

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Conduct		P&P-C-102
Sexual Misconduct		
Effective Date: 07-20-22 Supersedes: 03-07-18	Approval: Sheriff	Number of Pages: 3
References:	Reevaluation Date: Annually or as needed	Standards: CALEA LE 26.1.3, ACA 7E-01, PREA 115.11, 115.22, 115.51,115.67

I. POLICY

It is the policy of this office that its employees shall not engage in any conduct toward others that would be deemed sexual misconduct and/or harassment. The office has a zero-tolerance policy for sexual misconduct of any kind directed at inmates, either by staff or other inmates. <LE 26.1.3><115.11><115.67>

The following procedures have been established to discourage and prevent sexual misconduct by providing clear definitions of prohibited conduct and establishing uniform methods for the prompt reporting of any violations. <LE 26.1.3><7E-01>

II. DEFINITIONS

Inmate

An inmate is defined as someone who has been charged and/or convicted of a violation of law and is in the custody of the Douglas County Sheriff's Office Detention Facility or other correctional facility.

Arrestee

An arrestee is defined as someone who has been taken into custody by an employee (commissioned officer) for a violation of law. The arrestee is detained on either a warrant or probable cause arrest.

Employee

An employee is defined as someone who is a member of the Douglas County Sheriff's Office including all commissioned, non-commissioned, and volunteer personnel.

Sexual Misconduct

Sexual misconduct includes, but is not limited to, any unwarranted acts or attempts to commit acts that involve sexual contact, sexual abuse or assault, sexual harassment, or invasion of privacy or sexually implicit or explicit communication whether in:

- Written form: Such as cartoons, posters, calendars, notes, letters, e-mail, text messages, social media or other forms of electronic communication; or
- Verbal form: Such as comments, jokes, gestures, foul/obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated requests for dates.

Sexual Abuse or Assault

Sexual abuse includes, but is not limited to, sexual intercourse, oral and anal sodomy, and sex with instruments.

Sexual Contact / Intimacy

The intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thighs, or buttocks. It is considered sexual intimacy if employees engage in conversation or correspondence with inmates or arrestees that suggests a romantic or intimate relationship.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Invasion of Privacy

The act of observing, attempting to observe, or interfering in another person's intimate routine unrelated to the necessary performance of required job duties.

Retaliation

An act of vengeance, covert or overt action, or threat of action, taken against another employee, arrestee, and/or inmate for their filing, reporting, or cooperation during an investigation of a sexual misconduct. Examples of actions of retaliation are unnecessary discipline, intimidation, unnecessary changes in work or program assignments; unjustified transfers or placements, unjustified denials of privileges or services. <115.67>

Interference with Official Process

Any failure to report or cover-up of an incident of sexual misconduct, making an allegation or statement that the party or witness knows could not be true, or any other form of failure to cooperate with an investigation or inquiry.

III. DUTIES AND RESPONSIBILITIES

Employees of the Sheriff's Office are responsible for immediately reporting any known or suspected act or allegation of sexual misconduct or retaliation to their immediate supervisor (if involved in complaint/allegation, next higher-ranking supervisor) or the Internal Affairs Unit. <LE 26.1.3> <115.67> An employee's lack of knowledge of a sexual misconduct incident, depending on the circumstances (i.e. employee should have known), can be deemed a violation of this policy and appropriate disciplinary action taken against the employee. Failure of supervisors to act upon a complaint shall be deemed a violation of this policy. <115.51>

The Douglas County Sheriff's Office is responsible for investigating all allegations of misconduct brought to its attention involving its employees or person(s) that are contracted by the office. <LE 26.1.3> <115.22> An internal investigation is necessary to clear employees who are falsely accused as well as to discipline those who are guilty of misconduct. Discipline can include termination. <115.11> The Sheriff's Office is responsible

for referring all substantiated sexual misconduct, which violates any statute, to the appropriate office for criminal prosecution. <115.22>

IV. STRATEGIES TO REDUCE SEXUAL MISCONDUCT

The office utilizes multi-pronged responses to allegations of sexual misconduct and active strategies to prevent it, including:

- Technical monitoring;
- Proactive reporting;
- Random supervisory checks of all levels;
- Signage, video instruction, electronic instruction and written and verbal instruction for identification and reporting of sexual misconduct. <115.11>

V. SUPERVISORS

Supervisors will not have intimate relationships with direct report subordinates. Members who develop such a relationship will notify their division commander of such immediately. One or both members will be reassigned to ensure that no member of the Office falls under the supervision of a supervisor with whom they are involved in an intimate relationship. Failure to immediately report such a relationship will be grounds for discipline.

Supervisors who have any other intimate relationship with any member who works in any capacity in their chain of command will notify the Professional Standards Captain in writing of that relationship immediately. The Office may then transfer or reassign one or both members to ensure no member falls under the supervision of another member in their chain of command. Failure to immediately report such a relationship will be grounds for discipline.

Members receiving information about such relationships will keep the information confidential and will not discuss the information with any member except within the appropriate chain of command for the purpose of managing the risks associated with such relationships.

By Order of the Sheriff