

APPENDIX A
(52-RCP-10)

Prison Rape Elimination Act Information for Inmate Handbook

PRISON RAPE ELIMINATION ACT (PREA)

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 inmates 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 inmates. Sexual misconduct among inmates and by staff towards inmates is strictly prohibited. All allegations of sexual misconduct and/or sexual harassment shall be administratively and/or criminally investigated.

YOU HAVE THE RIGHT NOT TO BE SEXUALLY ABUSED OR HARASSED.

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 shall be given the opportunity to remain anonymous upon request to the outside agency.

A Sexual Abuse or Sexual Harassment complaint may be submitted at any time, however, a timely complaint is essential to providing services and proper investigation. The Inmate Grievance procedure is not the administrative process to report allegations of Sexual Abuse or Sexual Harassment. However, any Inmate Grievance (Including ICR, NOG, and related Appeal Forms) 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).

There will be NO retaliation for reporting incidents of sexual abuse or harassment. Family and friends may report allegations of sexual abuse, sexual harassment and retaliation on your behalf:

- By calling (614) 995-3584
- By emailing DRC.ReportSexualMisconduct@odrc.state.oh.us

Within seven (7) days of your arrival or transfer to an institution, you will watch an Ohio Department of Rehabilitation and Correction, Prison Rape Elimination Act (PREA) education video. The video will inform you of ODRC's zero tolerance policy against sexual misconduct. The video is in English with a deaf interpreter. It also is closed caption with a Spanish outline at the end of the video. If you need additional assistance understanding anything in the PREA inmate education video or institution inmate handbook, see your unit staff.

PREVENTION/DETECTION

All inmates shall be screened and assessed upon admission to the Department and for all subsequent intra-system transfers. All inmates shall be assessed for risk of sexual victimization or abusiveness within seventy-two (72) hours of intake and upon transfer to another institution. These screenings shall be initiated in the PREA Risk Assessment by medical personnel during intake medical assessments and shall be completed by unit management with the seventy-two (72) hour period. No sooner than fifteen (15) days, but no longer than thirty (30) days from the inmate's arrival at any institution, the inmate shall be 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. Unit management shall complete the assessments. As a result of these screenings, inmates shall be assigned a PREA Classification.

The Unit Management Chief or their designees shall make appropriate housing assignments based upon PREA Classifications. The information shall be 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 shall take immediate action to protect the inmate at risk of victimization.

Mental Health Services shall 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.

Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmates of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.

OPPOSITE GENDER ANNOUNCEMENTS

All staff members of the opposite gender, whether assigned to the unit or not, shall make the following announcement upon their arrival in a housing unit: "Male/Female in housing unit." If at any time the staff member leaves and returns to the housing unit, the proceeding announcement shall be repeated. The announcement is only required when an opposite gender staff enters a housing unit where there is not already another opposite gender staff member present. If opposite gender staff remain in the unit during shift change, the announcement shall always be made at the beginning of each shift.

All inmate health service departments, Frazier Health Center and Franklin Medical Center Zone A shall only announce once at the beginning of each shift. Opposite gender medical staff are in these units at all times.

Once the facility installs the PREA buzzer at the entrance of each housing unit, it shall replace the verbal announcement with a unique, audible sound which shall be heard at the farthest point within the housing unit. The only exceptions will be from 10:00 pm to 8:00 am, at which time the verbal announcement shall be made instead of the use of the PREA buzzer.

SELF-PROTECTION

Be aware of situations that make you feel uncomfortable. Trust your instincts. If it feels wrong, LEAVE!

Don't let your manners get in the way of keeping yourself safe. Don't be afraid to say "NO" or "STOP IT NOW".

Many sexual abusers choose victims who look like they won't fight back or are emotionally weak. WALK AND STAND WITH CONFIDENCE.

Avoid talking about sex and casual nudity. These things may be considered a come on or make another inmate believe you have an interest in a sexual relationship.

Placing yourself in debt to another inmate may lead to the expectation of repaying the debt with sexual favors. Do not accept commissary items or other gifts from other inmates.

Avoid secluded areas. Position yourself in plain view of staff members. If you are being pressured for sex, report it to a staff member IMMEDIATELY.

RESPONSE

Upon report of an allegation of inmate sexual abuse, staff shall:

1. Separate the alleged victim and abuser.
2. Request the alleged victim not take any actions that could destroy physical evidence.
3. Take appropriate steps to preserve, protect and collect any evidence.

The institution shall make available for the victim a rape crisis center victim advocate if available or a qualified institution victim support person.

TREATMENT

Medical Services Responsibilities

Follow appropriate protocol, assuring appropriate examination, documentation, transport to the local emergency department, testing for sexually transmitted diseases, counseling, prophylactic treatment, follow-up and referral for mental health evaluation.

Mental Health Responsibilities

Offenders referred to mental health by medical services following an allegation of sexual abuse shall be seen by an independently licensed mental health professional who shall complete further screenings or assessments consistent with Department policy.

The victim shall be offered medical and mental health evaluations and treatment as appropriate. Treatment shall be provided to the victim at no charge.

The victim shall be given access to victim advocates for emotional support, if needed, by providing them with mailing addresses and telephone numbers, including toll-free hotline numbers of Local, State or National victim advocacy or rape crisis organizations. This information shall be provided to the unit staff for communication to the inmates. Telephone calls to outside support services shall be provided in as confidential a manner as possible.

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. Emotional support services shall be offered to inmates or staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations.

MEDICAL AND MENTAL HEALTH FOLLOW-UP

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 shall offer a follow-up meeting with a medical or mental health practitioner with fourteen (14) calendar days of the intake screening. This may be accomplished by the inmate requesting the service at the time of the assessment or by forwarding a kite to the medical or mental health departments.

If the assessment indicates the inmate is at risk or had previously perpetrated sexual abuse, whether it occurred in an institution setting or in the community, staff shall offer a follow-up meeting with a mental health practitioner within fourteen (14) calendar days of the intake screening. This can be accomplished by the inmate requesting the service at the time of the assessment or by forwarding a kite to the mental health departments.

INVESTIGATIONS

All reports of sexual misconduct and retaliation shall be investigated and the findings documented in writing.

No institution shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

The institution investigator shall monitor all cases of retaliation.

A final decision on all allegations of sexual misconduct shall be issued by the institution investigator within ninety (90) calendar days of the initial filing.

If ninety (90) calendar days is not sufficient to make an appropriate decision, the institution investigator may extend the decision up to seventy (70) calendar days. The inmate shall be notified in writing of such extension and provide a date by which a decision shall be made.

Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an institution, the institution investigator shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.