

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 2907.03ⁱ – *Sexual battery*.ⁱⁱ

Ohio’s law is in the criminal code under sexual offenses. The law defines conduct as involving penetration, as opposed to more inclusive sexual contact.

Does the statute impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	No	The law only covers sexual penetration.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law is a statutory rape law that is violated regardless of consent.
Does the statute cover all custodians and staff in contact with inmates?	No	When a violation occurs within a detention facility, the law covers all employees of that facility. For violations not occurring within a detention facility, the law requires the offender to have supervisory or disciplinary authority over the victim. The law does not appear to apply to contractors.
Does the statute cover all places where an inmate might be abused?	Yes	The law is not concerned with where the abuse occurred.
Is the penalty a felony?	Yes	Violation is a third degree felony.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ²	<p>In a 2000 communication to Amnesty International, the Attorney General’s Office noted that from 1/1/2000 to 11/13/2000, the Ohio Department of Rehabilitation and Correction reported 7 instances of a corrections officer being removed from duty for sexual inappropriateness. The office did not have information on convictions under the statute.³</p> <p>In a 2002 communication to Amnesty International, the Attorney General’s office provided information about investigations⁴ that took place between January 2001 and June 2002 in three of Ohio’s Women’s Institutions:</p> <ul style="list-style-type: none"> - The Northeast Pre-Release Center (NEPRC) reported a total of seven investigations, of which two were substantiated.⁵ The two cases resulted in one termination and one resignation. Two cases were referred to the Ohio State Highway Patrol (OSHP). They resulted in sexual battery indictments (one of which was still pending at the time of the communication). - The Franklin Pre-Release Center (FPRC) reported a total of seven investigations. Two cases were referred to the OSHP, one of which was then referred to the grand jury. It was anticipated that the second would be likewise referred. Disciplinary action was recommended for one case;
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ⁱ §2907.03 was amended by the 2003 enactment of HB 510, which expanded coverage to all persons confined in a detention facility and all employees of such facilities.

ⁱⁱ The text of the Ohio statute is reprinted at the end of this section

	<p>the other was still pending at the time of the communication.</p> <p>- The Ohio Reformatory for Women (ORW) reported 10 investigations. Three were substantiated (in all three cases, the employee eventually resigned). The remaining seven cases were not substantiated.⁶</p> <p>In 2005 the Attorney General's office provided the following information: Since 2002, four Ohio Department of Rehabilitation and Correction employees have been convicted of sexual battery or attempted sexual battery. Three of these offenders were female and one was male.⁷</p> <p>According to a 2003 statement made by Andrea Dean, spokeswoman for the Ohio Department of Rehabilitation and Correction, 21 women and 12 men have been discharged within the previous year for engaging in inappropriate sexual activity with prisoners. Three others were on leave pending investigations at the time of her statement. (Columbus Dispatch, 07/22/03)</p>
<p>Incidents reported in select media since January 2000</p>	<ul style="list-style-type: none"> - Scioto Juvenile Correctional Facility: A 19-year-old inmate filed a lawsuit in both federal court and the Ohio Court of Claims seeking monetary damages for sexual assault by a correctional officer when she was 16. Cardinal Paige, who was convicted of sexual battery and attempted sexual battery in 2004, allegedly forced the juvenile inmate to engage in a sex act. He was sentenced to 60 days in prison to be served on weekends and to commence upon return from his family vacation. Paige is one of twelve prison employees charged with physically or sexually abusing inmates in an investigation at the facility. The others have trials pending. (Columbus Dispatch, 02/15/05; AP State and Local Wire 06/10/05) - Scioto Juvenile Correctional Facility: Five guards have been indicted on charges relating to sexual or physical abuse of inmates. Prosecutor David Yost said the incidents took place in the juvenile prison between December 2003 and November 2004 and commented that "[t]hey are related by a culture that seems to tolerate illegal use of force," and that "[t]here is a code of silence." Former director Geno Natalucci-Persichetti has been fired. The charges against the guards, in total, include endangering children, illegal use of a minor in nudity-oriented material, public indecency, sexual battery, sexual imposition, falsification and dereliction of duty, tampering with evidence and obstructing justice. (Columbus Dispatch, 01/14/05) - Franklin Pre-Release Center: Former guard, Anthony C. Peterson pleaded guilty to having sex with and impregnating an inmate. Peterson has prior arrests for domestic violence and resisting arrest. The victim claims to have been repeatedly assaulted by Peterson. (Columbus Dispatch, 07/21/04). - Northeast Pre-Release Center, East Cleveland: A guard was accused of sexually battering two inmates, and was to be tried in August after his first trial resulted in a hung jury. (Cleveland Scene, 08/06/03) - Lucas County Correctional Treatment Facility: Facility director Paul Tanks resigned along with five other employees for participating in and allowing questionable interaction between personnel and inmates. Guard S.T. Johnson, among the resigned, was alleged to have had sexual contact with a female prisoner and to have solicited other inmates. (AP 06/01/02) - Medina County Jail: Two corrections officers are to be arraigned on charges involving sexual misconduct in the jail. (The Plain Dealer, 07/11/02)

	<ul style="list-style-type: none"> - Dayton Human Rehabilitation Center: Former workhouse guard David Sherrer was sentenced to serve a month with working inmates from the county jail, as well as 150 hours of community service. According to the plea agreement, he must also formally resign from his job and register with a local sheriff for the next 10 years as a sexual offender. Sherrer was convicted on three charges of sexual battery against three female inmates that had been under his supervision at the rehabilitation center. Reportedly he offered the women cigarettes in exchange for sex. Other women were allegedly victimized, but were not named in separate charges. (<i>Dayton Daily News</i>, 07/03/02) - Lawrence County Jail: Former corrections officer Jason Jenkins is alleged to have participated in a sexual act with a female prisoner. He was charged with sexual battery. The charge was dropped after he resigned. (<i>Herald-Dispatch (Huntington WV)</i>, 11/11/02) - Montgomery County Jail: A woman filed a lawsuit against the city of Dayton and Montgomery County claiming that she was sexually molested by a city corrections officer, Harry Walton, while she was a prisoner at the county jail. Walton was fired and convicted of gross sexual imposition. (<i>Dayton Daily News</i>, 12/13/01) - East Cleveland City Jail: Corrections officer Jermaine Beck charged with sexual battery. Police officer Shawn Bayne was also charged. (<i>The Plain Dealer</i> 11/17/00) - Warren County Juvenile Center: An officer was fired for groping a female inmate. Reportedly, there was insufficient evidence to criminally charge him. (<i>The Cincinnati Enquirer</i> 02/17/00) - Warren County Juvenile Center: Officer Million convicted of sexual misconduct with female inmates on charges of contributing to the delinquency of a child for coercing two teenagers to expose their breasts. Million was sentenced to six months' imprisonment. A jury acquitted him on a more serious charge of sexual battery involving allegations that he had sex with a 14-year-old girl. The girl and her mother are filing a \$2 million civil suit against Million. (<i>The Cincinnati Enquirer</i>, 02/18/00)
	<ul style="list-style-type: none"> - Northeast Pre-Release Center, East Cleveland: two guards were indicted by a grand jury on two counts of sexual battery and gross sexual imposition. One of the men was accused of having a sexual relationship with two inmates at the prison. The other officer was charged with aiding his activities and inhibiting the investigation by prison administration. (<i>The Plain Dealer</i>, 03/09/2000)
Other Reported Incidents	<ul style="list-style-type: none"> - According to the Ohio Department of Rehabilitation and Correction, Correctional Officer George Joseph was indicted on four counts of sexual battery. He was removed from Northeast Prerelease Center and later pleaded guilty to one count of attempted sexual battery, receiving a 17-month sentence.⁸ <p><i>The Sexual Abuse of Female Inmates in Ohio, Stop Prisoner Rape, December 2003</i></p> <p>According to SPR, three former staff members reported that sexual abuse of prisoners by staff is common at the Ohio Reformatory for Women (ORW). Allegations include that staff members routinely abused women inside broom closets, which were not under surveillance and could be locked from the inside; and that staff members kept a mattress in a boiler room for the purpose of sexual misconduct. Reportedly, clergy were sometimes involved in abuse, and one therapist within the mental health department had sex with a patient in his office. One officer was reportedly found to have had sex with two female inmates in the juvenile wing. Inmates interviewed by SPR described a range of incidents, including violent encounters, threats and pressure to submit to sexual advances, trading sex for goods and favors, and</p>

relationships that were seemingly consensual, but nonetheless abusive because of the power differential.

SPR further report that institutional response to sexual assault is inadequate. A former staff member told SPR that to her knowledge no inmates were sent to medical staff for a medical exam following a report of sexual abuse during her four years as a nurse and healthcare administrator. Allegedly staff and officers suspected of misconduct are often simply transferred to new positions with no investigation of the claims. In cases where an investigation did take place, evidence was reportedly sometimes mishandled. Investigated staff were reportedly merely placed on paid administrative leave, or in more serious cases, pushed to resign, but did not face prosecution. Reportedly, one prison employee suffered retaliation and was fired after attempting to bring conditions to the attention of external authorities.

SPR reported that women who report sexual misconduct are routinely sent to solitary confinement, known as "the hole," enduring isolation and severe limitations on their ability to communicate with others, sometimes for weeks. Conditions in segregation are alleged to be "disgusting," "dirty," and "dismal," with feces and blood smeared on walls. Reportedly, this practice is justified by the administration as an effort to protect inmates. In practice, however, the policy allegedly had the effect of encouraging inmates "to keep their mouths shut," and was intended to "harass inmates."

The following case was reported to SPR:

- An inmate told SPR she was sexually assaulted at the Northeast Pre-Release Center in 2001 by a corrections officer who entered her cell, hit her in the face, and raped her. After she reported the attack, she was transferred for her protection to ORW. However, staff at ORW were reportedly informed of what had happened. The woman reported that four officers made comments about her, including, "Oh, that's the bitch who told, I know her." Reportedly, seven to eight male correctional officers subsequently entered her cell, put a towel around her neck, and screamed at her, saying, "Listen bitch, do you know we can kill you? The only person you can call on is God." The officers held her down on the bed, choked her, and spat in her face. Gagging, and about to pass out, the woman believed that she was going to die. In the course of the assault one of her fingers was reportedly dislocated. After the incident, staff reportedly continued to harass her, joking about the fact that she was afraid, and that she had begged for her life while being attacked.

The Correctional Institution Inspection Committee conducted an inspection and evaluation of conditions at the Ohio Reformatory for Women in response to the SPR report. The CIIR published a report with its findings, conceding that there are areas of concern. In the report, ORW staff acknowledged that personal and romantic relationships between staff and inmates have developed, but said there is no evidence that the problem is common or widespread and stated that "reports of coerced sexual activity between ORW staff and inmates are extremely rare." The evaluation report, which surveyed grievances and complaints that had been filed in recent years, found that ORW had the largest number of investigations pertaining to staff misconduct in the Ohio prison system, with 40 such investigations in 2003 and 37 in 2004 and that "ORW had the largest number of investigations regarding Staff/Inmate Relationship, with 37 in 2003 and 21 in 2004." The CIIR report also describes a 2004 Ten Point Plan to reduce sexual assault in Ohio correctional facilities that seems to have been issued in response to the SPR report. The full report can be accessed at:

	http://www.ciic.state.oh.us/reports/orw.pdf
	According to the Ohio Department of Rehabilitation and Correction, Correctional Officer George Joseph was removed from Northeast Prerelease Center. He was indicted on four counts of sexual battery. He pleaded guilty to one count of attempted sexual battery and received a 17-month sentence. ⁹

Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following is based on data provided by the Ohio Department of Rehabilitation and Corrections in response to AI's survey in 2000, 2002 and 2005. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the sexual nature of the behaviors prohibited and provides detailed definitions of sexual misconduct, sexual contact, and sexual assault. ¹⁰
Allow cross-gender pat-down searches?	Yes	According to the Ohio Department of Rehabilitation and Correction (DRC), specific procedure exists for conducting pat down searches of females. No details were provided. ¹¹
What is the percentage of female officers in relation to male officers?		The Ohio DRC reports that 26% of officers are female (74% male). ¹²
Restrictions on the duties of male guards?	Yes	According to the Ohio DRC, there are restrictions on the duties of both male and female officers. No details were provided. ¹³
Staff training on sexual misconduct?	Yes	According to Ohio DRC policy, pre-service and in-service training cover unauthorized staff behavior. ¹⁴
Inform inmates of agency policies and reporting procedures on sexual misconduct?	Yes	Ohio DCR policy states that inmates must be instructed on reporting procedure during orientation. The information is also included in the inmate handbook/manual. ¹⁵

Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response

The following is based on the Ohio Department of Rehabilitation and Corrections response to AI's surveys, please see above.

Is medical help available for the victim of alleged sexual abuse?	Yes	According to the Ohio DRC, the victim is treated as an emergency patient and will be examined immediately. ¹⁶ The medical response is spelled out in Ohio DRC policy on sexual assault and misconduct. ¹⁷
Are immediate mental health services available for the victim of alleged sexual abuse?	Yes	According to the Ohio DRC, immediate mental health services are available during routine hours. Outside those hours the institution Psychology Supervisor and on call psychiatrist are contacted for direction and action is taken within 24 hours. ¹⁸ The mental health response is spelled out in Ohio DRC policy on sexual assault and misconduct. ¹⁹
Is counseling available for the victim of alleged sexual abuse?	Yes	According to the Ohio DRC, counseling is available. ²⁰
Is a rape kit taken?	Yes	According to the Ohio DRC policy, if rape is alleged, the victim is taken to a local hospital to have a rape kit performed. ²¹
Are there special procedures for investigating allegations of sexual misconduct?	Yes	According to the Ohio DCR, there are special procedures and the Ohio State Patrol investigates incidents alleging sexual offenses committed by staff. ²² Ohio DCR policy on Unauthorized Relationships spells out procedures to ensure that investigations are impartial. ²³
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	Yes	According to the Ohio DRC, inmates can use the institution grievance procedure or phone hotline. ²⁴ Ohio DRC policy is that inmates may report custodial sexual misconduct to any staff

		member. ²⁵
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?	Yes	According to the Ohio DCR, inmates and their families may contact the Correctional Institutional Inspection Committee, which is a subcommittee of the Legislative Service Commission. Families may also contact the Ohio State Patrol. The facility also notifies the Ohio State Patrol. ²⁶
Is the investigation external?	Yes	According to the Ohio DRC, the Ohio State Patrol handles the investigation as required by Chapter 29 of the Ohio Revised Code. ²⁷
If there is an external investigation, how is it triggered?		According to the Ohio DRC, investigations conducted by the Ohio State Patrol are triggered by a report from the DRC to the patrol. ²⁸
Are special measures taken to shield alleged victims from retaliation?	Yes	According to the Ohio DRC, the victim may be moved to another facility if necessary. Separation is enforced between the victim and suspect and a follow-up with the victim occurs to ensure that no retaliation has occurred. ²⁹ There should be no contact between the inmate and alleged aggressor, and the warden should consider placing the employee on administrative leave during the investigation. ³⁰
If so, do the measures include solitary confinement or lock-down of the inmate?	Yes	According to the Ohio DRC, these measures may be taken, though measures vary with circumstances. ³¹
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?	--	However, the Correctional Institution Inspection Committee, an arm of the legislature, has the authority to conduct unannounced inspections of correctional facilities. ³² Budget cuts led to the closure of the CIIC administrative office from July 2001 ³³ through October 2003. ³⁴
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?	Yes	According to the Ohio DRC, statistical information for purposes of the federal Prison Rape Elimination Act is maintained by a researcher in the Ohio DRC office. Although no standard report is provided to the state legislators on this issue, information may be provided by the Ohio DRC Chief Inspector's Office to the Correction Institution Inspection Committee (an Ohio legislative oversight committee) in its annual report. In addition, the investigator at each institution is required to report criminal actions in a monthly report. ³⁵

Custodial Sexual Misconduct – Pending Legislative Proposals

None

Pregnancy in Custody

Pregnancy - Statute

Legislation banning shackling in the third trimester or during labor	No	Ohio has no legislation limiting the use of shackling on pregnant inmates
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Pregnancy - Policies, Procedures and Practices

The following is based on the Ohio Department of Rehabilitation and Corrections response to AI's surveys, please see above

Use of restraints in third trimester	Yes	Restrictions on restraints applied during transportation, see below.
Restraints during transport	Yes	According to the Ohio Department of Rehabilitation and Corrections, leg-irons and waist chains are used during transport until the inmate

		is in her third trimester depending on medical condition. At this time only handcuffs are applied. ³⁶
Restraints during labor	Yes	Ohio DRC policy does not specify what types of restraints are used. According to Ohio DRC response, "Medical restrictions are considered and are a factor when determining the type of restraints used and the manner of their use." ³⁷
Officer in delivery room	Yes	According to Ohio DRC, a corrections officer may be present.

Contact information

OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS

Director Terry J. Collins Central Office 1050 Freeway Drive North Columbus, Ohio 43229 Phone: (614) 752-1164	Homepage: http://www.drc.state.oh.us/
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OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS FACILITIES FOR WOMEN

Ohio Reformatory for Women Warden: Pat Andrews Inmates: 1,889 ³⁸ 1479 Collins Avenue Marysville, Ohio 43040 Phone: (937) 642-1065 Fax: (937) 642-7678 Female: min, med, close and max sec.	Franklin Pre-Release Center Warden: Tracy Tyson-Parker Inmates: 488 ³⁹ P. O. Box 23651 Columbus, Ohio 43223 Phone: (614) 445-8600 Female: min and med sec	Oakwood Correctional Facility Warden: Christopher Yanai 3200 North West Road Lima, Ohio 45801 Phone: (419) 225-8052 Fax: (419) 225-8000 Male and female psychiatric unit
Northeast Pre-Release Center Warden: Frank Shewlater Inmates: 496 ⁴⁰ 2675 East 30th Street Cleveland, Ohio 44115 Phone: (216) 771-6460 Fax: (216) 787-3540 Female: min and med sec	Corrections Medical Center Warden: Kay Northrup P. O. Box 23658 Columbus, Ohio 43223 Phone: (614) 445-5960 Male and female hospital	

OHIO DEPARTMENT OF EXECUTIVE

Governor Bob Taft [R] 77 South High Street, 30th Floor Columbus, Ohio 43215-6117 Phone: 614-466-3555 or 614-644-HELP Email (internet based): http://governor.ohio.gov/contactinfo page.asp	Homepage: http://www.state.oh.us/gov/ Elected: 1998, re-elected in 2002.
Attorney General Jim Petro [R] State Office Tower 30 E. Broad Street, 17th Floor Columbus, OH 43215-3428 Phone: (614) 466-4320 E-mail (internet based): http://www.ag.state.oh.us/contact/contact.htm	Homepage: http://www.ag.state.oh.us/ Elected: 2002

OHIO LEGISLATIVE INFORMATION

<p>House: 99 members, 2 year term (8 yrs limit) Senate: 33 members, 4 year term (8 yrs limit)</p> <p>Legislative Session: The General Assembly meets annually from the first Monday in January for an unspecified length of time. Bills may carry over.</p>	<p>Legislature Homepage: http://www.state.oh.us/ohio/legislat.htm State homepage: http://www.state.oh.us/</p> <p>Bill search: http://www.legislature.state.oh.us/ Bill Information Phone Number: (614) 466-7168</p>
<p>Senate The Statehouse Columbus, Ohio 43215</p>	<p>Homepage: http://www.senate.state.oh.us/</p>
<p>House of Representatives 77 South High Street 14th Floor Columbus, OH 43266-0603</p>	<p>Homepage: http://www.house.state.oh.us/</p>

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International

<p>CURE Ohio PO Box 14222 Columbus OH 43214 Phone: (937) 299-8298; Fax (614) 784-9696 Website: www.cureohio.org</p>
<p>Ohio Justice and Policy Center 617 Vine St. Suite 1301 Cincinnati OH 45202 Phone: 513-421-1108; Fax: 513-562-3200 Website: www.ohiojpc.org</p>
<p>ACLU of Ohio Max Wohl Civil Liberties Center 4506 Chester Avenue Cleveland, OH 44103 (216) 472-2200; Fax: (216) 472-2210 Email: contact@acluohio.org Website: www.acluohio.org</p>
<p>National Marriage Encounter Prison Ministry Inc PO Box 53583 Cincinnati, OH 45253 Phone: (513) 385-0222 Website: www.prisonmarriageministry.org Services: The mission of NNEPM is to promote and encourage marriage and family life by offering Marriage Encounter programs and support materials for the incarcerated man and woman.</p>
<p>Friends of Women's Re-Entry 2600 Lander Road Pepper Pike, OH 44124 Phone: (440) 449-1200, ext.162; Fax (440) 449-3588 Website: www.charityadvantage.com/lutheranmetro/wren.asp Services: Friends of Women's Re-Entry provides a holistic network of mental health, education, employment, family and supportive services in a safe and welcoming environment. WREN is a place where women can begin the process of rebuilding their lives, reconnecting with family and reclaiming their place as productive members of the community.</p>

Ohio's Custodial Sexual Misconduct Statute

Excerpt

Section 2907.03

(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

...
(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.

...
(B) Whoever violates this section is guilty of sexual battery, a felony of the third degree.

(C) As used in this section:

(1) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code

...
§ 2907.01 Definitions.

As used in sections 2907.01 to 2907.37 of the Revised Code:

(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

...
§ 2901.01

As used in sections 2921.01 to 2921.45 of the Revised Code

.....
(F) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

¹ Ohio Department of Rehabilitation and Correction (DRC), Bureau of Classification, Inmate Count 3/14/05, available at <http://www.drc.state.oh.us/web/Reports/count/Mar%2014%202005.pdf>, as per 01/27/06.

² The information does not reflect prosecutions or convictions under rape statutes.

³ Letter from Aaron Bryant, Constituent Liaison, Attorney General's Office, 11/28/00.

⁴ The Ohio DRC does not track cases by sexual contact, but rather by unauthorized relationship, encompassing a range of activities including letters, telephone calls, and touching.

⁵ The Ohio DRC uses the term "substantiated" to mean that the Institutional Investigator found, what they believed to be, sufficient evidence to recommend disciplinary action. When employees are charged with possible disciplinary action they often resign, resulting in no final determination of departmental rule violation.

⁶ Letter from Aaron Bryant, Constituent Liaison, Ohio Attorney General's Office, 06/21/02.

⁷ Email from Stephanie L. Watson, Corrections Litigation, Attorney General's Office of Ohio, 10/18/05.

⁸ Fax from Terry Collins, Ohio DRC to Amnesty International, 02/15/01.

⁹ Fax from Terry Collins, Ohio DRC to Amnesty International, 02/15/01.

¹⁰ State of Ohio Department of Rehabilitation and Correction, Policy Number 31-SEM-07, Unauthorized Relationships, Effective 10/17/04. See also, State of Ohio Department of Rehabilitation and Correction, Policy Number 79-ISA-01, Inmate Sexual Assault and Misconduct, effective 07/01/05.

¹¹ Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

¹² Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

¹³ Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

¹⁴ DRC Policy 31-SEM-07, "Unauthorized Relationships." Effective 10/17/04. Received by mail from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

¹⁵ DRC Policy 31-SEM-07, "Unauthorized Relationships." Effective 10/17/04. Received by mail from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

¹⁶ Fax from Greg Trout, Chief Counsel, Legal Services, Ohio DRC, 07/30/02.

¹⁷ State of Ohio Department of Rehabilitation and Correction, Policy Number 79-ISA-01, Inmate Sexual Assault and Misconduct, effective 07/01/05.

¹⁸ Fax from Greg Trout, Chief Counsel, Legal Services, Ohio DRC, 07/30/02.

¹⁹ State of Ohio Department of Rehabilitation and Correction, Policy Number 79-ISA-01, Inmate Sexual Assault and Misconduct, effective 07/01/05.

²⁰ Fax from Greg Trout, Chief Counsel, Legal Services, Ohio DRC, 07/30/02.

²¹ State of Ohio Department of Rehabilitation and Correction, Policy Number 79-ISA-01, Inmate Sexual Assault and Misconduct, effective 07/01/05.

²² Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

²³ State of Ohio Department of Rehabilitation and Correction, Policy Number 31-SEM-07, Unauthorized Relationships, Effective 10/17/04.

²⁴ Fax from Greg Trout, Chief Counsel, Legal Services, Ohio DRC, 07/30/02.

²⁵ State of Ohio Department of Rehabilitation and Correction, Policy Number 31-SEM-07, Unauthorized Relationships, Effective 10/17/04.

²⁶ Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

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²⁹ Fax from Greg Trout, Chief Counsel, Legal Services, Ohio DRC, 07/30/02.

³⁰ State of Ohio Department of Rehabilitation and Correction, Policy Number 79-ISA-01, Inmate Sexual Assault and Misconduct, effective 07/01/05.

³¹ Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05.

³² Letter from Vincent Lagana, Legal Counsel, Ohio DRC, 08/10/05; RC 103.73.

³³ Press Release, Correctional Institution Inspection Committee, Elimination of Funding for the Office of the CIIC (June 29, 2001), available at <http://www.ciic.state.oh.us/statusletter.htm>, as per 01/27/06.

³⁴ Press Release, Correctional Institution Inspection Committee, Reopening of the Correctional Institutions Inspection Committee (Oct. 15, 2003), at <http://www.ciic.state.oh.us/restartmemo.pdf>, as per 01/27/06.

³⁵ Email from Stephanie L. Watson, Corrections Litigation, Attorney General's Office of Ohio, detailing conversation with Cheryl Martinez, Chief Inspector's Office, Ohio DRC, 10/18/05. See also, State of Ohio Department of Rehabilitation and Correction, Policy Number 79-ISA-01, Inmate Sexual Assault and Misconduct, effective 07/01/05.

³⁶ Fax from Greg Trout, Chief Counsel, Legal Services, Ohio DRC, 07/30/02.

³⁷ Letter from T. Austin Stout, Assistant Chief Council, Ohio DRC, 12/6/00.

³⁸ Ohio DRC, *Institutions*, July 2005, available at <http://www.drc.state.oh.us/Public/orw.htm>, as per 01/27/06.

³⁹ Ohio DRC, *Institutions*, July 2005, available at <http://www.drc.state.oh.us/Public/fprc.htm>, as per 01/27/06.

⁴⁰ Ohio DRC, *Institutions*, July 2005, available at <http://www.drc.state.oh.us/Public/neprc.htm>, as per 01/27/06.