



COMMUNITY TRANSITION CENTER

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STANDARD NUMBERS

Section: SPECIAL PREA	CTC Policy: 800-51
Expected Practices: PREA Report Response	ACA:
Effective Date: April 2014	DRC:
Annual Review Required:	ODADAS:
Reviewed: 01/20/20 Revised: 01/20/2020	Other: PREA 115.222, 115.233, 115.267

I. Policy

Community Transition Center shall provide a safe, humane, and appropriately secure environment, free from the threat of sexual abuse/harassment for all clients by maintaining clear procedures for reporting, detecting, responding, and investigating sexual abuse/harassment. Sexual abuse/harassment among clients and by staff towards clients is strictly prohibited. Retaliation against persons who report sexual abuse/harassment is also strictly prohibited. All allegations of sexual abuse/harassment and/or retaliation shall be administratively and/or criminally investigated.

II. Applicability

This policy is applicable to all clients, persons employed by Community Transition Center, volunteers, interns, and independent contractors assigned to Community Transition Center.

III. Definitions

Agency PREA Coordinator – The staff member designated by the Director to oversee the agency efforts to comply with PREA standards in all facilities.

PREA Risk Assessment System – A computer system designed to assist the institutions assessing risk of sexual abuse for an individual client and to assist in tracking and sharing information about PREA Classifications and LGBTI clients. The electronic PREA Risk Assessment forms shall be utilized until the automated system becomes available.

PREA Classifications – For purposes of tracking risk of sexual abuse, all clients shall be designated as either an Abuser, Victim, Potential Abuser, Potential Victim, or No Classification based upon screening results from the PREA Risk Assessment System.

PREA Accommodation Strategy (PAS) - A strategy plan prepared by the Program Director and PREA Coordinator. The PAS will comply with the Prison Rape Elimination Act Community Confinement Standards.

General Definitions – Community Transition Center recognizes general definitions as those in standard 115.5 of the PREA Resource Center’s Community Confinement Standards and Policy 800-50 of the CTC Policy and Procedure Manual.

Definitions related to Sexual Abuse – Community Transition Center recognizes these definitions as those in standard 115.6 of the PREA Resource Center’s Community Confinement Standards. The definitions are listed on pages 7-9 of a PREA binder that will be maintained in both the PREA Coordinator’s office and the agency control room.

PREA Binders – The agency will maintain two PREA binders in the facility. The binders will contain PREA Community Confinement Standards. These binders will be accessible to all staff, clients, interns, volunteers, or contractors for review.

IV. Procedure

1. Reporting of Sexual Misconduct and Retaliation

A. Reporting by Clients, Third Parties and Outside Entities.

1. A client may report allegations of sexual abuse/harassment or retaliation by other clients or staff verbally or in writing. In addition, clients may report staff neglect or violations of responsibilities that may have contributed to incidents of sexual misconduct. Allegations may be reported to any staff member.
 - (A). Client will be given a handout upon arrival to the facility, that will give the name, address, and phone numbers of outside agencies that can be contacted to report sexual abuse, harassment, or retaliation.
2. Clients may also report allegations to an outside entity that is not part of the Ohio Department of Rehabilitation and Correction or Community Transition Center by using the phone number and/or address provided. This outside entity shall then report the allegations to the PREA Coordinator or designee. Clients shall be given the opportunity to remain anonymous upon request to the outside entity.
3. The Agency PREA Coordinator/designee shall establish an e-mail link on the CTC’s official internet site that allows for third-party reports of sexual misconduct on behalf of a client. Notification of the purpose and use of this e-mail account shall be posted in the client visiting areas and entry buildings.
4. There shall be no time limit on when a client may report sexual abuse/harassment.

B. Staff Reporting

1. The Security Director will ensure that there is no retaliation against client and/or staff for reporting any incidents of sexual abuse/harassment. During head counts designated staff will do a status check on any client that may be a target of retaliation due to . These checks will continue for at least 90 days or, if initial monitoring determines a continued need beyond the 90 days. In addition to status checks, the agency will be monitoring resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
2. Staff shall report immediately any knowledge, suspicion, or information regarding an incident of sexual misconduct that occurred in an institution, even if it is not a part of CTC. Staff shall also report retaliation against clients or staff who report such incidents and any staff neglect or violation of responsibilities that may be contributed to an incident or retaliation. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to this section and to inform clients of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.
3. Staff may privately report sexual abuse/harassment by completing an Incident Report marked confidential and submitting it directly to the Agency PREA Coordinator. The Agency PREA Coordinator shall ensure the allegation is investigated in accordance with this policy while maintaining the anonymity of the reporting staff. The Agency PREA Coordinator shall maintain a confidential file of the privately reported allegations in the Agency PREA Coordinator's.
4. Any staff member that observes incidents or behaviors that cause a reasonable concern that a client may be at significant risk of sexual victimization shall document this incident or observation on an Incident Report form marked confidential. A copy of this report shall immediately be forwarded to the Agency PREA Coordinator.
5. Should any other individual that cooperates in the investigation express fear of retaliation the agency will take appropriate measures to protect that individual(s) against retaliation.
6. The agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

C. Routing of Reports

1. All reports of allegations of sexual abuse/harassment and retaliation, including third-party and anonymous reports shall be reported to the Agency PREA Coordinator.

2. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as required by law. Staff shall not reveal any information related to a sexual abuse/harassment report to anyone other than to the extent necessary.
3. Any employee that receives a verbal or written report from a client, an anonymous source, or a third party of sexual abuse/harassment or retaliation shall immediately notify their supervisor and complete an Incident Report marked confidential with a copy to the Agency PREA Coordinator. If it is a report of sexual abuse, staff shall request that the alleged victim not take any actions that could destroy physical evidence. Professionals are further obligated to report any communications indicating a danger to any other person or the person making the communication, regardless of any established professional privilege. Allegations of sexual abuse/harassment shall be reported as an unusual incident.
4. Upon receiving an allegation that a client was sexually abused while confined at another institution, the Agency PREA Coordinator shall notify the Managing Officer/designee of the institution or appropriate office of the agency where the alleged abuse occurred.
5. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The notification shall be documented.

2. Initial Response and Protection

A. First Responders

1. Upon report of an allegation of client sexual abuse, the first security staff member to respond to the report shall be required to:
 - i. Separate the alleged victim and abuser.
 - ii. Notify the PREA Coordinator and/or Director
 - iii. Preserve and protect the crime scene(s).
 - iv. If it is learned that a client is subject to a substantial risk of imminent sexual abuse, staff shall take immediate action to protect the client at risk of victimization.

B. Medical Services Responsibilities

1. CTC will ensure medical services are available to all clients. CTC will have a Memorandum of Understanding with outside agencies to provide services not available at CTC.
2. Community Transition Center will offer unimpeded access to health care and mental health services. Clients may request to be seen and treated for medical, dental, and/or mental health issues. CTC staff will transport clients to the appropriate agency for treatment, unless the client's condition requires immediate assistance then 911 will be called to evaluate and transport, if necessary.
3. Clients refusing to be transported to Fairfield Medical Center will complete a Refusal for Treatment Form.
4. In cases of alleged or suspected Sexual Abuse the client will be afforded access to immediate care and access to a victim advocate at no cost to the client. Family Health Services of East Central Ohio will provide victim advocate services.

C. Mental Health Responsibilities

1. Clients referred to mental health by medical services following an allegation of sexual abuse shall be seen by a mental health professional that shall complete further screenings or assessments.
2. The shift supervisor shall assure that the victim and aggressor are physically separated. The victim shall be housed in an environment that shall, to the extent possible, permit the victim the same level of privileges the victim was permitted immediately prior to the sexual abuse.
 - i. Involuntary segregation shall not be utilized unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. If an assessment cannot be made immediately, the client may be removed from the facility while completing the assessment.
 - ii. If an involuntary segregation assignment is made pursuant to this section, staff shall clearly document the basis for the concern for the client's safety and the reason why no alternative means could be arranged.
 - iii. Involuntary segregation assignments shall only be until alternative means of separation from likely abusers can be arranged and shall not ordinarily exceed 10 days.
3. Every 30 days, staff shall afford each client a review to determine whether there is a continuing need for separation from general population.

4. If the alleged abuser is an employee, immediate efforts shall be made to eliminate contact between the client and the staff member. The Director shall determine if the employee should be placed on administrative leave during the course of the investigation.
5. All clients involved in a sexual abuse incident shall be referred for a Special PREA Risk Assessment to document any changes in a client's PREA Classification.
6. All clients who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility shall be offered medical and mental health evaluations, and treatment as appropriate.
7. Treatment services shall be provided to the alleged victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident.

3. Investigations

- A. All reports of sexual abuse/harassment and retaliation that are not criminal in nature shall be administratively investigated and the findings documented in writing. The PREA Coordinator and Program Director shall complete all administrative investigations. Reports of non-consensual sexual contact and threats of sexual abuse shall be investigated by the PREA Coordinator and Program Director as well. All allegations of sexual abuse/harassment that may be violations of local, state, and/or federal law shall be reported to the Lancaster Police Department for further investigation. The Agency PREA Coordinator/designee shall obtain a written report from the Lancaster Police Department stating the outcome of their investigation.
 - a. The designated victim support person shall consult with the investigator on the case and offer assistance as is appropriate based on their training. With the victim's consent, the victim support person may sit in on administrative interviews of the inmate. The victim support person may not obstruct or interfere in the course of the investigation. In addition, the institutional victim support person or other victim support person as designated by agreement shall accompany the victim to the hospital, accompany and support the victim through the forensic medical examination process and shall provide emotional support, crisis intervention, information, and referrals.
- B. Completion of an Investigation
 - a. A final decision on all allegations of sexual abuse shall be issued by the PREA Coordinator within 30 calendar days of the initial filing, unless extenuating circumstances require more time to make a final decision.
 - b. If 30 calendar days is not sufficient to make an appropriate decision, the investigator may extend the decision up to 30 additional calendar days.

The client shall be notified in writing of such extension and be provided a date by which a decision will be made.

- c. Following an investigation into a client's allegation that he suffered sexual abuse, the investigator shall inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
 - d. If Community Transition Center did not conduct the investigation, it shall request the relevant information from the outside investigating agency in order to inform the client.
 - e. Upon completion of a client sexual abuse/harassment allegation against a staff member (unless unfounded) the PREA Coordinator shall inform the client of the following:
 - 1. The staff member is no longer employed at the facility
 - 2. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the agency.
 - 3. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
 - f. Upon completion of a client sexual abuse/harassment allegation against another client (unless unfounded) the PREA Coordinator shall inform the client victim of the following:
 - 1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 - 2. The agency learns that the alleged abuser has been convicted on a charge within the facility.
 - 3. The client abuser has been convicted on a charge related to sexual abuse within the agency.
- C. All such client notifications or attempted notifications shall be issued in writing and documented.
- D. An agencies' obligation to report under this standard (115.273)(f) shall terminate if the client is released from Community Transition Center's custody.
- E. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports.
- F. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving suspected perpetrator.

- G. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with the Lancaster Police Department as to whether such interviews may interfere with subsequent criminal prosecution.
- H. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate, client, or staff. No staff shall require a client 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.
- I. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reason behind credibility assessments, and investigative facts and findings.
- J. All criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence. Copies of documentary evidence shall be attached when feasible.
- K. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.
- L. The departure of the alleged Abuser or Victim from the employment or control of the agency shall not provide a basis for terminating an investigation.
- M. The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual misconduct are substantiated.
- N. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- O. Within 30 days of the conclusion of sexual abuse investigation the facility shall conduct a sexual abuse incident review. The review team shall be comprised of upper level management, and shall receive input from line supervisors, investigators, and medical or mental health practitioners.
- P. The incident review team shall take into consideration, assess, examine, prepare a report as outlined in

PREA Standard 115.286 Sexual Abuse Incident Reviews (d)(1-6)

4. Client Education

- A. Oral and written information shall be given to all clients within 24 hours of their arrival at Community Transition Center which explains the agency's zero-tolerance policy regarding sexual misconduct and must include:
 - a. Prevention;
 - b. Self-protection;
 - c. Reporting;
 - d. Treatment and counseling.

- B. Within 72 hours of arrival, all clients shall be provided comprehensive education either in person or through video regarding their rights to be free from sexual misconduct. This education must also include their right to be free from retaliation for reporting such incidents and must include the agency policies and procedures for responding to such incidents.

- C. Documentation of client participation in the orientation and education sessions listed in the above sections shall be maintained.

- D. The Director shall ensure that information is continuously and readily available using materials such as posters, handbooks, etc.

- E. Staff shall make appropriate provisions for clients not fluent in English, those with low literacy levels, and those with disabilities that hinder their ability to understand the information in the manner provided. The Agency PREA Coordinator shall ensure that all clients with disabilities have an equal opportunity to participate in or benefit from all aspects of the CTC's efforts to prevent, detect, and respond to sexual misconduct. A client interpreter, client reader, or other client assistant shall not be used except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the client's safety, the performance of first-response duties, or the investigation of the client's allegations.

5. Prevention

- A. All clients shall be screened and assessed within 72 hours of admission for their risk of being a victim of sexual abuse or their likelihood of committing sexual abuse. As a result of these screenings, clients shall be assigned a PREA Classification. The PREA Coordinator or Program Director shall make appropriate housing assignments based upon PREA Classifications by using a PREA Accommodation Strategy.

- B. CTC will ensure that clients are able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks.

- C. All staff members of the opposite gender that are not security staff shall make the following announcement each time they enter the housing unit: "Female in dorm unit."
- D. The PREA Coordinator and the victim support person shall compile 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 staff for communication to the clients. Clients must be notified that telephone calls are not confidential.
- E. The Agency PREA Coordinator, with the assistance of staff from the Office of Victim Services, shall attempt to identify rape crisis centers that can provide victim advocate services. All efforts to secure services from rape crisis centers shall be documented. In addition, the Agency PREA Coordinator shall maintain or attempt to enter into memoranda of understandings or other agreements with community service providers that are able to provide clients with confidential emotional support services related to sexual abuse. Calls made by the clients to community service providers may be subject to monitoring. Community service providers shall follow mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.
- F. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CTC shall consider how such technology may enhance the agency's ability to protect clients from sexual abuse. This consideration must be documented in written form and forwarded to the Agency PREA Coordinator and appropriate Director.

6. Data Collection and Monitoring

- A. CTC staff shall report allegations of sexual misconduct that they investigated to the Agency PREA Coordinator.
- B. The Agency PREA Coordinator and other staff as designated by the Director shall review the aggregated data for the purposes of:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of the agency's findings and corrective actions.
- C. The 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 agency's progress in addressing sexual misconduct. The report shall be approved by the Director and posted on the CTC internet site. Any information redacted from the report due to a clear and specific threat to the safety and security of the facility must indicate the reason for redaction.
- D. All personal identifiers must be removed from publicly available data.

- E. All case records associated with allegations of sexual misconduct or retaliation including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be securely retained in accordance with the Agencies Records Retention Schedule.
- F. The agency will retain all Administrative and Criminal Investigation written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- G. The agency shall maintain sexual abuse data collected pursuant to PREA Standard 115.287 for at least 10 years after the date of initial collection unless Federal, State, or local law requires otherwise.

