



Department of
Rehabilitation & Correction

2021 Annual Internal Report on Sexual Assault Data

An Analysis of 2019-2020 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 individuals 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 individuals 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 individuals. Sexual misconduct among incarcerated individuals and by staff towards incarcerated individuals 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 individual on incarcerated individual and staff on incarcerated individual sexual misconduct. It is posted on the DRC Internet to make available to the public. The following analysis is ODRC's annual internal report that targets confirmed incarcerated individual on incarcerated individual and staff on incarcerated individual sexual abuse and sexual harassment incidents. The report provides a comparison of incidents between 2019 and 2020. 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 individual type (staff or incarcerated individual) 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 Individual on Incarcerated Individual Nonconsensual Sexual Acts

	2017	2018	2019	2020
Substantiated	9	14	11	8
Unsubstantiated	60	64	57	45
Unfounded	29	23	37	19
Ongoing Investigation	0	0	0	0
Total:	98	101	105	72

Incarcerated individual on Incarcerated individual 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 2019, the number of allegations for Nonconsensual Sex Acts was 105. In 2020, the number of allegations for Incarcerated individual on Incarcerated individual Nonconsensual Sex Acts was 72, which equates to a decrease of 31 percent.

Incarcerated Individual on Incarcerated Individual Abusive Sexual Contact

	2017	2018	2019	2020
Substantiated	17	13	9	9
Unsubstantiated	57	68	58	58
Unfounded	16	29	18	21
Ongoing Investigation	0	0	0	0
Total:	90	110	85	88

Incarcerated individual on Incarcerated individual 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 2019, the number of allegations for Incarcerated individual on Incarcerated individual Abusive Sexual Contact was 85, In 2020, the number of allegations for Abusive Sexual Contact was 88, which equates to an increase of 4 percent.

Incarcerated Individual on Incarcerated Individual Sexual Harassment

	2017	2018	2019	2020
Substantiated	16	15	2	9
Unsubstantiated	38	28	35	31
Unfounded	8	2	6	3
Ongoing investigation	0	0	0	0
Total:	62	45	43	43

Incarcerated individual on Incarcerated individual 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 individual directed toward another.

In 2019, the number of allegations for Incarcerated individual on Incarcerated individual Sexual Harassment was 43. In 2020, the number of allegations for Incarcerated individual on Incarcerated individual Sexual Harassment was 43, which equates to an increase/decrease of 0 percent.

Staff on Incarcerated Individual Sexual Misconduct

	2017	2018	2019	2020
Substantiated	7	12	8	7
Unsubstantiated	35	36	28	15
Unfounded	27	46	26	13
Ongoing investigation	0	0	0	0
Total:	69	94	62	35

Staff on Incarcerated individual Sexual Misconduct is defined as any behavior or act of sexual nature directed toward an incarcerated individual 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 individuals 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 2019, the number of allegations for Staff Sexual Misconduct was 62. In 2020, the number of allegations for Staff on Incarcerated individual Sexual Misconduct was 35, which equates to a decrease of 44 percent.

Staff on Incarcerated Individual Sexual Harassment

	2017	2018	2019	2020
Substantiated	0	2	1	0
Unsubstantiated	15	9	3	10
Unfounded	11	3	2	3
Ongoing investigation	0	0	0	0
Total:	27	14	6	13

Staff on Incarcerated individual Sexual Harassment is defined as repeated verbal comments or gestures of a sexual nature to an incarcerated individual 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 2019, the number of allegations for Staff on Incarcerated individual Sexual Harassment was 6. In 2020, the number of allegations for Staff on Incarcerated individual Sexual Harassment was 13, which equates to an increase of 117 percent.

**Privately Operated Facilities Housing Ohio Incarcerated Individuals
PREA Incident Information for Calendar Year 2020**

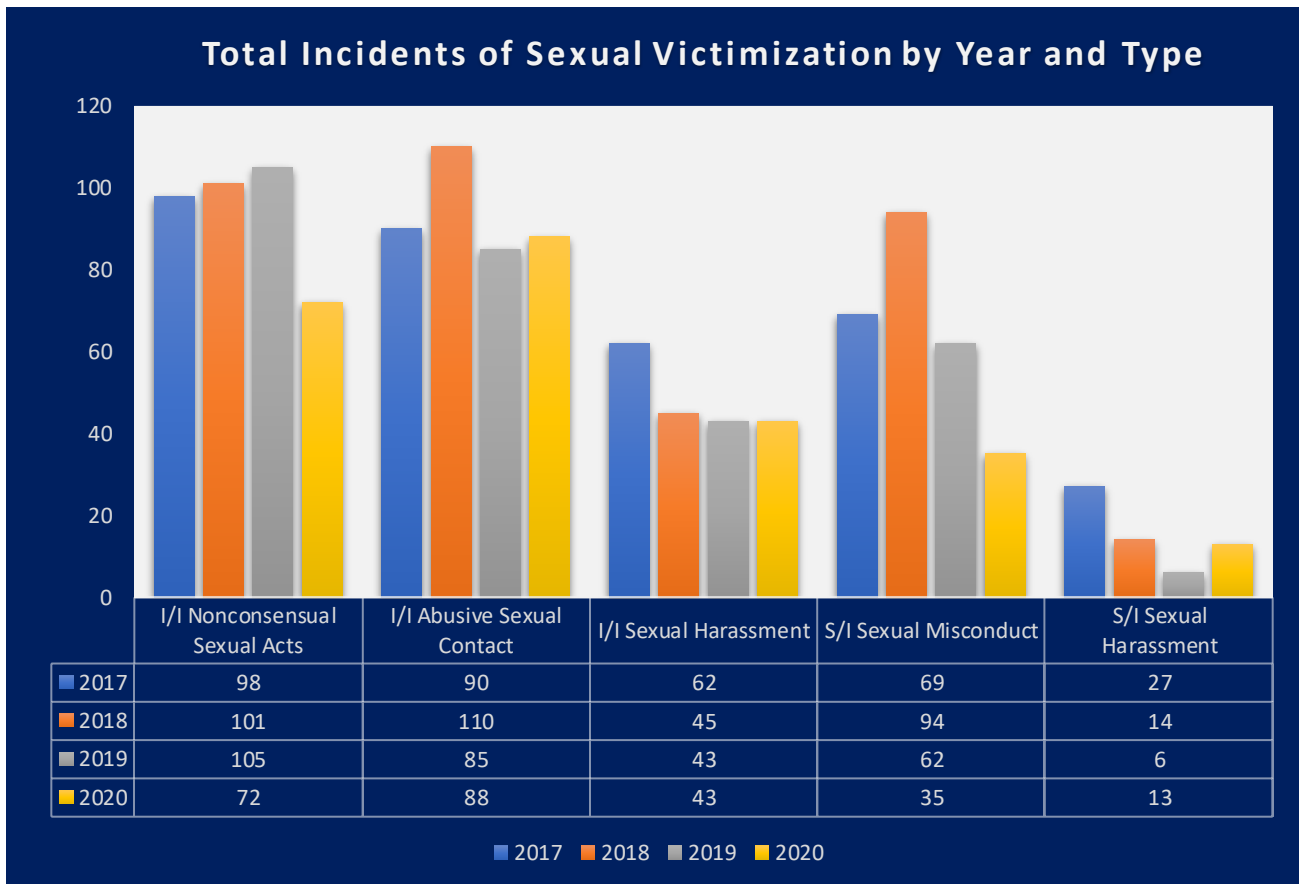
Lake Erie Correctional Institution, 501 Thompson Road, Conneaut, Ohio 44030
(CoreCivic- Nashville, Tennessee)

Incarcerated Individual on Incarcerated Individual Nonconsensual Sexual Acts			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
Incarcerated Individual on Incarcerated Individual Abusive Sexual Contact			
Substantiated	Unsubstantiated	Unfounded	Total
1	3	0	4
Staff Sexual Misconduct			
Substantiated	Unsubstantiated	Unfounded	Total
0	1	0	1
Incarcerated Individual on Incarcerated Individual Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
Staff on Incarcerated Individual Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0

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

Incarcerated Individual on Incarcerated Individual Nonconsensual Sexual Acts			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
Incarcerated Individual on Incarcerated Individual Abusive Sexual Contact			
Substantiated	Unsubstantiated	Unfounded	Total
0	5	2	7
Staff Sexual Misconduct			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	2	2
Incarcerated Individual on Incarcerated Individual Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
0	5	1	6
Staff on Incarcerated Individual Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	1	1

Incarcerated Individual on Incarcerated Individual Nonconsensual Sexual Acts			
Substantiated	Unsubstantiated	Unfounded	Total
1	3	1	5
Incarcerated Individual on Incarcerated Individual Abusive Sexual Contact			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0
Staff Sexual Misconduct			
Substantiated	Unsubstantiated	Unfounded	Total
0	1	1	2
Incarcerated Individual on Incarcerated Individual Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	1	1
Staff on Incarcerated Individual Sexual Harassment			
Substantiated	Unsubstantiated	Unfounded	Total
0	0	0	0



I/I = Incarcerated individual on Incarcerated individual
S/I = Staff on Incarcerated individual

The below table depicts substantiated incidents of sexual victimization by facility for calendar year 2020.

	Incarcerated Individual on Incarcerated Individual Nonconsensual Sexual Acts 2020	Incarcerated Individual on Incarcerated Individual Abusive Sexual Contact 2020	Staff on Incarcerated Individual Sexual Misconduct 2020	Incarcerated Individual on Incarcerated Individual Sexual Harassment 2020	Staff on Incarcerated Individual Sexual Harassment 2020
AOCI	0	1	0	0	0
BECI	4	2	0	0	0
CCI	0	0	0	1	0
CRC	0	0	0	0	0
DCI	0	1	0	1	0
FMC	0	0	0	0	0
GCI	0	0	1	0	0
LECI	0	0	0	0	0
LOCI	0	0	0	0	0
LORCI	0	0	0	0	0
MACI	0	0	1	0	0
MANCI	0	0	0	0	0
MCI	0	0	0	1	0
NCI	0	0	0	2	0
NERC	0	4	0	0	0
ORW	0	0	2	0	0
OSP	0	0	0	0	0
PCI	0	0	0	2	0
RICI	0	0	0	0	0
RCI	1	0	0	0	0
SCC	1	0	1	2	0
SOCF	0	0	0	0	0
TOCI	1	1	0	0	0
TCI	1	0	1	0	0
WCI	0	0	1	0	0
TOTAL	8	9	7	9	0

For Calendar year 2020 the Total number of Substantiated Incidents of Sexual Victimization was 33.

The Total number of substantiated incidents of sexual victimization in calendar year 2019 was 31. In 2020, the total number of substantiated incidents of sexual victimization was 33. This was a percentage increase of 6% 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 individuals. A continued emphasis is placed on annual PREA training for all staff, contractors, volunteers, and incarcerated individual PREA comprehensive education. Staff PREA annual training and incarcerated individual 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 2019-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 individual on incarcerated individual sexual abuse incidents decreased from 190 cases in 2019 to 160 cases in 2020. It should be noted many of the incidents involved inappropriate touching or physical contact with incarcerated individuals and were not an actual violent sexual assault. Staff on Incarcerated individual Sexual Misconduct incidents of sexual abuse decreased from 62 cases in 2019 to 35 cases in 2020. There were 7 substantiated incidents of staff on Incarcerated individual Sexual Misconduct Incidents in 2020. It is important to note that 6 of the 7 incidents appeared to be consensual. Five 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 individual by an employee, volunteer, contractor, official visitor, or another agency representative.) Consensual sexual relationships of a romantic nature between staff and incarcerated individuals are included in this definition.

All cases of sexual victimization involving either incarcerated individual on incarcerated individual or staff on incarcerated individual 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 individually 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 (11) prisons that underwent their 3rd PREA audit during Year 2 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.

Allen Oakwood Correctional Institution (AOIC) May 17-19, 2021

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

Belmont Correctional Institution (BECI) March 18-20, 2021

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

Correctional Reception Center (CRC) April 7-9, 2021

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

Dayton Correctional Institution (DCI) May 14-16, 2021

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

Franklin Medical Center (FMC) May 25-27, 2021

There was no corrective action required of the Franklin Medical Center. All standards were either met or exceeded.

Madison Correctional Institution (MACI) May 12-14, 2021

Standard 115.62 (Agency Protection Duties), requires the institution to take immediate action to protect any incarcerated individual at substantial risk of imminent sexual abuse which such access to LexisNexis via the GTL tablet may increase the likelihood and prevalence of happening. The agency addressed this concern by putting a notice that must be read and agreed to by all incarcerated individuals prior to having access to the Lexis/Nexis application. This notice warned against misuse of information from the application; promised monitoring and punishing those who may misuse or abused the information on the Lexis/Nexis application.

Mansfield Correctional Institution (MANCI) April 14-16, 2021

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

Marion Correctional Institution (MCI) May 19-21, 2021

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

Noble Correctional Institution (NCI) June 7-9, 2021

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

Ross Correctional Institution (RCI) March 21-23, 2021

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

Southern Ohio Correctional Facility (SOCF) May 21-23, 2021

There was no corrective action required of the Southern Ohio Correctional Facility. All standards were either met or exceeded.

Continued Monitoring, Improvements, and Looking Forward

- Continued improvements to the agency's electronic PREA Incident Reporting system, the official repository for all ODRC PREA related investigations. The system allows for the collection of uniformed and accurate data to complete the Department of Justice's Annual Survey of Sexual Victimization Report (SSV).
- Continued updates to agency PREA policies and directives.
- 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 Internal Management Audit (IMA) process. Annually, each prison undergoes a mock PREA audit to identify best practices and/or corrective actions that may be required.
- Revised policy to require annual PREA refresher training to be completed by all contractors who provide services at prisons that are equivalent to that of full-time staff.
- Revised policy to require a quarterly meeting with the managing officer to discuss PREA related issues and concerns.
- Work group created to revise the agency's electronic PREA Risk Assessment system, utilized to track incarcerated individuals' risk for sexual victimization or sexual abusiveness.

Conclusion

ODRC continues to progress in addressing sexual abuse by continually monitoring all allegations of sexual misconduct facilitated by staff or incarcerated individuals. 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 internal management audit 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 2022.



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