

What can I do to avoid inappropriate staff/offender relationships?

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 Departmental policy and procedure, rules of conduct and laws regarding sexual misconduct and sexual harassment

Other Things to Consider

- Sexual relationships with an offender are seldom a secret. Such behavior will subject you to disrespect and manipulation from other offenders 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).
- 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.
- You will face loss of employment and possibly a felony conviction and imprisonment.

A Duty to Report

Staff 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. 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 an incident report to the appointing authority (per policy).

Resources for Staff:

Statewide PREA Coordinator
300 Patrol Road,
Forsyth, GA 31029

Ombudsman
P.O. Box 1529
Forsyth, GA 31029
(478) 992-5358

Director of Victims Services
2 MLK Jr. Dr., SE Suite 458 East Tower
Atlanta, GA 30334

ALL EMPLOYEES HAVE A DUTY TO
REPORT IMMEDIATELY ANY FINDINGS IN
WHICH INMATES ARE HAVING SEXUAL
RELATIONSHIPS WITH OTHER
INMATES OR STAFF!

GDC's nationwide EAP Partner:*

EAP CONSULTANTS, INC.

www.eapconsultants.com

GDC Employee Support Services
(478) 992-5160



Georgia
Department
of Corrections

Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders



Dedicated to Increasing Public Safety Through the
Elimination of Prison Sexual Misconduct

Confidential Reporting Hotline
888-992-7849

Staff Sexual Misconduct

The Georgia Department of Corrections recognizes that the vast majority of its employees do not engage in sexual misconduct with offenders and do not support staff members who do. Staff sexual misconduct tarnishes our reputation and jeopardizes the safety and security of our facilities and supervision capabilities.

The Department maintains a zero tolerance policy with regard to staff sexual misconduct and inappropriate staff/offender relationships. The policy also applies to contract staff, vendors and volunteers.

The information contained in this brochure is designed to help staff understand and avoid inappropriate staff/offender behavior and to know what to do should it occur.

All allegations of staff sexual misconduct will be investigated and will be referred to local law enforcement when appropriate.

What is sexual misconduct?

GDC SOP 208.06, O.C.G.A. 16-6-5.1 and 28 CFR 115 all contain 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 volunteers.
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.

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., better job, avoid disciplinary action, affect a release plan, gain privileges, etc.).

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.

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 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 in prison and while under community supervision.

Employees who engage in sexual abuse or harrassment with an offender will be subject to prosecution and/or termination. A person convicted of sexual assault shall be punished by imprisonment for not less than one nor more than 25 years or by a fine not to exceed \$100,000, or both.

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 GDC employee 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 staff member
- Deviating from agency policy for the benefit of a particular offender
- Sharing personal information with an offender
- Horseplay
- Overlooking infractions of a particular offender
- Doing favors for an offender
- Consistently volunteering for a particular assignment or shift
- Coming to work early/staying at work late
- Flirting with an offender
- Standing too close to an offender
- Taking up an offender's cause or grievance
- Changing duty assignments of a particular offender
- 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

If you see yourself or others in this list, you should discuss it with your supervisor.

The department will not tolerate retaliation toward anyone who makes a sexual abuse allegation in good faith or who participates in an investigation and will punish anyone found to be participating in this behavior or act.