


Idaho Department of Correction 	Standard Operating Procedure	Title: Non-fraternization with Offenders		Page: 1 of 5
		Control Number: 218.07.01.001	Version: 3.0	Adopted: 02/20/2001

Jeff Zmuda, deputy director, approved this document on 04/13/2018.

Open to the public: Yes

SCOPE

This standard operating procedure (SOP) applies to all employees of the Idaho Department of Correction (IDOC), Correctional Industries, the Commission of Pardons and Parole, and all volunteers, contractors, and agents.

Revision Summary
Revision date (<u>04/13/2018</u>) version <u>3.0</u> Reformatted entire document to meet current standards.

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BOARD OF CORRECTION IDAPA RULE NUMBER

None
 Policy Control number 218
 Non-fraternization with Offenders

PURPOSE

Employees, volunteers, contractors, and agents will maintain the highest standards of professionalism when dealing with offenders and their immediate family or associates and must be aware of the appearance of improper association. This SOP provides guidance in

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day-to-day interactions with offenders and their immediate family or associates to ensure they are treated with professionalism, dignity, and respect as well as to avoid potential conflicts and security risks.

RESPONSIBILITY

Manager or Human Resources

The manager of human resources (HR) is responsible for:

- Developing and maintaining an effective written notification process
- Providing consultation to supervisors and managers in the reporting of written notifications
- Follow-up of written notifications and information reports as needed
- Conducting inquiries into prohibited into prohibited activities or forwarding the allegation to the special investigations unit (SIU) for investigation

Management Authorities

The management authorities are responsible for:

- Upholding the standards within the provisions of this SOP
- Reviewing and follow-up on all written notifications or information reports by ensuring they are routed through the appropriate approving authority and forwarding to human resources to maintain in the employee's personnel file
- Forwarding all written notifications of prohibited activity and information reports to human resources so they can determine if action is needed

Employees

Employees are responsible for cooperating fully with the guidelines outlined in this SOP.

STANDARD PROCEDURES

1. Prohibited Activities

Not every prohibited activity can realistically be listed. Therefore, the types of conduct specified in this standard operating procedure are not all-inclusive and do not exclude or excuse other misconduct found by management to be detrimental to the good order and discipline of the department. Prohibited activities while interacting with offenders and their immediate family or associates include, but are not limited to:

- Behavior based on favoritism, biases, stereotypes and/or personal judgements
- Cohabiting or residing in the same residence or property whether owned, rented, or managed
- Lending, providing, receiving, or promising money, goods, services, and/or anything else of value
- Personal communication and/or relationships
- Supplying personal information of any type

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- Extending, promising, or offering any special consideration or treatment
- Delivering or sending messages
- Providing written information or appearing before the Commission of Pardons and Parole to recommend approval or denial of the parole of an offender unless specifically requested by the Commission of Pardons and Parole or part of assigned job responsibilities
- Assisting an offender, regardless of intent, to escape or abscond from supervision
- Marriage to an offender, 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

Any exceptions to the above prohibited activities must have prior written approval by the director or designee. A request for an exception must be forwarded through the appropriate supervisor or management. A copy of the approval must be forwarded to human resources and placed in the employee's personnel file.

2. Written Notification

An employee, volunteer, contractor, or agent must notify their supervisor or management in writing, within the next working shift or learning of any of the following:

- Prohibited activity or any activity that is a potential conflict of interest - Written notification must be submitted on an *Information Report*
- Family member, associate, or acquaintance (current or prior) in the care, custody, or supervision of the department - Written notification must be submitted on a *Relationship Disclosure Form*

If such individual is subsequently assigned to the facility, district, caseload, or unit in which the employee, contractor, volunteer, or agent works, the individual must notify the facility head or district manager within the next working shift, even if a *Relationship Disclosure Form* has already been submitted.

- Contact with an offender and their immediate family or associates outside the scope of assigned job duties - Written notification must be submitted on an *Information Report*
- This does not prohibit incidental personal contacts in organized group activities such as church or school-related activities and sporting events. In some instances, an employee may not have any knowledge that an individual is an offender (e.g., the employee hires an individual to perform remodeling, repair, or maintenance and is unaware the individual was under department supervision). In this instance, if the employee discovers that the individual was under department supervision, the employee must immediately report the contact in writing on an *Information Report*.

Written notification should contain, but is not limited to, the following information:

- The name(s) of the person(s) involved and classification (ex. offender, ex-offender, immediate family, associate)
- The nature of the prohibited activity, relationship, and/or contact

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- The date and/or length of contact (e.g. the date contact occurred or was discovered, how long the prohibited activity existed.)

All such notifications from employees shall be forwarded to human resources and placed in the employee's personnel file.

3. Investigations

Any fact finding and formal investigation will be conducted in accordance with standard operating procedure [150.01.01.006](#), *Administrative Investigations*.

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.

4. Consequences for Violations

Violation of this policy may result in corrective or disciplinary action up to and including dismissal. The severity and extent of the discipline will be determined by the totality of the facts.

Corrective or disciplinary action will be taken in accordance with standard operating procedure [205.07.01.001](#), *Corrective and Disciplinary Action*, and Idaho Administrative Procedure Act (IDAPA) 15.04.01, Rules of the Division of Human Resources and Personnel Commission.

DEFINITIONS

Agent: An individual who acts on behalf of or represents the Idaho Department of Correction, Correctional Industries, and Commission of Pardons and Parole; to also include volunteers and contractors.

Acquaintance: Knowledge of a person acquired by a relationship less intimate than a friendship (e.g. classmates, neighbors, or co-workers).

Associate: A person who keeps company with another (e.g. a friend, visitor, companion, business partner, significant other).

Contractor: An individual who provides services to the Idaho Department of Correction, Correctional Industries, the Commission of Pardon and Parole, inmates, probationers, parolees, or any unit of the Idaho Department of Correction via a contract either individually or through an organization.

Immediate Family - for the purposes of this SOP only: Spouse, child, parent, brother, sister, grandparent, aunt, uncle, niece, nephew, first cousin, or any of these same relationships by adoption, marriage, fiancé, fiancée, significant other, and that individual's family.

Offender: An individual who is under department jurisdiction or has been discharged from department jurisdiction within the last 365 days.

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

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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.

Significant Other: A person having importance in, or influence on, another's life and has an established romantic or sexual relationship.

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

Volunteer: An individual who, on his own free will, provides a service to the Idaho Department of Correction, Correctional Industries, the Commission of Pardon and Parole, inmates, probationers, or parolees without payment for work or services.

REFERENCES

IDAPA 15.04.01, Rules of the Division of Human Resources and Personnel Commission, Section 190.01, Cause for Disciplinary Actions or Separation from State Service.

[Relationship Disclosure Form](#) (found on EDOC)

Standard Operating Procedure [205.07.01.001](#), *Corrective and Disciplinary Action*

Standard Operating Procedure [150.01.01.006](#), *Administrative Investigations*

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