



SHERIFF

WEBSTER PARISH

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WEBSTER PARISH SHERIFF'S OFFICE

SEXUAL HARASSMENT

POLICY AND PROCEDURES

Policy:

It is the Webster Parish Sheriff's Office policy to provide a workplace environment that is free from sexual harassment and sexual misconduct for all deputies, volunteers, visitors, offenders, contractors, and individuals of other public and private agencies who conduct business with the Webster Parish Sheriff's Office or enter any WPSO facility. WPSO prohibits and will have a zero tolerance for incidents of sexual harassment, sexual misconduct or sexual coercion in the workplace, within its facilities and in any work-related setting outside the workplace, such as business meetings. Sexual harassment violates the Equal Employment Opportunity Commission Guidelines, Section 703 of Title VII of the Civil Rights Act of 1964 as amended, the Louisiana Employment Discrimination Law, and La R.S. 42:341-345.

Procedure:

It is the WPSO's policy to maintain a workplace free from sexual harassment and unlawful discrimination on the basis of sex from any source, to discourage such conduct and to remedy any violations. The law and Department Regulations prohibit harassment or unlawful discrimination on the basis of sex or any other protected characteristic, with regard to terms, conditions and privileges of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies.

Definitions:

Sexual Harassment – may include a range of subtle to not-so-subtle behaviors and may involve individuals of the same or different gender. The harasser can be a supervisor, co-worker, or a non-deputy who has a business relationship with WPSO. Sexual harassment exists when there are unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment,
- Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting any individual,
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, or
- The behavior persists despite objection by the person to whom the conduct is directed.

Unwelcome actions such as the following are inappropriate and depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment (the following are a few examples and are not all inclusive):

- Sexual pranks, or repeated sexual teasing, jokes, or innuendo;
- Lewd comments about an individual's body;
- Touching or grabbing of a sexual nature;
- Asking for hugs from co-workers;
- Talking about one's sexual activity in front of others;
- Repeatedly cornering, leaning in, or standing too close to or brushing up against a person;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- Pressure for unnecessary personal interaction;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment;
- Posting sexually suggestive pictures on Facebook, Instagram or any other social media.

Note: Sexual statements can be made in person, in writing or electronically, such as email, instant messaging, text messaging, blogs, web pages, Facebook, Instagram or other forms of social media,

etc. Sexual harassment does not require the intent to offend. Inappropriate conduct meant as a joke, prank or even a compliment can lead or contribute to harassment.

Abusive Sexual Contact – contact without a person’s consent or when a person was unable to consent or refuse. The intentional touching, either directly or through clothing, of the victim when the touching is for sexual gratification. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

Sexual Assault – nonconsensual sexual acts and abusive sexual contact by deputies, civilians and/or offenders.

Sexual Misconduct – nonconsensual contact and/or harassment.

Sexual Coercion – for the purpose of this policy, it includes deputies, civilians or offenders that use force or threats to persuade another person to perform sexual acts, make sexual contact, or do sexual favors which they are unwilling to do.

Conduct in Correctional Facilities:

Sexual Contact between Staff, Civilians and Offenders.

- A. There is no consensual sex in a custodial or supervisory relationship. Any sexual harassment, sexual assault, sexual misconduct or sexual coercion between deputies, civilians, or offenders is inconsistent with professional, ethical principles, Department Regulations and is in violation of LA RS 14:134.1, allegations of sexual harassment, sexual assault, sexual misconduct or sexual coercion will be investigated.
- B. Acts of sexual harassment, sexual assault, sexual misconduct or sexual coercion by deputies or civilians against offenders or retaliation against offenders who refuse to submit to sexual activity or attempt of intimidation of a witness may be a crime. Retaliation against individuals because of their involvement in the reporting or investigation of sexual harassment, sexual assault, sexual misconduct or sexual coercion is strictly prohibited.
- C. Cases involving sexual harassment, sexual assault, sexual misconduct or sexual coercion will be referred to the District Attorney for prosecution.
- D. All incidents of sexual harassment, sexual assault, sexual misconduct or sexual coercion may result in corrective and/or disciplinary action, up to and including termination. Failure of a staff member to report such incidents may result in disciplinary action up to and including termination. In addition, if an investigation is warranted, the case will be referred to the District Attorney for prosecution.
- E. Any behavior of a sexual nature directed toward an offender by a deputy.

- F. All completed, attempted, threatened or requested sexual acts between deputies and offenders.
- G. Incidents of indecent exposure, invasion of privacy or staff member voyeurism for sexual gratification.
- H. Sexual relationships of a romantic nature between deputies and an offender.

Training, Education and Screening

A. Deputy Training:

1. All deputies will receive and are required to take yearly sexual harassment training to be completed by December 31 of each calendar year.
2. Specialized training will be provided for deputies that respond to or may be involved in investigating incidents of sexual assault and sexual misconduct. This training may include, but not be limited to:
 - a. Crime scene management
 - b. Elimination of contamination
 - c. Evidence collection protocol
 - d. Crisis intervention

B. Offender PREA Orientation and Education

1. All new in-coming offenders will receive verbal and written information about sexual assault and sexual misconduct during their orientation during the booking process. This information will address the following:
 - a. Prevention
 - b. Self-protection
 - c. Reporting sexual assault and sexual misconduct
 - d. Protection from retaliation
 - e. Treatment and counseling
 - f. WPSO's zero tolerance for sexual assault and sexual misconduct
2. Each offender will receive periodic (no less than annual) training, regarding sexual assault and sexual misconduct and reporting .

3. Provisions will be made, as necessary, for offenders, not fluent in English, for persons with disabilities and for those with low literacy levels to receive orientation and education regarding sexual assault and sexual misconduct.

Reporting Sexual Misconduct

When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. Any deputy who knows or reasonably believes that sexual harassment is occurring or has occurred whether to the deputy directly, or to someone else, is obligated to immediately inform his or her supervisor, the Warden, the Sheriff or Internal Affairs. Cooperative participation and candor in the investigative process are mandatory and retaliation is strictly prohibited and acts of retaliation shall be reported immediately and will be promptly investigated and addressed. Deputies are responsible for cooperating fully with any investigation of a complaint of sexual harassment. Information related to complaints and investigations will remain confidential to the fullest extent possible. Deputies cooperating in an investigation shall maintain the confidentiality of the investigation to protect the reputations of all involved. Confidentiality is expected, but total confidentiality may not be guaranteed when investigating a sexual harassment complaint. Management may be required to inform those on a need-to-know basis of the details surrounding the complaint. Although confidentiality is expected, the witnesses and others questioned may not maintain total confidentiality. This should not deter filing complaints of sexual harassment. Confidentiality violations will be handled on a case-by-case basis.

Sanctions

1) If a complaint has merit, the Webster Parish Sheriff shall take appropriate measures that are reasonably calculated to end the harassment (based on the severity of the conduct.) This may include appropriate non-disciplinary and/or disciplinary action.

2) Sanctions include, but are not limited to, one or any combination of the following:

A. Non-Disciplinary Penalties:

- a. Apology;
- b. Sensitivity training or other appropriate mandated training;
- c. Performance evaluation actions;
- d. Reassignment to another shift/unit;

B. Disciplinary Penalties:

- a. Reduction in pay;

- b. Demotion in rank;
- c. Suspension without pay;
- d. Dismissal.

Conclusion of the Investigation

1) Upon conclusion of the investigation, Internal Affairs shall meet with and notify the complainant that the investigation has been concluded and advise the complainant to immediately report any further incident of sexual harassment or retaliation pursuant to this regulation.

2) A follow up meeting shall occur between the Unit Head or designee (or Chief of Operations) and the complainant to ensure that no further incidents of sexual harassment or retaliation have occurred. This follow up should occur no later than three months after the conclusion of the investigation. The follow up with the complainant shall be documented in the investigation file and shall include any concerns, proposed or additional steps that may be necessary, and any action plans.

Reporting

An annual report will be compiled and submitted to the Webster Parish Sheriff by February 1st of each year containing information from the previous calendar year regarding compliance with the requirements of this policy. The report shall include:

- The number and percentage of employees who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- The number of complaints which resulted in a finding that sexual harassment occurred;
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- The amount of time it took to resolve each complaint.