



## TECHNICAL BULLETIN

### Staff Sexual Misconduct

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Sexual violence and misconduct in correctional facilities is a major problem that harms all aspects of institutional operations. Recognition of this factor is a central component of the Prison Rape Elimination Act of 2003. As a result of this federal act attention has been brought to all aspects and types of sexual violence/misconduct, numerous resources have been developed and made available, and greater accountability is being imposed on and expected from correctional systems, facilities and administrators.

The Bureau of Justice Statistics (2006) reviewed 2005 records from 1,867 prisons and jails has identified that staff sexual misconduct accounts for 38.2% of all reported cases of sexual violence and sexual harassment accounts for 17.4% of all reported incidents. These statistics, however, may be only the tip of the iceberg, as they represent only cases brought to the attention of correctional administrators. Additionally, it is important to recognize that most reported cases of staff sexual misconduct are either unsubstantiated by investigation (62%) or showed to be unfounded (17.2%). Undoubtedly, there are many more incidents that are unreported, yet weakening the security of institutions, weakening staff morale and making institutions more dangerous places to work and live.

While there is no one set profile of staff involved in sexual misconduct, we do know that female inmates are more likely than male inmates to be sexually victimized by a staff member, and in prisons female staff account for nearly two-thirds (62%) of involved staff. In jails, female inmates (78%) and male staff members (87%) are the majority of involved individuals. Based on the official reports of sexual misconduct the Bureau of Justice Statistics reported that 73% of cases in prisons and 56% of cases of sexual misconduct by staff were "romantic" in nature.

Slightly more than one-half of all reported instances of staff sexual misconduct are report to authorities by inmates. While most (82%) staff involved in sexual misconduct are fired or asked to resign their positions, less than one-half (45%) of involved staff were referred to prosecution. This is despite state laws making staff-inmate sexual contacts illegal.

Administrators, and in fact all institutional staff members, need to be aware of the possibilities of sexual misconduct, and the serious threats that can arise from such events. Good correctional policy should call for continuing education of staff and inmates about sexual misconduct and the serious deleterious effects such can have on facility operations, safety and security.

Good institutional policy and procedure needs to address four important tasks:

- ✓ **Task #1:** Educate both staff and inmates about both what constitutes sexual misconduct, the types of behaviors and events that may signal sexual misconduct is occurring, and the dangers such presents the safety of both staff and inmates.
- ✓ **Task #2:** Know and publicize policy and law in your system/jurisdiction related to staff misconduct.
- ✓ **Task #3:** Establish and publicize a means for staff and inmates to report staff sexual misconduct to the administration of the institution. Preferably this is a reporting mechanism that allows anonymous reporting - at the very least it must be confidential.
- ✓ **Task #4:** Follow through on investigations, administrative responses and referrals to prosecution for staff involved in sexual misconduct. Complete investigations and publicizing outcomes of investigations and referred cases (as much as possible, considering legal restrictions) are critical to communicating to staff (and inmates) that sexual misconduct is taken seriously. Staff members who see that there are serious repercussions for sexual misconduct are likely to be deterred from involvement in such dangerous relationships.

For more information visit the National Prison Rape Elimination Commission at [www.nprec.us](http://www.nprec.us).

Check out the Workforce Steering and Human Resources Committees Web Site at <http://www.aca.org/committee/home.asp>