


Slide 1

**Preventing and Addressing  
Staff Sexual Misconduct  
in  
Community Corrections**



Center for Innovative Public Policies  
funded through a Cooperative Agreement from the National Institute of Corrections

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Slide 2

**Objectives**



- Define sexual misconduct;
- Appreciate impact on the profession;
- Identify and debunk myths;
- Discuss role of internal agency culture;
- Overview legal issues;
- Identify prevention strategies; and
- Find resources.

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Slide 3

**Definition**



Staff Sexual Misconduct:  
Any behavior or act of a sexual nature directed toward:

- a person under the care, custody, or supervision of the department
- any collateral contact of the above, including but not limited to: family members, employers, friends, and other close associates who have official contact with the department/agency on behalf of the person under the care, custody or supervision of the department/agency;

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Slide 4

**Definition, continued**

- Victim or victims' family members;
- or other person with whom the following has official contact as a result of their duties and responsibilities on the job.

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Slide 5

**Definition, continued**

by a department/agency

- employee;
- volunteer;
- visitor;
- contractor or service provider;
- intern;
- treatment provider;
- or other agency representative working in an official capacity.

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Slide 6

**Definition, Continued**

Sexual misconduct includes but is not limited to acts or attempts to commit acts of:

- sexual assault;
- sexual abuse;
- sexual harassment;
- sexual contact of the genitals, breasts or other intimate part of the body;
- conduct of a sexual nature by implication;

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Slide 7

**Definition, continued**

- obscenity or unreasonable invasion of privacy;
- conversations or correspondence which suggests a romantic or sexual relationship between parties in the groups referenced above.

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Slide 8

**Definitions, continued:**

- Violation of privacy rights of offenders
- Unauthorized behavior
- Personal gain
- Employee
- Offender/client
- Volunteers

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Slide 9

**Definitions, continued:**

- Contractors, vendors
- Collateral contacts
- Zero tolerance

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Slide 10

**The Numbers:** 

- All but three states have criminalized staff sexual misconduct by statute in corrections facilities.
- 25 states have enacted legislation criminalizing staff sexual misconduct in community corrections.
- Survey indicates little difference between number of incidents involving male or female offenders, and male or female staff.

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Slide 11

**Myths** 

- No reports = no problem
- Offenders "consent" to involvement
- Staff know their professional boundaries
- Cross gender supervision causes misconduct
- Employees will tell us when they suspect misconduct
- Raising awareness only invites problems

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Slide 12

**Myths, continued** 

- Orienting offenders invites malicious and false allegations
- Rookie officers are the problem
- Investigations only lead to he said/she said
- Prosecutors won't take cases, so why bother to investigate

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Slide 13

**Risks to Agency, Employees and Public Safety**

- Jeopardizes integrity and credibility
- Increases stress and trauma
- Undermines public and legislative support
- Creates liability
- Contributes to a hostile work environment
- Compromises professionals
- Victimizes already vulnerable
- Violates the law
- Diminishes legislative support
- Creates mistrust among employees



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Slide 14

**Role of Leadership**



- Establish policy and procedure
- Preserve competent and efficient operations
- Support agency goals through action
- Assure operations support agency mission
- Take immediate and appropriate actions
- Initiate change where needed

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Slide 15

**Defining Agency Culture**

- What is culture?
  - Is it good? Or bad?
  - Where did culture come from?
- Why is culture important to the issue of staff sexual misconduct?
- What makes-up agency culture?

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Slide 16

**Components of Culture**

- Hiring
- Promotions
- Operations
- Managers
- Professionalism
- Communication
- Leadership
- Quality of work life

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Slide 17

**Sexualized Work Environment**

- What is it?
- How do you recognize it?
- Why is it important?
- What can you do?

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Slide 18

**Changing Agency Culture**

- Establish a clear mission and vision
- Define values
- Involve stakeholders and employees
- Develop a practical code of conduct
- Demonstrate leadership and ethics
- Expect the best
- Develop policies and procedures

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Slide 19

**Faces of Community Corrections** 

- Types of supervision;
- Organizational structure;
- Identifying who is under supervision;
- Working within the community;
- Ambiguous role of officer;
- Managing personal information about offenders

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Slide 20

**Professional and Personal Boundaries**

- Defining professional boundaries
- Discretion and autonomy
- Managing personal associations with offenders
- Conflict of effective intervention
- On-duty and off-duty behavior



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Slide 21

**Professional and Personal Boundaries, continued**

- Freedom of association
- Collateral contacts
- The imbalance of power
- The issue of consent

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Slide 22

### Professional and Personal Boundaries, continued

- Staff must understand their duties, responsibilities and agency expectations.
- Staff do not automatically know what their boundaries are and how to maintain them.
- Training provides ongoing dialogue and reinforcement about boundaries.
- Training must be open, interactive and allow staff to explore their responses to real on-the-job scenarios.

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Slide 23

### Discretion and Autonomy

- What actions do supervisors and agency leadership take to assure that staff are able to handle the decisions facing them in the field?
- Do supervisors recognize when an employee's action raise "red flags" indicating potential involvement in over-familiar or inappropriate relationships with offenders?

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Slide 24

### Managing Personal Associations with Offenders

- Potential conflicts with their professional responsibilities;
- Employees need clear policy on how to handle these situations – when, how, and to whom staff must notify supervisor;
- Agency needs procedures for oversight of these situations.

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Slide 25

**Conflict of Effective Interventions**

- Trend to more clinical approach to supervision;
- Blending of roles as “helpers” & “enforcers”;
- More difficult to maintain boundaries when working as “helper”, gaining personal knowledge with offender;
- Agency should provide a forum for staff to discuss and deal with these conflicting roles.

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Slide 26

**Collateral Contacts**

- Same potential danger for blurring of boundaries when dealing with offenders’ families, friends, employers, treatment providers, etc.
- Agency needs to provide guidance and direction concerning collateral contacts and what are acceptable and unacceptable interactions.

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Slide 27

**On-duty and Off-duty behavior**

- Human nature is not generally dichotomous – what we do off the job is what we will do on the job.
- Staff and offenders share the same community.
- Staff live in that community and are observed by everyone – they are a direct reflection of the agency and its ethics.
- Agency guidelines related to mission of organization

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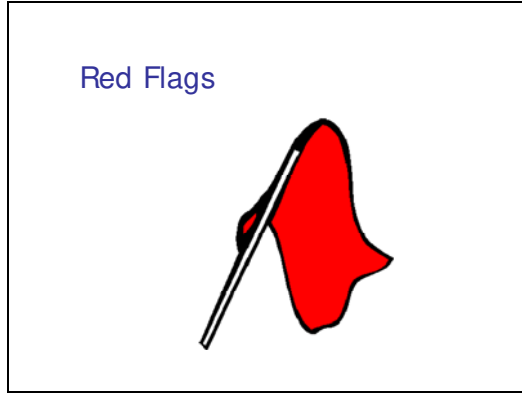
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Slide 28



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Slide 29



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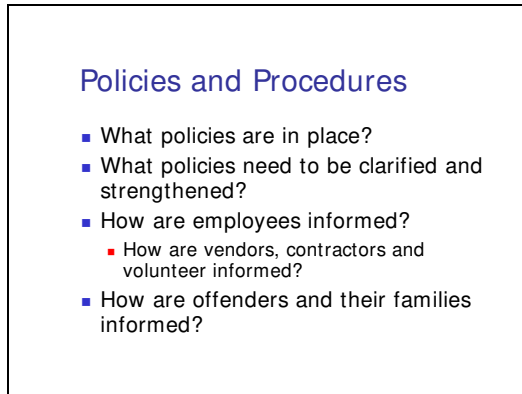
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Slide 30



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Slide 31

**Issues:**  
[See Policy Development Guide]

- Scope of policy
- Contract management
- Employee/management relations
  - Awards/commendation
  - Employee grievance process
  - Employee discipline
  - Employee performance appraisal

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Slide 32

**The Issues: Continued**

- Employee recruiting and screening
- Employee rules of conduct
- Training
- Case reviews and case assignment
- Case file confidentiality
- Responsibilities of supervisors
- Dress codes – employees/offenders

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Slide 33

**Strategies to Establish Zero Tolerance**

- Establishing zero tolerance
- Offender orientation to agency policy
- Employee mandatory reporting
- Protection against retaliation
- False allegations
- Contract management
- Licensing and professional standards

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Slide 34

Triage Your State's Law



The icon shows a stylized figure of a person wearing a white lab coat and a stethoscope, sitting at a desk with a computer monitor and keyboard. The figure is positioned behind the desk, looking towards the viewer.

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Slide 35

State Law

- Elements of a good law:
  - Must exist
  - Addresses the range of possible offenses
  - Covers all settings
  - Covers all those who have contact with and/or supervise offenders
  - Delineates penalties
  - Sex offender registry for violators?

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Slide 36

Triage Your State's Law

- Are any recent allegations addressed in your state law?
- Who is covered? Who is not covered?
- Penalties? Misdemeanor, felony?
- What behaviors?
- Other relevant statutes?

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Slide 37

**Impact of Litigation**



- Avoid:
  - Policy making by the judicial branch
  - Detrimental public attention
  - Diminished legislative and public support
  - Negative impact on employees and on retention and recruitment
  - Financial damages
  - Diversion of focus from mission

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Slide 38

**Lessons Learned**

- Sex between staff/offenders violation of 8<sup>th</sup> amendment
- Offenders cannot consent
- Unresolved history of problems in the agency is a detriment
- Agency must act on allegations
- Patterns must be examined

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Slide 39

**Lessons learned, continued:**

- Reports must get through to someone who will act
- Staff required to report
- Protection against retaliation (staff and offenders)
- Investigations credible – few “inconclusive” outcomes

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Slide 40

**Lessons Learned, continued**

- Train staff, offenders, contractors, vendors
- Clear policies and procedures
- Definitions clearly established
- Practice matches policy
- Clear and enforced criminal law

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Slide 41

**Conclusion – Legal Issues**

- Know your state statutes
- Cover in policy what isn't covered in statute
- Know your potential professional and personal liability
- Learn from this mistakes of your peers in institutional corrections

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Slide 42

**Prevention Strategies**

- Be pro-active
- Triage organizational practices
- Review/update code of ethics
- Know the law
- Create effective policies and procedures
- Define unacceptable and acceptable behaviors



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Slide 43



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Slide 44

- Resources
- National Institute of Corrections
    - [www.nicic.org](http://www.nicic.org)
  - APPA Conference 7/25
  - Policy Development Guide
  - Red flags
  - The Dirty Dozen
  - Curriculum

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