



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Sexual Misconduct	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by the Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard: 26.1.3	

- I. **Purpose:** Law enforcement deputies are empowered with authority by their government to protect the public from criminal activity. When an deputies abuses this authority for sexual purposes, and violates another person, the deputies not only commits a crime against the victim, but also damages the credibility and trust of the entire law enforcement community with the public. The purpose of this policy is to caution all deputies that any violation of the public trust involving sexual misconduct will result in severe consequences including prosecution to the fullest extent possible.
- II. **Policy:** It is the policy of the Pawnee County Sheriff's Office to train all deputies concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.
- III. **Definitions:**
 - A. **Criminal Sexual Misconduct:** The abuse of authority by a law enforcement deputies for sexual purposes that violate the law.
 - B. **Sexual Misconduct:** Any sexual activity while on-duty or stemming from official duty. Sexual misconduct includes but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.
 - C. **Intimate Part:** Genital area, inner thigh, groin, buttocks, or breasts of a person.
 - D. **Actor:** The person accused of sexual assault
 - E. **Sexual Contact:** Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.

IV. Procedure:

- A.** Sexual activity of any nature while on duty is prohibited.
- B.** Sexual Misconduct is prohibited and shall be disciplined up to and including termination.
- C.** Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.
- D.** An deputies shall not engage in sexual contact with another person who is in custody and such deputies has supervisory or disciplinary authority over such other person.
- E.** Training: All sworn deputies of the Pawnee County Sheriff's Office including supervisors will receive specific training about the elements of sexual misconduct involving law enforcement deputies. The training will also include all elements of this policy.
- F.** Reporting Requirements: Any employee of the Pawnee County Sheriff's Office, who is made aware of any violation of this policy, is required to report the violation to their supervisor. The supervisor will immediately contact the Internal Affairs Section, or the command level personnel having Internal Affairs responsibility who will immediately initiate an investigation in accordance with their established investigative policy. The investigation will involve other investigative elements of the Pawnee County Sheriff's Office as necessary, and any forensic evidence will be protected and processed immediately. The accused deputies' supervisor will not attempt to resolve a complaint of this nature with the complainant and is required to make immediate contact with Internal Affairs or the command level personnel having Internal Affairs responsibility.

V. Discipline:

- A.** Any deputies found to be in violation of the provisions of this policy shall be disciplined up to and including termination and criminal charges where established.
- B.** Any employee having knowledge of a violation of this policy, who fails to report said violation should also be disciplined up to and including dismissal and criminal charges if appropriate. If the violation involves supervisory personnel, the reporting deputies will notify the appropriate command level deputies and will not be strictly held to his or her chain of command.