

WHAT IS SEXUAL MISCONDUCT?

Staff engaging in or attempting to engage in sexual acts with you. This includes, but may not be limited to:

- ▶ **Any sexual act.** Example: You fall in love with a staff member and s/he agrees to marry or "hook up" with you once you are released. You begin a sexual relationship while you are still in prison.
- ▶ **Intentional touching of your genitals, anus, groin, breast or inner thigh to gratify a sexual desire.** Example: A staff member walks into a caustic closet, comes up behind you, and grabs your breasts.
- ▶ **Indecent exposure by staff in front of you.** Example: You walk into an area and see a staff member masturbating.
- ▶ **Fondling or kissing.** Example: While speaking with you, a staff member begins to caress your buttocks.

Sexual Acts or contacts between any staff person and you, even if you do not object, is prohibited and always illegal.

WHAT IS SEXUAL HARRASSMENT?

Staff engaging in sexual advances, requests for sexual favors or other offensive conduct of a sexual nature to a prisoner.

This includes but may not be limited to:

- ▶ **Derogatory comments about your body.** Example: A staff member says "button your blouse, your breasts are ugly."
- ▶ **Off-color statements or jokes.** Example: A staff member tells you "with a sexy body like that, it's a shame you have to wear prison clothes."
- ▶ **Abusive, threatening, profane or degrading sexual comments.** Example: A staff member says "I'll make sure you bitches get what you deserve."
- ▶ **Conduct of a sexual nature.** Example: Hand or body movements imitating sex acts.

WHAT IS OVERFAMILIARITY?

Conduct between an employee and a prisoner which has resulted in or is likely to result in intimacy. The following behavior by staff and prisoners is prohibited:

- ▶ Addressing each other by first name or nickname,
- ▶ Flirting with each other,
- ▶ Exchanging personal letters or gifts,
- ▶ Receiving or granting special favors,
- ▶ Discussing personal matters unless specifically related to your case,
- ▶ Kissing and/or hugging.

WHO TO CONTACT?

Sherry Burt is the Warden whom you can contact about any form of gender-based misconduct. This is not a substitute for filing a grievance. The Warden makes rounds to talk with prisoners.

The Warden monitors all allegations and investigations of sexual misconduct, sexual harassment and retaliation. The address is:

Sherry Burt, Warden
Special Alternative Incarceration Facility
18901 Waterloo Road
Chelsea, MI 48118

WHAT ALLEGATIONS WILL THE WARDEN DEAL WITH?

- Allegations of sexual misconduct
- Allegations of sexual harassment
- Allegations of violations of the 1:1 and Knock and Announce policies
- Allegations of retaliation for reporting any gender-based misconduct
- Improper patdowns

REMEMBER

Sex between prisoners and staff is never o.k.

If you are a victim, report it immediately.

You can get help.

All reported incidents will be investigated.

False allegations can hurt you and the accused.



MICHIGAN DEPARTMENT OF CORRECTIONS

IDENTIFYING AND ADDRESSING GENDER-BASED MISCONDUCT

A GUIDE FOR WOMEN PRISONERS

July 2011

The Michigan Department of Corrections (MDOC) is committed to ensuring a safe, humane environment for all prisoners. An important part of this commitment is prisoners being free from gender-based misconduct by staff. This guide explains some of your rights as a prisoner and the safeguards that are in place to protect you.

"Gender-based misconduct" is the term used in this guide to describe prohibited staff behavior that is related to your gender. Gender-based misconduct includes sexual misconduct, sexual harassment, overfamiliarity and retaliation.

The MDOC cannot and will not tolerate any form of gender-based misconduct. Within this guide, you will find descriptions of these behaviors and how you should deal with them.

Most MDOC employees do not engage in this kind of conduct and do not support staff members who do. They recognize that improper staff behavior tarnishes their reputation and jeopardizes the safety and security of the institution. It is important that everyone; staff and prisoners alike, do their part to reduce the harm that results from this kind of behavior. The purpose of this guide is to ensure that you are aware of the safeguards that do exist.

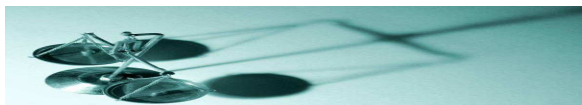
WHAT IS RETALIATION?

As it relates to gender-based misconduct, retaliation means staff engaging in or threatening to engage in a harmful action against you because:

- ▶ You reported, or staff believes you reported gender-based misconduct,
- ▶ You cooperated with, or staff believes you cooperated with an investigation of gender-based misconduct.

ARE THERE LAWS & POLICIES TO PROTECT ME? YES.

MICHIGAN LAW (750.520c(i)), interpreted states that employees, contractual staff, or volunteers who engage in sexual contact with you can be charged with Criminal Sexual Conduct in the 2nd degree (a felony punishable by up to 15 years in prison). A crime has been committed, even if you consented to sexual contact.



In addition, MDOC has a Policy Directive (P.D. 03.03.140, Prohibited Sexual Conduct Involving Prisoners) which you can find in the law library. This P.D. provides other safeguards to protect you from gender-based misconduct including the following:

KNOCK AND ANNOUNCE:

Unless an emergency exists, male staff must knock and announce themselves before entering an area in your unit where you may be undressed such as a shower room, the toilet area or your cell.

ONE ON ONE POLICY (1:1):

Male staff may not be alone with you unless you are in an area clearly visible to others, Exceptions: medical care, counseling, questioning during an investigation or confidential reporting.

CLOTHED BODY SEARCHES (Patdown):

Except in an emergency situation, or where there is reasonable suspicion that a prisoner is in possession of contraband, pat down and clothed body searches of female prisoners are only to be conducted by female staff.

MINIMIZATION OF ACCESS TO SECLUDED AREAS:

Extra precautions have been initiated to limit access to secluded areas at the facility and to make secluded areas visible to others.



HOW CAN I REPORT GENDER-BASED MISCONDUCT?

Gender-based misconduct by staff is prohibited, but must be reported before action can be taken. Don't rely on anyone else to report the misconduct — if you experience it or see it, report it immediately.

To make sure that gender-based misconduct is reported, the MDOC offers several ways for you to report:

- ▶ You may tell any staff member at your facility. It is part of their job to report any allegation and to ensure your safety.
- ▶ You may file a grievance at Step 1.
- ▶ You may send a "kite" or letter to the Warden.
- ▶ You may drop a letter in the secure lock box that goes to the Warden.
- ▶ You may send a Step III grievance to the Director in Lansing.

The advantage to using a written form of reporting is that it creates a record, which is less likely to be lost or misunderstood later on. Over the past several years, the grievance system has been used most often to report gender-based misconduct but the choice is yours.

This variety of options exists to encourage reporting. But, if you choose an initial reporting method other than filing a grievance, you should still promptly file a grievance after telling a staff member or submitting a kite or letter. The reasons you should file a grievance are:

- You may lose other rights if you do not exhaust the grievance process.
- There is a written record of your complaint and you will have a copy for your own records.
- The grievance process has time limits for reporting/response.
- You will receive a response to your complaint.
- When you file your grievance for gender-based misconduct, you do NOT have to attempt to verbally resolve the issue with the staff member before filing the grievance.

WHAT HAPPENS TO MY REPORT?

Your report or grievance will be INVESTIGATED!

The MDOC Internal Affairs Unit and the Michigan State Police will investigate allegations of SEXUAL MISCONDUCT. Staff members at your facility, who have special training, will investigate allegations of SEXUAL HARRASSMENT, OVERFAMILIARITY, VIOLATIONS OF THE KNOCK AND ANNOUNCE POLICY, THE ONE-ON-ONE (1:1) MALE STAFF SUPERVISION POLICY AND/OR IMPROPER PATDOWN SEARCHES.

Allegations of RETALIATION will also be reviewed by the Regional Retaliation Review Committee. The Regional Retaliation Review Committee is chaired by the CFA Region III Administrative Assistant or other individual as designated by the RPA.

WHAT ARE POSSIBLE OUTCOMES OF AN INVESTIGATION?

During an investigation of sexual misconduct, a number of actions may occur:

- STAFF could be placed on restricted duty, barred from entering the facility or suspended.
- YOU could be relocated for your protection; however, you will never be placed in punitive segregation as a result of reporting sexual misconduct or any type of gender-based misconduct.

After the investigation is finished, one of the following decisions is reached:

Sustained: Sufficient evidence exists to support the allegation.

Not Sustained: Insufficient evidence exists to support the allegation as being true or untrue,

Unfounded: Evidence exists to support the allegation as not true. This means you knew the allegation you made was not true. In that case, you maybe subject to disciplinary action.

Other: There is not enough evidence to prove that the allegation is true; however, there is evidence to prove that another law, policy or work rule was violated.

Keep in mind, a thorough investigation takes time. The investigation must clearly support or refute any allegation with evidence. Any staff member who sexually abuses or assaults you will be disciplined up to and including dismissal and referral to the Michigan State Police for possible prosecution. Discipline and criminal prosecution are more likely to be successful if you report the abuse immediately.



WHY SHOULD I ASK FOR HELP IF I'M A VICTIM?

The physical and emotional effects of sexual misconduct can be devastating and long lasting. Some of the effects may not be obvious right away, and staff members may not know you need help if you remain silent.

Physically, you could become pregnant or contract HIV or other sexually transmitted disease.

Emotionally, you could become depressed, have panic attacks, anxiety, be unable to sleep, have fits of rage and anger, feel fear, feel pressured, helpless or powerless. If you experience problems related to sexual misconduct, you should ask for help immediately.

WHAT HELP IS AVAILABLE AND HOW DO I GET IT?

Mental Health staff is willing and able to help. To take advantage of these services you may:

- Write to the Psychological Services Unit (PSU) or,
- Ask any staff person to help you with a referral.

If you have been sexually assaulted or made a credible allegation of sexual harassment, you have a right to these services; staff members have been instructed to offer them to you. For more information on Mental Health Services, you can read PD 04.06.180. This Policy Directive is available in the law library.

To get **Medical Services**, you may:

- Write to Health Care, or
- Ask any staff person to help you with a referral.



NOTE: If you have been sexually assaulted, you need to get medical attention as soon as possible. Do not shower, brush your teeth, or wash your clothes or underwear. This could wash away hair or other body fluids, which are critical evidence. Also, save anything that touched the perpetrator (e.g. condom, tissue or a towel) or anything s/he left behind.