

# Cuyahoga County Corrections Center

## Policy and Procedures

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**Subject: Sexual Harassment /Assault**

**Authority: 5120: 1-8-03**

**Policy Number: 0034**

**Date Effective: 01-01-2016**

**Signature:**   
Kenneth V. Mills, Director, Regional Corrections

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### **PURPOSE:**

The purpose of this policy is to provide guidelines for the prevention, detection, response, investigation and management of inmates who have been a victim of sexual abuse or sexual harassment and the tracking of all incidents.

### **POLICY:**

The Cuyahoga County Correction Center has a zero tolerance policy toward all forms of sexual abuse and sexual harassment. It is the policy of the Cuyahoga County Correction Center to provide a safe, humane and appropriately secure environment, free from the threat of sexual abuse and sexual harassment for all inmates, by maintaining a program of prevention, detection, response, investigation and tracking. Any inmate who has been the victim of an act of sexual abuse or sexual harassment shall be monitored to prevent any further harm. Special attention will be paid to inmate placement and a specific treatment plan will be developed for the victim of an act of sexual abuse. This policy applies to all inmates who are identified as being possible victims of sexual abuse or harassment, have been victimized by sexual abuse or harassment, or have been identified as perpetrators of sexual abuse or harassment, as well as persons employed by the Cuyahoga County Correction Center, volunteers, independent contractors and those who are involved directly or indirectly, in the care and custody of inmates. The Cuyahoga County Corrections Center will hold perpetrators of these incidents accountable either internally through disciplinary action or externally through supporting prosecution by county prosecutors

### **DEFINITIONS:**

**Aggressor** – An inmate that threatens attempts or completes a sexual assault against another or otherwise engages in non-consensual sexual contact.

**Contractor** - A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

**Exigent Circumstances** – Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the jail.

**Inmate** - Any person incarcerated or detained in a jail.

**Intersex**- A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

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**PREA Investigator** – A person designated to investigate all allegations of sexual abuse or sexual harassment and will work in coordination with the Sheriff's Sex Crimes Unit.

**Safe Cell** – Designated cells within the Correction Center for the placement of inmates, who upon a mental health assessment, are placed on watch status per the Suicide Prevention Policy.

**Safe Housing Environment** – A housing environment for the victim of an attempted or completed sexual assault. The safe housing environment must allow that inmates housed there have general population privileges.

**1. Sexual Abuse (inmate on inmate)** – Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- b. Contact between the mouth and the 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 genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**2. Sexual abuse of an inmate (by a staff member, contractor, or volunteer)** - Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- b. Contact between the mouth and the penis, vulva, or anus.
- c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- e. 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 or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs listed above in Section (2).
- g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident.
- h. Voyeurism by a staff member, contractor, or volunteer.

**3. Sexual Harassment (inmate on inmate)** - 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 directed toward another.

**4. Sexual Harassment (by a staff member, contractor or volunteer)** - Repeated verbal comments or gestures of a sexual nature to an inmate, by a staff member, contractor, or volunteer, including

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demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Contact** – Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic region or breast, for the purpose of sexual gratification.

**Sexual Abuse Victim** – An inmate who has been sexually abused by another inmate or by staff, by the use of force or threat of force. For the purpose of this policy, the threat of or attempt to sexually abuse an inmate shall be construed to be the same as an assault.

**Sexual Assault Facility Evaluation (SAFE) Team** – A team appointed by the Regional Director of Corrections to evaluate and recommend a course of action for the inmate who is the victim of an attempted or completed act of sexual abuse.

**Staff** - Means employees.

**Substantiated allegation** - An allegation that was investigated and determined to have occurred.

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

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

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

**Volunteer** - An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

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

**Zero tolerance** – means a commitment to provide a safe, humane and appropriately secure environment, free from the threat of sexual abuse or harassment. All incidents, both observed and alleged, will be investigated and the findings documented in writing.

### **PROCEDURE:**

#### **I. Employee training:**

- A. All new employees shall receive instruction related to the prevention, detection, response and investigation of inmate sexual assault.
- B. All volunteers, contractors, medical and mental health practitioners shall receive training on their responsibilities regarding the Department's zero tolerance policy on inmate sexual abuse and sexual harassment, including reporting on any such incidents.
- C. In-Service training on inmate sexual abuse and sexual harassment shall occur at least once every two years.
- D. Specialized training shall be offered periodically to employees designated as victim support persons. These persons shall be approved by the Regional Director of Corrections and must be a Psychologist,

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Sociologist, Chaplain or Social Worker. There should be no less than two trained victim support persons.

- E. Cleveland Rape Crisis Center shall provide or coordinate training to assure that the Cuyahoga County Correction Center employs or has access to the services of an independently licensed mental health professional that has scope of practice, training and/or experience in trauma counseling.
- F. Additional and specialized training may be offered to appropriate employees (i.e. Jail Investigators).
- G. The Regional Director of Corrections and the Commander of the Corrections Center Training Academy shall approve all lesson plans or materials utilized for pre-service or in-service training on inmate sexual assault.

### **II. Inmate Education:**

- A. Information on sexual abuse and sexual harassment shall be given to all inmates during reception, which addresses:
  - 1. Prevention
  - 2. Self-protection
  - 3. Reporting sexual assaults
  - 4. Treatment and counseling
- B. Inmate Handbooks shall include a section or a supplement, about sexual abuse and sexual harassment covering these same topics. Inmates will also receive a Sexual Abuse Awareness brochure during intake.
- C. As a part of the intake process, inmates will view an inmate orientation video presentation covering the issues listed above in Section II. (A.1-4).
- D. Issuance of the Inmate Handbook, Sexual Assault brochure and viewing of the inmate orientation video will be documented.
- E. Appropriate provisions shall be made as necessary for inmates not fluent in English, persons with disabilities and those with low literacy levels.
- F. All materials provided to inmates on sexual abuse and sexual harassment and any lesson plans used during any presentations on this topic shall be approved by the Regional Director of Corrections in consultation with Mental Health Services.

### **III. Screenings for sexually predatory behavior and sexual victimization**

- A. All inmates shall receive a screening and/or appraisal at reception. This screening and/or appraisal shall include a review of any history of sexual abuse victimization or predatory sexual behavior. An inmate's history of sexual abuse-victimization or predatory sexual behavior shall be communicated to the Classification Officer whom shall then interview and discuss with the inmate these concerns. If deemed appropriate as a result of said interview the Classification Officer will facilitate a bed or housing assignment consistent with policy standards.
- B. Whenever a Corrections Center staff member observes an inmate or witnesses inmate behavior that would lead them to believe that an inmate is at significant risk or has been a victim of sexual assault, the staff member shall make immediately, a mental health referral of that inmate to assess their mental health needs. Upon completion of the assessment

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Classification will be notified of the outcome so as to follow up with inmate education, programming and/or housing adjustments as appropriate. This information shall be maintained in the inmate's PREA file.

- C. 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 the facility cannot conduct such an assessment immediately, the department may hold the inmate in involuntary segregated housing for less than 24 hours while completing their assessment.
- D. A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- E. In areas outside of housing units, agencies shall either:
  - 1. Maintain sight and sound separation between youthful inmates and adult inmates, or
  - 2. Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
- F. The Cuyahoga County Sheriff's Office shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- G. The Cuyahoga County Sheriff's Office shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The Cuyahoga County Sheriff's Office is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
- H. The Cuyahoga County Sheriff's Office shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations.

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### **IV. Reporting and Investigation of threatened, attempted or completed sexual assaults. Reports and Notifications:**

- A. The CCSO has provided inmates the ability to report sexual abuse or sexual harassment to an outside agency (The Cleveland Rape Crisis Center), by phone, free of charge.
- B. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
- C. The CCSO has provided multiple internal ways for inmates to privately report sexual abuse or sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents by:
  1. Verbally reporting an incident.
  2. Submitting a written Inmate Request Forms ("Kites").
  3. Grievance mailed to the Sheriff.
- D. An inmate may report an incident of threatened, attempted or completed act of sexual abuse or sexual harassment to any employee, contractor or volunteer. Any employee, contractor or volunteer, that receives any information, by any means, of a threatened, attempted or completed act of sexual abuse or sexual harassment, even if reported by a third party, shall immediately notify the floor supervisor and complete an incident report.
- E. Staff shall immediately report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in the jail, whether or not it is part of the department; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- F. The shift supervisor shall assure that the alleged victim and aggressor are physically separated, either through the placement of one or both inmates in segregation or some other effective means. During the course of the investigation and thereafter the victim will be housed according to the recommendation of the Sexual Assault Facility Evaluation Team.
- G. If the alleged perpetrator is an employee, immediate efforts shall be made to eliminate contact. The Regional Director of Corrections shall initiate a review to determine the status of the employee pending an investigation.
- H. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- I. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- J. The agency shall document that it has provided such notification.
- K. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.
- L. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary as specified in this policy, to make treatment, for investigation and for other security and management decisions.

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- M. Any reports of an attempted, threatened or completed incident of sexual abuse shall be immediately reported to the Jail Sergeant, PREA Investigator and the Sheriff's Sex Crime Unit.
- N. If a designated victim support person is on site they should also be notified. Otherwise, they shall be notified no later than the next day.
- O. In cases where an alleged incident of sexual abuse has occurred, within the previous 96 hours, the alleged victim shall be advised by the employee receiving the report and/or the shift supervisor not to shower or otherwise clean themselves or if the assault was oral, to not drink or brush their teeth, or otherwise take any action that could damage or destroy evidence.
- P. Arrangements shall be promptly made to have the alleged victim examined by medical services.

### **V. Medical Services Responsibilities:**

- A. In cases of an alleged act of sexual abuse Medical Services will follow Medical Protocol, which includes provisions for examination, documentation, transport to the local Emergency Department when appropriate, collection of forensic evidence, testing for sexually transmitted diseases, counseling as appropriate, prophylactic treatment, follow-up and referral for mental health evaluation. Consistent with Medical Protocol some of the proceeding actions may be performed at the Corrections Center and others at the local Emergency Department.
- B. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim manes the abuser or cooperates with any investigation arising out of the incident.

### **VI. Mental Health Responsibilities:**

- A. Offenders referred to Mental Health by Medical Services or any staff member following an allegation of an act of sexual abuse will be seen by an independently licensed mental health professional that will document the evaluation.

### **VII. Investigations/General Provisions:**

- A. The shift supervisor shall assure that the alleged victim and aggressor is physical separated, either through the placement of one or both inmates in segregation or some other effective means. During the course of the investigation and thereafter the victim will be housed according to the recommendation of the Sexual Assault Facility Evaluation Team.
- B. If the alleged perpetrator is an employee, immediate efforts shall be made to eliminate contact. The Director of Corrections shall initiate a review to determine the status of the employee pending an investigation.
- C. All allegations of sexual abuse or sexual harassment, whether threatened, attempted or completed shall be investigated and the findings documented in writing. Also, all allegations shall be investigated by the PREA Investigator. The Sheriff's Sex Crime Unit shall be notified for a criminal investigation.
- D. The Designated Victim Support person will 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

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Person may sit in on administrative interviews of the inmate. The victim support person may not however, in any manner, obstruct or interfere in the course of the investigation.

### **VIII. Procedures and Investigation of attempted or completed Sexual Assaults reported within 96 hours of the Incident:**

- A. If the alleged attempted or completed act of sexual abuse is reported or discovered within 96 hours of the incident and unless directed otherwise by the Sheriff's Sex Crime Unit, the following steps shall be taken by the investigator, if present or the shift supervisor if the investigator is not present.
- B. An extra Jail uniform shall be secured prior to transporting the inmate to the Hospital emergency room to be examined where a Rape Kit will be collected. The uniform the inmate is wearing will be taken for potential forensic evidence.
- C. The alleged aggressor shall be held in an area without the ability to wash or discard any clothing. The alleged aggressor's clothing shall be removed and preserved as soon as possible by either Sex Crimes Unit or Jail staff. When removing the clothing a sheet of paper shall be placed under the suspect. The paper is for the collection of potential forensic evidence that may fall from the person.
- D. The paper sheet, along with the inmate's clothing shall be collected and placed in an evidence bag with the proper chain of evidence form attached.
- E. If the alleged aggressor is a staff member on duty, the employee is to be detained until a Sex Crime Unit detective makes notification to release the employee. The employee is to be detained in an area where they cannot wash or discard any clothing. The Sex Crimes Unit detectives will be responsible for collecting forensic evidence.
- F. The crime scene shall be secured. If the crime scene cannot be secured it shall be photographed and/or videotaped and the evidence, if any, collected and placed in an evidence bag. Access to the crime scene should be limited to the Jail Investigator, Sex Crime Unit detectives and/or medical staff, as needed. A log shall be maintained of anyone entering the crime scene and at what time they entered. The area shall remain secured as a crime scene until the Sex Crimes Unit releases it.
- G. When the alleged victim returns from the emergency room, he/she shall be assessed by Mental Health Services. Unless otherwise necessary, due to the assessment, the inmate will be housed in segregation until placement is made by the SAFE Team.
- H. The alleged aggressor shall be held in Administrative Detention Pending Investigation, until the investigation is complete, unless other circumstances require the transfer or other placement. During the course of the investigation the alleged victim and the alleged aggressor shall remain separated.

### **IX. Procedures and Investigation of attempted or completed Sexual Assaults occurring, more than 96 hours in the past:**

- A. If the alleged attempted or completed act of sexual abuse is reported or discovered more than 96 hours after the incident the jail investigator or the shift supervisor shall secure the alleged crime scene if feasible and if not, follow the directions given by the Sheriff's Sex Crimes Unit. The alleged aggressor if known shall be placed in Administrative Detention Pending Investigation.



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### **X. Administrative and Criminal Sanctions:**

- A. Any inmate found guilty by the Disciplinary Board of an attempted or completed act of sexual abuse shall be subject to the following administrative actions. The CCCC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- B. A special security review will be conducted to consider the sexual assault behavior. Minimally, the inmate should be considered for an increase of security level.
- C. Separations shall be placed on the aggressor and the victim by Classification.
- D. Inmate victims of sexual abuse, if still in custody, will be informed of the disposition of their case (i.e. substantiated, unsubstantiated or unfounded)
- E. The jail investigator and the Sheriff's Sex Crimes Unit shall work with the county prosecutor's office to assure appropriate criminal prosecution of sexual assault cases.
- F. No inmate who has reported as being a victim of an attempted, threatened or completed act of sexual abuse, shall be brought up on disciplinary charges for lying based solely on the fact their allegations could not be substantiated.
- G. Each case shall be evaluated on its own merits, considering all circumstances and whether there is any possibility that the alleged incident could have occurred and other motivating factors related to the inmate making the report.
- H. If the aggressor is a staff member, and the case is substantiated, the inmate victim will be notified whenever:
  1. The staff member is no longer posted within the inmate's unit.
  2. The staff member is no longer employed at the facility.
  3. Information is received the staff member has been indicted on a charge related to the sexual abuse within the facility.
  4. Information is received the staff member has been convicted on a charge related to sexual abuse within the facility.
- I. If the aggressor is another inmate and the case is substantiated, the inmate victim will be notified whenever:
  1. Information is received the reported aggressor has been indicted on a charge related to sexual abuse within the facility.
  2. Information is received the reported aggressor has been convicted on a charge related to sexual abuse within the facility.
- J. Notifications or attempts to notify inmates will be documented.
- K. No inmate that reports being a victim of an attempted, threatened or completed act of sexual abuse will face disciplinary charges for lying, based solely on the fact the report could not be substantiated.
- L. Contractors or volunteers that violate policy on sexual abuse or harassment will be prohibited from working with inmates and Violations will be reported to any relevant licensing or certification agency.

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### **XI. Institutional SAFE Team:**

- A. The Regional Director of Corrections shall designate a Sexual Assault Facility Evaluation (SAFE) Team to deal with inmates who have been a victim of sexual abuse. The SAFE Team shall consist of:
1. P.R.E.A. Compliance Manager – Chair Person.
  2. Jail Investigator.
  3. Designated Victim Support Person.
  4. Mental Health Representative.
  5. Medical Representative.
  6. Other staff designated by the Director of Corrections.

### **XII. SAFE Committee Actions:**

- A. Upon the report and initial investigation of an act of sexual abuse, the victim shall be housed in segregation in a Safe Housing Environment until evaluated by the SAFE Team.
- B. The next business day, the designated Victim Support Person shall meet with the victim to conduct a preliminary assessment.
- C. This assessment should include an evaluation of the privilege levels afforded the inmate while in a Safe Housing Environment. The Designated Victim Support Person shall evaluate the needs of the inmate.
- D. The PREA Compliance Manager (SAFE Team Chair) shall designate selected members of the SAFE Team to meet with the victim prior to convening the SAFE Team, to evaluate the inmate in the following areas:
1. Housing Needs
  2. Medical Needs
  3. Mental Health Needs
  4. The nature of the relationship between victim and aggressor.
  5. Any other area of concern that is raised by the victim or a member of the committee.
- E. The SAFE Team chair shall convene a meeting of the SAFE Team to evaluate all relevant documentation and the reports of those who interviewed the victim.
- F. The Team shall make a written recommendation to the Regional Director of Corrections or his designee within seven (7) calendar days of the original allegation.
- G. The report shall detail what action should be taken with regard to the housing, treatment, follow-up and management of the victim.
- H. The Regional Director of Corrections or his designee will make the final determination of the long-term placement and care of the victim.

### **XIII. Privileges in a Safe Housing Environment:**

- A. As much as possible the privileges afforded an inmate in a Safe Housing Environment should be consistent with the privileges enjoyed prior to placement in the safe housing environment. The CCCC shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such assignment

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shall not ordinarily exceed a period of 30 days. If an involuntary segregated housing assignment is made, the department shall clearly document:

1. The basis for the facility's concern for the inmate's safety.
2. The reason why no alternative means of separation can be arranged.
3. Every 30 days, the CCCC shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

### **XIV. Prevention Planning Supervision and Monitoring:**

- A. Corporals and Sergeants shall conduct and document unannounced security rounds to identify and deter staff sexual abuse or sexual harassment. These security rounds shall occur for both day and night shifts. Staff will be prohibited from alerting other staff members that these supervisory rounds are occurring, unless such an alert is related to the legitimate operational functions of the Jail.
- B. Limits to cross-gender viewing and searches:
  1. Inmates shall be 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.
  2. Staff members of the opposite gender shall announce their presence when entering an inmate housing unit.
  3. The Cuyahoga County Corrections Center shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances and shall be performed by medical practitioners.
  4. The Corrections Center will maintain and follow a staffing plan, organizational chain of command and delineate staff authority and supervision to ensure inmate and employee safety. Every reasonable effort, taking into consideration constraints outside agency control, to comply with the staffing plan will be made.

### **XV. Data Collection and Monitoring:**

- A. The jail investigators shall report all allegations of non-consensual sexual contact, threatened sexual assaults and attempted or completed sexual assaults that they investigate, as well as the dispositions of the investigations. This information shall also be provided for research and analysis. All case records associated with such reports including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluations findings and recommendations for post incarceration treatment and/or counseling shall be retained.
- B. When any inmate is found guilty by the Disciplinary Board of Sexual Misconduct; the information related to the case shall be entered into the inmate's classification file. This will generate an alert, identifying the sexual aggressor and the victim. Other inmates may be entered and identified if a criminal offense or other information reflects the individual is or is likely to be a sexual aggressor or victim. Classification shall consider this information when making relevant administrative decisions regarding that inmate.
- C. The department shall conduct a sexual abuse incident review at the conclusion of every abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within 30 days of the

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conclusion of the investigation. The review team shall include upper-level management officials, with input from the line supervisors, investigators and medical or mental health practitioners. The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
  2. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification status or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility.
  3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
  4. Assess the adequacy of staffing levels in that area during different shifts.
  5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
  6. Prepare a report of its findings, including but not necessarily limited to determinations pursuant to paragraphs C1 thru C5 of the section and any recommendations for improvement of and submit such report to the facility head and PREA compliance manager.
- D. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.
- E. The CCCC shall make all aggregated sexual abuse data, readily available to the public at least annually through the Sheriff's Office website.

### **XVI. Protection against Retaliation:**

- A. The CCCC shall protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.
- B. Any staff member who may fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations may contact the Cuyahoga County Human Resources Department, the Cuyahoga County Inspector General's Office and or their immediate supervisor.
- C. For at least 90 days following a report of sexual abuse, the PREA Compliance Manager shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the department should monitor include, but are not limited to: any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The PREA Compliance Manager shall continue such monitoring for 90 days if applicable.

### **DISCLAIMER:**

This policy's only for CCCC's use and is not applicable in a civil or criminal proceeding. The standard of care and safety required of CCCC's personal and promulgated in this directive is not to replace the standard application to civil and criminal proceedings. Violations of this policy will only form the basis for the CCSD's investigation.