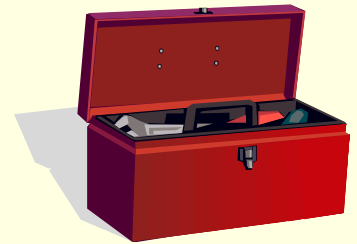


Adding to the Tool Box - Part 3



An Administrator's guide to a Sexualized
Work Place and Staff Misconduct

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Discussion Topics

- Staff Misconduct
 - Whose issue is it?
 - What is a sexualized environment?
- Tools
 - Policies
 - Training / Red Flags
- Effects of staff misconduct
- Reporting methods

Misconduct is an Employee and an Employer issue

- For Any Involved Staff Who Either:
 - Participates in sexual misconduct or sexual harassment with a prisoner, or
 - Turns a blind eye towards any prisoner sexual assault or victimization (Failure to Report).
- For the Head of Any Institution or Department:
 - Turns a blind eye towards any reported or suspected sexual assault or victimization whether inmate to inmate or staff to inmate (again, Failure to Report).

Consequences could be...

end of career

civil and/or criminal liability

registering as a sex offender

shame and embarrassment for you AND your agency



What is a Sexualized Environment?

[Any] environment in which the behaviors, dress, communications, and speech of **either** staff or inmates create a *sexually charged* [environment].

(US Bureau of Prisons)

Can be subtle or overt but look for...

- ✓ sexual overtones, explicit talk or innuendo
- ✓ sexual activity of any kind
- ✓ inappropriate emails
- ✓ posted cartoons, jokes or posters
- ✓ unprofessional dress

All of these can create a sexualized environment



What is a Sexualized Environment?

A sexualized environment can be defined as an environment where:

- (i) sex is a frequent topic of conversation
- (ii) men and women are allowed to flirt (staff with staff or inmates with staff)
- (iii) staff discusses rumors about personal lives

Such an environment erodes professional boundaries between staff members, and consequently between staff and inmates, opening the door for staff misconduct.



We Know that...

Sexual misconduct is about more than sex.

- ✓ Sexual misconduct is a wide range of inappropriate behaviors associated more with the exercise of “power” than to the sex act.
- ✓ In correctional settings, inmates are not capable of “consenting” to have sex with staff, just as those individuals with limited mental capacity and juveniles are deemed unable to consent.

Does it happen here?

As provided by IDOC (based on IDOC inmate population)

Calendar year 2004

- 19 reported cases - 12 substantiated, 7 unfounded, unsubstantiated or unresolved
- Additional 14 cases of staff sexual harassment, 11 substantiated.

Calendar year 2005

- 10 reported cases - 5 substantiated, 5 unfounded, unsubstantiated or unresolved
- Additional 10 cases of staff sexual harassment, 6 substantiated

Calendar year 2006

- 15 reported cases - 10 substantiated

What tools can we use?

- Develop zero tolerance policies for
 - inmate to inmate
 - inmate to staff
 - staff to inmate
- Conduct consistent staff training (§12.03 IJS requires 1 hour per 12 month period)
- Conduct investigator training sessions which emphasize victim interviewing techniques
- Powers of Observation
- Do not tolerate Code of Silence

Tool #1

Create policies that are...

Descriptive in nature containing affirmative statements about why the policy exists:

"Rape and sexual activity seriously reduces the mission of the Sheriff Office's to prevent crime and provide quality criminal justice service. In accordance with the Prison Rape Elimination Act of 2003, the Ada County Jail has established a zero tolerance standard regarding the incidence of rape and sexual activity. With this policy the Ada County Sheriff's Office is establishing practices that will attempt to abate any incidence of rape or sexual activity."... "Rape and sexual activity seriously reduces the Sheriff's Office's ability to fulfill its mission to protect the public." (ACJ SOP 2006)

“...Rape and sexual activity seriously reduces the mission of the Sheriff Office’s to prevent crime and provide quality criminal justice service. In accordance with the Prison Rape Elimination Act of 2003, the Bonneville County Jail has established a zero tolerance standard regarding the incidence of rape and sexual activity. ...[T]he Bonneville County Sheriff’s Office is establishing practices that will attempt to prevent and or investigate any incidence of rape or sexual activity within the Jail facility. Rape and sexual activity within the Jail seriously reduces the Sheriff’s Office Detention staff’s ability to fulfill its mission to protect inmates. (BCSO Jail SOP)

Tool #1

Create policies that ...

Appropriately delineate responsibility & accountability

- INMATE EDUCATION
 - Using the Sexual Assault Awareness pamphlet and posters in housing areas inmates will be made aware of the means to safely report rape, and sexual activity.
- STAFF EDUCATION
 - Training will include means to prevent, detect, and report rape and sexual activity.
- DETECTION AND PREVENTION
 - All staff members are responsible for the detection, prevention, and reporting of rape and sexual activity.
- CONFIDENTIALITY
 - The sharing of information regarding a sexual assault and sexual activity should be limited to those who need to know for decision-making, investigation, and prosecution. Staff members shall refrain from talking openly about such issues and shall immediately address inappropriate comments such as taunting or teasing.

(ACJ SOP dated 2006)

INMATE EDUCATION - Inmates will be made aware of means to safely report rape, and sexual activity through the following materials:

- Posters
- Tri-fold pamphlets
- NIC video
- Inclusion in existing handbook
- During orientation process
- Utilize inmate legal counsel
- During medication distribution

STAFF EDUCATION - Training will teach staff how to try to prevent, detect, and report rape and sexual activity related to this policy.

- Training on new policy and procedure
- Training during new employee orientation and/or during FTO process
- Training on recognizing possible cases of victimization
- Training on revised classification procedures
- Incorporation of PREA into regional ICRMP training

Tool #2

Learn about / train on the danger signs

■ **Staff Misconduct Red Flags**

- Marital or relational difficulties
- Change in personal appearance
- Changes in support systems
- Over-identifying with a particular inmate
- Interaction with sexual overtones among particular staff & inmates
- Isolation from other staff
- Use of a particular staff member's first name by inmates
- Inmates knowing personal information about a particular staff member
- In the jail during "off hours" without valid reason
- Intercepting inmate disciplinary infractions or editing infractions



Tool #2 cont.

Know the inmate warning signs that staff misconduct may be occurring...

- Inmate manipulates other staff to interact with a particular staff member
- Inmate strives to make non-routine requests of a particular staff member (favors)
- Inmate knows and shares personal knowledge of a staff member's private life
- Inmate and staff 'disappear' for extended time periods

Effect of Staff Sexual Misconduct

- Violates the law – offender will go to jail, perhaps for a term “not to exceed life”
- Jeopardizes facility security
- Victimizes the already vulnerable
- Creates stress & trauma for those involved as well as other staff and inmates
- Creates a hostile work environment
- Creates mistrust within and among staff members
- Divides staff member loyalties and erodes team camaraderie
- Compromises professional integrity
- Careers are lost
- Potential for very expensive liability
- Undermines public support

Reporting Methods for Staff

If a staff member becomes aware of or suspects a situation where an inmate has been (or could be being) victimized either by another inmate **OR** by a staff member, they have an affirmative obligation to take action. **Failing to do so may be construed as deliberate indifference.**

- Best done through prompt and private conversations with someone in a position to assist and take immediate action:
 - Immediate Supervisor
 - Medical Staff
 - Jail Management

Final thoughts...

These situations are sensitive so treat them accordingly:

- Address issues promptly and maintain confidences where appropriate
 - Do not openly discuss with uninvolved staff members or inmates
 - Be mindful of rumors
 - Do not discuss with family / friends
- Be tactful in addressing the issue
- Take care of the needs of the alleged victim (medical, housing, counseling etc)

Final thoughts...

Strive to provide adequate training so you and your agency can

- Ensure the safety, dignity and well being of staff and inmates
- Save careers
- Avoid the financial burden of being sued
- Avoid facing a criminal sentence of “not to exceed life”

Resources

- Other Jails!
- Debbie Weedon – IDOC PREA Program Coordinator. 208/658-2102
dweedon@idoc.idaho.gov
- NIC PREA library – Articles, CD's, pamphlets and books for both inmate and staff training.
<http://www.nicic.org/?q=PREA&site=Library&theme=Library>