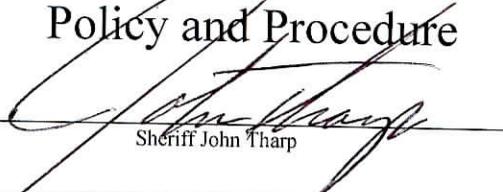


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PRISON RAPE ELIMINATION ACT (PREA) POLICY			

POLICY

It is the policy of the Lucas County Sheriff's Office to develop a written plan to coordinate actions taken in response to an alleged incident of sexual abuse. The Lucas County Sheriff's Office has a zero-tolerance policy towards all forms of sexual abuse and sexual harassment by staff and/or inmates. This policy outlines the Sheriff's Office approach to preventing, detecting, and responding to such conduct.

DEFINITIONS

§115.5 General definitions

1. Contractor- means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
2. Employee – means a person who works directly for the agency or facility.
3. Facility – means a place, institution, building (or part hereof) set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.
4. Gender non-conforming - A person whose appearance or manner does not conform to traditional societal gender expectations.
5. Inmate – means any person incarcerated or detained in a prison or jail.
6. Intersex - A person who's sexual, reproductive anatomy, or chromosomal pattern does not seem to fit typical definitions of male or female.
7. Jail – means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
8. Medical practitioner – means a health professional who, by virtue of education, credentials and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
9. Mental health practitioner – means a mental health professional who, by virtue of education, credentials and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

10. Pat down search – means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.
11. PREA Coordinator - An upper level agency-wide person with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards within the facility.
12. Security staff – means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.
13. Substantiated allegation - means an allegation that was investigated and determined to have occurred.
14. Transgender - A person whose gender identity (internal sense of feeling male or female) is different from the person's assigned sex at birth.
15. Unfounded allegation – means an allegation that was investigated and determined not to have occurred.
16. Unsubstantiated allegation - means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
17. Youthful Inmates - Persons under the age of eighteen (18) in adult prisons, jails, and lockups.

§115.6 Definitions related to Sexual Abuse

1. Sexual Abuse - Abuse by another inmate or a staff member, contractor, or volunteer when the victim does not consent and is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse.

A. Sexual Abuse by another inmate includes:

- a. Contact between the penis and the vulva or the penis and the anus, including penetrations, however slight.
- b. Contact between the mouth and penis, vulva or anus.
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
- d. Any other intentional touching, either directly or through the clothing, of the genitals, anus, groin, breast, inner thigh, or buttocks of any person.

B. Sexual Abuse by a staff member, contractor, or volunteer includes:

- a. Sexual touching by a staff member, contractor, or volunteer which includes:
 - I. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
 - II. Contact between the mouth and penis, vulva, or anus, penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
 - III. Any other intentional touching, either directly or through the clothing of the genitals, anus, groin, breast, inner thigh, or buttocks of any person, with the intent to abuse, arouse, or gratify sexual desire.
- b. Any attempted, threatened, or requested sexual touching by a staff member, contractor or volunteer.
- c. Indecent exposure by a staff member, contractor, or volunteer which includes:

- I. Displays by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of an inmate.
- d. Voyeurism by a staff member, contractor, or volunteer that involves an invasion of an inmate's privacy by staff for reasons unrelated to official duties such as:
 - I. Peering at an inmate who is using a toilet in their cell to perform bodily functions.
 - II. Requiring an inmate to expose their buttocks, genitals or breast or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions, regardless of what the staff member does with the images afterwards.
- 2. *Sexual Harassment* - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another and repeated verbal comments or gestures of a sexual nature to an inmate 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.

PREVENTATIVE PLANNING

§115.11 Zero Tolerance of Sexual Abuse and Sexual Harassment, PREA Coordinator

1. The Lucas County Sheriff's Office will develop, document and make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing to protect inmates against sexual abuse.
2. The PREA Compliance officer is the person most directly responsible for composing and updating policies, as they pertain, in order to successfully meet PREA Standards. The job responsibilities are as follows: Conduct internal standard audits, procedural audits and any on-site PREA audits. Submitting annual certification statements confirming continuous standards compliance. Prepare, facilitate and assist in the documentation to obtain required materials for any accreditation. Attend various job related training seminars and/or meetings. Develop PREA training policy or policies directly related to PREA Standards. Develop PREA training material for staff with annual reviews and updates. Make unannounced rounds in the inmate housing units, interact with inmates, and assure formal and informal complaint systems are working. Develop and maintain Memorandum of Understanding for hotline services, victim services, etc. Develop inmate handbooks materials with annual reviews. Review PREA related complaints, investigations, outcomes and after-action reviews, be a resource for staff and inmates and assist in PREA investigations.

§115.13 Supervision and monitoring

1. Shift Commanders will conduct unannounced rounds of the Jail on 1st, 2nd and 3rd shift daily to identify and deter staff sexual abuse and sexual harassment. At no time will staff alert other staff members that these rounds are being conducted. These rounds shall be documented on each officer's log as well as the log of the control booth officer. It also needs to be documented on the supervisor shift information sheet for each shift by the on-duty Shift Commander.
2. The Lucas County Sheriff's Office will review annually the staffing plan to provide enough staff to preserve the safety of the inmates.

3. The Lucas County Sheriff's Office will consider the Jail's ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the jail in conjunction with the PREA Coordinator.

§115.14 Youthful inmates

1. Youthful inmates will not be placed in any housing unit within sight, sounds or physical contact with any adult inmate through the use of a shared dayroom, recreation area, library, programming areas, shower area or sleeping quarters.
2. The Lucas County Sheriff's Office will make their best efforts to avoid placing youthful inmates in isolation.
3. Youthful inmates may be managed with adult inmates outside of a housing unit if supervised directly by staff at all times.

§115.15 Limits to cross-gender viewing and searches

1. Employees will not conduct cross-gender strip searches or cross gender visual body cavity searches (anal or genital opening) except in exigent circumstances or when performed by a medical doctor, nurse practitioner or physician's assistant.
2. All cross-gender strip searches, cross gender visual body cavity searches, and cross gender pat down searches of female inmates will be documented and training shall be provided for proper pat down technique.
3. Inmates will be allowed to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks, or genitals, except in exigent circumstances or when such viewing is required during security rounds.
4. Staff, contractors and volunteers will announce themselves on the floor if entering a module that is of the opposite gender. This will occur each time they enter the module.
5. Officers or staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel. Any transgender or intersex inmate will have access to showering privately.
6. All security staff will be trained on the Lucas County Sheriff's Office policy and procedure for conducting proper pat down searches on inmates, including professional and respectful pat downs and in the least intrusive manner possible consistent with security needs on all cross-gender, transgender and intersex inmates

§115.16 Inmates with disabilities and inmates who are limited English proficient

1. All inmate education materials will be in formats accessible to all inmates in accordance with Title II of the Americans with Disabilities Act 28 CFR 35.164. Formats include, but are not limited to: Interpreters for the deaf or hard hearing, reading the material to visually impaired and providing interpreters services for Non-English speaking inmates.
2. Information will be continuously and readily available at all times via information boards in all modules. These boards will have the contact information for the PREA Coordinator. Posters will be placed near entrances of inmate housing units as well as in all areas where inmates may utilize.
3. All education will be provided to inmates by staff. No inmate interpreters will be utilized except in exigent circumstances. In such case, the non-speaking English inmate must sign a waiver agreeing to allow another inmate to interpret for him

§115.17 Hiring and promotion decision

1. The Lucas County Sheriff's Office will not hire or promote anyone or enlist the services of any contractor, who may have had contact with inmates that:
 - a. Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution.
 - b. Have been convicted of engaging or attempting to engage in sexual activity by overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
 - c. Have been civilly or administratively adjudicated to have engaged in sexual activity.
 - d. The facility shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
2. A criminal background records check will be conducted before hiring new employees, volunteers, or contractors who may have contact with inmates. This will be required to be done every 5 years.
3. All applicants and employees, who may have contact with inmates, will be asked directly about previous misconduct in all written applications, interviews for hiring or promotion, or during written evaluations.
4. Employees must disclose any such misconduct at the time of hire, promotions, evaluations, and anytime there are allegations. Any omission or false information regarding misconduct will be grounds for termination.
5. The Lucas County Sheriff's Office will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law. This may be done by email, letters or phone calls. Documentation should show date and time said correspondence was made.
6. Consistent with Federal, State and local law, this facility will make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

§115.18 Upgrades to facilities and technologies

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

RESPONSIVE PLANNING

§115.21 Evidence protocol and forensic medical examinations

1. The forensic examination will be performed by Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE) at St. Vincent's Medical Center without a financial cost to the victim
2. The Corrections Center will make available to the victim an advocate from a rape crisis center (YWCA Hope Center) to accompany and support the victim through the forensic medical examination process, investigatory interviews and for emotional support, crisis intervention information and referrals.

3. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
4. Any and all evidence (if any is found) will be collected, photographed or videotaped, placed in an evidence bag with a chain of custody form attached.

§115.22 Policies to ensure referrals of allegations for investigations

1. The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment as per §115.71 in this policy.
2. Lucas County Sheriff's office detectives will conduct all sexual abuse/harassment allegations in a timely manner and as required by PREA standards.
3. The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website. The agency shall document all such referrals.
4. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.
5. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

TRAINING AND EDUCATION

§115.31 Employee training

1. All Lucas County Sheriff's Office employees who have contact with inmates will be trained on the following:
 - a. The jail's zero-tolerance policy for sexual abuse and sexual harassment.
 - b. The employee's responsibilities under the Correction Center's sexual abuse and sexual harassment policy.
 - c. Inmates' rights to be free from sexual abuse and sexual harassment.
 - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 - e. The dynamics of sexual abuse and sexual harassment in a Corrections Center setting.
 - f. The common reactions of sexual abuse and sexual harassment victims such as, hostility, withdrawn, denial, afraid of sexually transmitted diseases and fear of staff.
 - g. How to detect and respond to signs of threatened and actual sexual abuse.
 - h. How to avoid inappropriate relationships with inmates.
 - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or other nonconforming inmates.

2. All current employees will be initially trained in the PREA standards and refresher training will be provided to employees at a minimum every two (2) years thereafter. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies in forms of handouts and briefing discussions regarding any changes that occurred since last training.

§115.32 Volunteer and contractor training

1. All volunteers and contractors who have any contact with inmates will be required to sign a release form "PREA Acknowledgement", indicating they have been trained on the Sheriff's Office PREA policy. All volunteers and contractor will receive a copy of the PREA policy. All training will be documented with the signature and/or certificate of the volunteer or contractor verifying the training and/or release. These records will be maintained and stored in the office of the PREA Compliance Officer. This verification form states that these volunteers and contractors understands his/her PREA training and is so noted by their signature.

§115.33 Inmate education

1. All inmates upon classification will receive an inmate pamphlet, which will explain the zero tolerance policy regarding sexual abuse and sexual harassment. It will also include how to report incidents or suspicions of sexual abuse or sexual harassment.
2. All inmates shall review a video explaining PREA standards which is the right to be free from sexual abuse/sexual harassment within 30 days of intake.
3. The Lucas County Sheriff's office shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
4. The Lucas County Sheriff's office shall maintain documentation of inmate participation in these education sessions.
5. In addition to providing such education, the Lucas County Sheriff's office shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

§115.34 Specialized training investigations

1. All sexual abuse investigators, who conduct investigations in a confinement setting, will receive specialized training in the following techniques.
 - a. Interviewing sexual abuse victims
 - b. Proper use of Miranda Warning
 - c. Proper use of Garrity Warning
 - d. Sexual abuse evidence collection in confinement settings.
 - e. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.
2. The PREA coordinator will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations as well as all training

documentation for all employees, volunteers, and contractors who have contact with inmates. All training documentation will be maintained by the PREA Coordinator in that Office.

§115.35 Specialized training Medical and mental health care.

1. All full and part time medical and mental health care practitioners that work regularly in the Corrections Center will be trained in the following:
 - a. How to detect and assess signs of sexual abuse and sexual harassment.
 - b. How to preserve physical evidence of sexual abuse.
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. Medical staff employed by the Lucas County Sheriff's Office will receive special training on evidence preservation.
3. Medical staff employed by the Lucas County Sheriff's Office will not conduct forensic examinations

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

§115.41 Screening for Risk of Sexual Victimization and Abusiveness

1. All inmates will be screened during intake using an objective screening instrument for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
2. The inmate screening will normally take place within 72 hours of arrival at the facility and with a reassessment of the inmate no later than 30 days from the inmate's arrival.
3. An inmate's risk level will be reassessed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
4. The intake screening officer will consider at the minimum the following:
 - a. Whether the inmate has a mental, physical, or developmental disability
 - b. Age of the inmate
 - c. Physical build of the inmate
 - d. If there have been previous incarcerations
 - e. Whether the inmate's criminal history is exclusively non-violent.
 - f. If the inmate has prior convictions for sex offenses against an adult or child.
 - g. If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
 - h. If the inmate has previously experienced sexual victimization.
 - i. The inmate's own perception of vulnerability.
 - j. If the inmate is being detained solely for civil immigration purposes
5. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the risk screening.

6. Information from the screening process will be used to determine classification in the Corrections Center and programs that may be relevant to the inmate.
7. 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 otherwise required by Federal, State, or local law.

§115.42 Use of screening information

1. The agency shall use information from the risk screening required by §115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
2. The agency shall make individualized determinations about how to ensure the safety of each inmate.
3. Transgender or Intersex inmates will be assigned to male or female blocks on a case-by-case basis.
4. Transgender and Intersex inmates will be given the opportunity to shower separately from other inmates.
5. Inmates will not be classified to a specific module based solely on their identification or status.
6. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
7. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration

§115.43 Protective custody

1. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing 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 a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. A detailed report will be completed by inmate services documenting what actions were taken and what the final placement was of said inmate.
2. Any inmate placed in segregated housing for the purpose of protective custody shall have access to programs, privileges, education, and recreation to the extent possible.
 - a. The opportunities that have been limited;
 - b. The duration of the limitation, and
 - c. The reasons for such limitations.
3. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
4. If an involuntary segregated housing assignment is made pursuant to paragraph (1) of this section, the facility shall clearly document.
 - a. The basis for the facility concern for the inmate's safety; and
 - b. The reason why no alternative means of separation can be arranged.

5. Every 30 days the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.
6. Lucas County Sheriff's office has direct supervision dormitories that are utilized to assist in the placement of inmates who are at a higher risk of victimization.

REPORTING

§115.51 Inmate Reporting

1. Lucas County Sheriff's Office inmates can privately report sexual abuse, sexual harassment, retaliation by other inmates and/or staff and staff neglect by using the following:
 - a. Grievance Forms
 - b. Verbal Reporting
 - c. Sexual Abuse Hotline
 - d. Third-party reporting, rape crisis centers, family and friends.
2. Lucas County Sheriff's Office staff can privately report sexual abuse and sexual harassment of inmates to their Supervisor or any other facility Supervisor or by using the Sexual Abuse Hotline.
3. Any written or verbal reports will be immediately documented by the staff member receiving the information on a Corrections Report and forwarded to the Shift Commander.
4. Inmates will be provided access to an outside advocacy group through the use of a mailing address and hotline number for outside emotional support services related to sexual abuse.
5. The Corrections Center will allow reasonable communication between inmates and an outside advocacy group in a confidential manner.

§115.52 Exhaustion of administrative remedies

1. The Corrections Center will not impose a time limit on when an inmate can submit a grievance regarding an allegation of sexual abuse.
2. The Corrections Center will not require the inmate to submit a grievance to a staff member who is the subject of the complaint.
3. The Corrections Center will not refer a grievance to a staff member who is the subject of the complaint.
4. The Corrections Center will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
5. The Corrections Center may claim an extension of time to respond up to 70 days, if the normal time period is insufficient to make an appropriate decision.
6. The Corrections Center will notify the inmate in writing of any extension and provide a date by which a decision will be made.
7. Fellow inmates, staff members, family members, attorneys, and outside advocates will be permitted to assist inmates in filing requests for administrative remedies relating to sexual abuse allegations.
8. All emergency grievances alleging an inmate is subject to a risk of imminent sexual abuse will be forwarded immediately to the Shift Commander and or Lieutenant on duty.
9. All emergency grievances initial responses will be within 48 hours and a final Corrections Center decision within 5 calendar days.

§115.53 Inmate access to outside confidential support services

1. Lucas County Sheriff's office will provide inmates access to outside victim advocates (YWCA Hope Center) for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, include toll-free hotline numbers. This information can be found on posters hung throughout the facility as well as in the Inmate PREA pamphlet. This includes persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
2. Lucas County Sheriff's office shall inform inmates prior to giving them access, of the extent to which such communications will be monitored and the extent to which report of abuse will be forwarded to authorities in accordance with mandatory reporting laws. The hotline number available to inmates can be called by using a code (inmate module phones) so that their pin number is not necessary to complete the call.

§115.54 Third-Party reporting

1. Information reported by a third party concerning an alleged sexual abuse or sexual harassment will be forwarded to the Lieutenant, or his/her designee on duty to investigate.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

§115.61 Staff and agency reporting duties

1. All staff is required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against inmates or staff, and any staff neglect or violation of responsibilities that have contributed to an incident or retaliation that occurs in the Corrections Center.
 - a. Corrections report is completed by staff member and given to their Shift Commander.
 - b. Shift Commander will then forward said report to his immediate Supervisor.
2. Staff will not reveal any information related to a sexual abuse report to anyone except designated supervisors, officials, who are responsible for treatment, investigation, and other security and management decisions.
3. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
5. Lucas County Sheriff's office shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports to the facility's designated investigators.

§115.62 Agency protection duties

1. When our facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, we shall take immediate action to protect the inmate.

§115.63 Reporting to other confinement facilities

1. If the Sheriff's Office receives an allegation that an inmate was sexually abused, while confined at another facility, the Corrections Administrator will notify the facility head where the alleged abuse occurred within 72 hours. The notification will be documented in writing and maintained by the PREA Coordinator.
2. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

§115.64 Staff first responder duties

1. The first responder to a report of an alleged inmate sexual abuse will:
 - a. Separate the alleged victim and abuser.
 - b. Preserve and protect any crime scene by securing the immediate area to ensure nothing is disturbed until the collection of evidence.
 - c. Request that the alleged victim do nothing that may destroy physical evidence such as, washing, brushing teeth, changing clothes, urinating, defecating, eating or drinking.
 - d. Both the victim and the abuser should be monitored to prevent self-harm.
 - e. The victim will be isolated from the abuser.
 - f. The staff member will immediately notify his Shift Commander, who will in turn document what incident occurred and submit report to his/her supervisor on duty at the time.
 - g. If the first responder is not an officer, then the first responder will request that the alleged victim not take any actions that could destroy physical evidence and then notify a Shift Commander.

§115.65 Coordinated response

1. The reports from the initial responder and shift commander will be reviewed and turned over to the Lucas County Sheriff's Office detectives for investigation.
2. After investigation is completed it will then be sent to the prosecutor's office for criminal charges if found substantiated.
3. The PREA compliance officer will meet with the inmate who alleged sexual abuse to inform him/her of the outcome of the investigation (Substantiated, Unsubstantiated or Unfounded) and a Notification form will be signed by both the inmate and the PREA Compliance officer stating the findings of the investigation.
4. A review will be conducted after 30 days of initial investigation by a Review Board to review the investigation findings so as to gather information as to any red flags or policy changes that may need to be made to our policy and procedures.
5. If the alleged abuser is an employee, contractor or visitor, the employee, contractor or visitor will be isolated from that individual and the Shift Commander will be notified.

§115.66 Preservation of ability to protect inmates from contact with abusers

1. Neither the agency nor other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
2. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
 - a. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §115.72 and §115.76.

§115.67 Agency protection against retaliation

1. Staff or inmates who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will not be subject to retaliation by other staff or inmates. The facility head shall designate staff to monitor retaliation and take appropriate action(s) to include:
 - a. Employing protective measures, such as housing changes or transfers for inmate victims or abusers
 - b. Removal of alleged staff or inmate abusers from contact with victims.
2. Engaging emotional support services such as mental health services for inmates and the Employee Assistance Program for staff who fear retaliation for reporting sexual abuse or harassment or for cooperating with investigations.
3. After the report of sexual abuse or sexual harassment, the Shift Commander will monitor the conduct and treatment of inmates or staff who reported sexual abuse or inmates who experience the sexual abuse, for at least 90 days for possible retaliation. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual from retaliation. This will be documented on the form "Protection Against Retaliation". Monitoring will include:
 - a. Inmate discipline or misconduct
 - b. Housing, program or classification changes
 - c. Negative job performance reviews
 - d. Reassignment of staff
 - e. If the inmate or staff is transferred during this 90 day period, the facility head shall notify the receiving facility head of the continued need for monitoring
 - f. The facility shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need
 - g. In the case of inmates, such monitoring shall also include periodic status checks.
4. The facility obligation to monitor shall terminate if the allegation is unfounded.

§115.68 Post-allegation protective custody

1. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of §115.43.

INVESTIGATIONS

§115.71 Criminal and administrative agency investigations

1. All investigations into all allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively. This includes anonymous and third party reporting.
2. Investigators with special training in sexual abuse investigations will be used when sexual abuse is alleged.
3. Investigators will be responsible for gathering and preserving direct and indirect circumstantial evidence, available physical and DNA evidence, and anything else that is pertinent to the investigation.
4. Investigators will interview alleged victims, suspected perpetrators, and witnesses and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
5. No compelled interviews will be conducted by the jail until consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
6. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as an inmate or staff.
7. The jail will not require an inmate who alleges sexual abuse, to submit to a polygraph examination.
8. Administrative internal investigations will include an effort to determine whether officer action and/or inaction contributed to the alleged abuse.
9. The internal investigation will be documented in written reports, to include the facts and findings.
10. Any substantiated allegations of conduct that appears criminal will be referred to prosecution.
11. All written reports of administrative and criminal investigations will be retained by the Corrections Center for as long as the alleged abuser is incarcerated or is employed by the Office, plus five years.
12. The investigation WILL NOT be terminated just because the alleged abuser or victim is no longer working for or being held in the facility.
13. The Lucas County Sheriff's Office will cooperate fully with any investigation that may take place outside of the Office.
14. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

§115.72 Evidentiary standard for administrative investigations

1. The Lucas County Sheriff's Office shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

§115.73 Report to inmates

1. Following the investigation into allegations of sexual abuse or sexual harassment, the inmate will be informed by the PREA coordinator on the Lucas County Sheriff's office "Notification Form", whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded and explain what the findings mean.
2. The victim will be informed when the suspect (inmate or staff) is:
 - a. No longer posted in the inmates unit

- b. No longer employed at the facility
 - c. Indicted on a sexual offense
 - d. Convicted of a sexual offense
3. The Notification form will be signed by both PREA Coordinator and the inmate alleging sexual abuse. This signed form will be kept in the PREA Coordinator's office, placed in the inmate's investigation file.
 4. Our facility's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

DISCIPLINE

§115.76 Disciplinary Sanctions for Staff

1. Any Lucas County Sheriff's employee will be subject to disciplinary sanctions up to and including termination for violating Sexual Abuse and Sexual Harassment policies. In review of a case of substantiated sexual harassment, the nature and circumstances of acts committed, the sanctions imposed for comparable offenses by other staff with similar histories will be taken into account regarding disciplinary action.
2. Employees that have engaged in sexual abuse will be terminated from the Lucas County Sheriff's Office.
3. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

§115.77 Corrective action for contractors and volunteers

1. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and abuse will be reported to law enforcement agencies unless activity was clearly not criminal, and to relevant licensing bodies.
2. If a contractor or volunteer violated the sexual abuse or sexual harassment policy, he/she will be prohibited from contact with inmates and will be reported as well as termination of the contract or arrangement.

§115.78 Disciplinary sanctions for inmates

1. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
3. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

5. The Sheriff's Office will discipline an inmate for sexual contact with an officer only upon finding that the officer did not consent to such contact.
6. If an inmate's report of sexual abuse is made in good faith and based on reasonable belief, he/she will not be disciplined for falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation.
7. The Lucas County Sheriff's Office prohibits all sexual activity between inmates and will discipline inmates for any such activity.

MEDICAL AND MENTAL CARE

§115.81 Medical and mental health screenings, history of sexual abuse

1. If the screening indicates an inmate has experienced or perpetrated prior sexual victimization, whether it occurred in an institutional setting or in the community setting, staff shall ensure the inmate is offered a follow-up meeting with a mental health provider within 14 days of the intake screening and will be classified accordingly.
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 otherwise required by Federal, State, or local law.
3. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

§115.82 Access to emergency medical and mental health services

1. All inmates of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
2. All victims of sexual abuse while in the jail will be offered information and access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate

§115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

1. The jail will offer medical and mental health evaluation and treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility.
2. The evaluation and treatment of such victims will include:
 - a. Follow up services
 - b. Treatment plans
 - c. Referrals for continued care following their transfer or release.
3. Inmate victims of sexual abusive vaginal penetration while in the jail will be offered pregnancy tests.
4. Inmate victims who become pregnant while in the jail will receive comprehensive information about all lawful pregnancy related medical services.

5. Inmate victims of sexual abuse while in the Corrections Center will be offered tests for sexually transmitted infections as medically appropriate.
6. Our agency will provide such victims with medical and mental health services consistent with the community level of care.
7. All treatment services for sexual abuse will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

DATA COLLECTION AND REVIEW

§115.86 Sexual abuse incident reviews

1. A sexual abuse incident review will be conducted within thirty (30) days after the conclusion of an investigation, unless the investigation has been determined to be unfounded. If an extension is necessary to complete findings (DNA evidence, interviews) than this extension must be approved by the Corrections Administrator documented and available to review board and PREA coordinator. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. An extension is seventy (70) days can be granted if the normal time period for response is insufficient to make an appropriate decision. This extension must be in writing and the inmate shall receive a copy of the extension request and the date by which a decision will be made.
2. The review team will consist of Senior Command Officers, Supervisors, Investigators, medical/mental health personnel and the PREA Coordinator.
3. The team will consider the following:
 - a. Whether there is a need to change and/or update policy and procedure to better prevent, detect, or respond to sexual abuse.
 - b. If the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, perceived status, or gang affiliation.
 - c. The area in the Corrections Center where the alleged incident occurred, to assess whether physical barriers in the area may permit abuse.
 - d. Adequacy of staffing levels.
 - e. The review team will prepare a report of the findings, determinations and any recommendations for improvement and submit the report to the Sheriff.
 - f. Assess whether the monitoring technology should be deployed or augmented to supplement supervision by staff.
 - g. The Corrections Center will implement the recommended changes, or document the reasons for not implementing them
4. The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

§115.87 Data Collection

1. The data collected annually shall include the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by Department of Justice.
2. The PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.

3. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30. This report will document all sexual abuse and sexual harassment cases which occurred in our facility. It will include three categories: Unfounded, substantiated and unsubstantiated.

§115.88 Data review for corrective action

1. The agency and the PREA Coordinator shall review data collected an aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, including by:
 - a. Identify 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 agency as a whole.
2. Such report shall include a comparison of the current year's data and corrective action with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
3. The agency's report shall be approved by the Corrections Administrator and made readily available to the public though our website.
4. Lucas County Sheriff's office may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of Lucas County Corrections Center and we will indicate the nature of the material redacted.
5. The agency shall aggregate the incident-based sexual abuse data at least annually

§115.89 Data storage, publication, and destruction

1. The report containing all aggregated sexual abuse data from the facility under its direct control, will be made readily available to the public by placing on Lucas County Sheriff's Office website.
2. The Corrections Center will ensure all data collected is securely retained in the PREA Compliance Office for at least ten (10) years after the date of the initial collection unless Federal, State or local law requires otherwise.
3. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.