

**SECTION: 200.560****SUBJECT: SEXUAL MISCONDUCT****POLICY:**

Contact of a sexual nature between someone acting on behalf of or in cooperation with the Dane County Sheriff's Office and a detainee, victim, witness or offender is unacceptable and potentially unlawful. Sexual misconduct is not consistent with the professional and ethical principles of the law enforcement profession and will not be tolerated. Sexual misconduct can have devastating consequences for victims and their families, for the law enforcement agency, for the community at large, and for all individuals involved. Staff sexual misconduct jeopardizes security and exposes the agency to civil liability. Such misconduct undermines the public support of law enforcement and creates a hostile environment. Sexual misconduct victimizes the vulnerable and creates mistrust within the department.

The Sheriff's Office policy is zero tolerance toward employee sexual misconduct.

**DEFINITIONS:**

Staff – For the purpose of this policy staff includes all Sheriff's Office employees, vendors, contracted employees, volunteers and those with facility access.

Sexual Misconduct – Any behavior or act of a sexual nature directed toward a detainee, victim, witness, complainant or offender by any employee, volunteer, vendor, contractor, visitor or agency representative. This includes acts or attempts to commit such acts including, but not limited to, sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable or unnecessary invasion of privacy. Sexual misconduct also includes, but is not limited to, conversations or correspondence that suggest a romantic or sexual relationship involving any person mentioned above.

Sexual misconduct is not limited to unwanted sexual contact. Sexual misconduct is also a range of behaviors or situations that include inappropriate remarks, sexualized name-calling, correspondence, conversations, inappropriate displays, fondling, inappropriate viewing, and sexual contact with individuals vulnerable to the authority of the justice system or any other person in a work setting. Such acts are inappropriate in a work setting and presumed to be unwelcome. Likewise, romantic relationships between supervisors and those under their supervision are presumed to be coercive and may be deemed sexual harassment or misconduct.

**PROCEDURE:****I. Reporting Requirements**

- A. Any employee or staff member who knows or reasonably suspects that any employee may be or has been involved in sexual misconduct is required to inform a supervisor. To protect the reputations and integrity of all persons engaged in such a process, including the accuser, the accused, and the alleged victim, all such reports shall be dealt with as matters of highest discretion both before and after they have been submitted to appropriate authorities.
- B. Retaliation in any form against those who report misconduct is strictly prohibited.
- C. False reports or allegations may result in discipline and potential prosecution.
- D. Upon receiving a report of possible sexual misconduct or harassment, the supervisor should notify the appropriate Division Captain. The Captain should in turn notify the Sheriff and other Command Staff as appropriate and needed.

**II. Investigation**

- A. All reported violations of sexual misconduct, including sexual assault and harassment, will be investigated and, as warranted, will be resolved through appropriate disciplinary processes and/or criminal proceedings in accordance with applicable state and federal laws.
- B. The rights of both the accused and the complainant shall be protected, and the confidentiality of proceedings will be maintained to the fullest extent possible. A thorough and competent investigation into the allegations will be conducted to, where possible, clearly support or refute the allegations, by evidence, information gathered from witnesses, and documentation. Primary consideration will be to safeguard the well being and security of the complainant and the subject, thus ensuring the integrity and credibility of the process and the Sheriff's Office.



- C. All allegations of staff sexual misconduct will be treated seriously. The response to allegations of staff sexual misconduct will be to determine the merits of the allegations consistent with the following goals:
1. Protection of victims from misconduct, retaliation or intimidation;
  2. Protection of staff against false accusations of sexual misconduct;
  3. Preservation of the integrity of criminal and administrative investigations;
  4. Support for victims so that reporting of sexual misconduct is not deterred; and
  5. A fair and just resolution of allegations.
- D. In addition to the department policy on sexual misconduct, Wisconsin Statutes makes it a criminal offense for correctional staff members to have sexual intercourse or sexual contact with an individual confined in a correctional institution.
1. Staff members who are found to have engaged in staff sexual assault of offenders will be disciplined to the fullest extent possible up to and including termination from employment. Staff criminally convicted of this offense may be fined up to \$100,000 and imprisoned up to 40 years.
  2. Under Wisconsin Statutes, consent is not an element in a criminal case of staff sexual assault of an offender. The law presumes that consent is impossible because of the unequal power relationship between staff and offenders.
  3. To assist with their mental and physical well being, offenders that report allegations of staff sexual assault will be provided with the Sheriff's Office Victim Information form. Victims still incarcerated will also be reminded of contact procedures and services available from jail mental health. Victim information provided will include contact numbers for the Sheriff's Office, DA's Office, Victim Compensation Program, state and county victim support agencies and notification of general victim rights.

### III. Employee Assistance Program

- A. The Employee Assistance Program (EAP) can be accessed for help and guidance when employees believe that they are blurring the professional boundaries and need



assistance in maintaining those boundaries.

- B. The EAP can provide needed support to staff members who have reported misconduct, are witnesses, or are even the subject of the investigation. It is recommended that any employee who is notified that he/she is the subject of an investigation be reminded of the EAP and provided with contact information.