

Testimony of Harvey J. Reed, Director

Ohio Department of Youth Services

Ronald Edwards, Superintendent

Circleville Juvenile Correctional Facility

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### ***Introduction***

Dr. Reginald Wilkinson, Ms. Anne Seymour and Dr. Gary Christensen, I am Harvey J. Reed, Director of the Ohio Department of Youth Services (ODYS). I appreciate the opportunity to speak to you today about the many efforts that have been underway to improve safeguards in our juvenile facilities. As soon as we read the Bureau of Justice Statistics (BJS) June 2013 report *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, Governor John R. Kasich called for an interagency task force to look at all aspects of our operations to make sure that we have the strongest possible safeguards in place in our juvenile facilities. The Interagency Task Force on Sexual Misconduct, which will be referred to as “the Task Force,” includes ODYS, the Ohio Department of Rehabilitation and Correction, the Ohio Department of Public Safety and the Ohio Department of Job and Family Services. The Task Force began meeting in June 2013 to develop and implement a strategic approach to address the issues reflected in the BJS report. My testimony today will highlight the strategies and practices being used to protect against sexual misconduct while providing a safe and secure environment for both youth and staff.

On November 21, 2013, we announced that we will be closing the Scioto Juvenile Correctional Facility in May 2014. Successful reforms to treat more youth in community settings has led to a 23 percent population decrease over the past two years, allowing ODYS to improve efficiency of its operations. As of January 2, 2014, we have a total of 23 youth at this facility. We are evaluating appropriate placement options and will transfer these youth to facilities that best meet their individual needs. Please note that our agency-wide efforts to improve safeguards for youth include Scioto Juvenile Correctional Facility and will continue to include the facility until it is closed.

### ***Factors***

ODYS worked with BJS and Westat to receive a detailed summary of PREA specific survey information pertaining to the ODYS facilities. Research staff from ODYS and member agencies coordinated an analysis of the summary information. We learned that youth-on-youth sexual misconduct was occurring multiple times with several youth in various locations but primarily occurring in showers, rooms and common areas. Staff-on-youth sexual misconduct indicated close relationships taking place between a staff and a youth, usually a singular relationship, occurring multiple times, occurring in staff-controlled spaces.

In order to gain more information, ODYS took immediate actions by assigning Climate Monitors to reach out to staff and youth at all of the facilities. Climate Monitors have been making unannounced assessment visits to all facilities since early June 2013. During these quarterly visits, Climate Monitors use a structured process to ask questions of youth and staff, assess Activity Management System (AMS) data to drive quality assurance and training, and review monitoring and supervision within the facilities. Climate Monitors meet with Facility Superintendents at the beginning and end of each visit in order to share information to achieve best practices. Any significant issues related to potential youth abuse are disclosed to the Superintendent and are referred to our Chief Inspector's Office for immediate investigation. Corrective action plans address any issues identified, and implementation is reviewed during subsequent site visits.

The sexual victimization survey of youth indicated that many sexual incidents go unreported. With this in mind, the Task Force recommended that we conduct cultural assessments at the facilities to help discover additional contributing factors and remedies. Teams of five interagency members used the cultural assessment process developed by the National Institute of Corrections. By assessing our culture, we work to ensure that we have an environment that supports reporting and prevents victimization.

Three of our four facilities (Circleville Juvenile Correctional Facility, Cuyahoga Hills Juvenile Correctional Facility and Indian River Juvenile Correctional Facility) have now undergone four-day cultural assessments. These facilities are now using the information learned from the cultural assessment to make improvements using a "bottom-up" approach, which relies on the needs and input of staff who work directly with youth. The process is helping ensure that our culture is positive, healthy and safe for youth and staff.

While many factors likely contributed to the prevalence of youth sexual victimization, several areas seem to be likely contributing factors:

### ***Agency-wide Measures Taken to Reduce the Prevalence and Incidence of Misconduct***

Many efforts have been underway to reduce the prevalence and incidence of misconduct in our facilities. The Task Force has made announced and unannounced visits to all ODYS facilities. The Task Force has noted that all facilities have been conducting house meetings with youth on every unit to discuss the desire to keep youth safe and to review the ways youth can report incidents of misconduct. All facilities have also held town hall meetings with staff and conducted labor-management meetings to discuss Task Force efforts and institutional strategies. Communication regarding the work is shared on a regular basis with staff, youth, families of youth, stakeholders and Task Force members.

### ***Improved Monitoring and Supervision within the Facilities***

At all of the ODYS facilities, special attention has been given to vulnerable areas, which are those places identified as being at risk for violence, misconduct and/or sexual activity. In addition to random security rounds taking place in vulnerable areas between the hours of 6:00 PM and 12:00 AM, ODYS has also developed and implemented an Administrative Duty Officer policy which requires daily meaningful rounds be conducted by a member of the administration or management team. A meaningful round is an active review of a specific area that includes observation of conditions, conversation with staff and youth, and action to document, correct or refer issues and concerns when they are observed or communicated to the individual conducting the round. A meaningful round also includes positive reinforcement whenever applicable.

We have installed an additional 130 video cameras in vulnerable areas of our facilities since June 2013 and have plans to install additional cameras this year. In addition to the improved coverage provided by the cameras, ODYS has established a quality assurance video review process. A database was developed to document video reviews, which are now conducted by Operations Administrators and Unit Management Administrators weekly, Direct Deputies monthly, and designated Central Office staff monthly. The video reviews target vulnerable areas and times of day. The process helps reviewers find non-compliance issues and take appropriate corrective actions for deficiencies.

We have been modifying the physical plant of the facilities to address vulnerable areas. In many school locations, such as staff offices and youth restrooms, locks are being installed to eliminate the opportunity for youth to enter without staff knowledge. Where needed, we are completing restroom and shower renovations in order to provide more privacy.

### ***Improved Identification of Youth Who May be Targets***

In order to better identify youth who may be targets, ODYS has been developing a process and instruments to collect expanded sexual victimization history information from each youth entering ODYS as part of the intake process. A sexual victimization screening tool has been developed and is currently being evaluated for its effectiveness. Information technology staff are working to incorporate the tool into the agency's automated case management and information system in order to better classify and place youth.

When youth make an allegation of any type of sexual misconduct, that youth is provided medical care and behavioral health services. The site PREA Compliance Manager (PCM) monitors the provision of services to that youth for at least 90 days following the report of an incident, and during this time period, the PCM conducts regular check-ins with the youth to make sure that there has not been any retaliation for reporting. The PCM also monitors the youth's behavior, housing, programming, interactions with staff and more. If warranted, monitoring by the PCM can continue past 90 days. The intent of this process is to ensure that the youth receives all needed services and to prevent any further victimization.

### ***Increased Ways for Youth to Report***

In July, I sent a memo to all youth in facilities and those on parole about their right to live in a safe and healthy environment that is free from harassment and abuse. All youth were encouraged to report any type of misconduct, and youth were reminded that they will not be punished or retaliated against for reporting. Climate monitors and members of the Task Force have reached out to youth to ask if they have experienced or witnessed inappropriate sexual activity and to gather their ideas for improvements.

As a result, we developed a Tip Line for youth to use to call regarding any tips, concerns or issues that they would like to share. The Tip Line, which took effect on October 15, 2013, is a direct line to Central Office to report any safety issues, including any matters related to sexual misconduct. Youth can use the phones on their living unit to anonymously report any concerns by dialing 397847 (DYS TIP). The Tip Line was designed to use a six-digit number just as youth use for making any other calls. Youth on parole, as well as staff and family members, also have the Tip Line available at the toll-free number (855) 577-7714.

When youth call the Tip Line, they do not have to leave their name. They are asked to share their concern when prompted, and the voicemail is reviewed within 24 hours (excluding weekends and holidays) by the Youth Ombuds at Central Office.

In addition to the Tip Line, youth can share concerns or issues by:

- Telling a trusted staff person
- Filing a grievance form
- Writing to the Chief Inspector's Office
- Contacting the Legal Assistance Program or a private attorney
- Writing to the Correctional Institution Inspection Committee

### ***Enhanced Trainings to Prepare Staff to Supervise Youth Appropriately***

With assistance from the National PREA Resource Center and the Project Addressing Prison Rape at the Washington College of Law, ODYS has reviewed its training of new staff and current employees, targeting issues associated with PREA and appropriate staff and youth relationships. Pre-service training for new staff now includes training on appropriate relationships, boundaries, consideration of adolescent development, and staff responsibility for preventing crossed boundaries. A comprehensive, four-hour training entitled, "No Means No...And Yes is Not Allowed" begins this month. All staff will receive this training that addresses boundary issues, red flags and the effects of the culture of silence. In December 2013, a total of eight ODYS staff participated in a PREA investigation training provided by the PREA Resource Center and The Moss Group, Inc. The training focused on quality investigations of all PREA incidents and met the requirements of the PREA standards related to specialized training for investigators and administrative agency investigations.

### ***Created a Full-time, Dedicated PREA Coordinator***

Previously ODYS used a part-time PREA Coordinator who also maintained behavioral health administration responsibilities. Effective September 2013, ODYS designated a new full-time PREA Coordinator, which is now part of the Chief Inspector's Office. This PREA Coordinator works with the site PREA Compliance Managers to coordinate PREA efforts, ensure compliance with the national standards and collect and disseminate information.

At this time, I would like to invite Mr. Ronald Edwards, Superintendent of Circleville Juvenile Correctional Facility, to present to you on the measures taken at Circleville Juvenile Correctional Facility (CJCF).

### ***CJCF Measures Taken to Reduce the Prevalence and Incidence of Misconduct***

Dr. Reginald Wilkinson, Ms. Anne Seymour and Dr. Gary Christensen, thank you for the opportunity to speak to you today about the many efforts that have been underway at CJCF to improve safeguards against sexual misconduct. As Director Reed has shared, CJCF, like the other

three ODYS facilities, has improved monitoring and supervision within the facility, improved identification of youth who may be targets, increased ways for youth to report any misconduct and enhanced trainings to prepare CJCF staff to supervise youth appropriately.

I would also like to share with you the improvements specific to CJCF:

- We held a Prison Rape Elimination Act (PREA) training for all staff and contractors
- We are currently installing an additional 44 cameras in vulnerable areas
- We now have a Youth Specialist posted in unit day rooms at all times
- We are reviewing safety materials with youth more frequently
- Our behavioral health staff have participated in an extensive review of sexual misconduct information including warning signs, behavioral indicators and reporting requirements
- We completed a cultural assessment to gain a deeper understanding of the culture at CJCF and determine improvement priorities. As a result, we are working on the following initiatives:
  - Our “Normalization of Staff Victimization” committee is identifying strategies for changing the facility culture, empowering staff and developing best practices to address staff victimization, especially physical assault and sexual exposure
  - We are doing a better job holding youth accountable for sexual exposures through additional sanctions which include the use of a jumpsuit for those youth who have inappropriately exposed themselves
  - We are working on building a united team at CJCF since a number of staff identify themselves as employees from facilities that are now closed or as employees from the original CJCF team. The initiative aims to build one bonded CJCF team rather than having mini-cohorts

At this time, I will turn it back over to Director Reed to discuss the agency’s progress implementing the PREA standards.

### ***Progress Implementing PREA Standards***

ODYS has taken a proactive approach to implementing the PREA standards in all of our facilities. The agency is closely following the outlined steps to address sexual misconduct prevention, detection and response. Highlights of implementation with the PREA standards include the following:

- We re-affirmed our zero tolerance policy for youth-on-youth and staff-on-youth sexual abuse, sexual assault or sexual harassment of any kind. All ODYS employees received a

related memorandum from me that stressed the importance of staff awareness and making every effort to reduce and eliminate victimization

- All youth are educated on the ODYS sexual abuse and sexual assault policy upon intake, and staff are re-educating all youth on a regular basis
- ODYS developed a sexual abuse, sexual assault and sexual harassment education acknowledgement form for all youth to sign
- PREA posters are posted in facilities on living units, cafeterias, schools, clinics and visitation areas
- PREA third party reporting posters are posted in the entry building and visiting areas of each of our facilities, and information about third party reporting is available on our internal and external websites
- ODYS developed a Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI ) Youth Standard Operating Procedure that went into effect in May 2013, and through the PREA grant, LGBTI training will be provided for staff
- ODYS now uses an alleged sexual abuse and sexual assault response checklist, which is completed by the PCM for all alleged incidents of sexual abuse and sexual assault, and the checklist serves as a step-by-step guide for our operations staff and provides a quality assurance process
- Background checks for all employees and contractors who have direct contact with youth have taken place, and we will soon begin using the Diana Screening, a sexual risk screening, for all new hires
- The Ohio Alliance on Sexual Assault trained all ODYS behavioral health clinicians on providing victim support for youth
- Specialized training for medical and mental health staff took place on May 9, 2013 in order to address PREA standard 115.335
- The Chief Inspector's Office, which investigates all allegations of sexual abuse, sexual assault and sexual harassment, received specialized training in August 2013 and December 2013
- Vulnerability assessments have been completed at three facilities in order to assess the physical plant for vulnerabilities
- The PREA Resource Center has reviewed our sexual abuse, sexual assault and sexual harassment staff training curriculum, and our youth safety guide was reviewed to ensure the content is age and developmentally appropriate

### ***Efforts to Prevent Staff Sexual Misconduct***

Efforts to prevent staff sexual misconduct include those initiatives previously highlighted:

- Improved monitoring and supervision within the facilities
- Increased ways for youth to report
- Enhanced trainings to prepare staff to supervise youth appropriately
- Created a full-time, dedicated ODYS PREA Coordinator

With the assistance of the Vera Institute of Justice, DYS received a two-year, \$250,000 grant from the Bureau of Justice Assistance to build upon the agency's Prison Rape Elimination Act (PREA) efforts and implementation of recommendations made by the Task Force. The grant, which began in October 2013 and continues through September 2015, is being used to strengthen the team approach to enhance site cultures, provide specialized training to staff, develop youth and staff exit surveys, implement an internal survey of youth sexual victimization, and more. Throughout the project, technical assistance will be provided by the National PREA Resource Center.

ODYS will soon begin using the Diana Screen by Abel Screening, Inc. The screening is a risk management tool that ODYS plans to use during the hiring process to screen out potential abusers.

An interagency workgroup has been working to ensure mandatory reporting occurs and to improve investigation of incidents in a coordinated manner between ODYS and other state agencies. In November 2013, three of our facilities conducted "meet and greet" meetings for Task Force agencies, rape crisis centers, county children's services agencies, local prosecutors and Legal Assistance Program attorneys.

### ***Conclusion***

Dr. Reginald Wilkinson, Ms. Anne Seymour and Dr. Gary Christensen, I would like to thank you again for the opportunity to testify today about the efforts to improve safeguards at our facilities in Ohio. Mr. Ronald Edwards and I are happy to answer your questions.

Sincerely,

Harvey J. Reed

Director