

Red Flags

Addressing offender/inmate undue familiar relationships and sexual abuse is important both individually and within the agency. While you may not be in danger of committing such an offense, one of your colleagues may be. Therefore it is very important to pay close attention to your colleagues' behavior as well as your own.

The following examples are a list of behaviors that may be signs that you or someone you work with is in danger of engaging in undue familiarity and/or sexual misconduct. These behaviors or "red flags" may signal that there are problems ahead for you, your colleagues, or the agency.

Some examples of "red flags" are:

- Deviating from agency policy for the benefit of a particular offender
- Changes in appearance of an offender, staff or agent
- Overlooking infractions of a particular offender
- Spending a lot of time with a particular offender
- Taking up an offender's cause or grievance
- Doing favors for an offender
- Getting into conflicts with department staff over an offender
- Withdrawing from staff and/or other offenders
- Consistently volunteering for a particular assignment or shift so you can be close to the offender
- Coming to work early and/or staying at work late
- Flirting with an offender

Remember, it's a problem for everyone when a staff member, volunteer, or agent becomes involved in undue familiar relationships and/or sexual misconduct with an offender. By regularly looking for red flags and signs of overly familiar relationships, you will be doing a personal check of your feelings and emotions as well as those of your co-workers, volunteers, staff, and agents of the department. When these flags are observed, you have a duty to report it.

A Duty to Report

As a valued volunteer/agent of this department, you have a duty to report incidences where staff, contract staff, agents of the department, or volunteers are unduly familiar, sexually involved with, or sexually harassing an offender/inmate. This includes information received from a third party or personal observations.

Some forms of reporting include but are not limited to:

- Facility or Judicial District Office
- Facility or Division Administrator
- Officer in Charge or Supervisor
- Your Agency Contact
- PREA Administration at prea@doc.state.nc.us

Remember



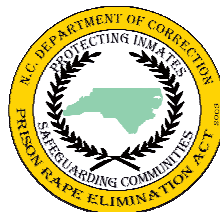
You have a duty to report incidences of undue familiarity and offender/inmate sexual abuse!!!

RESOURCES

- Prison Rape Elimination Act of 2003
- NC General Statute 14-27.7
- DOC Sexual Violence Elimination Policy
- OSDT-Undue Familiarity Lesson Plan
- National Institute of Corrections

BROCHURE DEVELOPED BY THE NC DOC OFFICE OF PREA ADMINISTRATION

The opinions, findings, and conclusions or recommendations expressed in this publication/ program/ exhibition are those of the author(s) and do not necessarily reflect views of the Department of Justice. This project was supported by award 06-RP-BX-0026 awarded by the Bureau of Justice Assistance through the U.S. Department of Justice. 250,000 copies of the public document were printed at a cost of \$8,189.09 or \$0.33 per copy.



NORTH CAROLINA DEPARTMENT OF CORRECTION



A guide for the Prevention and Reporting of Undue Familiarity and Sexual Abuse with Offenders/Inmates

For Volunteers and
Agents of the
Department

North Carolina Department of Correction

The North Carolina Department of Correction oversees a total offender population of approximately 157,000 felons and misdemeanants residing throughout nearly 80 correctional institutions, or under supervision in over 270 Division of Community Corrections field offices and residential facilities.

The mission of the North Carolina Department of Correction is to promote public safety by the administration of a fair and humane system which provides reasonable opportunities for adjudicated offenders to develop progressively responsible behavior.

Objective

This pamphlet is written to train and educate you on the Prison Rape Elimination Act of 2003 (PREA), North Carolina General Statute 14-27.7a, and the agency's standard concerning offender/inmate sexual abuse. It is also intended to provide information on maintaining professional boundaries with offenders/inmates and your duty to report incidents of offender/inmate sexual abuse.

PREA and NC DOC

The Prison Rape Elimination Act of 2003 (PREA) is a Federal law established to address the elimination and prevention of sexual abuse and rape in correctional systems. PREA applies to all federal, state, and local prisons, jails, police lock-ups, private facilities, and community settings.

In response to PREA, the North Carolina Department of Correction has committed to a standard of **zero-tolerance** of sexual abuse of offenders either by staff, other offenders/inmates, volunteers, contracted agents, or individuals having custody of or responsibility for the safety, security, care, and/or treatment of offenders/inmates. Volunteers and Agents must be aware that unprofessional relationships will not be tolerated and these relationships are criminal and may be prosecuted under state and federal statutes.

North Carolina General Statute (N.C.G.S.)

NC General Statute 14-27.7a, states that if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental; having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E Felony. **CONSENT IS NOT A DEFENSE TO A CHARGE UNDER THIS SECTION.**



Sexual Abuse

Encompasses the following:

1. Offender on Offender Sexual Abuse
 - Offender on Offender Sexually Abusive Contact
 - Offender on Offender Sexually Abusive Penetration
2. Offender on Offender Sexual Harassment
3. Employee on Offender Sexual Abuse
 - Employee on Offender Sexually Abusive Contact
 - Employee on Offender Sexually Abusive Penetration
 - Employee on Offender Indecent Exposure
 - Employee on Offender Voyeurism
4. Employee on Offender Sexual Harassment

Undue Familiarity

All employees, volunteers, and agents of the department should treat offenders in a firm, fair and consistent manner, and refrain from inappropriate and improper contact with them. Whenever there is reason to discuss an offender's problem with them, a professional attitude consistent with roles and responsibilities should be exercised. As an employee, volunteer or agent, you should not:

- Have any financial dealings with an offender unless authorized by the facility management or supervisor.
- Borrow anything from an offender,
- Lend anything to an offender,
- Accept any gift or personal service from an offender, except as specified by law, regulation, or directive,
- Make gifts to or perform personal services for an offender,
- Use abusive, indecent, or profane language in the presence of an offender,
- Curse an offender, or
- Knowingly enter into a business relationship with an offender or their family member or close relative.
- Knowingly give or sell any tobacco products to an inmate (***N.C.G.S. 14-258.1***).
- Knowingly give or sell a mobile telephone or other wireless communications device to an inmate (***N.C.G.S. 14-258.1***).

Additionally, it is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate or stimulant drug, or any narcotic, poison or poisonous substance, except upon the prescription of a physician, or to convey to or from an inmate any letters or oral messages or any instrument or weapon by which to effect an escape, or that will aid in an assault or insurrection, or to trade with an inmate for clothing or stolen goods or to sell an inmate any article forbidden by prison rules.

The information listed above is not all inclusive. When in doubt one should seek clear guidance from an agency representative before engaging in what could be viewed as misconduct later. If it "exceeds" professional standards of conduct and/or deviates from agency policy, it may be undue familiarity.