

## Module Three Policies and Procedures

### What's in this Module:

- ✎ **Exercise: Putting Pen to Paper: Outlining Critical Policies**
  - **Developing Policy and Procedure**
  - **Establishing Zero Tolerance**
  - **Offender Orientation to Agency Policy**
  - **Mandatory Reporting by Employees, Contractors, Vendors and Volunteers**
  - **Protection Against Retaliation - Employees and Offenders**
  - **False Allegations**
  - **Contract Management**
  - **Licensing and Professional Standards**
  - **Triage Agency Operations**
- ✎ **Exercise: Why Should I Care? Getting Employee Buy-In**
  - **Leadership and Implementation of Policies and Procedures**
- ✎ **Exercise - Blueprint Module 3**

### Learning Objectives



- Review the essential elements of policies and procedures to prevent and address misconduct;
- Assess current policies and procedures; and
- Discuss gaining employee buy-in for new policies and procedures.

### **Exercise: Putting Pen to Paper: Outlining Critical Policies**

Preventing and addressing staff sexual misconduct involves integrating operations and developing and implementing policies. Develop the table of contents, noting the essential elements of the following policies:

- Employee Ethics/Code of Conduct
- Volunteers Responsibilities
- Contract Management/Contractors Responsibilities
- Employee Reporting of Allegations/Suspensions of Misconduct
- Release of Information about Current/Former Employees
- Confidentiality of Data/Information



### **NOTES:**

### **Developing Policies and Procedures**

The major components of comprehensive policies and procedures are reviewed in this **Module**. You also will have the opportunity to triage your own agency's operations to see how closely aligned your operations are to preventing sexual misconduct.

#### **Establishing Zero Tolerance**

Zero tolerance is a policy statement of the agency's leadership that sexual misconduct will not be tolerated, all allegations will be thoroughly investigated, and that those employees, volunteers, vendors, contractors, interns found guilty of violating agency policy and/or statutes will be subject to discipline and/or criminal prosecution.

Zero tolerance is more than a just one policy statement.

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It is a commitment from the agency's leadership to:

- Develop policy and effective operational practice;
- Require ethical behavior from all employees;
- Train employees, contractors, offenders, offenders' families, victims, and collateral contacts about the agency's zero tolerance policy;
- Require mandatory reporting of allegations from employees, contractors and volunteers;
- Provide employees with the skills they need to effectively manage the offenders under their supervision;
- Enforce standards of conduct fairly and consistently;
- Investigate all allegations and submit investigation for personnel/administrative and/or prosecutorial action; and
- Protect those who report.

### Offender Orientation to Agency Policy

One of the myths about staff sexual misconduct is that if offenders, offenders' families, and collateral contacts are informed of the agency's zero tolerance policies, and how to report violations, the agency is giving offenders tools to manipulate the system and make-up false claims against employees. In practice, this fear has proven untrue. In those agencies where offender orientation is part of routine procedure, false or inflated allegations have *not* been any more numerous than in agencies who do NOT orient offenders.



Orientation may include:

- Brochures provided at the time supervision is initiated;
- Mailings to the family of offenders;
- Pamphlets provided to the offender's employers;

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- An orientation video;
- A “contract” with the offender describing the agency’s zero tolerance policy, reporting procedures, protections against retaliation, description of the investigative process, and penalties for deliberately false reports; and/or
- Medical and mental health services available to the offender when they make the report.

### **Mandatory Reporting by Employees, Vendors, Contractors, Volunteers**

Comprehensive and well-written policies and procedures will include mandatory reporting of all allegations by employees, volunteers, contractors and vendors. The policy should include penalties for failing to report allegations. Multiple reporting paths should be available to prevent allegations from be derailed or “lost” in the system.

Mandatory reporting may also help the agency begin to address any “code of silence” that exists. The code of silence, or blue wall of silence, exists when employees actively or passively refuse to cooperate because they do not trust the administration to effectively investigate, and/or feel isolated from the agency’s leadership. As with culture, breaking down the code of silence is a long-term project building trust and giving employees an appropriate say in how the agency is run.

### **Protection Against Retaliation**

The agency is responsible to protect those who come forward and report allegations of misconduct. Failing to protect those who report misconduct is one factor that allows the code of silence to flourish. Policies and procedures should identify examples of actions that could be considered as retaliatory (e.g., unreasonable transfer, or reassignment of an offender that does not

serve the purpose of protection; demotion or disciplinary action except as a penalty for false reporting; unreasonable acts from other employees; violation of confidentiality; filing false violation reports against an offender who reported allegations). Policy should also include penalties for those to engage in retaliation.

## **False Allegations**

False allegations may come from employees, offenders, or the community. In some cases, allegations may prove to be maliciously false, and in other cases, the allegations may not be proven one way or the other. An agency must be certain that allegations are intended to be maliciously false before taking action against the person who filed them. Only a competent, thorough and fair investigative process will achieve this.

## **Contract Management**

Community corrections agencies across the country rely on contractors to provide a wide variety of services -- ranging from service contracts on equipment, janitorial services, drug testing for offenders, to treatment services, housing and half-way houses, and electronic monitoring.

It is the agency's responsibility to address the issue of staff sexual misconduct in the contracts with providers and protect offenders from sexual misconduct by contractors. Without specific clauses in the contract, an agency may also find that it is powerless to end the contract if such allegations arise.

There are three primary ways that agencies can protect themselves and offenders. First, the agency may include in requests for proposal (RFP) for services the following:



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- Agency's statement of zero tolerance for sexual misconduct;
- Definitions of the specific prohibited behaviors;
- Agency policy and procedure for reporting allegations;
- Standards of behavior for the contractors' employees;
- What allegations must be reported, the timetable, and to whom the report must be made;
- Training required of the contractor's employees regarding this subject;
- The specific cooperation that is required from contractors when investigations are initiated, including what records must be provided;
- The process the agency will use to suspend or terminate the contractor's employees and/or services if the provider is the subject of allegations;
- A requirement that the contractor adopt the agency's zero tolerance and definitions of misconduct; and
- The agency's commitment to seek criminal prosecution, if appropriate.

A second means to assure contractor compliance is to incorporate the agency's standards in the contract. Thirdly, effective contract monitoring is required to assure that the contractor is adhering to the professional and contractual standards demanded by the agency.

## Licensing and Professional Standards

Many of the professionals working in community corrections hold licenses and are required to comply with professional standards. This fact can help administrators hold these professionals responsible not only for complying with the organization's standards, but the standards of their profession. As will be discussed in the **Module Four - Investigations**, agencies should consider as part of their investigative protocols notifying the organizations that license and certify professionals of sustained findings of sexual misconduct. To not

notify the licensing and certification bodies allows a predator to work for another organization, continuing to victimize vulnerable clients.

Among the organizations with national standards are:

- American Probation and Parole Association. Included in the Introduction to this curriculum is the APPA's resolution. The Association has a strong commitment to insuring its constituency understands the threat to professionalism and public safety caused by failing to address staff sexual conduct with offenders:
- National Association of Social Workers. Many community corrections organizations employ Licensed Clinical Social Workers (LCSW). LCSWs are guided by a strict code of ethics, that includes, in part:

#### **1.09 Sexual Relationships<sup>1</sup>**

(a) Social workers should under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

(b) Social workers should not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain a personal relationship has the potential to be harmful to the client and may make it difficult for the social worker and client to maintain appropriate professional boundaries. Social workers--not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship--assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

(c) Social workers should not engage in sexual activities or sexual contact with former clients because of the potential for harm to the client. If social workers engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary

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circumstances, it is social workers--not their clients--who assume the full burden of demonstrating that the former client has not been exploited, coerced, or manipulated, intentionally or unintentionally.

(d) Social workers should not provide clinical services to individuals with whom they have had a prior sexual relationship. Providing clinical services to a former sexual partner has the potential to be harmful to the individual and is likely to make it difficult for the social worker and individual to maintain appropriate professional boundaries.

### 1.10 Physical Contact

Social workers should not engage in physical contact with clients when there is a possibility of psychological harm to the client as a result of the contact (such as cradling or caressing clients). Social workers who engage in appropriate physical contact with clients are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

### 1.11 Sexual Harassment

Social workers should not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

- NAADAC The Association For Addiction Professionals.<sup>2</sup> NAADAC is the organization that serves counselors who specialize in addiction treatment. With nearly 14,000 members and 47 state affiliates representing more than 80,000 addiction counselors, NAADAC is the largest network of alcoholism and drug abuse treatment professionals. NAACAC is connected with affiliate organizations in many states.

Under the banner of NAADAC, the NAADAC Certification Commission operates as an independent body for all matters involving the Association's three alcoholism and drug abuse counselor credentialing opportunities at the national level. Established in 1990, the NAADAC Certification Commission instituted credentials specifically for alcoholism and drug abuse counselors. The three levels are:

- National Certified Addiction Counselor, Level I



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- (NCAC I)
- National Certified Addiction Counselor, Level II (NCAC II)
- Master Addiction Counselor (MAC)
- Substance Abuse Professional (SAP) Qualification
- Tobacco Addiction Specialist Credential

Included in the Code of Ethics for NAADAC is the following:

**Principle 9: Client Relationships**

It is the responsibility of the NAADAC member to safeguard the integrity of the counseling relationship and to ensure that the client has reasonable access to effective treatment. The NAADAC member shall provide the client and/or guardian with accurate and complete information regarding the extent of the potential professional relationship.

a. The NAADAC member shall inform the client and obtain the client's agreement in areas likely to affect the client's participation including the recording of an interview, the use of interview material for training purposes, and/or observation of an interview by another person.

b. The NAADAC member shall not engage in professional relationships or commitments that conflict with family members, friends, close associates, or others whose welfare might be jeopardized by such a dual relationship.

c. The NAADAC member shall not exploit relationships with current or former clients for personal gain, including social or business relationships.

d. ***The NAADAC member shall not under any circumstances engage in sexual behavior with current or former clients.*** [emphasis added]

e. The NAADAC member shall not accept as clients anyone with whom they have engaged in sexual behavior.


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- State Licensing Requirements - Many states require licenses and/or certifications for those who engage in professional practice in community corrections. These professionals include physicians, nurses, clergy, mental health professionals, and others who provide regulated services. Check with your state's office of professional regulations to determine what professionals are required to have licenses, the standards, their code of ethics, and where to report violations of those ethical and licensing standards. An agency's investigative protocols should required notification to any state licensing body of sustained allegations of misconduct.

### **Triage Agency's Operations**<sup>3</sup>




Even if an agency has policies and procedures specific to this issue, it is important to ensure that they are comprehensive, clear, and complete. Review each topic as it relates to your agency's policies, procedures and operational practices on staff sexual misconduct.





#### **Policy Issues - Administrative**




	<p><b>Agency Policy</b></p> <ul style="list-style-type: none"><li>• Establishes zero tolerance for staff sexual misconduct with offenders.</li><li>• Defines specific prohibited behaviors, not just “over-familiarity” or “conduct unbecoming”.</li><li>• Addresses and defines prohibited behaviors between employees and employees, employees and offenders, employees and collateral contacts (family, friends of offenders, etc.) contractors and offenders, offenders and volunteers, and includes discussion addressing the following, but not limited to:<ul style="list-style-type: none"><li>▶ Touching, hugging, kissing, sexual assault, penetration, fondling, inappropriate viewing, sexual conduct, sexual harassment, sexual abuse, sexual gratification, romantic relationships, relationships between employees/offenders.</li></ul></li><li>• Includes mandatory reporting by employees, contractors, vendors and volunteers of allegations of sexual misconduct;</li><li>• Delineates the reporting process, including multiple paths for reporting allegations by employees and offenders;</li><li>• Safeguards those who report, and includes prohibitions against retaliation;</li><li>• Identifies the consequences for failing to report;</li><li>• Defines the consequences of making deliberately malicious or false reports by employees, offenders, and other parties;</li><li>• Requires training for all persons who have contact with, communication with or who supervise offenders, including:<ul style="list-style-type: none"><li>▶ Certified and civilian employees (including clerical employees, etc.);</li></ul></li></ul>
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	<ul style="list-style-type: none"><li>▶ Vendors/contractors;</li><li>▶ Treatment providers;</li><li>▶ Volunteers; and</li><li>▶ Other agency personnel who have access to offenders and information on offenders.</li></ul> <ul style="list-style-type: none"><li>• Requires orientation of offenders to the agency's policies and procedures regarding zero tolerance, reporting procedures, safeguards, and consequences of deliberately making false or malicious allegations.</li><li>• Establishes the agency's authority to conduct investigations (or the authority of a specific outside entity, if applicable);</li><li>• Involves employees and stakeholders in the development of policy and procedure.</li></ul>
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	<p><b>Assignment of Employees/Cross Gender Supervision</b></p> <ul style="list-style-type: none"> <li>• Procedures establish guidelines for cross gender assignments, along with oversight by a supervisor. Cross gender supervision policies address EEO requirements and labor/management contract issues.</li> <li>• Staffing assignments are made purposefully with consideration of security and effectiveness. Employees are provided the support and skills necessary to perform the assigned function(s).</li> </ul>
	<p><b>Contract/Provider Management</b></p> <ul style="list-style-type: none"> <li>• The process for advertising and awarding contracts for services: <ul style="list-style-type: none"> <li>▶ Clearly states the agency’s zero tolerance for sexual misconduct;</li> <li>▶ Defines prohibited behavior by contractors;</li> <li>▶ Specifies training for contractors and other service providers;</li> <li>▶ Establishes reporting requirements and timetables for contractors and service providers to report allegations or suspicions of sexual misconduct; and</li> <li>▶ Defines procedures for suspending or terminating services from contractors and service providers during investigations of allegations against them.</li> </ul> </li> <li>• The contract award document(s) incorporates the agency’s policies and procedures on professional behavior and sexual misconduct.</li> <li>• The agency has a contract monitoring process to assure contractor compliance with the contract and procedures associated with preventing misconduct.</li> </ul>
	<p><b>Data Analysis</b></p> <ul style="list-style-type: none"> <li>• Sexual misconduct complaints, offender grievances, complaints of favoritism, misconduct, etc. are reviewed and analyzed by administration and/or the investigative designee, to determine patterns or areas of concern involving specific employees, contractors, providers, offenders, volunteers, office locations, employee assignments, caseloads etc.</li> <li>• Investigative reports recommend improvements in policy, operations, training and related administrative areas based on investigative findings.</li> </ul>



	<p><b>Employee Commendation and Awards</b></p> <ul style="list-style-type: none"> <li>The agency regularly and publicly recognizes and rewards employees for outstanding work. Employees <u>value</u> this practice and receive meaningful acknowledgments.</li> </ul>
	<p><b>Employee Discipline Process</b></p> <p>Employee confidence in the discipline and internal investigation systems is essential to their willingness to report allegations of misconduct. Therefore:</p> <ul style="list-style-type: none"> <li>The agency provides information and training to employees about the internal investigative process, employee’s rights and responsibilities.</li> <li>Policy conforms to current labor/management agreements.</li> <li>Data generated from analyses of sustained employee discipline is used to review agency management and operational practices.</li> </ul>
	<p><b>Employee Grievances</b></p> <ul style="list-style-type: none"> <li>The agency has an effective employee grievance process.</li> <li>Employees trust the grievance process and are educated concerning policy, practice, and expectations.</li> <li>The grievance process is fair, and consistent.</li> </ul>
	<p><b>Employee Performance Appraisal</b></p> <ul style="list-style-type: none"> <li>The performance appraisal system contributes to a positive work environment; provides the opportunity to comment on the outstanding performance of employees and correct or improve the areas that need attention.</li> </ul>

	<p><b>Employee Recruiting, Screening, Hiring</b></p> <ul style="list-style-type: none"> <li>• The employment background investigation identifies past behaviors of violence, sexual abuse, domestic battery, and other indicators of inappropriate behavior. If the agency uses pre-employment psychological testing, it is validated for use in the agency.</li> <li>• Applicants are informed of the agency’s zero tolerance policy regarding sexual misconduct.</li> </ul>
	<p><b>Employee Rules of Conduct</b></p> <ul style="list-style-type: none"> <li>• Code of conduct includes zero tolerance for staff sexual misconduct.</li> <li>• Acceptable, as well as prohibited behaviors are defined for both on and off duty.</li> <li>• Appropriate and inappropriate employee relationships and behavior in the workplace are clearly and specifically defined.</li> <li>• Policy addresses relationships between employees and individuals who were previously under the supervision or currently in custody of the department, state prison system, or jails.</li> <li>• There is a specific on-duty dress code for employees, volunteers and contractors.</li> <li>• Employees are required by policy to notify the agency of changes in personal address and phone numbers in a timely manner; employee telephone numbers and personal contact information are periodically audited.</li> <li>• The code of conduct includes specific sanctions for violations.</li> </ul>
	<p><b>Employee Use of Overtime</b></p> <ul style="list-style-type: none"> <li>• The policy addresses the amount of overtime employees may work within a given time-frame.</li> <li>• Procedures require periodic review of use of overtime.</li> </ul>
	<p><b>Employee Work Site Privacy</b></p> <ul style="list-style-type: none"> <li>• Expectations for privacy for employees, offenders, contractors, visitors, volunteers, and others in agency workplaces are defined.</li> <li>• The policy addresses searches of persons and property, parking lots, lockers, vehicles, work space, as</li> </ul>

	<p>well as telephone, Internet, and e-mail use.</p> <ul style="list-style-type: none"> <li>• Employees sign the policy acknowledging the agency’s privacy and surveillance policies.</li> <li>• Policy addresses the issue of gratuities and gifts from offenders, offenders’ families, victims and other clients. Included in the policy are specifics on how employees officially note and/or report any offer of gratuities or gifts from those mentioned above.</li> </ul>
	<p><b>Exit Interviews</b></p> <ul style="list-style-type: none"> <li>• Employees, volunteers, or contractors who are leaving employment or service with the agency are given exit interviews that provide an opportunity for feedback, and to identify any possible misconduct.</li> <li>• The policy specifies what information provided is to remain confidential and how information will be used by the agency.</li> </ul>
	<p><b>Medical and Mental Health Support to Employees and Employee Assistance Programs</b></p> <ul style="list-style-type: none"> <li>• The agency provides medical, mental health, and/or employee assistance referrals for employees involved as subjects or witnesses in allegations of sexual misconduct.</li> <li>• Peer debriefing and/or other professional interventions are considered to help defuse the workplace and address any aftermath to the allegations and investigation.</li> <li>• The agency’s provider of employee assistance program is involved with planning for referrals of employees who are alleged to be involved with staff sexual misconduct, who have reported allegations, or who are witnesses in investigations.</li> </ul>
	<p><b>Public and Media Relations</b></p> <ul style="list-style-type: none"> <li>• Agency policy defines: <ul style="list-style-type: none"> <li>▶ When the public will be informed of allegations;</li> <li>▶ What information is to be released to the public;</li> <li>▶ Who is authorized to speak to the media and the public;</li> <li>▶ How media inquiries concerning allegations and investigations will be handled and by whom;</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>▶ What specific information is considered confidential, aligning with legal requirements (such as victim information, etc).</li> <li>• The agency considers involving the public and stakeholders in development of policies.</li> </ul>
	<p><b>Release of Information about Current or Former Employees, Volunteers, Contractors</b></p> <ul style="list-style-type: none"> <li>• Agency personnel procedures specify what information is released, and by whom, about current and former employees, interns, volunteers and contractors.</li> <li>• Agency policy specifies what investigative information becomes public record (if any), and policy aligns with current laws of confidentiality.</li> </ul>
	<p><b>Office Access and Security</b></p> <ul style="list-style-type: none"> <li>• Procedures specify who has access to agency workplaces, hours that offices and workplaces are to remain open, and supervision of all official workplaces and offices during opening hours.</li> <li>• Procedures specify the procedures and notifications required when employees enter workplaces and offices during times other than opening hours.</li> </ul>
	<p><b>Training</b></p> <ul style="list-style-type: none"> <li>• The agency has a standard curriculum and schedule for training <i>all</i> employees (this includes professional employees, support employees, clerical, etc. – all of whom have direct contact with offenders), volunteers, contractors, interns, treatment providers, and others providing official service to the agency, including pre-service and in-service training.</li> <li>• Training includes <i>at least</i> agency policies and procedures, specific definitions, state statutes, penalties, reporting requirements, “red flags”, issues of “consent”, and an overview of the investigative process.</li> <li>• Training includes providing the skills necessary to identify and maintain professional boundaries, expectations of the agency concerning ethical behavior, and managing offenders and clients, including manipulative offenders and clients.</li> </ul>



	<p><b>Volunteers, Selection, Screening, Training, Supervision, Evaluation, Rules of Conduct</b></p> <ul style="list-style-type: none"><li>• Volunteers are screened, trained and monitored while providing services;</li><li>• Training specifically addresses sexual misconduct;</li><li>• Volunteers are informed of mandatory reporting requirements, how to report, and time frame requirements;</li><li>• Volunteers are advised of the consequences of involvement in prohibited behaviors;</li><li>• Acceptable and unacceptable behaviors while in an official capacity are clearly defined;</li><li>• Volunteers are required to acknowledge in writing, that they have received and understand agency policy and procedures.</li></ul>
	<p><b>Work Environment</b></p> <ul style="list-style-type: none"><li>• The agency periodically assesses the work environment to ensure professionalism and ethical behaviors. This includes review of employee/employee and employee/offender relationships and communications; an assessment to determine if procedures match written policies; elimination of any elements of a hostile work environment.</li><li>• The agency assesses the work environment to ensure that it has not become “sexualized”, eroding professional boundaries between employees and offenders.</li></ul>


### Policy Issues – Case Management and Supervision





#### **Case Reviews and Caseload Assignments**




- Policy includes specific procedures for completing regularly-scheduled case reviews by supervisors. Scheduling of case reviews are conducted as specified in policy. Results of case reviews are discussed with the supervising employees, and recommendations for action are followed-up by supervisor.
- Case assignments are specified by policy, including any special caseloads (such as drug offender, sex offender, etc.), and any case assignments that are assigned by gender (including the justification of such assignments according to law and practice).
- Policy specifies the approved reasons and procedures for transferring cases from one caseload to another. Transferring of cases is completed with the approval and knowledge of administration or a supervisor.
- Policy delineates those circumstances when employees will work in pairs, team or alone, in the field, in the office and in other official capacities.



	<p><b>Responsibilities of Supervisors</b></p> <ul style="list-style-type: none"><li>• Supervisors are required to regularly observe employees under their supervision in the performance of their duties. This may include ride-along days, observing interviews, and regular meetings and dialogues with employees.</li><li>• Supervisors should be trained to identify “red flags”, and how to address and respond to concerns in a timely and appropriate manner.</li><li>• Supervisors regularly monitor caseload movements, changes in case assignments, and other activity on cases.</li><li>• Supervisors are available for questions from employees, concerns from offenders, and concerns from family of offenders, contractors and providers.</li></ul>
	<p><b>Transportation, Surveillance and Searches</b></p> <ul style="list-style-type: none"><li>• Procedures delineate the circumstances (if any) for employees transporting offenders, offenders’ families, victims, and other collateral persons.</li><li>• There is a policy regarding search of office vehicles.</li><li>• Procedures protect the privacy of the offender within Constitutional and other lawful parameters, both during the conduct of surveillance, and other visual events such as drug screens, etc.</li><li>• Searches are conducted by same-gender employees whenever possible, and the procedure for conducting searches is specified in the policy.</li></ul>

	<p><b>First Responders (employees), and Collecting and Preserving Evidence</b></p> <ul style="list-style-type: none"><li>• Procedures and training provide employees with:<ul style="list-style-type: none"><li>▶ Information on how to identify evidence of potential misconduct;</li><li>▶ Guidance on preserving the security of evidence and crime scenes;</li><li>▶ Who is to collect evidence; and</li><li>▶ How to preserve the chain of custody of any evidence that is collected.</li></ul></li><li>▶ The agency has memoranda of understanding (MOU) with agencies or organizations responsible for collecting, preserving and analyzing evidence. The MOU delineates responsibilities of all parties.</li><li>▶ The agency uses the local sexual assault treatment center [rape crisis center] for collection of evidence in rape allegations. The agency has a MOU with the center.</li></ul>
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**Policy Issues – Offender Grievances, Orientation and Programming**

	<p><b>Female Offenders</b></p> <ul style="list-style-type: none"><li>• The agency provides programs and services for women offenders that are gender responsive.</li></ul>
	<p><b>Offender Reporting Procedures</b></p> <ul style="list-style-type: none"><li>• Agency procedures address:<ul style="list-style-type: none"><li>▶ The process by which offender grievances or reports about misconduct are received and handled;</li><li>▶ Time limits for forwarding reports;</li><li>▶ Consequences for not forwarding reports;</li><li>▶ Prohibitions and protections against retaliation for reporting; and</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>• Multiple avenues for reporting allegations.</li> </ul>
	<p><b>Dress Codes</b></p> <ul style="list-style-type: none"> <li>• The agency has a specific dress code for employees and offenders, and enforces it.</li> <li>• Policy specifies how these situations are to be noted in the file.</li> <li>• Offenders are provided with the dress code in writing, as well as the consequence for violation.</li> </ul>
	<p><b>Offender Grievance Procedures</b></p> <ul style="list-style-type: none"> <li>• Offender grievance procedures comply with professional standards and case law. Grievances are monitored and analyzed for patterns that may indicate evidence of misconduct or other related potential problems.</li> <li>• Grievance procedures include prohibition against employee retaliation against offenders who file grievances.</li> </ul>
	<p><b>Offender Orientation</b></p> <ul style="list-style-type: none"> <li>• Offenders are informed about their right to be free from sexual misconduct from employees, contractors, providers and volunteers.</li> <li>• The offender orientation includes:             <ul style="list-style-type: none"> <li>▶ Specific and defined prohibited behaviors between employees and offenders;</li> <li>▶ Offender privacy expectations and policy against retaliation for reporting;</li> <li>▶ Reporting procedures for allegations of sexual misconduct, including multiple avenues for Reporting;</li> <li>▶ How offenders can access medical or mental health services.</li> <li>▶ What process the offender can expect to begin when a report is made.</li> </ul> </li> <li>• Information for offenders is specific, preferably in writing, and in a grade level appropriate language.</li> </ul>

	Languages other than English are available as needed.
	<b>Offender Health and Mental Health Services</b> <ul style="list-style-type: none"><li>• Policy provides offender access to health and mental health services.</li><li>• Policy includes the conditions under which medical and mental health employees notify administrators of suspicions of sexual misconduct. Time lines and reporting channels are established.</li><li>• Investigative protocols define when mental health professionals are involved in investigations, either to assist or as witnesses.</li></ul>
	<b>Offender Privacy and Searches</b> <ul style="list-style-type: none"><li>• Procedures address cross gender visual surveillance during routine operations of areas such taking of urine samples, and any type of surveillance required as a condition of supervision, or within facilities.</li><li>• Procedures address how searches are to be conducted, including when cross-gender search is permitted and under what circumstances.</li></ul>

**Exercise: Why Should I Care? Getting Employee Buy-In**

Agency administrators may face a variety of challenges in gaining employee acceptance of a zero tolerance policy for sexual misconduct. Employees will want to know why this is a priority? Why should they divert their energy to this when they are over-worked now? This exercise is designed to let you focus on potential challenges from employees and how to overcome the objections.



<u>Challenges</u>	<u>Overcome</u>
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.



## **Leadership and Implementation of Policies and Procedures.**

Implementation of new or revised procedures is a time consuming process. One experienced corrections professional recommends patience. “Slowly bring about change, one issue at a time. It’s like peeling an onion.” Discussions with corrections professionals across the country resulted in a list of recommendations for administrators who are faced with making significant changes within their organization.



- Be patient, committed, focused and determined.
- Be clear about your plan.
- Educate everyone about your plan.
- Make everyone accountable for their own actions.
- Beware of “ghosts” - know the agency history, and you will better understand resistance.
- Anticipate resistance, and present options to overcome it.
- Listen to employees.
- Stay open, and flexible.
- Demonstrate confidence in your decisions.
- Seek feedback.
- Be ready and willing to make adjustments.
- Include employees as stakeholders, and welcome their input.
- Acknowledge those employees who assist you in moving forward.
- Recognize those employees who are willing to make changes.

### **Conclusion - Module Three**

Developing and implementing effective policies and procedures that address staff sexual misconduct in all agency operations are critical first steps. Ideas have been presented that will assist you in triaging your own agency’s operations.

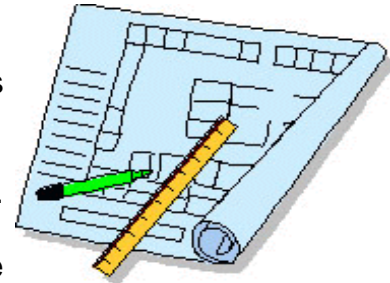
Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

The issue of overcoming employee resistance to this initiative was also explored, along with your leadership role in this initiative.

**Exercise: Blueprint - Module Three**

Please refer to your personal blueprint. **Module Three** has been completed.

- Make notes about what issues are of concern to you.
- What is working well in your organizations?
- What is on your “to do” list based on what you have heard?



Take a few minutes to make notes.

**ENDNOTES:**

1. For more information on the National Association of Social Workers, their licensing requirements and code of ethics, see [www.naswdc.org](http://www.naswdc.org)
2. For more information, see [www.naadac.org](http://www.naadac.org)
3. Staff Sexual Misconduct with Offenders: A Policy Development Guide for Community Corrections Administrators, Layman/McCampbell, March 2004.