

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 2907.03 – Sexual battery.¹

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	The law requires the offender to have supervisory or disciplinary authority over the inmate.
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) ⁱⁱ	The Attorney General's Office notes that from 1/1/2000 to 11/13/2000, the Ohio Department of Rehabilitation and Correction has reported 7 incidents of a corrections officer being removed from duty for sexual inappropriateness. The office does not have information on convictions under the statute. ⁱⁱⁱ
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> - East Cleveland City Jail: Officer Beck charged with sexual battery. Police officer also charged. Both free on bond. <i>The Plain Dealer</i> 11/17/00 - Northeast Pre-Release Center: Officer Sean Bannerman accused of having sexual relations with two inmates. Officer Earl Morris also charged with aiding Bannerman and intimidating witnesses. Bannerman found not guilty. Fired earlier in the year and will not get his job back. <i>The Plain Dealer</i> 07/06/00 and 03/00 - Warren County Juvenile Center: Officer Jay Hurd fired for groping a female inmate. 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 and was sentenced to six months. <i>The Cincinnati Enquirer</i> 02/17/00 - Butler County Jail: Former officer, Steven Cox, sentenced to six months jail and three years probation for having sexual relations with a female inmate. <i>The Cincinnati Enquirer</i> 11/11/99 - Franklin Pre Release Center: Former officer Mallory Peterson sentenced to five years for having sex with female inmates. He had been charged with two felony counts of sexual battery against female prisoners. Had worked

¹ The text of the Ohio statute is reprinted at the end of this section

	<p>for the Ohio Department of Rehabilitation and Correction for five years. He is also facing 14 counts of rape and corruption of a minor for sexually abusing a 13 year-old girl while he was free on bond. <i>The Columbus Dispatch</i> 11/03/99 and <i>Prisoner Legal News</i>, 06/99</p> <ul style="list-style-type: none"> - Community Corrections Center: Officer Timothy Millon indicted on having sex with a 14-year-old female inmate. Millon has been in prison twice for burglary, forgery and drugs before he landed a job as a correctional officer. <i>The Cincinnati Enquirer</i> 03/11/99 - Warren County Juvenile Center: Former officer Charles Heiber arrested for 2 counts of public indecency for exposing himself to 2 female inmates. Denies charges. <i>The Cincinnati Enquirer</i> 03/02/99 - Cleveland State Women's Prison: A prison supervisor fired and facing criminal investigation for having sex with an inmate. (<i>Un-named source</i>) 02/4/99 - Northeast Prerelease Center: Edward Heyward, guard at the facility was fired for having a sexual affair with a prisoner. Heyward had risen to captain despite what one investigator called "a pattern of becoming involved in unusual incidents and inappropriate behavior involving both staff and inmates." Heyward had been promoted twice and selected as employee of the month three times despite being disciplined for among other things: carrying marijuana in his pocket at prison; giving jewelry, money orders and marijuana; exposing his genitals to prisoners; and acting as a lookout while another prison employee had sex with a prisoner. <i>Prison Legal News</i>, May 1999 - Warren Correctional Institution: On June 12, 2000 a state grand jury charged Tamara Welton, 30, with sexual battery for having sex with Rommel Know, a convicted murderer. Welton was the Warren Correctional Institutions clothing supply room supervisor and Know was her assistant. Prosecutors claim the two had sex on a regular basis in the prison clothing room. Welton quit her prison job in the midst of the criminal investigation. <i>Prison Legal News</i>, October 2000 - Franklin Pre-Release Center: On November 2, 1999 former Franklin Pre-Release Center guard Mallory Peterson, 33, was sentenced to five years in state prison after pleading guilty to five counts of sexual battery. Peterson admitted having sexual intercourse with three women prisoners and oral sex with two of them. Judge Patrick McGrath called Peterson a sexual predator. As part of his plea deal rape and kidnapping charges were dropped. While on bail awaiting trial for raping the prisoners. Peterson allegedly raped a 13 year old girl. He had been indicted on 14 counts of rape and awaits trial on those charges. <i>Prison Legal News</i>, March 2000
Other Reported Incidents	<p>According to the Ohio Department of Rehabilitation and Correction, Correctional Officer George Joseph was removed from Northeast Pre-Release Center. He was indicted on four counts of sexual battery. He pleaded to one count of attempted sexual battery and received a 17-month sentence.^{iv}</p>

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

The following data are based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in the cases where further details have been available to AI from alternative sources.

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. ^v
Allow cross-gender pat-down searches?	Yes	Searches are predominantly same-sex. Cross-sex done only in emergency - "emergency" not defined. ^{vi}

Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	Training is provided to all staff within a 3-hour annual block of training on employee conduct. ^{vii}
Has staff training been developed 1996-2000?	Yes	No details of training available. ^{viii}
Were there special procedures for investigating allegations of sexual misconduct in 1996?	No	Ohio is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most Departments of Corrections use standard investigatory procedures with no special considerations for the nature of the complaint. ^{ix}
Have new investigation procedures been introduced 1996-2000?	No	No new initiatives have been introduced. ^x
Were inmates informed of agency policies about sexual misconduct in 1996?	Yes	Policies are covered in standard inmate orientation and in inmate handbook. ^{xi}
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	No	No new initiatives have been introduced or revised. ^{xii}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

None

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Ohio has no legislation limiting the use of shackling on pregnant inmates
Administrative rules concerning pregnancy and delivery		Not known.

Pregnancy and Parenting - Policies, Procedures and Practices

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. At this time only handcuffs are applied. ^{xiii}
Restraints during labor	Yes	Ohio DRC policy does not specify what type 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." ^{xiv}
Officer in delivery room	Yes	According to Ohio DRC, a corrections officer may be present.
Parenting programs specific for women	Yes	According to Ohio DRC a parenting program specifically for women is provided. ^{xv}
Special visitation rights for women	Yes	According to Ohio DRC special visitation rights for women with children are provided. ^{xvi}
State Mother and Child Residency Program	No	Ohio DRC has no residential program for inmate mothers and their infants/children. ^{xvii} No system is currently in place. However, according to written response from Ohio DRC, a nursery program is in the making to allow pregnant inmates with sentences of less than 18 months to

		keep their children with them after birth. Furthermore, a pregnant inmate is allowed a spouse, friend, or family member in the delivery room with her. ^{xviii}
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Contact information

OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS

Director: Reginald A. Wilkinson Central Office 1050 Freeway Drive North Columbus, Ohio 43229 614-752-1164	Website: http://www.drc.state.oh.us/ Public Information Office Joe Andrews Andrea Dean 614-752-1150
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OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS FACILITIES FOR WOMEN

Ohio Reformatory for Women Warden Deborah Timmerman-Cooper 1479 Collins Avenue Marysville, Ohio 43040 (937) 642-1065 1822 women, min, med, close and max sec.	Franklin Pre-Release Center Warden Patricia Andrews P. O. Box 23651 Columbus, Ohio 43223 (614) 445-8600 405 women, min and med sec	Oakwood Correctional Facility Warden Christopher Yanai 3200 North West Road Lima, Ohio 45801 (419) 225-8052 Male and female psychiatric unit
Northeast Pre-Release Center Warden Norman Rose 2675 East 30th Street Cleveland, Ohio 44115 (216) 771-6460 615 women, min and med sec	Corrections Medical Center Warden Rodney Francis P. O. Box 23658 Columbus, Ohio 43223 (614) 445-5960 Male and female hospital	

OHIO DEPARTMENT OF EXECUTIVE

Governor Bob Taft [R] 30th Floor 77 South High Street Columbus, Ohio 43215-6117 Email: Governor.Taft@das.state.oh.us Phone: 614-466-3555 or 614-644-HELP	Homepage: http://www.state.oh.us/gov/
Ohio Attorney General Betty D. Montgomery [R] State Office Tower 30 E. Broad Street, 17th Floor Columbus, OH 43215-3428 Phone: (614) 466-4320	Homepage: http://www.ag.state.oh.us/ Contacts: http://www.ag.state.oh.us/contact.htm E-mail: Online inquiry: http://www.ag.state.oh.us/cidwebapp/cidweb2.asp

OHIO LEGISLATIVE INFORMATION

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

WOMEN IN PRISON - NGO RESOURCES

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

CURE Ohio P.O. Box 246824 Columbus, OH 43224 419-522-7173
Prison Reform Advocacy Center Enquirer Building - 617 Vine St. #1428 Cincinnati OH 45202 Phone: 513-421-1108 Fax: 513-421-6572 <i>Educate and assist inmates on remedies to solve complaints arising from confinement conditions. Publish the Ohio Prisoner Manual.</i>
The Light Center Inc 1925 E. Dublin-Granville Road, Ste 200 Columbus, OH 43229-3517 Phone: 614 885-2113 Email: lightcenter@juno.com <i>An educational service organization aimed at the development of women and children, including incarcerated women.</i>
ACLU of Ohio 1266 West 6th Street, Suite 200 Cleveland, OH 44113 Phone: (216) 781-6276 Web site: www.acluohio.org
National Marriage Encounter Prison Ministry Inc PO Box 53583 Cincinnati, OH 45253 Phone: 513 385-0222 <i>Provides marriage encounter program for husbands and wives when one or both are incarcerated.</i>

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.

...

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

ⁱ *Prisoners in 1999*, Bureau of Justice Statistics Bulletin, August 2000 NCJ 183476

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

ⁱⁱⁱ Letter from the Attorney General's Office, Aaron Bryant, Constituent Liaison, November 28, 2000

^{iv} Fax from Terry Collins, Ohio Department of Rehab and Correction to Amnesty International, February 15, 2001

^v US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence", National Institute of Corrections, Colorado, May 2000

^{vi} National Institute of Corrections, Prisons Division and Information Center, “Cross-sex Pat Search Practices: Findings From NIC Telephone Research”, Colorado, January 1999

^{vii} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Agency Response, and Prevention”, National Institute of Corrections, Colorado, November 1996

^{viii} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Remedies, and Incidence”, National Institute of Corrections, Colorado, May 2000

^{ix} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Agency Response, and Prevention”, National Institute of Corrections, Colorado, November 1996

^x US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Remedies, and Incidence”, National Institute of Corrections, Colorado, May 2000

^{xi} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Agency Response, and Prevention”, National Institute of Corrections, Colorado, November 1996

^{xii} US Department of Justice National Institute of Corrections Information Center, “Sexual Misconduct in Prisons: Law, Remedies, and Incidence”, National Institute of Corrections, Colorado, May 2000

^{xiii} Memorandum from the Ohio Department of Rehabilitation and Correction, FPRC Warden Andrews. All Policy Documents requested were denied for security reasons.

^{xiv} Letter from Ohio Department of Rehabilitation and Corrections, Assistant Chief Council T. Austin Stout, 12/6/00

^{xv} Fax from Terry Collins, Ohio Department of Rehab and Correction to Amnesty International, February 15, 2001

^{xvi} Fax from Terry Collins, Ohio Department of Rehab and Correction to Amnesty International, February 15, 2001

^{xvii} General Accounting Office, “Managing Female Inmate Populations”, GAO/GGD-00-22, 2000

^{xviii} Letter from Ohio Department of Rehabilitation and Corrections, Assistant Chief Council T. Austin Stout, 12/6/00