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|  | LANE COUNTY SHERIFF'S OFFICE POLICY | Number: G.O. 4.07 |
| | | Issue Date: March 21, 2005 |
| | | Revision Date: November 2, 2005; February 11, 2008 |
| CHAPTER: Employee Conduct | | Related Policy: G.O. 3.13 (Internal Investigation), G.O. 4.02 (Code of Conduct), G.O. 4.06 (Job-Related Harassment) |
| SUBJECT: Sexual Misconduct with Suspects, Inmates, or Other Persons | | Related Laws: ORS 162.405 (Official Misconduct in the Second Degree); ORS 162.415 (Official Misconduct in the First Degree); ORS 163.305 (Definitions); ORS 163.452 (Custodial Sexual Misconduct in the First Degree); ORS 163.454 (Custodial Sexual Misconduct in the Second Degree) |

POLICY: Any form of sexual contact between members of the Sheriff's Office, volunteers, visitors, contract employees, or other agency representatives and a suspect, inmate, or other persons contacted by Sheriff's Office members in the course of Sheriff's Office official business is strictly prohibited. This policy also applies to persons participating in an inmate or offender work crew or work release program or on probation, parole, post-prison supervision or supervised release. Custodial sexual misconduct in the first degree is a Class C felony. For purposes of this policy, the Sheriff's Office standard is zero tolerance.

This policy is intended to address sexual misconduct with suspects, inmates, or other persons contacted by Sheriff's Office members in the course of official business. In addressing this, the Sheriff's Office recognizes the need and accepts the responsibility to maintain a professional environment that is free of any form of sexual misconduct with suspects, inmates, or other persons.

RULE(s)

1. Sexual contact in any form between members of the Sheriff's Office and suspects, inmates, or other person contacted in the course of Sheriff's Office official business is illegal, unacceptable conduct and is prohibited.
2. Even if an inmate consents, initiates, or pursues a sexual act or sexual contact, it is prohibited and can be illegal. In custodial settings, inmates are not capable of consenting to sex with staff, just as those individuals with diminished mental capacity and juveniles are deemed unable to consent.
3. All reports of sexual misconduct will be investigated in a timely manner and, if warranted, appropriate disciplinary action will be taken.

4. No employee, suspect, inmate, or other person will be harassed, intimidated, discharged, or otherwise interfered with because they have reported an incident of sexual misconduct. Retaliation of any type will be grounds for disciplinary action, up to and including termination.
5. Conversion of any on-duty contact with inmates or suspects into an off-duty relationship is prohibited.
6. Every reasonable effort shall be made to maintain confidentiality of persons involved.
7. Any Sheriff's Office employee involved in sexual misconduct with an inmate is subject to disciplinary action, up to and including termination, and possible criminal prosecution for official misconduct and other offenses. This policy applies to volunteers, contractors, and visitors.

PROCEDURE:

I. Reporting Sexual Misconduct

- A. Sheriff's Office members are required to report all allegations and complaints or observations of sexual misconduct to their immediate supervisor.
- B. The following procedure shall be used when a sexual misconduct incident or allegation is reported to or observed by a Sheriff's Office member.
 1. The Sheriff's Office member will notify the on-duty supervisor immediately. If the offending party is in the Sheriff's Office member's chain of command, he/she should report the incident directly to division commander, chief deputy/administrative captain, or Sheriff.
 2. The Sheriff's Office member to whom the complaint was made, or who observed the incident, shall write a detailed report and submit it to their supervisor or as otherwise directed.
 3. The supervisor receiving a report of sexual misconduct shall immediately notify his/her chain of command.
 4. The supervisor will take any immediate action necessary to separate the parties involved. This may include relieving a Sheriff's Office member from duty.
 5. The supervisor will inform all parties to the complaint that retaliation against the complainant, witness, or others involved in the complaint or investigation is strictly prohibited, and can result in separate disciplinary action.

II. Training

- A. Sheriff's Office members will receive annual documented training concerning prohibited sexual misconduct with suspects, inmates, and other persons. New employees shall receive policy training as part of their new employee orientation. This training should be done jointly with sexual harassment training whenever possible.
- B. Training may be tailored to staff position and/or duties. It shall include:
 - 1. Policies and procedures concerning sexual harassment in the workplace and sexual misconduct with suspects, inmates, and other persons.
 - 2. Protecting privacy
 - 3. Prohibited and inappropriate behaviors
 - 4. Detection and preventing sexual misconduct
 - 5. Issues of consent
 - 6. Official misconduct offenses (ORS162.405, 162.415, 163.452 and 163.454.)
 - 7. Reporting requirements
 - 8. Responding to incidents of sexual misconduct
 - 9. Penalties
 - 10. Sexual misconduct case studies
- C. Volunteers, depending upon the need and assignment, may receive the same training.
- D. Procedures
 - 1. Other Agency Training

Staff will provide training for any other County staff, contractors, and agencies that have contract or communicate with, transport, or supervise suspects, inmates, or other persons. This includes facilities maintenance technicians, transport officers, and inmate work crew supervisors and Pre-trial Services staff and their contractors.

2. Contract Employee Training

Official or professional visitor guides, agreements, training, and orientation will include information about the zero tolerance policy concerning sexual misconduct with suspects, inmates, or other persons.

3. Inmate Orientation

During inmate orientation, jail staff members will inform inmates regarding the following:

- a. The right to be free from sexual misconduct from any staff member or other person while in custody;
- b. Rules about behaviors and prohibitions against sexual activity with staff, visitor, and other inmates;
- c. Rules about appropriate dress;
- d. Multiple reporting paths such as an inmate request form, grievance, or confidential letter to the jail commander or the sheriff;
- e. Disciplinary consequences for making a false complaint of sexual misconduct;
- f. The Inmate Manual will include guidance on sexual misconduct.

4. Intergovernmental Agreements with Other Agencies

All agreements with other agencies that supervise or come in contact with suspects, inmates, or other persons will include a statement concerning the zero-tolerance policy for any form of sexual misconduct. Intergovernmental agreements or memoranda of understanding will also include clear agency roles for the reporting of sexual misconduct. Sheriff's Office command personnel will provide associate agencies copies of this general order.

5. Contract Management

Individual contractors working within the jail will be required to sign "Specification Supplement for Work inside Detention Facilities- Contractor Working in Detention Facilities Work Rules". The attachment includes the termination of the contract for failure to follow the rules and procedures.

III Investigation

Investigations required by this general order will be conducted in accordance with G.O. 3.13 (Internal Investigations).

