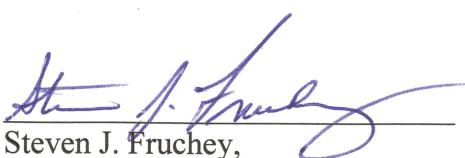


<b>LUCAS COUNTY YOUTH TREATMENT CENTER</b>	
<b>Staff Responsibility &amp; Administration</b> Policy No.: XX-6	<b>PREA Compliance</b>
	Ohio Administrative Code      N/A
	American Correctional Association      3-JCRF-3D-04-4, 04-7, 04-8, 04-9, 04-10
EFFECTIVE DATE: 07/10/2012	Prison Rape Eliminate Act      115.311 (a-c); 115.312 (a-b); 115.313 (a-e); 115.318 (a-b); 115.322 (a-e); 115.386 (a-e); 115.387 (a-f); 115.388 (a-d); 115.389 (a-d); 115.393; 115.401; 115.402; 115.403; 115.404; 115.405; 115.501
REVISION DATE(S): 10/09/2014 04/27/2017 09/22/2017 2/17/2021 7/24/2023	 Steven J. Fruchey, Administrator

## **I. Policy Statement**

In accordance with the Prison Rape Elimination Act (PREA), The Lucas County Youth Treatment Center mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The PREA policy of the Lucas County Court of Common Pleas, Juvenile Division, supersedes any related policy provision conflicting with provisions herein. Sexual and/or physically aggressive abuse, assault or harassment of any kind by and with anyone, including residents, visitors, staff, contractors or volunteers is prohibited. The Youth Treatment Center will employ or designate an upper-level, agency wide PREA coordinator with sufficient time and authority to develop, implement and oversee agency efforts to comply with PREA standards in all of its facilities. In the event that the Treatment Center operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. The Treatment Center will ensure that each facility it operates shall develop, implement, and document a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect residents against sexual abuse. The staffing plan will be complied with except during limited and discrete exigent circumstances, and shall be fully documented when deviations from the plan during such circumstances occur. The Treatment Center will maintain a staff ratio of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only Residential Specialist or those assigned to perform Residential Specialist duties will be included in these ratios. Intermediate-level or higher level supervisors will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Staff are prohibited from alerting other staff members that these supervisory rounds are occurring. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Treatment Center shall consider the effect of the design, acquisition, expansion, or modification upon the Center's ability to protect residents from sexual abuse. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Treatment Center shall consider how such technology may enhance the agency's ability to protect residents from abuse. Residents who are victims of sexual abuse have the option to

report the incident to the Assistant Administrator or any other staff member other than an immediate point of contact line staff member or Residential Specialist. The Treatment center will ensure that an administrative investigation and/or criminal investigation is completed and documented on all suspected, referred, alleged, threatened, or actual sexual assault, abuse or harassment. Any allegation that involves potentially criminal behavior is referred to the Toledo Police Department. The Lucas County Youth Treatment Center shall conduct a sexual abuse administrative investigation checklist at the conclusion of every sexual abuse administrative investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The Treatment Center will collect, review for corrective action and store accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. All records associated with claims of sexual abuse and/or assault, including incident reports, investigative reports, resident information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule. During the three-year period starting on August 20, 2013 and during each three-year period thereafter, The Lucas County Youth Treatment Center shall ensure that the Treatment Center is audited by the Department of Justice. The Ohio Department of Youth Services, the Youth Treatment Center's parent agency will complete all applicable requirements for PREA standard 115.501(a-b).

## **II. Applicability**

This policy applies to all Lucas County Youth Treatment Center employees, contract personnel and volunteers.

## **III. Procedure**

### **1. Definitions:**

- a. Sexual Abuse** is defined as any of the following acts, if the victim **does not consent**, or is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse.
  - i.** This is sexual abuse of a youth by another youth:
    1. Contact between the penis and the vulva and the anus, including penetration, however slight;
    2. Contact between the mouth and the penis, vulva or anus;
    3. Penetration of the anal or genital opening of another person, however slight, by hand, finger, object or other instrument;
    4. Any other intentional touching, either directly or through clothing, of genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation.
  - ii.** This is sexual abuse of a youth by a staff member, contractor or volunteer. Includes any of the above and following acts, **with or without consent of youth**:
    1. This is unrelated to official duties, or where a staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
    2. Any other intentional contact, either directly or through the clothing of or with the genitalia, anus, groin, breast, inner thigh or the buttocks that is unrelated to official duties;

3. Any attempt, threat, or request by a staff member, contractor or volunteer to engage in the activities described above;
  4. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of a youth or resident, and;
  5. Voyeurism by a staff member, contractor or volunteer.
- b. **Sexual Assault** is defined as any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or any object into the sex organ, mouth or anus of another person, with the use of force or threat of force.
- c. **Sexual Harrasement** is defined as
  - i. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive nature by a youth directed toward another youth; and,
  - ii. Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.

2. The Lucas County Juvenile Court's PREA policy can be accessed on the Lucas County website at [www.lucas.oh.us/juvenile](http://www.lucas.oh.us/juvenile). Printed copies of the Treatment Center's PREA policy as well as the Juvenile Court's policy are available by request.
3. The Treatment Center Administrator is the Treatment Center's PREA Coordinator.
4. The Lucas County Juvenile Court and the Lucas County Youth Treatment Center do not contract with private agencies or other entity's, including other government agencies for the confinement of its residents.
5. In the event that it would become necessary to enter into a new contract for the confinement of residents, the Lucas County Youth Treatment Center will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.
6. All staff are trained during orientation and annually on PREA, including, but not limited to:
  - a. The zero tolerance policy toward all forms of sexual abuse, sexual assault and sexual harassment;
  - b. How to fulfill their responsibilities under the Treatment Center's sexual abuse and sexual harassment prevention, detection, reported and response policies and procedure;
  - c. Residents' right to be free from sexual abuse, sexual assault and sexual harassment;

- d. The right of residents and employees to be free from retaliation for reporting sexual abuse, sexual assault and sexual harassment;
- e. The dynamics of sexual abuse, sexual assault and sexual harassment in juvenile facilities;
- f. The common reactions of juvenile victims of sexual abuse, sexual assault and sexual harassment;
- g. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents;
- h. How to avoid inappropriate relationships with residents;
- i. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming residents;
- j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and,
- k. Relevant laws regarding the applicable age of consent.

7. All staff are mandated to report allegations of sexual abuse, assault or harassment to their supervisor, the Assistant Administrator, or by activating the on-call procedure.

8. All volunteers and contractual staff are trained on PREA and the Treatment Center's zero tolerance policy toward all forms of sexual abuse, sexual assault and sexual harassment based on the level of contact with residents. This training includes, but is not limited to, how to and to whom to report allegations.

9. Engaging in person and/or sexual relationship or behavior that would constitute sexual harassment will result in disciplinary action up to and including termination of employment and/or termination of the contractual or volunteer status and/or formal criminal charges.

10. Youth referred to the Lucas County Youth Treatment Center for assessment will have a vulnerability assessment completed by the Lead Primary Therapist, or designee, prior to placement at the Treatment Center to determine the degree to which the youth is at risk for sexual assault, abuse or harassment. Based on the vulnerability assessment, a safety plan for the youth will be developed as appropriate.

11. As part of intake, each resident is given a PREA brochure explaining the zero tolerance policy and directing residents how to report sexual abuse, sexual assault or sexual harassment. This assures that residents are protected against retaliation for reporting allegations. The Primary Therapist also completes a PREA screening tool and presents residents with a video explaining the zero tolerance policy.

12. The Treatment Center trains all residents on PREA and the zero tolerance policy toward all forms of sexual abuse, sexual assault and sexual harassment two (2) times per year, including but not limited to prevention/intervention, self-protection, reporting sexual abuse, sexual assault and sexual harassment and their rights to be free from retaliation for reporting.

13. The Behavior Management System (BMS) outlines the sanctions for residents who engage in prohibited behaviors.
14. There are posters explaining the zero tolerance policy, providing for the definitions of sexual abuse, sexual assault and sexual harassment, and providing for information on how to access an advocate if needed.
15. All staff will execute the Lucas County Youth Treatment Center's Coordinated Response to Sexual Abuse, Sexual Assault and Sexual Harassment when responding to an incident of sexual abuse, assault or harassment. This plan coordinates the actions taken by staff, first responders, medical, counseling, investigators, and administrators and is posted throughout the facility. Please see Policy No. XV-23.

### **PREA: Staffing Patterns**

1. The Treatment Administrator, Assistant Administrator, Managers, and Lead Therapist are responsible for developing, implementing, and documenting the Treatment Center's staffing plan. When necessary, but no less frequently than once each year, the Treatment Center, in consultation with PREA coordinator, will assess, determine, and document whether adjustments are needed to:
  - a. The staffing plan;
  - b. Prevailing staffing patterns;
  - c. The facility's deployment of video monitoring systems and other monitoring technologies; and
  - d. The resources the facility has available to commit to ensure adherence to the staffing plan.
2. In calculating adequate staffing levels and determining the need for video monitoring, the following will be taken into consideration:
  - a. Generally accepted juvenile detention and correctional/secure residential practices;
  - b. Any judicial findings of inadequacy;
  - c. Any findings of inadequacy from Federal investigative agencies;
  - d. Any finding of inadequacy from internal or external oversight bodies;
  - e. All components of the facility's physical plan (including "blind spots" or areas where staff or residents may be isolated);
  - f. The composition of the resident population;
  - g. The number and placement of supervisor staff;
  - h. Institution programs occurring on a particular shift;
  - i. Any applicable state or local law, regulations, or standards;
  - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - k. Any other relevant factors.
3. The Treatment Administrator, or designee, will document any deviations from the staffing plan due to limited and discretely exigent circumstance.

4. The Treatment Administrator, or designee, will consult with the Ohio Department of Youth Services when upgrading the building structure and video and audio surveillance system; and on an annual basis, conduct a PREA vulnerability assessment. The PREA vulnerability assessment will include a tour of the facility and recommendations for equipment and technologies to enhance the ability to protect residents from sexual abuse.
5. The Treatment Administrator, Assistant Administrator, Managers, and Lead Therapist will conduct and document unannounced rounds at varying shifts, days, and intervals.
6. Unannounced rounds are planned during management meeting and assigned to on call management staff.
7. Unannounced rounds are documented on the Unannounced Rounds PREA Checklist which contains the date, time, and place of the checks and the signature and initials of the management staff member who conducted them.
8. Staff who alert other staff that supervisory rounds are occurring are subject to disciplinary action, unless such announcement is related to the legitimate operational functions of the facility.

#### **PREA: Administrative Investigations**

1. The Treatment Administrator, or designee, will convene an administrative investigation team for all allegations of sexual abuse, sexual assault or sexual harassment.
2. Within 24 hours of receiving any allegation, the process of administrative investigations includes, but is not limited to:
  - a. Separating the alleged victim and the alleged perpetrator for safety;
  - b. Requiring staff to complete and incident report, if appropriate;
  - c. Asking the alleged victim to write our his or her statement concerning the allegation;
  - d. Asking any staff or resident witnesses to write out statements concerning the allegation;
  - e. Interviewing the alleged victim, witnesses, and alleged perpetrator, in this order;
  - f. Reviewing video footage;
  - g. Referring the alleged victim to her or her Primary Therapist, or the on call Therapist;
  - h. Referring the allged victim to contact the H.O.P.E. Center.
3. The Lucas County Jvenile Court's Court Administrator may convene an Administrative Investigation Team, consisting of court personnel assigned to a department outside of the Treatment Center.

4. In the event that an allegation involves potentially criminal behavior, the Treatment Center Administrator, or designee, will contact the Toledo Police Department to conduct a criminal investigation and document the referral.
5. Residents are notified of the results of any criminal investigation conducted by the Toledo Police Department by the Treatment Center Administrator, or a designee from the Administrative Investigation Team
6. Neither the State of Ohio, nor the Department of Justice is responsible for conducting administrative investigations or criminal investigations of sexual abuse, sexual assault or sexual harassment.
7. Criminal investigations and administrative investigations can occur simultaneously.
8. Any resident can inform any staff member at any time about alleged physical and/or sexual assault; however, the Assistant Administrator is the designated staff member to whom any resident can report sexually assaultive incidents.
9. Any staff member who has knowledge of any assault, or who has received information from a resident, other staff, contract staff, volunteer, or consultant must activate the on-call procedure.
10. The Assistant Administrator, Treatment Center Administrator, or designee, conduct and document an administrative investigation of all alleged or threatened sexual assaults. Other members of the management team may also be assigned to conduct and document an administrative investigation.
11. The Assistant Administrator keeps all case records associated with the investigation per Lucas County Juvenile Court policy and procedures.
12. Any resident found to have committed a physically and/or sexually assaultive behavior is subject to disciplinary action up to and including consequences through the Behavior Management System, removal from the program, and/or criminal charges filed.
13. Any staff member, contract personnel, volunteer or consultant found to have committed a physically and/or sexually assaultive behavior is subject to disciplinary action up to and including criminal charges filed and termination of employment or contract.

#### **PREA: Sexual Misconduct and Abuse Incident Review**

1. Sexual abuse, assault or harassment administrative investigations review checklist will occur within 30 days of the conclusion of any administrative investigation.
2. The sexual abuse, assault and harassment administrative investigation team will consist of the Treatment Center Administrator, Assistant Administrator, Managers, and Lead Therapist with input from shift leaders, investigators, Primary Therapists and/or medical or mental health practitioners, if applicable.

3. The administrative investigation team shall:
  - a. Act as the incident review team;
  - b. Consider whether the allegation or incident review indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - c. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gang, 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;
  - d. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - e. Assess the adequacy of staffing levels in that area during different shifts;
  - f. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - g. Prepare a report of its finding, including by not necessarily limited to determinations made pursuant to the above described procedures, and any recommendations for improvement and submit such report to the Treatment Center Administrator and the PREA Compliance Manager.
4. The Treatment Center Administrator, or designee, shall implement the recommendations for improvement, or shall document any reasons for not doing so.

#### **PREA: Data Collection, Review and Storage**

1. The Treatment Center Administrator, or designee, with the Lucas County Juvenile Court's Information Systems Department will aggregate the incident-based sexual abuse data at least annually.
2. The incident-based data collected shall 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.
3. All available incident-based data documents, including reports, investigation files, and sexual abuse, assault and harassment administrative investigation will be maintained, reviewed, and collected.
4. The Treatment Center does not contract private agencies for the confinement of its residents. In the event that a contract to confine residents occur in the future, the Treatment Center will obtain incident-based aggregated data from any private facility with which it contracts.
5. Upon request, the Treatment Center shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
6. All collected data will be reviewed in order to assess and improve the effectiveness of the Treatment Center's sexual abuse prevention, detection, and response policies, practices, and training, including:

- a. Identifying problem areas;
  - b. Taking corrective action on an ongoing basis; and
  - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the Treatment Center as a whole.
7. The annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Treatment Center's progress in addressing sexual abuse.
8. The report shall be approved by the Treatment Center Administrator, or designee, and made readily available to the public on the Lucas County website: [www.lucas.oh.us/juvenile](http://www.lucas.oh.us/juvenile) . If necessary, written copies can be made available by request.
9. When publication of the report material present a clear and specific threat to the safety and security of the facility, the report will contain redacted material, but must indicate the nature of the material redacted.
10. Data collected concerning sexual abuse, sexual assault and sexual harassment is securely retained by the Assistant Administrator, or designee.
11. All aggregated sexual abuse data, from facilities under the Treatment Center's direct control and private facilities with which it contracts, is readily available to the public at least annually through the Lucas County website: [www.lucas.oh.us/juvenile](http://www.lucas.oh.us/juvenile) and/or can be available upon request.
12. All personal identifiers shall be removed before making aggregated sexual abuse data publicly available.
13. The Treatment Center shall maintain sexual abuse data collected for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise, and/or in accordance with the Lucas County Juvenile Court's record retention and destruction schedule.

#### **PREA: Auditing and Corrective Action**

1. The Youth Treatment Center does not operate other facilities or contract with private agencies to detain or confine its residents.
2. All Treatment Center employees are to cooperate fully and professionally with all audit processes.
3. The Department of Justice may send a recommendation to the Treatment Center for an expedited audit if the Department of Justice has reason to believe that the Treatment Center may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the Treatment Center with PREA-related issues.
4. The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

5. The Treatment Center bears the burden of demonstrating compliance with the standards.
6. The Auditor shall review all relevant Treatment Center policies, procedures, reports, internal and external audits, and accreditations.
7. The audits shall review at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
8. The Auditor shall have access to, and shall observe, all areas of the Treatment Center.
9. The Auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
10. The Auditor shall retain and preserve all documentation (including video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
11. The Auditor shall interview a representative sample of residents, staff, supervisors, and administrators.
12. The Auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
13. The Auditor shall be permitted to conduct private interviews with residents.
14. Residents shall be permitted to send confidential information or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.
15. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the Treatment Center.
16. An audit shall be conducted by:
  - A member of a correctional monitoring body that is not part of, or under the authority of, the Treatment Center.
  - A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the Treatment Center.
  - Other outside individuals with relevant experience.
17. All Auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.
18. No audit may be conducted by an auditor who has received financial compensation from the Treatment Center, except for compensation received for conducting prior PREA auditors, within the three years prior to the agency's retention of the auditor.

19. The Treatment Center shall not employ, contract with, or otherwise financially compensate the Auditor for three years subsequent to the Treatment Center's retention of the auditor, with the exception of contracting for subsequent PREA audits.

#### **PREA: Audit Contents and Findings**

1. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the Treatment Center.
2. Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
3. For each PREA standard, the Auditor shall determine whether the audited facility reaches one of the following findings:
  - Exceeds Standard (substantially exceeds requirement of standard)
  - 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 Audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.
4. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.
5. Auditors shall redact any personally identifiable inmate or staff information from their reports, but shall provide such information to the Treatment Center upon request, and may provide such information to the Department of Justice.
6. The Treatment Center shall ensure that the auditor's final report is published on the Lucas County Juvenile Court's website to be made readily available to the public.

#### **PREA: Audit Corrective Action Plan**

1. A finding of "Does not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
2. The auditor and the Treatment Center Administrator shall jointly develop a corrective action plan to achieve compliance.
3. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
4. After 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.

5. If the Treatment Center does not achieve compliance with each standard, it may request a subsequent audit once it believes that it has achieved compliance.

#### **PREA: Audit Appeals**

1. The Treatment Center may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.
2. If the Department of Justice determines that the Treatment Center has stated good cause for a re-evaluation, the Treatment Center may commission a re-audit by an auditor mutually agreed upon by the Department of Justice and the Treatment Center. The Treatment Center bears the cost of this kind of re-audit.
3. The findings of the re-audit shall be considered final.