



Additionally, the U.S. Department of Justice - Bureau of Justice Statistics has created the following definitions to define staff / inmate improper conduct.

Staff Sexual Misconduct: includes any behavior or act of a sexual nature directed towards an inmate by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition.

Some forms of staff sexual misconduct include, but are not limited to:

- Attempts to engage in any sexual act with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of another person.
- All completed, threatened, or requested sexual acts with an inmate.

Remember:

You are in a position of authority and there can be no consensual sex with an inmate.

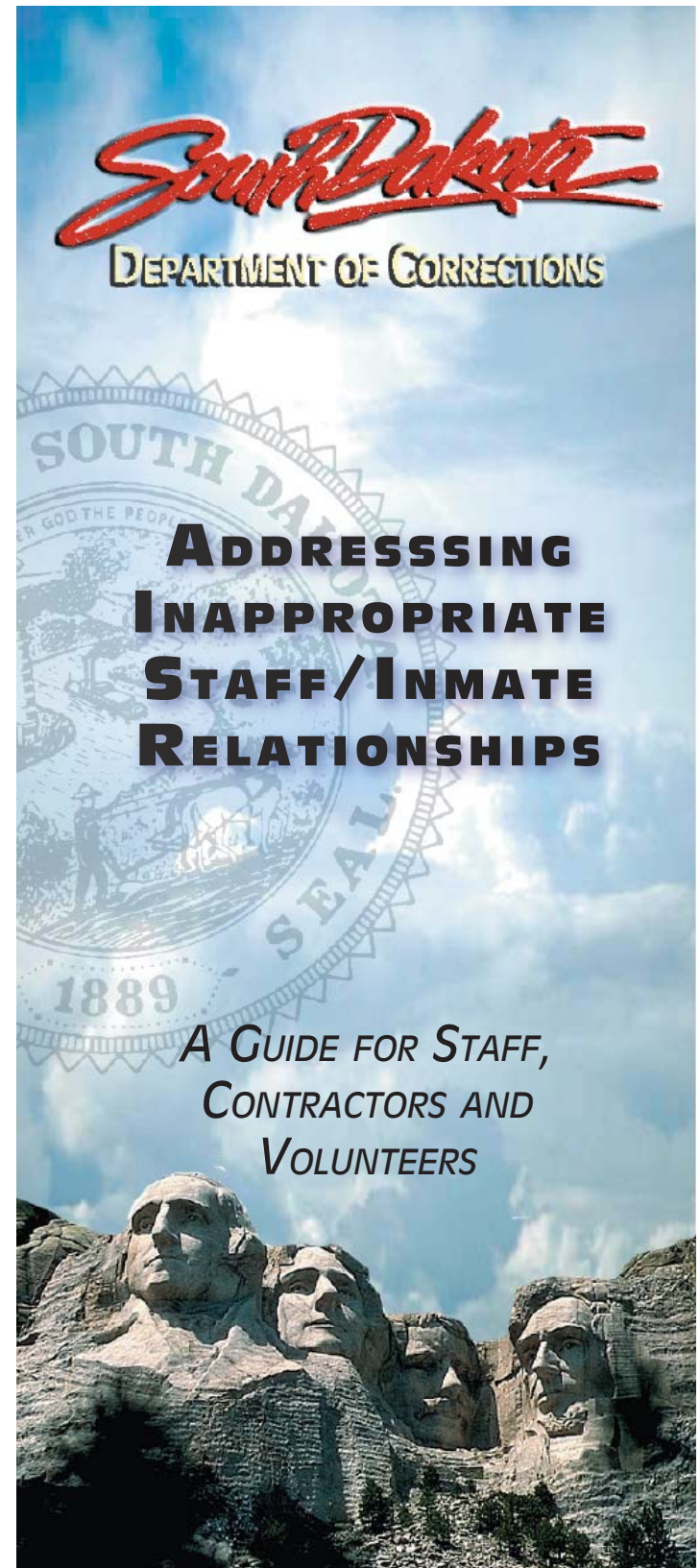
Staff Sexual Harassment: includes repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative.

Some forms of staff sexual harassment include, but are not limited to:

- Sexual comments about one's body.
- Repeated staring, comments filled with sexually suggestive innuendoes or double meanings, and/or propositions of a sexual nature.

A staff member involved in an inappropriate relationship with an inmate is considered a security threat to staff and the public.

Staff are expected by Departmental Policy to report any inappropriate staff / inmate behavior *immediately*.



The South Dakota Department of Corrections (DOC) recognizes that its most important asset is its staff.

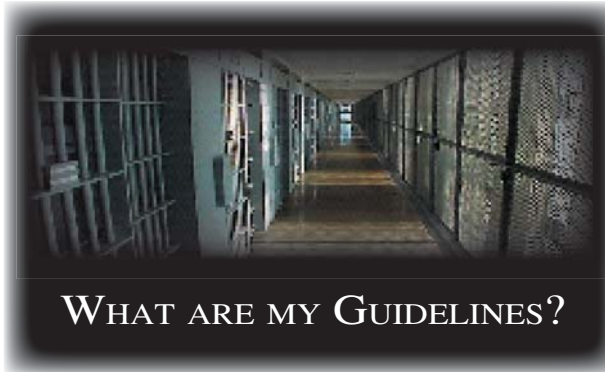
Addressing inappropriate staff /inmate relationships is essential to the safety of staff and inmates.

An inappropriate relationship with an inmate is considered to be abusive and a security threat to other staff, inmates and the public.

Staff is in a position of authority and there can be no consensual sex with an inmate.

Indicators that an overly familiar relationship may be developing:

- Isolation from fellow staff.
- Spending an inordinate amount of time with an inmate.
- Accepting personal telephone calls or personal mail for inmate.
- Sharing food or snacks with inmates.
- Believing an inmate is indispensable (she/he is the only one that can do a job)
- Drastic behavior changes on the part of the inmate or staff.



South Dakota currently has two laws, 22-22-7.6 and 24-1-26.1, that address staff inmate relationships.

These laws make it a **class 6 felony, punishable by up to 2 years incarceration and/or \$4,000 fine** for any person employed by any jail, juvenile corrections, the state, or within any state prison or any other detention facility to engage any sexual activity with another person who is in detention and under custodial, supervisory, or disciplinary authority of the person.

The DOC also has two policies, 1.1.C.1 **'Code of Ethics'** and 1.1.C.2 **'Supervision of Offenders'**, that address staff and inmate conduct. These policies apply to all DOC employees including individuals under contract, other state agencies assigned to DOC, authorized volunteers, and student interns.



The following are some guidelines to help staff avoid inappropriate relationships and maintain their professionalism:

- Maintain a professional distance.
- Focus behavior on duties and assignments.
- Do not become overly familiar with any particular inmate.
- Never share personal information or have personal or sexual discussions with inmates.
- Do not share personal information or have personal conversations with other staff when inmates are present.
- Do not accept gifts or favors from inmates.
- Follow the department's policies and operations memorandums to avoid favoritism to any inmate.

Be knowledgeable of Departmental Policies and Procedures, in particular the Staff Code of Ethics and the Supervision of Offenders.