

- Coming to work early/staying late to visit with an offender
- Standing too close to an offender
- Taking up an offender's cause or grievance
- Getting into conflicts with co-workers over an offender
- Bringing things into the facility for the offender
- Doing favors for an offender's family
- Feeling the effects of major life changes (divorce, etc)
- Believing an offender is indispensable

Your personal and professional reputation may be jeopardized because of unprofessional conduct. Your career and even your family can also be negatively impacted or destroyed.

Some Other Things to Consider

Once in a relationship, professional judgment becomes clouded and the normal defenses that exist to protect you will be compromised. When acting on emotions, you may take actions that would otherwise be considered inappropriate in a correctional environment (either in custody or in the community).

Amorous or sexual relationships are inappropriate and illegal when they occur between an offender and any staff member, contractor, vendor or volunteer. Offenders depend upon staff to provide for their board and care, ensure their safety, address their health care needs, and act as role models for socially-acceptable conduct.

Your conduct and the decisions you make reflect not only on your own reputation, but also on that of your peers and the agency you represent.

How to Maintain Appropriate Boundaries:

Most staff/offender sexual misconduct occurs only after seemingly innocent professional boundaries have been crossed. The following behaviors will assist you in maintaining appropriate boundaries:

- Maintain professional distance
- Focus behavior on duties and assignments
- Do not become overly close with any particular offenders
- Do not share your own or other staff person's personal information with or around offenders
- When speaking to offenders about other staff refer to the staff by their title or as Ms. Or Mr.
- When speaking to offenders refer to them as Ms. Or Mr. and their last name
- Do not accept gifts or favors from offenders
- Be knowledgeable of Department policy and procedure, rules of conduct and laws regarding sexual misconduct and sexual harassment.

A Duty to Report

You must report any inappropriate staff/offender behavior immediately. The presence of illegal and unethical behavior by staff compromises the security and safety of the agency. If you fail to report such behavior, you will be held accountable and sanctioned through dismissal. All efforts will be made to ensure the confidentiality of the reporting person.

You must file an incident report to the appointing authority (per policy) if you see or know of any sexual misconduct with an offender, you may contact the Jail Administrator at (573) 635-7070 ext. 4242 or the Crime Stoppers Hotline at (573) 659-TIPS (8477).



**COLE COUNTY
SHERIFF'S
DEPARTMENT**

A Guide to the Prevention and Reporting of Sexual Misconduct with Offenders

Key Things to Remember

- **Zero Tolerance for Sexual Misconduct with Offenders**
- **Maintain Professional Relationship with Offenders at All Times**
- **Know and Follow all Jail Rules**
- **It's Your Responsibility to Report Any Violations of Sexual Misconduct with Offenders**

Staff Sexual Misconduct

Cole County Sheriff's Department (CCSD) policy specifically forbids any activity associated with or that promotes acts of sexual conduct, including sexual harassment between offenders and CCSD staff. In this definition, "staff" includes: contractors, vendors, volunteers, staff from other federal, state or local jurisdictions and any person who has contact with offenders of the CCSD. An "offender" means someone incarcerated in a correctional facility or under supervision in the community.

CCSD policy contains detailed descriptions of what constitutes sexual misconduct and staff misconduct of a sexual nature. Forms of sexual misconduct include, but are not limited to:

1. Any behavior of a sexual nature directed toward an offender by Department staff, contract staff, or volunteer.
2. Inappropriate touching between offenders and staff.
3. All completed, attempted, threatened, or requested sexual acts between Department staff and the offender.
4. Sexual comments and conversations with sexually suggestive innuendos or double meanings.
5. Display or transmittal of sexually suggestive posters, objects, or messages.

Depending on the investigation findings of an alleged incident, the outcome may result in the loss of your job/assignment and the possibility of criminal charges. In addition, persons accused of sexual harassment in civil or criminal proceedings may be held personally liable for damages to the person harassed.

An Abuse of Power

Due to the imbalance of power between offenders and staff in correctional settings, sexual interactions between staff (who have power) and offenders (who lack power) are unprofessional, unethical and illegal.

Some offenders who lack power may become sexually involved with staff in an effort to equalize the imbalance of power. Occasionally an offender may try to use sex to improve his/her standing or circumstances (e.g., avoid disciplinary action, affect release plan, gain privileges, etc.).

As a CCDC employee, contractor, vendor, volunteer or any person who has contact with an offender, your designated assignments place you in a position of authority over the offenders with whom you interact in a professional capacity. It is not possible to have a relationship as equals because you have a responsibility to maintain custody, evaluate actions, and/or provide input to issues that affect release dates, return to prison, or other sanctions.

Because of the imbalance of power between offenders and staff, vendors, contractors and volunteers, there can never be a consensual relationship between staff and offenders. In fact, the law states "consent" is not a defense to prosecution. Here are some factors to consider.

History of Victimization

Some staff don't think of offenders as 'victims' of staff sexual misconduct, especially when the offender appears to be a willing participant or even initiated the sexual or 'romantic' interactions with a staff member. The offender is always the victim because of the imbalance of power. The consent or willingness of an offender to participate may be a survival strategy or a learned response to previous or current victimization.

Many offenders have a history of victimization (physical and/or sexual abuse), which may make them especially vulnerable to the sexual overtures of person in positions of authority. Their perception of affection/love may be skewed by this background of abuse, making it impossible for them to refuse advances of a staff member. In some instances, particularly for female offenders, their survival in the community has been directly related to using their sexuality to obtain the means to survive. Coupled with low self-esteem, this carries over into their conduct while incarcerated and under community supervision.

As the person in authority, it is your responsibility to discourage, refuse and report any overtures as well as maintain professional boundaries **at all times**.

Boundaries in relationships can be difficult. If you question your professional boundaries with an offender or feel uncomfortable with his/her actions or advances toward you, talk to another person you respect and/or bring this matter to the attention of a CCSD supervisor before it gets out of control.

Red Flags:

The following are behaviors or 'red flags' that may signal you or someone you work with is in danger of engaging in sexual misconduct with an offender:

- Spending a lot of time with a particular offender
- Change in appearance of an offender or employee
- Deviating from agency policy for the benefit of a particular offender
- Sharing personal information with an offender
- "Horseplay" or "Flirting" with an offender
- Overlooking infractions of a particular offender
- Doing favors for an offender
- Consistently volunteering for a particular assignment or shift