

EXH # 13 (2)  
10/15/97 for contempt



DEPARTMENT ORDER  
DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

Department Order Subject:  Sexual Misconduct Against Inmates		Department Order Number:  3350.2B
OPI Code:  ORP	Chapter:  Personnel Management	Effective Date:  October 15, 1997
Signature: <i>Margaret A. [Signature]</i> Margaret A. [Name], Director		Related ACA Standards:  3-4268

I. **Purpose:** The purpose of this directive is to establish the DC Department of Corrections (DCDC) policy regarding sexual misconduct against inmates; to discourage and prevent sexual misconduct against inmates; and, to establish uniform procedures for reporting, investigating, and adjudicating incidents of sexual misconduct in the DCDC. Hereafter, reference to investigation and adjudication procedures for complaints of sexual misconduct shall also include complaints of retaliation and breach of confidentiality.

II. **Policy:** It is the policy of the DCDC to prohibit employees from engaging in romantic relationships with inmates. Acts of sexual misconduct against inmates or retaliation against inmates who refuse to submit to sexual advances are prohibited. Further, retaliation against individuals because of their involvement in the reporting or investigation of a sexual misconduct complaint is prohibited. The DCDC will fully investigate and discipline persons who violate this directive.

III. **Applicability:** This directive applies to employees, volunteers, and inmates under the purview of the DCDC.

IV. **Authority:** The Executive Deputy Director, Deputy Directors, Wardens, Facility Administrators, Office Chiefs, Managers, and Supervisors have the authority to enforce the requirements of this directive.

V. **Directive Affected:** This directive cancels Department Order 3350.2A, "Sexual misconduct Against Inmates," dated May 15, 1995.

VI. **Definitions:** For the purpose of this directive, the following definitions shall apply:

A. **Employee** - A volunteer, contract worker, or any person who is paid by the Department to serve as its agent.

B. **Sexual Misconduct Coordinator (Hereinafter Coordinator)** - A Department employee designated to coordinate the inmate sexual misconduct complaint process.

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C. **Investigator** - An individual authorized by the DCDC to investigate sexual misconduct against inmate complaints.

D. **Respondent** - The person accused of sexual misconduct.

E. **Retaliation** - Restraint, interference, coercion, acts of covert or overt vengeance, or threats of action to discourage, prevent or punish either an inmate for refusal to submit to sexual advances or any individual because of his/her involvement in the reporting or investigation of a sexual misconduct complaint.

F. **Sexual misconduct** - Sexual behavior by a DCDC employee, volunteer, agent or individual working on behalf of the DCDC that is directed toward inmates under the care, custody, and supervision of the Department. Sexual misconduct toward inmates includes acts or attempts to commit acts of sexual abuse, sexual harassment or invasion of privacy.

1. **Sexual Abuse** is defined as:

a. forced or coerced sexual act or sexual contact as defined by DC Code, Sections 22-4101 through 22-4106; or

b. any sexual act or sexual contact between an employee and an inmate (See DC Code, Section 22-4113 through 22-4114). Sexual contact shall include, but not be limited to, the touching of any clothed or unclothed body part for sexual reasons. Sexual contact between an inmate and an employee is sexual abuse even if the inmate "consents."

2. **Sexual Harassment** is defined as:

a. verbal or physical sexual conduct that creates a hostile, offensive, or intimidating environment. This includes obscene or sexually offensive advances, gestures, and comments; or

b. influencing or making promises involving, among other things, an inmate's safety, custody, privacy; housing, privileges, work detail, or program status in exchange for sexual favors; influencing or threatening an inmate's safety, custody, privacy, housing, privileges, work detail, or program status because the inmate has refused to submit to a sexual advance.

3. **Invasion of Privacy**

a. Observing, attempting to observe, or interfering in an inmate's activities, which are of a personal nature, without a sound penological reason, or

b. Failure of an employee of the opposite sex to announce his/her presence, without a sound penological reason, when entering an inmate's housing unit.

**VII. Procedures:**

**A. Inmate Notifications**

1. Each inmate shall be notified of the prohibition against sexual misconduct and of the requirements in this directive. Each inmate shall be provided with written information on sexual misconduct and how to report sexual misconduct.

2. The DCDC shall take appropriate steps to communicate this directive to inmates with reading and language difficulties or physical limitations.

3. This directive shall be posted on inmate bulletin boards, placed in law libraries, and as appropriate, in inmate publications.

**B. Staff Notifications**

1. This directive and any other written directives pertaining to procedures for handling allegations of sexual misconduct against inmates shall be given and thereafter made readily available to each DCDC employee.

2. Volunteers, agents and individuals who conduct business in DCDC facilities shall receive notification of the prohibition against sexual misconduct including procedures for prevention, reporting, investigation, and adjudication.

**C. Responsibilities**

**1. DCDC Employees**

a. Each employee shall strictly adhere to this directive by ensuring that his/her conduct does not constitute or promote sexual misconduct.

b. Each employee who receives any information, from any source, concerning sexual misconduct or who observes incidents of sexual misconduct, is required to immediately report the information or incident directly to the affected Warden, Facility Administrator or Office Chief or to the highest ranking official on duty at the time of the incident.

c. Failure of an employee to report an allegation or any facts and circumstances that would lead a reasonable person to believe that sexual misconduct is occurring or has occurred, shall subject the employee to discipline, in accordance with the attached Table of Penalties and as under authority of the District of Columbia Personnel Manual (DPM) Chapter 16, "Employee Discipline".

d. No employee, manager or supervisor, except the Investigator who is assigned to the complaint, shall conduct an inquiry or investigation into the circumstances related to the allegations.

e. Any interference with an investigation of sexual misconduct or refusal to answer proper questions during an official investigation, may be grounds for discipline in accordance with the attached "Table of Penalties."

**2. Managers and Supervisors :** In addition to responsibilities of all employees, managers and supervisors shall be responsible for the following.

a. All sexual acts and sexual contact shall immediately be reported, by the Warden (or Office Chief if the incident occurred at a non-institutional work site) or the highest ranking staff member who is on duty, to the appropriate law enforcement authorities.

b. When sexual acts or sexual contact is alleged, the on scene supervisor shall immediately secure the crime scene. The Warden, Facility Administrator or Office Chief, or the highest ranking staff member who is on duty, shall immediately notify appropriate law enforcement authorities.

c. The alleged victim shall immediately be given the necessary emergency medical treatment, without compromising the integrity of available physical evidence. If deemed necessary by institutional medical personnel the inmate shall be transported to an outside medical facility.

d. The official who receives the complaint must take immediate action in accordance with this directive to ensure the safety of the inmate.

e. Failure to take other appropriate action, as defined in this directive, when sexual misconduct is alleged or has been determined to have occurred, shall subject the manager or supervisor to sanctions under The DC Personnel Manual (DPM) Chapter 16, "Employee Discipline".

**3. Sexual Misconduct Coordinator:** The Coordinator shall make an appropriate evaluation of all sexual misconduct complaints received from all sources and shall be the only authority responsible for initiating a sexual misconduct investigation.

**D. Sexual Misconduct Complaint Reporting Procedures For Inmates**

1. Any inmate may make a confidential report of sexual misconduct through the twenty-four (24) hour telephone hot line. This number shall be given to inmates at intake and at orientation and shall be posted in areas accessible to inmates and in the Command/Control Center.

2. An inmate may file a sexual misconduct complaint to the Warden, Facility Administrator or Office Chief by forwarding a letter or utilizing the DCDC's inmate grievance system, as described in Department Order 4030.1D, "Inmate Grievance Procedure (IGP)," dated May 4, 1992. The inmate may file the complaint directly with the Director as an "Emergency," as in accordance with Department Order 4030.1D.

3. An inmate may verbally advise any employee of acts or attempted acts of sexual misconduct.

**E. Sexual Misconduct Complaint Reporting Procedures for Staff**

1. Each employee who receives any information, from any source, concerning sexual misconduct or who observes incidents of sexual misconduct, is required to immediately report the information or incident directly to the Warden, Facility Administrator or Office Chief, or the highest ranking official who is on duty at the time of the incident.

2. The Warden, Facility Administrator or Office Chief (or the highest ranking official on duty) shall make immediate verbal notification to the affected Deputy Director and the Coordinator when sexual misconduct complaints are reported.

3. Each employee shall submit a written report, providing any information received or observed that concerns sexual misconduct to the Warden, Facility Administrator or Office Chief, or the highest ranking official on duty, before the end of his/her work day.

4. The Warden, Facility Administrator or Office Chief shall forward one copy of written sexual misconduct reports to the Deputy Director and the Coordinator by the end of the work day.

**F. The Coordinator**

1. If the Coordinator receives an allegation of sexual abuse via the telephone hot line or direct correspondence, the complaint must be verbally reported immediately to the affected Warden, Facility Administrator or Office Chief and the Deputy Director. The Coordinator will provide follow up written notification to the Warden, Facility Administrator or Office Chief and the affected Deputy Director by the close of the business day.

2. When the Coordinator notifies the affected Warden, Facility Administrator or Office Chief of complaints of sexual acts or sexual contact, the Warden, Facility Administrator or Office Chief must immediately notify appropriate law enforcement authorities.

3. In conjunction with the Security Administrator, the Coordinator shall communicate with the law enforcement agency concerning the status of any investigation. The Coordinator must document the status of the police investigation every thirty (30) days. The occurrence of a police investigation does not relieve the Department of the duty to investigate the complaint of sexual misconduct.

4. The Coordinator shall conduct an intake screening interview with the complainant regarding the report of sexual misconduct to determine whether the conduct complained of constitutes sexual misconduct and whether the investigation shall proceed.

5. If the Coordinator requires guidance regarding sexual misconduct complaints, he/she shall consult with the Assistant Corporation Counsel assigned to the women prisoners' class action suit or the DCDC General Counsel.

6. The Coordinator shall notify the Warden, Facility Administrator or Office Chief and Deputy Director verbally and in writing, of a each complaint regarding sexual misconduct and whether the complaint is referred for investigation.

7. If the complaint is referred for investigation, the Coordinator shall provide written notification to the respondent, advising of the complaint, investigation procedures, confidentiality requirements and the prohibition of communication, intimidation or retaliation against the inmate.

8. The Coordinator shall then forward the complaint and the complaint screening/intake form to the Investigator.

9. If a determination is made by the Coordinator that the complaint filed on behalf of an inmate does not involve sexual misconduct, the Coordinator shall deny the claim. However, if the complaint does state a violation of another Department Order, the Coordinator shall refer the complaint to the appropriate Warden, Facility Administrator or Office Chief for disposition. The Coordinator shall send notice of the rejection of a complaint, when it does not constitute sexual misconduct, to the affected Deputy Director and Warden, Facility Administrator or Office Chief, the complainant (If the complainant is a third party informant the notice will be sent to the victim) and to the Assistant Corporation Counsel and General Counsel.

#### **G. Interim Procedures During Investigation**

1. Under appropriate circumstances and with the Director's approval,

the Deputy Director may transfer or place a respondent on administrative leave pending the outcome of an investigation.

2. An employee who has been transferred to another work site pending completion of an investigation shall not be permitted to work overtime, or work for any other reason, at the location where the complainant or the alleged victim is housed or works. **An employee who has been transferred during an investigation of sexual misconduct against a female inmate, shall not be permitted to work with female offenders under any other circumstances. Transportation Officers who are under investigation for sexual misconduct against a female inmate shall not be assigned to escort any female inmate. An employee who has been determined to have engaged in sexual misconduct against a female inmate, shall not be permitted to work with female offenders under any circumstances.**

3. Whenever the decision is made not to transfer or place a respondent on administrative leave pending the outcome of an investigation, the respondent shall not be assigned to work in any area where he/she is likely to come into contact with the complainant. The respondent shall be advised by the Warden, Facility Administrator or Office Chief to make an immediate report if an assignment places him/her in contact with the complainant. The respondent shall also be advised that any contact with the inmate is cause for disciplinary action.

4. The affected Deputy Director shall decide if it is appropriate to return an employee to his/her original workplace after the investigation is completed.

5. When appropriate and necessary, the affected Deputy Director may transfer an inmate to another institution or make other appropriate housing accommodations. An inmate shall only be placed in administrative segregation or protective custody in accordance with applicable prison disciplinary codes. Effort shall be made to minimize any disturbance of the inmate's housing location or program activities during the investigation of pending complaints.

#### **H. Sexual misconduct Investigations**

1. The Investigator shall conduct a thorough and objective investigation of all allegations. The investigation shall include interviewing the complainant, the informant, the alleged victim if the information is received from another source, the respondent, witnesses, and reviewing all documents and physical evidence.

2. The Investigator shall contact the affected Warden, Facility Administrator or Office Chief directly for interview scheduling and coordination. All inmates and employees shall receive at least three (3) days advance notice of scheduled interviews and shall be advised of the right to legal and/or union representation. The Warden, Facility Administrator or Office Chief shall ensure that the inmate is allowed a legal call upon request to secure presence of counsel.

3. If the inmate or employee being interviewed has legal/union representation, the Investigator will explain that only the person being interviewed shall answer the questions but he/she can consult with the representative prior to answering the question.

4. The Investigator shall advise each individual interviewed in the course of an investigation that any intimidation, retaliation or breach of confidentiality by an employee is a separate offense which is subject to disciplinary action.

5. The Investigator shall draft a statement detailing testimony from each complainant, respondent, and witness.

6. The Investigator shall permit the employee or inmate to read and make any necessary corrections/changes to the statement prior to signing it. The name of the confidential informant will be deleted from the copies of the report distributed by the Coordinator.

7. The Investigator will submit a final written report to the Coordinator within thirty (30) days (excluding Saturdays, Sundays, and legal holidays) of knowledge of the incident. The report will include the investigator's factual findings and a conclusion as to whether there is evidence to support a conclusion that sexual misconduct has occurred.

#### **I. Post-Investigation Procedures**

1. Within twenty-four (24) hours of receipt of findings from the Investigator, the Coordinator shall notify the Executive Deputy Director, the affected Deputy Director and the Warden, Facility Administrator or Office Chief of the findings and forward all documentation for appropriate action. If the findings conclude that sexual misconduct has occurred, the Coordinator shall also forward a copy of the Investigation report to the Director.

2. The Warden, Facility Administrator or Office Chief shall provide a written notice to the inmate, within forty-eight (48) hours as to whether there was evidence that supported a conclusion that sexual misconduct occurred. The notice shall also inform the inmate of appeal procedures. The inmate shall sign acknowledgment of receipt of this notice and the Warden, Facility Administrator or Office Chief shall forward a copy to the Coordinator.

3. In cases where the complaint was made by an individual other than the alleged victim, the third party informant/witness shall not be notified of the findings and recommendations. The affected inmate shall however receive notification of the findings.

4. The Warden, Facility Administrator or Office Chief shall inform the employee of the Investigator's findings and recommendations and shall take appropriate disciplinary action against employees who are found to have engaged in sexual misconduct.



5. The Warden, Facility Administrator or Office Chief or appropriate management official responsible for employee discipline shall ensure that disciplinary action is proposed in accordance with The DC Personnel Manual (DPM) Chapter 16, "Employee Discipline".

6. The Warden, Facility Administrator or Office Chief shall advise the Coordinator in writing of disciplinary action taken against an employee who was determined to have engaged in sexual misconduct, breach of confidentiality or retaliation against an inmate. He/she shall also advise the Coordinator in writing of actions taken pursuant to other recommendations resulting from the investigation, regardless of a finding of sexual misconduct.

7. The Deciding Official shall notify the Coordinator of any disciplinary action taken resulting from a finding of sexual misconduct. The Coordinator shall forward notification of the disciplinary action to the Executive Deputy Director and the Director.

#### **J. Confidentiality**

1. The sexual misconduct complaint, including the identity of the informant, the respondent and the victim and all information and documents pertinent to the complaint, shall be handled in a confidential manner and shall only be revealed on a need to know basis, to include the respondent, witnesses, the Coordinator, Director, Executive Deputy Director, appropriate Deputy Director, and the Warden, Facility Administrator or Office Chief. The Security Administrator shall be informed when criminal sexual behavior is reported.

2. Any inmate who observes and reports an act of sexual misconduct may request and be treated as a confidential informant.

3. To further maintain confidentiality, written notification of the investigation to employees shall be issued directly from the Coordinator. Inmate notification shall be handled as legal mail.

4. Each individual interviewed shall be advised that they are required to maintain confidentiality and not disclose to anyone information regarding the complaint, the investigation and the outcome. They shall be advised that failure to maintain confidentiality can result in discipline as a separate offense.

#### **K. Inmate Appeals**

1. After receipt of notice, an affected inmate who is dissatisfied with the investigation or resolution of a complaint of sexual misconduct, or the inmate's attorney may file an appeal to

the Director within five (5) calendar days of receiving written notice of the outcome of the investigation.

2. An inmate or the inmate's attorney may submit a written request signed by the inmate to the Coordinator in order to review the investigation report. The Coordinator must review and edit the report to remove confidential information, including but not limited to the identity of confidential informants, medical information, personnel record information or information which will compromise security issues. An unedited and edited version shall be maintained in the Coordinator's files.

3. The Director shall notify the inmate and the Warden, Facility Administrator or Office Chief in writing of the results of the appeal within ten (10) calendar days. The Director shall forward a copy of all documents relevant to the appeal to the Coordinator.

4. The Warden, Facility Administrator or Office Chief shall ensure that the affected inmate and the respondent receive the Director's findings on the appeal. The Warden, Facility Administrator or Office Chief shall ensure that the Proposing Official shall receive a copy of the Director's findings of the appeal if disciplinary action is being proposed. If no disciplinary action was recommended by the Investigator and if new evidence is received in the appeal or the Director presents other compelling evidence that supports disciplinary action against the employee, the Director's appeal decision shall be immediately forwarded to the Deputy Director and the Warden, Facility Administrator or Office Chief for appropriate action.

5. An appeal shall not delay the implementation of any determined disciplinary action against the employee.

**L. Training":** Prevention of Sexual Misconduct Training" shall be conducted for DCDC employees, volunteers, and inmates as follows:

1. The DCDC shall conduct mandatory Pre-service and annual in-service training for all paid employees and contract employees. Certified trainers on "Prevention of Sexual misconduct Against Inmates" shall conduct training which shall include education concerning DC law and DCDC policies and procedures for recognizing, preventing, reporting, investigating and disciplining employees for acts of Sexual Misconduct.

2. Specified employees shall receive forty (40) hours of specialized training in working with female offenders. Semi-annual enhancement training on special issues relating to working with female offenders will be conducted for select employees.

3. Each Warden shall ensure that weekly training for inmates in the prevention of sexual misconduct against inmates is conducted. The training shall include education concerning DC law and DCDC policies for recognition, prevention, reporting, investigation and discipline. Inmates shall be advised of the prohibition of sexual misconduct. Additionally, inmates shall be issued an informational handout designed to help recognize and report sexual misconduct to include use of the confidential hot line telephone number. Documentation of inmate training shall be maintained in the inmate's institution record and the attendance roster shall be maintained by the facility Deputy Warden for Programs.

a. The Central Detention Facility (CDF) Warden shall ensure that weekly intake training in the prevention of sexual misconduct is conducted for all newly committed inmates.

b. All other Wardens shall ensure that weekly training in the prevention of sexual misconduct is conducted at Orientation when each inmate is transferred into the facility.

#### **M. Disciplinary Causes**

1. The DCDC shall impose disciplinary action against persons found in violation of this directive in accordance with Chapter 16 of the DPM. Cause for such violations shall be cited as provided in DPM Section 1603.1 (d) "Inexcusable Neglect of Duty" and/or 1603.1 (p) "Other conduct during and outside of duty hours that would affect adversely the employee's or the agency's ability to perform effectively." One or both of these causes shall be cited depending on the nature and severity of the offense.

2. Managers and supervisors who fail to report or take appropriate actions when instances or complaints of sexual misconduct against inmates are brought to their attention shall also be subject to disciplinary action. DPM Section 1603.1(d) "Inexcusable Neglect of Duty" shall be cited as cause for such failure to abide by this directive or take appropriate action. Managers and supervisors who fail to follow a direct order to initiate appropriate action may also be subjected to charge for cause under DPM Section 1603.1 (e) "Insubordination." Further, refusal by any employee to answer questions during an official investigation may also be grounds to charge the employee for cause under DPM Section 1603.1 (m), "Willful disobedience except as authorized by law." Penalties for causes not specifically listed under the Table of Penalties contained herein, shall be taken consistent with DPM Section 1618.

3. The DCDC shall impose discipline for cause as cited above, based on a determination that sexual misconduct against an inmate has occurred. However, this does not preclude the DCDC from taking separate and distinct disciplinary measures against an employee who has later, under separate proceedings, been found in violation of DPM Sections 1603.1 (j), "Conviction of a Felony"; or, 1603.1 (t), "A finding by the Office of Employee Appeals, the

1603.1 (v), "Conviction of a misdemeanor, when the conviction is based on conduct that would affect adversely the employee's or the agency's ability to perform effectively."

**N. Table of Penalties**

1. The "Table of Penalties" (Attachment 1) shall be used by supervisors and managers in assessing disciplinary penalties for each of the listed instances of misconduct. In selecting the appropriate penalty from the range of penalties specified, consideration shall be given, as appropriate, to the severity and nature of the offense as well as mitigating or aggravating circumstances. Time limits for citing prior infractions are governed by DPM Section 1608.2.

2. The "Table of Penalties" shall not be considered to be all-inclusive. A specific instance of sexual misconduct that is not listed in the "Table of Penalties" may be the basis for disciplinary action if it is shown to be an instance of one or more of the causes listed in DPM Section 1603.1. In any instance where an offense is not specifically listed, the determination of an appropriate penalty shall be made through a comparison with the offenses/penalties listed herein.

**IX. Dissemination:**

A. Upon the effective date of this directive, the Director, Executive Deputy Director, Deputy Directors, Wardens, and Office Chiefs shall issue a copy of this directive to each incumbent employee under their authority.

B. The Human Resources Management Unit Personnel Liaison Coordinator shall ensure that all new employees, except Correctional Officers, shall receive a copy of this directive within five (5) days of entry on duty.

D. The Training Academy Administrator shall ensure that all new Correctional Officers shall receive a copy of this directive within five (5) days of entry on duty.

E. Both incumbent and new employees shall sign for receipt of this directive on the "Acknowledgment" form (Attachment 2) which shall be forwarded to the Human Resources Management Unit Personnel Liaison Coordinator.

**X. Reporting:**

A. The Coordinator shall maintain a central filing and reporting system for incidents of sexual misconduct against inmates.

1. A copy of all complaints and related documentation; reports including investigation findings, correspondence, appeals and appeal findings, correspondence from attorneys, and employee disciplinary actions that were sent to or received from either the Director, Deputy Directors, Wardens, s, or Office Chiefs shall be forwarded to the Coordinator

2. The Coordinator will enter pertinent data from these documents into a data base for tracking and management.

B. The Program Analysis Officer shall assist the Coordinator in developing a comprehensive data base tracking system. The Program Analysis Officer shall maintain statistics and prepare a quarterly report which shall include the following basic information regarding sexual misconduct complaints:

1. The number of complaints received;
2. The number of complaints in which a finding of sexual misconduct was made;
3. The number of complaints in which a finding of no sexual misconduct was made; and
4. Discipline taken against employees and other administrative actions taken.

c. The Program Analysis Officer shall compile and forward the quarterly statistical report to the Director, Executive Deputy Director, Deputy Directors, Wardens, s, and Coordinator.

**XI. Annual Review:** The Office of Policies and Procedures shall ensure that this directive is reviewed at least annually and revised if necessary.

**XII. References:**

- A. DC Law 10-257, Anti-Sexual Abuse Act of 1994.
- B. Women Prisoners of the District of Columbia Department of Corrections v DC, Civil Action No. 93-2052 (JLG) (D.C.D.C.)
- C. District of Columbia Government Integrity Standards.
- D. District of Columbia Personnel Manual (DPM) Chapter 16.
- E. Manual of Regulations and Orders (July, 1960) "Basic Regulations for All Employees," Chapter I.
- F. Department Order 3350.1, "Employee and Inmate Relationships," dated June 29, 1992.

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- G. Department Order 4030.1D, "Inmate Grievance Procedures (IGP)," dated May 4, 1992.
- H. Department Order 5410.1, "Procedure for Handling Institutional Persons Suspected of Committing Crimes in Institutions," dated November 14, 1969.
- I. Department Order 5410.3A, "Reporting Assaults Committed on or by Residents," dated June 23, 1978.

**Attachments:**

- 1. Table of Penalties**
- 2. Acknowledgment Form**

Attachment 1  
 DO 3350.2B  
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**TABLE OF PENALTIES**

<b>OFFENSE</b>	<b>PENALTIES</b>		
	<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE</b>	<b>3<sup>RD</sup> OFFENSE</b>
1. Sexual Abuse by an employee directed to any inmate as defined in Department Order 3350.2B, Sec VI, F.1.	Termination	N/A	N/A
2. Sexual harassment, as defined in Department Order 3350.2B, Sec. VI, F.2. by any employee and directed at an inmate.	Reprimand to Termination	30-Day Suspension to Termination	Termination
3. Invasion of an inmate's privacy by an employee without sound penological reasons or failure to follow appropriate penological procedures as defined in Department Order 3350.2B, Sec. VI, F.3.	Reprimand to 15-Day Suspension	15-Day to 30-Day Suspension	30-Day Suspension to Termination
4. Retaliation by any employee against another employee or an inmate for reporting complaints of sexual misconduct, assisting in making such a report, or for cooperating in the investigation of such a complaint regardless of the merits/disposition of the complaint.	15-Day Suspension to Termination	Termination	N/A

Attachment 1(a)  
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**TABLE OF PENALTIES**

OFFENSE	PENALTIES		
	1 <sup>ST</sup> Offense	2 <sup>ND</sup> Offense	3 <sup>RD</sup> Offense
<p>5(a). Any interference with investigations of sexual misconduct.</p> <p>5(b). Unjustified refusal to testify or answer proper questions in an official District or Federal Government investigation, inquiry or proceeding, as defined in Department Order 3350.2B., Sec. VII(H)2. [Cause for charge 5(b) will be cited as a violation of DPM Section 1603.1(m).]</p>	Termination	N/A	N/A
6. Any breach of confidentiality by any employee concerning any report of sexual misconduct.	Reprimand to 15-Day Suspension	15-Day to 30-Day Suspension	30-Day Suspension to Termination
<p>7(a). Failure by any employee to report any suspected incident of sexual misconduct against an inmate or retaliation for cooperation in an investigation of sexual misconduct.</p> <p>7(b). Failure by any employee to report any witnessed incident of sexual misconduct against an inmate.</p>	<p>Reprimand to 15-Day Suspension</p> <p>15-Day Suspension to Termination</p>	<p>15-Day to 30 Day Suspension</p> <p>Termination</p>	<p>30-Day Suspension to Termination</p> <p>N/A</p>





Women Prisoners/DC v. DC



PC-DC-011-040