




SUBJECT: Sexual Abuse Review Team	PAGE <u> 1 </u> OF <u> 3 </u>
	NUMBER: 79-ISA-03
RULE/CODE REFERENCE:	SUPERSEDES: 79-ISA-03 dated 11/07/16
RELATED ACA STANDARDS:	EFFECTIVE DATE: July 17, 2017
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide procedural for after-action reviews of sexual abuse incidents by the institutional Sexual Abuse Review Team (SART) to determine whether revisions should be made to policies, protocols, practices and prevention techniques.

III. APPLICABILITY

This policy applies to all inmates, employees of the Ohio Department of Rehabilitation and Correction (DRC), volunteers, and independent contractors assigned to an institution.

IV. DEFINITIONS

Indecent Exposure - Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate.

Sexual Abuse - Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward an inmate by an employee, contractor, or volunteer, which may include one (1) or more of: 1) sexual conduct, 2) sexual contact, 3) voyeurism, or 4) indecent exposure; OR any behavior or act of a sexual nature, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse, directed toward an inmate by another inmate which may include one (1) or more of: (1) sexual conduct or (2) sexual contact.

Sexual Conduct - Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and without relation to official duties, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact - Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an inmate by an employee, contractor, or volunteer or other inmate which may be sexual harassment, sexual abuse or a combination of both as defined in this policy.

Substantiated Allegation - Means an allegation that was investigated and determined to have occurred.

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

Unsubstantiated Allegation - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Victim Support Person - A designated employee that has been specially trained to support a victim of sexual abuse which includes: (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.

Voyeurism - Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of any inmate performing bodily functions.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to analyze policies, protocols, practices, and preventative measures after each substantiated and unsubstantiated allegation of sexual abuse to determine whether revisions should be made in order to minimize the risk of future sexual abuse incidents.

VI. PROCEDURES

A. Institutional Sexual Abuse Review Team (SART)

Each managing officer shall designate a Sexual Abuse Review Team (SART). The SART shall, at a minimum, consist of:

1. Institution Operational Compliance Manager (OCM) - Chair;
2. A Deputy Warden;
3. Institutional Investigator;
4. Designated Victim Support Person;
5. Any other staff that may have relevant input, such as unit staff, line supervisors, medical and mental health professionals.

B. SART Procedures at the Conclusion of Sexual Abuse Investigations

1. The SART shall review all sexual abuse incidents, unless determined to be unfounded, within thirty (30) calendar days of the conclusion of the investigation. The managing officer may grant an additional fifteen (15) calendar day extension in exigent circumstances.
2. The SART shall consider:
 - a. Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Whether the area in the facility where the incident allegedly occurred contains physical barriers in the area that may enable abuse;
 - d. The adequacy of staffing levels in that area during different shifts;
 - e. Whether monitoring technology should be deployed or augmented to supplement supervision by staff.
3. The SART shall complete the Sexual Abuse Case Review in the electronic PREA Incident Reporting System and document the committee findings pursuant to section VI.B.2.a-e of this policy, and recommendations for improvement. The OCM shall advise the managing officer of the completed Sexual Abuse Case Review.
4. The managing officer shall implement the recommendations outlined in the Sexual Abuse Case Review for improvement or shall document its reasons for not doing so. The managing officer's signature shall be electronically captured in the PREA Incident Reporting System.