

**Prisoner Contact –  
Sexual Abuse,  
Sexual Harassment,  
Overfamiliarity and  
Unauthorized Contact**

## **Prison Contact - Sexual Abuse, Sexual Harassment, Overfamiliarity and Unauthorized Contact**

The Michigan Department of Corrections is committed to ensuring the safe and humane treatment of prisoners and a safe environment for all prisoners. An important part of a safe and humane environment includes being free from sexual abuse and sexual harassment.

The Department enforces a zero tolerance standard for staff, contractual employees, and volunteers to engage in sexual abuse, sexual harassment and overfamiliarity with prisoners.

Sexual abuse is a term used to describe certain kinds of prohibited behavior. Sexual abuse includes non-consensual sexual acts and sexual harassment. Based upon an imbalance of power, sexual relationships between staff, contractual employees, and volunteers with a prisoner are NEVER consensual.

Sexual abuse of a prisoner by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the prisoner:

### ***Sexual Conduct with Offender or Overly-Familiar or Unauthorized Conduct/Sexual Relationship***

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;

(3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a prisoner, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer which means an invasion of privacy of a prisoner for reasons unrelated to official duties, such as peering at a prisoner who is using a toilet in his or her cell to perform bodily functions; requiring a prisoner to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a prisoner's naked body or of a prisoner performing bodily functions.

## **Sexual Harassment**

Verbal comments or gestures of a sexual nature to a prisoner by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

## **Reporting Requirements**

Anyone who observes sexual abuse/sexual harassment or receives an allegation of sexual abuse/sexual harassment, must report it to the appropriate supervisor immediately.

In addition to the Department's policy requirement that all allegations of sexual abuse, including sexual harassment, must be reported the Department is also required by federal and state law to report sexual abuse to outside authorities.

Sexual activity against a prisoner which may constitute a felony shall be reported to appropriate law enforcement authorities. For example, Michigan law MCL 750.520c provides that employees, contractual employees, or volunteers who engage in sexual contact with prisoners can be charged with a felony, Criminal Sexual Conduct in the second degree.

All reported allegations of sexual abuse/sexual harassment, shall be referred to the Internal Affairs section for investigation. All allegations shall also be referred to the Michigan State Police or other appropriate

law enforcement agency for investigation in accordance with policy and law.

In addition to reporting incidents of sexual abuse to the Michigan State Police, the Department must report all allegations of sexual abuse to the county department of social services of the county in which the abuse is suspected of having or believed to have occurred.

A contractual employee or volunteer who engages in sexual abuse/sexual harassment will be prohibited from providing services within any Department correctional facility.

Remember:

Treat any suggestion or allegation of sexual assault, abuse, or contact as serious.

A report of sexual abuse by a prisoner is to be kept confidential and shared only according to policy and law.

### **Overfamiliarity or Unauthorized Contact**

The Department also enforces a zero tolerance standard for staff, contractual employees, and volunteers to engage in overfamiliarity with prisoners.

**Overfamiliarity** involves staff, contractual employees, and volunteers engaging in, or attempting to engage in conduct likely to result in intimacy or a close personal relationship with a prisoner. The following

behavior between staff, contractual employees, and volunteers and prisoners is prohibited:

- a. Exchanging personal letters or gifts.
- b. Requesting or granting special favors.
- c. Discussing personal matters, unless specifically related to a prisoners case.
- d. Engaging in horseplay.
- e. Flirting.
- f. Addressing each other by first name or a nickname.

**Overfamiliarity or Unauthorized Contact** with an offender includes the following types of relationships and behaviors:

Engaging in overfamiliarity with an offender, or a family member or listed visitor of an offender.

Having a personal relationship with an offender, the offender's family, or visitors at the facility you are working. Where such cases arise that there is already a personal relationship established prior to working at the facility, this information must be disclosed to include the name, number and location of the offender.

Making contact with any offender, family member of an offender or a listed visitor of an offender outside the regular performance of the job.

Giving or receiving letters, money, personal mementos, telephone numbers, legal or other services to or from an offender or a family member or a listed visitor of an offender.

Conversation of a sexual or romantic nature. Sexual abuse or sexual harassment of an offender's family members or listed visitors.

Financial involvement with offenders, family members of offenders, or listed visitors.

Giving or receiving messages, pictures or goods.

If unavoidable contact is made with an offender, a family member of an offender or a listed visitor of an offender, such contact must be reported in writing to the facility head through proper channels.

Allowable contact is defined based on the type of work you are conducting at the CFA facility. Any contact outside of the work you are doing could be inappropriate contact.

Offenders may try to have a conversation with you through a fence or by yelling across the yard. DON'T DO IT.

Generally an offender will not attempt to have an inappropriate conversation when staff are around.

Reporting contact or attempts to contact is required at any time an offender attempts to have a conversation, asks you to do something for them, asks you to bring something to them or asks you to contact someone for them.

Consequences of unauthorized contact or overfamiliarity will lead to being escorted out of the facility and possibly not being able to work at any other Department facility.

If the overfamiliarity is deemed a felony, the case will be turned over to the Michigan State Police or other appropriate Law Enforcement Agency and could lead to prosecution and incarceration for up to 15 years in prison.

**Do's and Don'ts of working in a CFA facility are as follows:**

DO stay with your escorting staff member.

DO dress appropriately for your job:

- Clean shirt and pants
- Under garments worn
- Clothing which is loose fitting
- Clothing which does not expose

DO consider where you are working.

DO ask questions about everything.

DO report everything unusual or questionable.

DO refer visitors to staff if they ask questions.



**Don't** leave tools & equipment unsecured. Make sure tools are inventoried.

**Don't** talk or visit with prisoners.

**Don't** do anything if the emergency siren sounds. You will receive direction from staff on what action to take.

**Don't** come to the facility without proper identification.

**Don't** bring any controlled items such as, butane lighters, knives, liquor, weapons, ammunition, dice, cameras or anything else into the prison.

**Don't** give money, cigarettes or any other items to prisoners.

**Don't** accept gifts or take anything from prisoners.

**Don't** carry any items of mail into or out of the prison for any prisoners.

**Don't** enter any area of the prison without staff permission or escort.

**Don't** forget you may be searched at any time entering, exiting or while you are inside the prison.

**Don't** bring any of the following items to the prison in your vehicle: firearms, weapons, ammunition, liquor or cameras.

**Don't** leave your keys in your vehicle.

**Don't** leave your vehicle unsecured (unlocked) on prison property.

**Don't** attempt to enter or exit the prison at any place other than where you are instructed to do so by staff.

**Don't** smoke or (chew tobacco) on prison property.

**Don't** forget to ask for staff assistance if you don't understand any of these rules.