

DEPARTMENT OF CORRECTION 	POLICY MANUAL	POLICY NUMBER: 218 v2.4	PAGE NUMBER: 1 of 7
		SUBJECT: Non-fraternization with Offenders	Adopted: 2-20-2001 Revised: 11-22-2011

01.00.00. POLICY OF THE DEPARTMENT

It is the policy of the Idaho Board of Correction that Idaho Department of Correction (IDOC) employees, volunteers, contractors, and agents shall maintain a professional relationship with offenders; ex-offenders; the family members of offenders and ex-offenders and those individuals residing in the same or last known household; and inmate visitors. (See section 04.00.00 for the definition of 'residing in the same or last known household'.)

02.00.00. TABLE OF CONTENTS

01.00.00.	POLICY OF THE DEPARTMENT
02.00.00.	TABLE OF CONTENTS
03.00.00.	REFERENCES
04.00.00.	DEFINITIONS
05.00.00.	PROCEDURE
05.01.00.	Applicability
05.02.00.	Prohibited Activities with Offenders
05.02.01.	Written Notification of a Prohibited Activity
05.03.00.	Written Notification of a Family Member, Friend, or Acquaintance in the Care, Custody, or Supervision of the IDOC
05.04.00.	Contact with an Ex-offender and/or the Family Members of the Ex-offender and Those Individuals Residing in the Same Household
05.05.00.	Investigation
05.06.00.	Consequences for Violations

03.00.00. REFERENCES

Idaho Code, Section 18-2501, *Rescuing Prisoners*

Idaho Code, Section 18-2502, *Officers Assisting in Escape*

Idaho Code, Section 18-2510, *Illicit Conveyance of Articles into Correctional Facilities*

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

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

Policy 211, *Hiring and Probation*

POLICY NUMBER: 218 v2.4	SUBJECT: Non-fraternization with Offenders	PAGE NUMBER: 2 of 7
-----------------------------------	--	-------------------------------

Policy 217, *Ethics and Standards of Conduct*

[Relationship Disclosure Form](#)

Standard Operating Procedure 205.07.01.001, *Corrective and Disciplinary Action*

Standard Operating Procedure 227.01.01.001, *Administrative Investigations*

Standard Operating Procedure 307.02.01.001, *Use of Force: Prisons*

Standard Operating Procedure 307.04.02.001, *Use of Force: Probation and Parole*

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

Standards for Adult Probation and Parole Field Service, 3rd Edition, Sections 3-3068 and 3-3069

04.00.00. DEFINITIONS

Agent: An individual who acts on behalf of or represents the Idaho Department of Correction (IDOC).

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

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 Idaho Department of Correction (IDOC) 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 Idaho Department of Correction (IDOC) 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 Idaho Department of Correction (IDOC).

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

POLICY NUMBER: 218 v2.4	SUBJECT: Non-fraternization with Offenders	PAGE NUMBER: 3 of 7
-----------------------------------	--	-------------------------------

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 Idaho Department of Correction (IDOC).

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.

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 (IDOC), inmates, probationers, or parolees without remuneration.

05.00.00. PROCEDURE

05.01.00. Applicability

The provisions of this policy pertain to all IDOC employees; volunteers; contractors; agents; offenders; ex-offenders; the family members of offenders and ex-offenders and those individuals residing in the same or last known household; and inmate visitors.

05.02.00. Prohibited Activities

Prohibited activities in interacting with offenders include, but are not limited to:

- Cohabiting, residing or otherwise living in the same residence or property owned, managed or resided in by an offender, his family, or inmate visitors.
- 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.

Note: 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 with or without remuneration.
- Working for an offender.
- Having personal contacts outside the scope of assigned job duties or being in a social relationship with offenders.

POLICY NUMBER: 218 v2.4	SUBJECT: Non-fraternization with Offenders	PAGE NUMBER: 4 of 7
-----------------------------------	--	-------------------------------

Note: This does not prohibit incidental personal contacts in organized group activities such as church or school-related activities and sporting events. In addition, in some instances, an employee may have contact with an individual and not have any knowledge that the individual is under IDOC supervision (e.g., the employee hires an individual to perform remodeling, repair, or maintenance on his property and is unaware the individual is under IDOC supervision). Under this instance, if the employee discovers that the individual is under IDOC supervision, the employee must immediately report the contact as described in section 05.03.00.

- ◆ The director of the IDOC may grant, in writing, exceptions to this provision if such relationship existed prior to the felony conviction of the offender.
- ◆ A request for an exception shall be forwarded through the employee's, volunteer's, contractor's, or agent's chain of command.
- ◆ A copy of the approval shall be forwarded to Human Resource Services (HRS) 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; inmate visitors; or outside organizations or agencies unless it is authorized (in writing) by the facility head, district manager, or division chief 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 standard operating procedure 307.02.01.001, *Use of Force: Prisons*, or standard operating procedure 307.04.02.001, *Use of Force: Probation and Parole*); or abusing or threatening offenders or ex-offenders for any reason.
- Providing or receiving child care or foster care without the written approval of the facility head, district manager, or division chief.
- Providing written information or appearing before the Commission of Pardons and Parole to recommend approval or denial of the parole of an offender unless appearance or written testimony was specifically requested by the Commission of Pardons and Parole or is a part of the job responsibilities assigned to the employee, contractor, volunteer or agent.
- Assisting or counseling offenders 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, 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 or parolees.
- Engaging in any activity which might compromise the ability of the employee, volunteer, contractor or agent to perform his work in an efficient, unbiased, and professional manner.

Marriage to an offender is strictly prohibited, unless the relationship existed prior to employment with the IDOC or prior to the offender being placed under the supervision or custody of the

POLICY NUMBER: 218 v2.4	SUBJECT: Non-fraternization with Offenders	PAGE NUMBER: 5 of 7
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IDOC 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, *Hiring and Probation*.

05.02.01. Written Notification of a Prohibited Activity

An employee, volunteer, contractor, or agent must notify the IDOC, in writing, and the written notification forwarded through the chain of command within 48 hours of learning of any prohibited interaction such as described in section 05.02.00. The written notification should contain enough information to allow a reasonable inquiry to include, but not limited to:

- The name of the offender and category of jurisdiction;
- The nature of the relationship (e.g., employment, lending or receiving money or services, or personal contact); and
- The date and/or longevity of contact (e.g., the date contact occurred or was discovered, and how long the relationship existed).

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

05.03.00. Written Notification of a Family Member, Friend, or Acquaintance in the Care, Custody, or Supervision of the IDOC

An employee, volunteer, contractor, or agent must notify the IDOC, in writing, and the written notification forwarded through the chain of command within 48 hours of learning that a family member, household member, or close friend or acquaintance (current or prior) has been committed to the custody/supervision of the IDOC. A [Relationship Disclosure Form](#) shall be used for notification purposes.

If such individual is subsequently assigned to the facility or district in which the employee, contractor, volunteer, or agent works, the completed Relationship Disclosure Form must be provided to the facility head or district manager within 48 hours of knowledge of assignment.

All completed relationship disclosure forms from employees shall be forwarded to HRS and placed in the employee's personnel file.

05.04.00. Contact with an Ex-offender and/or the Family Members of the Ex-offender and Those Individuals Residing in the Same Household

All employees, volunteers, contractors, an agents must report any contact they have with an ex-offender and/or the family members of the ex-offender and those individuals residing in the same household when that contact is outside the scope of assigned job duties. Notification must be in writing and forwarded through the employee's, volunteer's, contractor's, or agent's chain of command within 48 hours of the contact. The written notification should contain enough information to allow a reasonable inquiry to include, but not limited to:

- The name(s) of the ex-offender and/or the family members of the ex-offender and those individuals residing in the same household;

POLICY NUMBER: 218 v2.4	SUBJECT: Non-fraternization with Offenders	PAGE NUMBER: 6 of 7
-----------------------------------	--	-------------------------------

- The nature of the relationship (e.g., employment, lending or receiving money or services, or personal contact); and
- The date and/or longevity of contact (e.g., the date contact occurred or was discovered, and how long the relationship existed).

Note: This does not prohibit incidental personal contacts in organized group activities such as church or school-related activities and sporting events. In addition, in some instances, an employee may not have any knowledge that an individual is an ex-offender (e.g., the employee hires an individual to perform remodeling, repair, or maintenance on his property and is unaware the individual was under IDOC supervision). Under this instance, if the employee discovers that the individual was under IDOC supervision, the employee must immediately report the contact as described herein this section.

The director of the IDOC may prohibit contact with an ex-offender and/or the family members of the ex-offender and those individuals residing in the same household if the interaction poses a safety or security risk to IDOC operations or to IDOC employees, offenders, or the public.

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

05.05.00. Investigation

Any fact finding and formal investigation will be conducted in accordance with standard operating procedure 227.01.01.001, *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.

05.06.00. Consequences for Violations

Appropriate corrective or disciplinary action up to, and including, dismissal may be taken whenever this policy is violated.

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*.

The severity and extent of any such action will be determined on the totality of the factors and circumstances of each individual situation. Such factors include but are not limited to:

- The timeliness of reporting upon discovery;
- The details surrounding the interaction or relationship;

POLICY NUMBER: 218 v2.4	SUBJECT: Non-fraternization with Offenders	PAGE NUMBER: 7 of 7
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- The impact to the IDOC; and
- Other policy or rule violations in conjunction with the interaction or relationship.

Director, Department of Correction

Date

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