

# CITY OF ANDERSON POLICE DEPARTMENT

## Anderson, South Carolina

<b>DIRECTIVE TYPE</b> General Order	<b>EFFECTIVE DATE</b> 11/12/2014	<b>NUMBER</b> 2020
<b>SUBJECT</b> Contact with Inmates and Former Inmates		
<b>REVISED</b>		
<b>REFERENCE</b> SC Law 44-13-1150	<b>AMENDS/SUPERSEDES</b> All Others	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO.</b> <b>PAGES 4</b>

### A. Purpose

The purpose of this policy is to set forth standards of conduct in regards to contact between inmates, former inmates and City of Anderson Police Department Personnel.

### B. Policy

It is the policy of the City of Anderson Police Department to ensure that all personnel who have contact with current inmates as well as former inmates will conduct themselves in a professional manner and act accordingly.

### C. Procedures

1. Employees shall interact with inmates in a respectful and personable manner, treating them humanely and protecting against violations of their rights. No profane, demeaning, indecent, ethnic, or other discriminatory language or reference shall be directed toward any inmate. Any form of corporal punishment, abuse, or the use of exercise as punishment is prohibited.

2. Employees shall have no intimate or sexual contact with any person who is an inmate of the City of Anderson Detention Center.
3. An employee is guilty of sexual misconduct when the employee, knowing that the victim is an inmate/offender, or patient who voluntarily engages with the victim in an act of sexual contact for the purpose of sexual gratification. Sexual contact is classified as:
  - a. contact to an intrusion of any part of a person's body or of any object into the "intimate parts", as defined in Section 16-3-651(d), of another person's body, or to the fondling of the "intimate parts" of another person's body, which is done in a manner not required by professional duties, but instead is done to demonstrate affection, sexually stimulate that person or another person, or harass that person.
4. An employee will not knowingly or willfully submit inaccurate or untruthful information concerning sexual misconduct. Furthermore, an employee who has knowledge of sexual misconduct who has received information in the person's professional capacity must report it to the proper law enforcement authority.
5. An employee will not intimidate or threaten an inmate or former inmate.
6. Officers and staff members are cautioned not to socialize with former inmates, except in circumstances when social contact cannot be tactfully avoided. Ongoing employee contacts with former inmates or their families and close associates shall be limited to those persons with whom the employee was acquainted or associated with before the inmate's entry into this detention center, or other correctional or detention facilities.
7. Staff shall not engage in any of the following activities related to current inmates or their family members and close associates:
  - a. Display favoritism or preferential treatment toward one inmate or group of inmates over another.
  - b. Give gifts, favors, or services beyond those required by the Detention Center.
  - c. Accept for themselves or any family member any personal reward, tangible or nontangible, or any other consideration.
  - d. Engage in any business relationship.

- e. Engage in any non-incidental contact outside the Detention Center.
  - f. Engage in any activity that may jeopardize or compromise the security of the Anderson Police Department Detention Center and/or confidentiality of current or former inmates.
  - g. Establish any type of personal or professional relationship with a current or former inmate, which has not been previously made known to the Chief of Police or his designee wherein a final decision on whether or not contact with the current or former inmate is considered appropriate under the circumstances which are presented.
8. Staff shall immediately notify the Detention Sergeant or Detention Lieutenant by written report when people they are dating, having an intimate relationship with, or a member or their immediate family are committed to the Detention Center.
- a. The Detention Sergeant or Detention Lieutenant shall immediately advise the designated Jail Administrator (Captain) or his designee.
  - b. These associates and family members of staff shall be offered voluntary protective custody status. Those who refuse voluntary protective custody status shall be administratively separated for their own safety and well-being pending review by the designated Jail Administrator (Captain) or his designee to determine appropriate housing.

Reference:

SC Law Section 44-23-1150. Sexual misconduct with an inmate, patient, or offender.

(A) As used in this section:

(1) "Actor" means an employee, volunteer, agent, or contractor of a public entity that has statutory or contractual responsibility for inmates or patients confined in a prison, jail, or mental health facility. Actor includes individuals who supervise inmate labor details outside of an institution or who have supervisory responsibility for offenders on parole, probation, or other community supervision programs.

(2) "Victim" means an inmate or patient who is confined in or lawfully or unlawfully absent from a prison, jail, or mental health facility, or who is an offender on parole, probation, or other community supervision programs. A victim is not capable of providing consent for sexual intercourse or sexual contact with an actor.

(B) An actor is guilty of sexual misconduct when the actor, knowing that the victim is an inmate, offender, or patient voluntarily engages with the victim in an act of sexual intercourse, whether vaginal, oral, or anal,

or other sexual contact for the purpose of sexual gratification.

(C)(1) When the sexual misconduct involves an act of sexual intercourse, whether vaginal, oral, or anal, the actor is guilty of the felony of sexual misconduct, first degree and, upon conviction, must be imprisoned for not more than ten years.

(2) When the sexual misconduct does not involve sexual intercourse but involves other sexual contact which is engaged in for sexual gratification, the actor is guilty of the felony of sexual misconduct, second degree and, upon conviction, must be imprisoned for not more than five years. The term sexual contact, as used in this subsection, refers to an intrusion of any part of a person's body or of any object into the "intimate parts", as defined in Section 16-3-651(d), of another person's body, or to the fondling of the "intimate parts" of another person's body, which is done in a manner not required by professional duties, but instead is done to demonstrate affection, sexually stimulate that person or another person, or harass that person.

(D) A person who knowingly or willfully submits inaccurate or untruthful information concerning sexual misconduct as defined in this section is guilty of the misdemeanor of falsely reporting sexual misconduct and, upon conviction, must be imprisoned for not more than one year.

(E) A person who has knowledge of sexual misconduct who has received information in the person's professional capacity and fails to report it to the appropriate law enforcement authority, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

By order of:

  
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Jim Stewart, Chief of Police

11-12-14  
\_\_\_\_\_  
Date