

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Policy 126

Subject: Staff Sexual Misconduct Involving Offenders

Effective Date: 10/15/02 **Review and Re-Issue Date:**

Supersedes: New **APA Rule Number:**

Recommended for approval by: Richard Turner Director Correctional Services	Authorized By: John Gorczyk Commissioner
_____	_____
Signature Date	Signature Date

1. Authority:

28 VSA, Chapter 1, §1c; 28 VSA, Chapter 3, §101 (1) (3), 22 102c (1); 28VSA, Chapter 9, § 601 (1); DOC Work Rules dated April 7, 1997.

2. Purpose:

The purpose is to provide an understanding of what sexual misconduct is in order to ensure offenders are safe from any sexual misconduct caused by department employees, contractors and volunteers.

3. Applicability/Accessibility

This policy applies to all department employees, contractors and volunteers. Anyone may have access to this policy.

4. Policy:

One of the Department of Correction’s mandates is to “...foster their (offenders) human dignity and preserve the human resources of the community.” It is our belief that all relationships between employees, contractors, volunteers and offenders shall remain respectful and professional and shall not compromise the integrity of any individuals and/or the department. When professionalism is not maintained, the safety and security of individual sites may be jeopardized and individual judgements may be impaired.

The department will establish uniform procedures for preventing, reporting, investigating and prescribing sanctions for substantiated employee misconduct involving offenders to discourage and prevent sexual misconduct against any persons committed to the department.

It is the policy of the DOC that any sexual activity between correctional employees and offenders under DOC supervision is always considered coercive and never consensual because of the imbalance of power between the parties. Any exceptions to this policy are addressed in Directive 126.01, Personal Relationships with Offenders/Conflict of Interest. Employee sexual misconduct will not be tolerated. The Department of Corrections will make serious efforts to prevent employee sexual misconduct with offenders and will investigate all reports to ensure accountability for all those who are involved in sexual misconduct, who fail to report sexual misconduct and who provide false testimony in the investigation of any employee/personnel misconduct allegation.

Policy 126- Staff Sexual Misconduct Involving Offenders

Given the coercive nature of the staff-offender relationship, all allegations of sexual misconduct between staff and an offender will be referred to the proper police authority. Once a charge has been cleared by the States' Attorneys Office, the Department will aggressively investigate the allegation of sexual misconduct.

The sanctions for sexual misconduct involving offenders will normally be termination unless strong mitigation for the behavior is provided.

The department will develop directives that establish processes for the following:

- 4.1 Prevention of sexual misconduct to include training and staff support.
- 4.2 Reporting of sexual misconduct for staff, offenders, contractors and volunteers.
- 4.3 Investigating sexual misconduct allegations which includes evidence, interviewing, choosing investigators, medical/mental health assistance, retaliation, maintaining information, false allegations, confidential information, tracking, interim procedures during pending investigation.
- 4.4 Quality assurance review regarding incidents of sexual misconduct- post incident management reviews, sustained incidents, avoiding incidents, how to use information to enhance training, security, investigation.
- 4.5 Personal relationships with offenders/conflict of interest.

5. Training Method

The training method will be established in an associated directive.

6. Quality Assurance Processes

The quality assurance process will be established in an associated directive.

7. Financial Impact:

No immediate financial impact. There may be long term cost reductions based on decreased need for investigation and reduction of inmate lawsuits.

8. References

National Institute of Corrections.

9. Responsible Director and Draft Participants

Maureen Buell, Director/ Women and Family Services

Jackie Kotkin, Assistant Director/Correctional Services

Steve Lickwar, Director/Reparative services

Dick Turner, Director/Correctional Services