A 01.05.00 HARASSMENT

A 01.05.01 **Harassment/Sexual Harassment: Employees shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience and discretion and shall not engage in argumentative discussions, even in the face of extreme provocation.**

A. The purpose of this procedure is:

1. **To implement the City's policy prohibiting any form of harassment including sexual harassment in any form; to include harassment or sexual harassment of AICs by jail staff, jail staff by AICs, and of AICs by AICs.**

2. **To provide all employees with an understanding of what harassment is.**

3. **To clarify the roles and responsibilities of Managers and Supervisors and in preventing and responding to harassment.**

4. **To establish a fair and expeditious method of investigation and resolution of complaints of harassment.**

B. Employees of the Springfield Municipal Jail are responsible for creating a work environment free from harassment. This includes reporting any perceived incidents of harassment witnessed or experienced by staff harassing AICs, AICs harassing staff or other AICs,

C. Supervisors are responsible for creating and maintaining a work environment that is free from harassment. This includes keeping employees informed of the City's harassment policy and procedures.

D. Supervisors must take immediate and appropriate corrective action if they observe or become aware of any harassment cases. Simply telling an employee to deal with the situation is not appropriate,

E. In the performance of their duty's employees shall not use coarse, violent, profane, insolent or insulting language or gestures and shall not express any prejudice concerning race, religion, creed, age, sex, sexual orientation, national origin or similar personal characteristics. To enforce non-harassment policies:

1. **An AIC has the ability to file a grievance against any staff member for harassment.**

2. A Misconduct Report may be written against an AIC for harassing another AIC, staff or others.

F. AICs may initiate the complaint process by grievance, or through an employee who shall discuss the matter with their immediate supervisor, by providing the following information:

1. Name of complainant, address and phone number,

2. Location of incident,

3. Detailed description of the alleged harassing action, which includes names and titles of parties involved, and witness, if any,

4. Date action occurred,

5. Desired remedy/process,

G. Supervisors will initiate the appropriate AIC Grievance or AIC process to investigate all harassment complaints.

H. Alleged harassers will be notified that retaliation of any kind is prohibited and will result in discipline. Complainants and witnesses will be notified to promptly report any act of retaliation.

I. Disciplinary actions, if merited may result in up to and including termination consistent with negotiated agreements, Police Department's General Orders Manual, and the Administrative Procedures Manual.

JAIL STANDARD REFERENCE
A-501

A 01.05.02 **Harassment Prohibited.** **Harassment of a sexual, racial, ethnic or religious nature is specifically forbidden. All employees, volunteers, vendors and AICs are specifically prohibited from engaging in conduct either directly or indirectly that would subject another employee or other person to sexual comments, racial comments or sexual touching in any work-related setting or situation.**

Harassment includes gestures, display or circulation of written materials or pictures derogatory towards either gender or towards racial, ethnic or religious groups; or basing personnel decisions on an employee's rejection or response to such harassment.

A. Policy Training.

1. **At the time a supervisor meets with a subordinate to review their annual performance evaluation, the supervisor shall also review with the employee City Job Related Harassment policies.**

2. **At the time an employee is hired, they shall receive:**

   a. **Training in current case law on job related harassment, to include information specific to sexual harassment,**
   b. **City and Police Department policies covering harassment, to include policies specific to sexual harassment,**
   c. **Procedures for reporting job related harassment and sexual harassment,**
   d. **How to recognize inappropriate behavior in the workplace.**

3. **Anytime a supervisor becomes aware an employee has not been trained in job-related harassment, they shall immediately contact the Springfield Police Department's Training Coordinator and arrange for training.**

4. **The Jail Commander can direct work units or individuals under their command to receive training even though the employee(s) have already received training.**

5. **AICs will be strictly held to standards regarding AIC behavior as set forth in the AIC Manual to include punitive sanctions when applicable.**

B. Harassment Reporting.

1. **Employees who experience conduct or comments that they find offensive, or harassing shall have a duty and responsibility to immediately report the offensive conduct to a Supervisor, Manager or City of Springfield's Human Resource Manager,**

2. **Any Supervisor or Manager receiving such a complaint or having knowledge that such prohibited conduct is occurring shall take such immediate action as necessary to ensure the conduct ceases and the complaint and action shall immediately be documented and forwarded directly to the Chief/ or designee,**

3. **If the immediate Supervisor is an involved party, or if the employee fears reprisal or other forms of intimidation, then the reporting party shall report the offensive conduct to any non-involved Supervisor of their choosing.**

C. **All complaints of job-related harassment will be investigated immediately and handled in a manner that will avoid embarrassment and/or retribution to the complaining party.**

D. **Employees engaging in such work-related prohibited conduct who engage in acts of retaliation/retribution shall be subject to prosecution, civil action and disciplinary action, up to and including termination of employment.**

E. **These investigations will be kept confidential to the greatest extent allowed by law while ensuring a thorough and complete investigation is conducted.**

JAIL STANDARD REFERENCE
A-502

GENERAL ORDER REFERENCE
G.O. 4.06
G.O. 3.13

A 01.05.03 **Sexual Misconduct: Staff will have zero tolerance for any incidence of sexual misconduct between staff, volunteers, contract personnel, visitors and any AIC in the custody of the Springfield Municipal Jail. They must abide by these and related policies, laws, and standards that help prevent, detect, reduce, and punish AIC sexual assault. Staff must also provide prompt and effective intervention and investigation should an assault occur.**

A. Sexual Misconduct Defined: Any unwanted sexual contact or behavior for the purpose of arousing or gratifying the sexual desire of either party. It includes sexual harassment, fondling, inappropriate touching, or any other conduct of a sexual nature without consent or has the effect of threatening or intimidating the person against whom such conduct is directed. It further includes subjecting another to sexual comments, gestures, display or circulation of written material or pictures that are derogatory toward either gender.

B. Reporting a Sexual Misconduct: Staff will inform AICs that if, for any reason, he or she feels uncomfortable reporting the alleged sexual misconduct to a Detention Officer, he or she may report it using an AIC request form, a grievance form, a letter to a jail official, an outside party or the telephone hot line.

1. An AIC may report it anonymously or be treated as a confidential informant.

2. Medical or Mental Health staff will inform a Shift Sergeant when any AIC reports being a victim of a sexual misconduct either just before or during incarceration.

C. Response to Sexual Misconduct Report: Staff must take seriously and follow-up on all statements from an AIC or individual that an AIC has been a victim of sexual misconduct or knows of a threat to or past sexual misconduct of another.

1. Staff response will be timely and in a sensitive, supportive, and nonjudgmental manner.

2. Staff must safeguard reports, investigations, and confidentiality of victims and informants.

D. Investigating a Suspected Sexual Misconduct: Staff will do the following to respond to an incident of a suspected sexual assault:

1. Check out a suspected victim without jeopardizing the AIC's safety, identity, confidence and confidentiality.

2. Remove the suspected victim from the area for interviewing.

3. Ask the suspected victim open-ended, neutral questions, such as:

   a. How are you doing?
   b. Are you being hassled?
   c. Would you like to move to another pod?

4. If there are no indications of any problems or the AIC is non-responsive, remind the AIC to contact a Detention Officer or health care staff if help is ever needed.

5. If the AIC has had problems, consider the following:

   a. Advise the AIC that Jail staff can help.
   b. If the AIC is afraid of being labeled a "snitch" (informer), advise the AIC that he or she does not have to identify the assailant to get help.
   c. If the AIC was sexually assaulted at any time in the past, mention the importance of getting help to deal with the assault and that trained staff are available.
   d. Make referrals for the appropriate services, such as Medical, Professional Standards, rape kit evidence collection, and rape counseling.

6. Whether there is a confirmed incident or not, complete a Memorandum to document the encounter and forward to a Shift Sergeant.

E. Prosecution: When an investigation shows there is probable cause to believe sexual misconduct took place, Jail Staff or detectives may arrest the alleged assailant (if known) and forward all Incident Reports to the District Attorney for prosecution consideration.

F. Disciplinary Actions for AICs: Jail Staff will initiate disciplinary action against any AIC suspected of sexual misconduct or who intentionally makes a false sexual misconduct charge against another person.

1. Jail staff must coordinate all disciplinary investigation actions with any criminal investigator to avoid the disciplinary investigation from interfering with or taking place before the criminal investigation.

2. As routine inquiry for the investigation, Jail Staff will assess the victim's role and degree of culpability in the misconduct.

3. The hearing officer and appellate reviewers will treat self-defense against a sexual misconduct as a mitigating factor in disciplinary proceedings for fighting where evidenced.

G. Disciplinary Actions for Staff Members: If the alleged assailant is a staff member, supervisors will refer to the General Orders for responding to and handling the allegation.

H. Follow-Up: When practical, Supervisors will conduct follow-up contacts with a victim of sexual misconduct or retaliation to ensure that the AICs are free from continued assaults or retribution for reporting or taking part in investigations.

JAIL STANDARD REFERENCE
B-503

GENERAL ORDER REFERENCE
G.O. 4.06
G.O. 4.07

A 01.05.04 **<u>Sexual Assault</u>: Staff will have zero tolerance for any incidence of sexual assault or attempted sexual assault of any AIC in the custody of the Chief by any person. Staff must abide by this and related policies, laws, and standards that help prevent, detect, reduce, and punish AIC sexual assault. Staff must also provide prompt and effective intervention and investigation should an assault occur**.

A. Sexual Assault Defined: Any unwanted sexual contact for the purpose of arousing or gratifying the sexual desire of either party. It includes sexual intercourse, oral or anal sodomy, sexual touching with an object, fondling, or any other unwelcome or inappropriate touching.

B. Jail staff will use AIC supervision techniques to screen all AICs for potential vulnerabilities to sexual assault such as youthful looks, slight build, age or past behaviors of acting out in sexually aggressive manners as a part of initial induction and primary classification process. They will do the same, using any readily available information, for any AIC being placed in a holding cell with another AIC before lodging. At the primary classification interview, classification staff should ask if an AIC has been a previous victim of sexual assault provided, they do so in private. They should refer victims to mental health providers for assessment if medical staff has not already done so.

C. Reporting a Sexual Assault. Staff will inform AICs that if, for any reason, he or she feels uncomfortable reporting the alleged sexual assault to a Detention Officer, he or she may report it using an AIC Request Form, a Grievance Form, a letter to a jail official, an outside party or the telephone hot line. An AIC may report it anonymously or be treated as a confidential informant.

1. An AIC may report it anonymously or be treated as a confidential informant.

2. Medical or Mental Health staff will inform a Shift Sergeant when any AIC reports being a victim of a sexual assault either just before or during incarceration.

D. Jail staff shall protect the victim's identity, confidence and confidentiality.

E. Jail staff must not retaliate against or allow others to retaliate against any person who reported a sexual assault or took part in its investigation. Staff will encourage AICs to report any retaliation to the Detention Officer promptly.

F. Response to Sexual Assault Report: Staff must take seriously and follow-up on all statements from an AIC or individual that an AIC has been a victim of sexual assault or knows of a threat to or past sexual assault of another.

G. Investigating a Suspected Sexual Misconduct: Occasionally Jail staff may hear of an AIC being threatened with sexual assault or rumored to have been assaulted. Some victims of sexual assault may appear to have unexplained injuries, changes in physical behavior such as difficulty walking or abrupt personality changes, such as withdrawn and suicidal behavior. Staff will do the following to respond to an incident of a suspected sexual assault:

1. **Staff response will be timely and in a sensitive, supportive, and non-judgmental manner.**

2. **Staff must safeguard reports, investigations, and confidentiality of victims and informants.**

3. **Any staff member that witnesses, finds evidence of, or receives a report of a recent sexual assault on an AIC will contact a shift Sergeant immediately.**

4. **Staff will document all information concerning the suspected sexual assault and any statements made to them on a Memorandum that will be forwarded to the shift Sergeant.**

H. The shift Sergeant will first contact the Jail Commander. The shift sergeant will make sure staff take the following steps:

1. **Move the victim to a protected area immediately.**

2. **Contact Medical staff if emergency medical care is needed.**

3. **Get a brief account of what happened and document on a Memorandum.**

4. **If the assault is less than 72 hours old, inform the victim not to shower, wash, drink, eat or defecate until they have been examined.**

5. **Move any alleged AIC assailant to segregation.**

6. **Limit access to the area of the alleged assault to avoid evidence contamination.**

7. **Identify and secure any evidence related to the assault, such as clothing, undergarments, and bedding. Follow any specific instructions on evidence collection that the persons-crimes supervisor or designee provides. Refer to Crime Scene Protection procedures.**

8. **Coordinate the need for immediate evidence collection involving the AIC, the alleged assailant, and the assault scene with detectives and any forensics staff.**

9. **Arrange to keep witnesses separate from the alleged assailant. It will be necessary for investigators to interview and obtain statements from all potential witnesses as soon as possible as well as question the alleged assailant.**

10. **The Shift Supervisor, along with an additional supervisor or a staff member of the same gender as the alleged victim will interview the victim and record the interview.**

11. **If the Shift Supervisor discovers the assault occurred less than 72 hours from the time of interview, the appropriate Lieutenant will be contacted immediately.**

12. **The Shift Supervisor will forward a Memorandum detailing the interview along with all supporting documentation to the appropriate Lieutenant.**

13. **The Lieutenant will review the documentation and notify the Criminal Investigation Division or appropriate outside agencies as applicable.**

14. **Have those Jail Staff involved write a Jail Incident Report and any needed Misconduct Report.**

15. **Contact a chaplain so support and pastoral care can be offered to the victim, if requested.**

16. **Lodge the AIC in protective custody or to another area of the jail deemed safe and secure for the AIC when the AIC returns from medical treatment or investigation interview.**

17. **The Investigations Supervisor must determine if a Police Department detective should become involved in any investigation of sexual assault for criminal prosecution purposes.**

I. At a minimum, Medical staff will do the following for an AIC victim of sexual assault:

1. Render first aid, if needed.

2. Document all exams and treatment of injuries and any refusals for treatment. Notify a shift Sergeant on any refusal.

3. Transfer the AIC to a hospital for immediate care—

   a. If serious physical injury is involved.
   b. For appropriate evidence collection at the direction of the persons crimes supervisor or designee.
   c. For sexually transmitted disease testing.
   d. For prophylactic medical measures for reducing the incidence of sexual transmitted diseases, and, for a woman, pregnancy.
   e. For other rape treatment intervention.

4. Refer the AIC to a Mental Health provider for crisis intervention or a counselor trained or experienced in rape counseling as soon as possible. Make any needed additional referrals for further crisis intervention.

5. Mental Health providers or rape counselors should provide the AIC with appropriate information for follow-up treatment at a rape treatment center after the AIC is released from custody.

J. The Jail Commander will make sure staff receive documented initial and periodic refresher training on detecting, preventing, reporting, and responding to sexual assaults. Training may vary by position and method. Training should be concurrent with other policy-mandated sexual harassment and sexual misconduct training and should include:

1. The Springfield Jail's policy on sexual assault of AICs

2. Sexual assault prevention and response methods

3. Recognizing the signs of sexual assault

4. Identification and referral process should an allegation of sexual assault be made

5. Crime scene and evidence protection

6. Identification and monitoring of high-risk areas in jail facilities

7. **Emotional and psychological effects of rape on an AIC victim and how to deal with them**

8. **Types of assailants that threaten or commit rape in a jail environment and their reasons**

9. **Tailored efforts to address the needs of vulnerable populations, such as juveniles, women, and developmentally disabled.**

K. Data Collection, Reporting and Access: The Jail clerk will collect all data on sexual assaults of AICs and report them as state and federal authorities request the information. Data on individual AICs should be made available only to staff with a need to know.

JAIL STANDARD REFERENCE
A-504

GENERAL ORDER REFERENCE
4.06

A 01.05.05 Informing AICs: As a part of AIC orientation and the *AIC Manual*, Jail staff will provide information on:

A. Prohibited sexual conduct.

B. Self-protection from becoming a forced or coerced victim of sexual assault or misconduct while in custody, which includes such things as:

1. Avoiding isolated areas out of sight of staff.

2. Not accepting items of value from other AICs.

3. Not displaying body language that can be perceived as weak.

4. Staying leery of any AIC offering protection.

5. Not giving out information about family, friends, or financial support.

6. Not purchasing large amounts of commissary.

7. Not giving an impression of having money available or of being in need of money.

F. Reporting sexual assaults.

G. Treatment and counseling for victims of sexual assault.

H. Disciplinary and legal repercussions of sexual misconduct and assault.

I. Transmission of sexually transmitted diseases due to a sexual conduct or assault.

J. Jail staff will keep the channels of communication open between themselves and AICs' families and friends, welcoming information that may reveal threats of abuse or abuse that has not been reported.

JAIL STANDARD REFERENCE
A-505