

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



FOR CONTRACTORS,
VENDORS AND VOLUNTEERS
FOR THE WALLA WALLA
COUNTY CORRECTIONS
DEPARTMENT
509-524-5430

- Coming to work early/staying late
- Flirting with a resident
- Standing too close to a resident
- Taking up a resident's cause or grievance
- Changing duty assignments of a particular resident
- Getting into conflicts with co-workers over a resident
- Bringing things into the facility for the resident
- Doing favors for a resident's family
- Feeling the effects of major life changes (divorce, etc.)
- Believing a resident 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

Amorous or sexual relationships with a resident are seldom a secret. Such behavior will subject you to disrespect and manipulation from other residents that may be aware of your situation.

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 a resident and any staff member, contractor, vendor or volunteer. Residents depend upon staff to provide for their care, ensure their safety, address their health care needs, supervise their interactions and conduct, 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. This facility is a "zero tolerance" facility; all allegations of sexual harassment, sexual misconduct, and sexual abuse will be thoroughly investigated.

How to Maintain Appropriate Boundaries:

Most staff/resident 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 Residents
- Do not share your own or other staff person's personal information with or around residents
- When speaking to residents about other staff refer to the staff by their title or as Ms. or Mr.
- Do not accept gifts or favors from residents
- Be knowledgeable of County and facility policy and procedure, rules of conduct and laws regarding sexual misconduct and sexual harassment.

A Duty to Report

Staff must report any inappropriate staff/resident behavior immediately. The presence of illegal and unethical behavior by staff compromises the security and safety of the facility. Staff that fail to report such behavior will be held accountable and sanctioned through dismissal. All efforts will be made to ensure the confidentiality of the reporting staff member.

You must file a report to the appropriate personnel (per policy) if you see or know of any staff, contract staff, vendor or volunteer sexually involved with or sexually harassing a resident.

If you have general questions, call 509-524-5430.

Staff Sexual Misconduct

The Walla Walla County Corrections Department (WWCD) Prison Rape Elimination Act Policy (Policy 606) specifically forbids any activity associated with or that promotes acts of sexual conduct, including sexual harassment between residents and staff. This facility is a “zero tolerance” facility. In this definition, "staff" includes: contractors, vendors and volunteers of the facility.

A "resident" means someone who is being housed at WWCCD and are under staff supervision.

WWCCD Policy 606 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 a resident by facility staff, contract staff, or volunteer.
2. Inappropriate touching between residents and staff.
3. All completed, attempted, threatened, or requested sexual acts between facility staff and a resident.
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 residents and staff in correctional settings, sexual interactions between staff (who have power) and residents (who lack power) are unprofessional, unethical and illegal.

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

As a WWCCD contractor, vendor or volunteer, your designated assignments place you in a position of authority over the residents 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 work performance, and/or provide input to issues that affect release dates, return to prison, or other sanctions.

Because of the imbalance of power between residents and staff, vendors, contractors and volunteers, there can never be a consensual relationship between staff and residents. 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 residents as 'victims' of staff sexual misconduct, especially when the resident appears to be a willing participant or even initiated the sexual or 'romantic' interactions with a staff member. The resident is always the victim because of the imbalance of power. The consent or willingness of a resident to participate may be a survival strategy or a learned response to previous or current victimization.

Many residents have a history of victimization (physical and/or sexual abuse), which may make them especially vulnerable to the sexual overtures of persons 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 in a correctional setting.

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**. This facility is a “zero tolerance” facility.

Boundaries in relationships can be difficult. If you question your professional boundaries with a resident or feel uncomfortable with his/her actions or advances toward you, bring this matter to the Supervisor On-Duty immediately 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 a resident:

- Spending a lot of time with a particular resident
- Change in appearance of a resident or staff member
- Deviating from facility policy for the benefit of a particular resident
- Sharing personal information with a resident
- Horseplay
- Overlooking infractions of a particular resident
- Doing favors for a resident
- Consistently volunteering for a particular assignment or shift