


DEPARTMENT OF CORRECTION  	<b>POLICY MANUAL</b>	<b>POLICY NUMBER:</b> 218	<b>PAGE NUMBER:</b> 1 of 6
		<b>SUBJECT:</b>  Non-Fraternization With Offenders	Revised: 01-98 Reformatted: 02-2001

### **01.00.00. POLICY OF THE DEPARTMENT**

It is the policy of the Board of Correction that employees, volunteers, contractors and agents shall maintain only a professional relationship with offenders and ex-offenders, family members of offenders and ex-offenders, inmate visitors, and anyone residing in the last known or same household as the offender or ex-offender.

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### **03.00.00. REFERENCES**

Idaho Code, Chapter 3, Title 9, and Sections 20-226, 18-2501, 18-2502, 18-2510.

Idaho Personnel Commission Rule 190.01.

Multi-State Standards for Auditing Prison Facilities in Washington, Idaho, and Oregon, September 1989, Sections 3.07 and 3.08.

Policy 211, Selection/Hiring Process and Probationary Period, Section V.

Standards for Adult Community Residential Services, 3rd Edition 3-ACRS-IC-02.

Standards for Adult Probation and Parole Field Service, Second edition, Sections 2-3050, 2-3051, and 2-3053.

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## Related Policies

Corrective/Disciplinary Action, Policy 205  
Ethics and Standards of Conduct, Policy 217  
Investigation of Alleged Misconduct, Policy 227

### **04.00.00. DEFINITIONS**

**Agent:** An individual who acts on behalf of or represents the Department of Correction.

**Chain of Command:** The progressive structure of supervisory positions beginning with the immediate supervisor to second-level supervisor, third-level supervisor, etc.

**Contractor:** An individual who provides services to inmates, probationers, or parolees or any unit of the Department via a contract either individually or through an organization.

**Ex-offender:** Any individual who has been discharged from the care, custody, or supervision of the Department in the last 365 days.

**Family member:** Spouse, child, parent, brother, sister, grandparent, aunt, uncle, niece, nephew, first cousin, or any of these same relationships by marriage, fiancé, fiancée, significant other and that individual's family.

**Inmate visitor:** Any individual who has been granted privileges to visit with inmates.

**Offender:** Anyone who is a probationer, inmate, or parolee under the care, custody or supervision of the Department.

**Personal contact:** One-to-one contact such as corresponding (including telephone and electronic mail), forming close personal friendships, visiting, socializing, dating, etc.

**Professional relationship:** A businesslike interaction that treats the other individual with respect, dignity and without prejudice or unlawful discrimination and in accordance with assigned job duties and the mission of the Department.

**Residing in the same or last known household:** Living in the same house, duplex, apartment, etc. as the offender or ex-offender or, in the case of an inmate, the last house, duplex, apartment, etc. prior to incarceration.

**Significant other:** Any individual who has or is currently co-habiting with the offender or ex-offender as a domestic unit.

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Social relationship: On-going friendship or personal contact outside the scope of the assigned job duties and responsibilities.

Volunteer: An individual who, on his/her own free will, provides a service to the Department, inmates, probationers, or parolees without remuneration.

#### **05.00.00. PROCEDURE**

##### **05.01.00. Applicability**

The provisions of this policy pertain to all Department of Correction offenders, ex-offenders, their family and household members and inmate visitors and not just to those individuals under the specific care, custody, or supervision of the employee, volunteer, contractor, or agent.

##### **05.02.00. Prohibited Activities**

Prohibited activities in interacting with offenders, ex-offenders, their family members, individuals residing in the same household as offenders, ex-offenders and their family members, or inmate visitors, include, but are not limited to:

Either directly or indirectly lending, providing, receiving or promising goods and/or services with or without remuneration; giving or receiving a gift; or supplying personal information of any type.

Extending, promising, or offering any special consideration or treatment either directly or indirectly.

Giving or receiving money or anything else of value, either directly or indirectly.

Employees may purchase leisure craft items only in accordance with Department policy and the monies for such items deposited into the inmate's trust account.

Employees, volunteers, contractors, and agents may not negotiate with inmates individually the costs of craft items or to custom make leisure craft items for them.

Hiring or employing offenders, ex-offenders, their family members, individuals living in the same household, or inmate visitors with or without remuneration.

Working for an offender, ex-offender, their family members, individuals living in the same household, or inmate visitors.

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Having personal contacts outside the scope of assigned job duties or being in a social relationship with these individuals. (Does not prohibit incidental personal contacts in organized group activities such as church or school-related activities and sporting events.)

The Director may grant, in writing, exceptions to this provision if such relationship existed prior to the felony conviction of the offender or ex-offender.

A request for an exception shall be forwarded through the chain of command for the employee, volunteer, contractor, or agent.

A copy of the approval shall be forwarded to the Human Resource Services to become a part of the employee's personnel file.

Delivering or sending messages, verbal or written, or any other article to or between offenders, ex-offenders, their family or household members, inmate visitors or outside organizations or agencies unless it is authorized, in writing, by the warden, district or work center manager, bureau chief, or division administrator and is consistent with the mission and orderly running of the institution or organizational unit.

Using physical force, except in self defense and only in accordance with the Department's Use of Force Policy or abusing or threatening offenders, ex-offenders, their family or household members, or inmate visitors for any reason.

Providing or receiving child care or foster care without the written approval of the warden, district or work center manager, bureau chief, or division administrator.

Providing written information or appearing before the Parole Commission to recommend approval or denial of the parole of an offender unless appearance or written testimony was specifically requested by the Parole Commission or is a part of the job responsibilities assigned to the employee, contractor, volunteer or agent.

Assisting or counseling an offender, ex-offender, their family or household members or inmate visitor, in the preparation of writs, appeals, or any other legal documents or processes.

Assisting an offender, in any way, to escape or abscond from supervision.

Bringing contraband into a correctional facility including, but not limited to,

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weapons, alcoholic beverages, drugs, drug paraphernalia, explosive devices or materials useful in the fabrication of explosive devices or any other article, substance or thing that may reasonably be considered a danger to security or providing such articles to probationers, parolees, ex-offenders, their family or household members or inmate visitors.

Engaging in any activity which might compromise the ability of the employee, volunteer, contractor or agent to perform his/her work in an efficient, unbiased, and professional manner.

Marriage to an offender, ex-offender, their family or household member or inmate visitor is strictly prohibited unless the relationship existed prior to employment with the Department or prior to the offender being placed under the supervision or custody of the Department and the hiring of the employee or acceptance of services of the contractor, volunteer, or agent has received advanced written approval as outlined in Policy 211.

#### **05.03.00. Notification of Relationship to an Offender**

An employee, volunteer, contractor, or agent must notify the Department, in writing, through the chain of command within 48 hours of learning that any family member, household member, or close friend has been committed to the custody/supervision of the Department.

If such individual is subsequently assigned to the facility or district in which the employee, contractor, volunteer, or agent works, a written notification of this assignment must be provided to the warden or district or work center manager within 48 hours of knowledge of assignment.

All such notifications from employees shall be forwarded to the Human Resource Services to become part of the employee's personnel file.

#### **05.04.00. Investigation**

Any fact finding and formal investigation will be conducted in accordance with Policy 227.

Alleged criminal violation(s) of state statutes will be referred to the appropriate local law enforcement agency prior to conducting any formal internal investigation.

A subsequent internal investigation to determine whether employment misconduct has occurred may be conducted if the law enforcement agency declines to accept the referral or determines that insufficient evidence exists for criminal prosecution.

#### **05.05.00. Consequences for Violations**

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Appropriate corrective or disciplinary action up to, and including, dismissal may be taken whenever this policy is violated. The severity and extent of any discipline will be determined on the totality of the factors and circumstances of the individual situation, on a case-by-case basis.

Corrective or disciplinary action will be taken in accordance with Policy 205, Corrective/Disciplinary Actions and the Idaho Personnel Commission Rules.

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**Director, Department of Correction**

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**Date**

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