



County Technical Assistance Service

Published on e-Li (<http://ctas-eli.ctas.tennessee.edu>)

October 16, 2019

Sexual Contact with Inmates

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Sexual Contact with Inmates

Reference Number: CTAS-2130

Under T.C.A. § 39-16-408(a through c), "Law enforcement officer" and "correctional employee" include a person working in that capacity as a private contractor or employee of a private contractor; and "Volunteer" means any person who, after fulfilling the appropriate policy requirements, is assigned to a volunteer job and provides a service without pay from the correctional agency, except for compensation for those expenses incurred directly as a result of the volunteer service.

It is an offense for a law enforcement officer, correctional employee, vendor or volunteer to engage in sexual contact or sexual penetration, as such terms are defined in T.C.A. § 39-13-501, with a prisoner or inmate who is in custody at a penal institution as defined in T.C.A. § 39-16-601, whether the conduct occurs on or off the grounds of the institution.

A violation of this section is a Class E felony.

Sexual conduct between facility employees, volunteers or contract personnel and inmates is prohibited and subject to administrative, disciplinary and criminal sanctions. The prohibition applies regardless of consent. [Rules of the Tennessee Corrections Institute, Rule 1400-1-.13\(32\)](#).

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