to work with the agency's Information Technology department to improve the PREA Incident Reporting and Risk Assessment system, making the operations more user-friendly and informative to facility staff as well as BOC staff. This system also improves the quality of records being retained and providing expedient access to the information.

The Bureau of Operational Compliance internal support efforts, including the PREA compliance review process, are also critical elements for DRC's continued PREA audit success. The above overview, findings, and recommendations will serve as a primary guide for ODRC's continued PREA compliance efforts for 2023.



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