



Prince William County
Sexual Misconduct
And
Harassment

A Guide for Staff, Contractors
And
Volunteers

August 2013

**Sexual Misconduct and Harassment
Staff (Handbook)**

Ten Questions to Ask Yourself About Your Relationships With Residents

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Do you look forward to seeing a particular resident when you come to work? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you done anything with a resident you would not want your spouse or your supervisor to know about? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Would you be reluctant to have a co-worker observe your interactions or behavior with a resident? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do you talk about personal matters with residents? Do you believe you can ask a resident to do personal favors for you? Have you ever received personal advice from a resident? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you said anything to a resident you would not want overheard by co-workers or supervisors? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Do you have thoughts or fantasies of touching a particular resident? Does this extend to planning how you can be with the resident? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you think you have a right to touch a resident wherever and whenever you want to? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Do you have a feeling of not being able to wait to share good/bad news with a particular resident? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Do you think residents are not allowed to say no to you, no matter what you ask? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you allowed residents to talk about past sexual experiences or sexual fantasies when not an expectation of your job or tell sexual jokes in your presence? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered YES to one or more of these questions, you should discuss this issue with your supervisor before it's too late.

The Prince William County Juvenile Detention Center, in an effort to continually promote the professionalism of our staff, will pursue prosecution of any staff member who is involved in this type of activity. In other words, any physical contact with a resident of a sexual nature could result in prosecution. If you have any questions, do not hesitate to contact administration for clarification.

The Prince William County Juvenile Detention Center recognizes that its biggest asset is its employees. It is understood that the management of this Center is only as good as the employees who make up the organization.

Prince William County Juvenile Detention Center's mission is to protect the public, the employees, and the residents. To uphold the mission of the Center, as employees we must maintain the highest degree of professionalism.

The Prince William County Juvenile Detention Center believes that addressing inappropriate staff/resident relationships is essential to assuring the safety of staff and residents. Therefore, any manner of sexual misconduct, sexual harassment, over-familiarity, or retaliation will not be tolerated, condoned, nor ignored.

Prince William County Juvenile Detention Center employees do not engage in this kind of conduct and do not support staff members who do. We recognize that staff misconduct and failure to follow professional standards tarnishes our reputation, credibility, and jeopardizes the safety and security of the center. The Prince William County Juvenile Detention Center maintains a zero tolerance policy with regard to resident sexual misconduct and inappropriate staff/resident relationships. It is important that everyone, staff and residents, do their part to reduce the harm that results from this kind of behavior. This information has been developed to help staff understand what inappropriate staff/resident behavior is, how to avoid it, and what to do if it occurs. For the purpose of this brochure, the word "staff" and "employees" includes all Prince William County Juvenile Detention Center employees, contracted personnel, contract employers, volunteers, official visitors, and other agency representatives. In addition, "residents" includes youth in residential care.

What is sexual misconduct?

Sexual misconduct is when a person in a position of trust or authority engages in behavior of a sexual nature with a resident. It is a breach of the professional relationship that exists between a staff member and a resident. Sexual misconduct distinctly alters the boundary between professional roles and personal relationships. In addition, sexual misconduct with a resident is **ILLEGAL**.

Sexual misconduct is:

- any behavior or act of a sexual nature directed toward a resident by an employee and one or more of the following:
- intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify sexual desire; or
- indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification; or
- kissing

Due to the resident's custody or supervision status, can have as an affirmative defense, a claim of consent.

Sexual acts or sexual contacts between any staff person and a resident, even if the resident consents, initiates or pursues the contact, is always prohibited and always illegal.

If staff question professional boundaries with a resident or feel uncomfortable with a resident's actions or advances, staff should talk to a respected person or bring the matter to the attention of their supervisor, before it gets out of control.

Residents depend upon staff to provide for their board and care, ensure their safety, address their health care needs, supervise their work and conduct while in residential care and to act as role models for socially acceptable conduct.

State Statute and Policy

It is important to point out that resident abuse, which includes sexual contact with a resident, is a Felony.

No prohibited act of sexual misconduct with residents can have as an affirmative defense, a claim of consent.

- Consensual sexual intercourse with a resident is by its nature an assault.
- Sexual misconduct includes any sexual behavior that is directed towards a resident.

To fully understand the scope of this crime it is very important to note the definition of "Sexual Misconduct" which is: "any act or attempted act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act including the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person."

Some Other Things to Consider

As long as you have a responsibility to maintain custody, evaluate work performance, and/or provide input to issues that affect residents', it is not possible to have a relationship as equals.

Inappropriate relationships between residents and staff are rarely ever a secret. Inappropriate relationships can undermine professional careers by subjecting staff to disrespect and manipulation by other residents that may be aware of the situation.

Once in a relationship, professional judgment may become clouded and the normal defenses that exist to protect staff may be compromised. When acting on emotions, staff may make decisions which would otherwise be considered inappropriate in a residential environment, either in custody or in the community.

Others will be judging staff decisions for professionalism and trustworthiness. Staff's conduct and the decisions that are made will reflect not only on the staff's own reputations, but on that of their peers and the Center.

Because of the difference in power between residents and staff, there can never be a consensual or equal relationship between residents and staff.

Further, staff's personal and professional reputation may be jeopardized because of unprofessional conduct. Their effectiveness as a staff member of the Prince William County Juvenile Detention Center their careers and even their families can be negatively impacted or destroyed

What is sexual harassment?

Sexual harassment is any sexual or gender based behavior that adversely affects a resident's environment as it pertains to their responsibilities of placement or supervision. It can occur without conscious intent, and it is not limited to explicit demands for sex. Sexual misconduct and/or sexual harassment are an abuse of power.

Sexual harassment can take many forms, including but not limited to:

- demeaning references to gender,
- derogatory comments about body or clothing,
- repeated staring, comments, or propositions of a sexual nature,
- jokes about sex or gender specific traits,
- conversations filled with sexually suggestive innuendoes or double meanings,
- displays or transmits sexually suggestive pictures, objects or messages, and
- demands or acts of an intimate nature.

What is over-familiarity?

Over-familiarity involves the development of a personal relationship with a resident with whom staff should keep a professional distance. Examples of behavior which constitute over-familiarity include but are not limited to:

- showing favoritism
- having personal discussions with residents unless it is an expectation of the staff members job responsibilities
- giving and accepting favors
- being overly defensive of residents conduct
- being overly sympathetic

- relaxing rules for “certain residents”
- taking personal, rather than professional, interest in a resident, and
- over-identifying with the residents.

Indicators that an over-familiar relationship may be developing include:

- isolation from fellow staff,
- residents in an unauthorized area or repeatedly out of their assigned area,
- staff spending an unexplainable amount of time with an resident,
- accepting personal telephone calls or associating on a personal basis with residents or their families unless it is an expectation of the staff member’s job responsibilities,
- drastic behavior changes on the part of an resident or staff (i.e., dress, makeup, and hair),
- staff sharing food or snacks with residents, and believing a resident is indispensable (“she/he is the only one who can do this job”),

The above list of behaviors and indicators is specific and many others have not been listed. However, this behavior can lead to sexual misconduct and harassment, or can even lead to blackmail by residents. Staff can treat residents with respect and concern without becoming overly familiar and will gain more respect from residents as a result.

Retaliation

The Center strictly prohibits any staff member from interfering with investigation including intimidation or retaliation against any residents or staff witnesses.

Avoiding Inappropriate Staff/Resident Relationships

Inappropriate staff/resident relationships can be avoided by maintaining a professional demeanor. Following are behaviors which will prevent staff from becoming involved with residents and maintaining professionalism:

- maintain professional distance,
- focus behavior on duties and assignments,
- do not become overly familiar with any particular resident,
- do not share personal information,
- when speaking to residents about other staff refer to them as Ms. or Mr.,
- when speaking to residents refer to them as Ms. or Mr. and their last name,
- do not accept gifts or favors from residents, and
- be knowledgeable of the Center’s policy and procedure, code of conduct, and facility rules and regulations.

Reporting

Employees are held accountable by Prince William County Juvenile Detention Center policy and procedure and the code of conduct to report any inappropriate staff/resident behavior **immediately**. All efforts will be made to ensure confidentiality and no retaliation will occur against the reporting staff member. Staff who fails to report will be held accountable and sanctioned through disciplinary action and possible prosecution.