



**PRISON RAPE ELIMINATION ACT (PREA) ACKNOWLEDGEMENT
FOR VOLUNTEERS AND CONTRACTUAL WORKERS**

THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES (DPSCS)
HAS A **ZERO TOLERANCE POLICY FOR PRISON RAPE OR SEXUAL ASSAULT**
(inmate with inmate, staff, volunteer, or contractor to inmate).

Please read and sign below

By signing this, I acknowledge that I have read the DPSCS Guide to Prevention and Reporting of Sexual Misconduct with Inmates brochure provided to me by a DPSCS staff member. I also understand and agree to the provisions set forth within the aforementioned brochure.

Name (*Print/Sign*)

Date

Staff Name and Title (*Print/Sign*)

Date

Maintaining Boundaries — continued

- When speaking to inmates about other staff refer to staff by their title and last name.
- Do not deviate from agency policy for the benefit of a particular inmate.
- Do not flirt or engage in horseplay with an inmate.

Reporting Sexual Misconduct

All staff, which includes contractors, vendors, and volunteers, are expected to report any sexual misconduct. This includes sexual misconduct by inmates, as well as sexual misconduct by staff. An employee or other staff member receiving a complaint of or otherwise has knowledge of alleged sexual misconduct shall immediately report the complaint to a supervisor, manager, shift commander, or head of the unit followed by the appropriate written format used to document misconduct. An individual who fails to report sexual misconduct is subject to the same sanctions as those individuals directly involved in the misconduct.

Final Thoughts

Inappropriate relationships with an inmate are seldom secret. Such behavior will subject you to disrespect and manipulation by other inmates that may be aware of the situation. Once in a relationship, professional judgment becomes clouded and the normal defenses that exist to protect you will be compromised. When acting upon emotions, you make take actions that would be considered inappropriate in a correctional environment.

Sometimes an inmate will try to use sexual relationships to improve his or her circumstances within the correctional facility. The inmate may see this relationship as a way to get a better job, avoid discipline, gain

privileges or get access to contraband. It is your responsibility as a contractor, vendor or volunteer to discourage all inappropriate relationships and to maintain professional boundaries at all times.

Your decisions not only reflect upon your own personal and professional reputation, but also upon DPSCS, any other company or organization that you may represent and your co-workers and peers. Poor decisions and unprofessional conduct can destroy your career, your personal life and can even negatively impact your family.

Department of Public Safety & Correctional Services

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A Guide to the Prevention and Reporting of Sexual Misconduct with Inmates

For contractors, vendors, and
volunteers

Department of Public Safety & Correctional Services



*The Department of Public Safety and Correctional
Services protects the public, its employees, and
detainees and offenders under its supervision.*

Telephone Numbers:

Investigation: (410)724-5724

PREA Coordinator: (410)339-5033

Sexual Misconduct: An Issue of Power

Department of Public Safety and Correctional Services (DPSCS) policy prohibits all sexual conduct between inmates and staff. **When referring to sexual misconduct both Maryland law and DPSCS policy consider as staff all persons working in a correctional facility, vendors or contractors providing services within a correctional facility and volunteers who serve in a correctional facility.** The Department takes a zero-tolerance approach to all forms of sexual misconduct and harassment.

Sexual misconduct can be defined as any behavior of a sexual nature. Such misconduct is a breach of the professional relationship that exists between staff and an inmate. Sexual activity changes the boundary between professional roles and personal relationships causing lapses in judgment, potentially dangerous situations and breaches in security. Sexual misconduct may include, but is not limited to:

- Engaging or attempting to engage in any sexual act with an inmate with the intent to abuse, arouse, or gratify sexual desire.
- Any solicitation of sexual activity through threats or promises.
- Invasion of an inmate's privacy (voyeurism) beyond what is reasonably required for the safety and security of the facility.
- Acts of indecent exposure by staff.
- Retaliation by staff for refusing to engage in sexual activity or reporting sexual misconduct.

All persons working or volunteering in a correctional facility found to have engaged in sexual misconduct

face administrative penalties to include loss of employment or volunteer status, termination of contracts for goods and/or services, and loss of access to all correctional facilities. Criminal prosecution under Maryland Annotated Code, CL § 3-314 allows for incarceration for up to three years and/or a fine of \$3000.

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

- Sexual comments about one's body.
- Repeated comments, staring, or sexual propositions.
- Sexual comments and conversations with sexually suggestive innuendos and double meanings.

Sexual harassment is any sexual behavior that is detrimental to an offender's environment. It can occur without conscious intent and is not limited to explicit sexual demands.

Sexual misconduct and sexual harassment are an abuse of power. Employees, contractors, vendors, and volunteers are placed, as individuals, in a position of authority over inmates. Because of this imbalance of power between inmates and employees, contractors, vendors, and volunteers, there can never be consensual relationship between staff and inmates.

Prison Rape Elimination Act

The Prison Rape Elimination Act (PREA) was signed into law by President Bush in 2003. This law required that a set of national standards be developed to protect inmates and detainees from sexual abuse. The intended

purpose of these standards is to provide comprehensive

guidelines for preventing, detecting and responding to incidents of sexual abuse involving inmates in a confinement facility. After a lengthy process that included public review and comment, the Department of Justice published minimum PREA standards that significantly impact administrative and operational procedures of federal, state and local adult prisons and jails, lockups, community confinement facilities and juvenile facilities. The national PREA standards became effective on August 20, 2012. On September 1, 2012 the Department implemented directive DPSCS.020.0026 with the intent to fully support PREA standards.

Maintaining Boundaries

Most staff/inmate sexual misconduct occurs after seemingly innocent professional boundaries are crossed. The following behaviors will help you maintain appropriate boundaries.

- Maintain professional distance.
- Do not become overly close with any particular inmates.
- Avoid sharing personal information with or around inmates.
- Do not accept gifts or favors from inmates.
- Avoid performing favors for inmates.