



## POLICY DIRECTIVE

Policy:	<b>DOC 1.3.12 STAFF ASSOCIATION AND CONDUCT WITH OFFENDERS</b>
Effective Date:	06/01/1998 <span style="float: right;">Page 1 of 3</span>
Revision Date(s):	12/30/2020; 04/24/2026
Signature/Title:	/s/ Eric Strauss, Director

### I. POLICY

The Department requires employees to limit their association with offenders, offender's immediate family members, and close associates of offenders to a professional relationship. The Department further maintains zero tolerance for misconduct by its employees toward or with any individual in the custody or under the supervision of the Department.

### II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

### III. DEFINITIONS (see Glossary)

### IV. REQUIREMENTS

#### A. General Requirements

1. Administrator Responsibilities
  - a. Department employees and service providers review and comply with the provisions of this policy.
  - b. Offenders under the custody or supervision of the administrator's respective division, facility, or program review and understand the processes for reporting alleged staff misconduct toward offenders.
  - c. Staff misconduct is reported and pursued with the assistance of Human Resources.
  - d. Written processes are established and maintained that provide effective policy communication and guidance for the following:
    - 1) confidential reporting processes regarding alleged staff misconduct toward offenders and availability of these processes to Department employees, service providers, offenders, visitors, offenders' immediate families, and offenders' close associates;
    - 2) ensuring offenders have the opportunity to promptly file a complaint anonymously, through third parties, verbally, or in writing using the facility's formal grievance process, if applicable; and
    - 3) investigation and response to misconduct allegations is a high priority and conducted as provided in law and all applicable policies.
2. After consultation with Human Resources and Legal Services, and upon approval of the Department Director or designee, an administrator may approve limited exceptions to this policy on a case-by-case basis to allow limited contacts between employees, offenders, offender's immediate family members, and close associates of offenders.
  - a. Administrators must include documentation of the circumstances supporting the exception and a written plan outlining the permissible contact.
3. Department employees and service providers who violate this policy are subject to disciplinary action, up to and including termination of their employment.

4. Department employees entrusted with confidential records will adhere to *DOC 1.5.5 Offender Records Management, Access, and Release* and report breaches of confidentiality appropriately.
5. Department employees and service providers will not retaliate against the complainant, the victim, the accused, the witnesses, or the informants involved in the filing and investigation of misconduct allegations.

## **B. Required Conduct**

1. Department employees and service providers must:
  - a. maintain a professional relationship with offenders at all times;
  - b. provide offender services without regard to race, color, age, gender, physical or mental disability, marital status, creed, sex, political beliefs, genetic information, veteran's status, culture, social origin or condition or ancestry, national origin, religious preference, sexual orientation, or any other protected class.
  - c. not display favoritism toward, or discrimination against, any offender or group of offenders;
  - d. limit relationships with offenders, offender's immediate family members, and close associates to officially authorized activities; and
  - e. avoid conflicts of interest or situations, such as engaging in personal or business relationships, that may compromise professional integrity or security or cause embarrassment to the Department of Corrections and the State of Montana.

## **C. Prohibited Conduct**

1. Employees who assault, injure, intimidate, threaten, endanger, or withhold reasonable necessities from an offender, or violate any civil right of an offender are subject to felony and misdemeanor criminal penalties as well as disciplinary action, up to and including termination from employment.
2. Department employees and service providers who commit staff sexual misconduct are subject to felony and misdemeanor criminal penalties as well as disciplinary action up to and including termination from employment.
3. Department employees and service providers will not engage in inappropriate behaviors with offenders, offender's immediate family members, or close associates.
  - a. Inappropriate behavior includes, but is not limited to, the following:
    - 1) using profane, indecent, or discriminatory language or references;
    - 2) giving or receiving gifts, favors, or services that exceed Department requirements;
    - 3) engaging in any type of business or fiduciary relationship including trading, selling, or buying from an offender (excluding purchases in accordance with *DOC 5.5.4 Hobby Programs for Adult Facilities*); and
    - 4) interaction that is unnecessary, not a part of the employee's duties, and related to a personal relationship or purpose rather than a legitimate correctional purpose including, but not limited to:
      - a) engaging in horseplay;
      - b) socializing;
      - c) sharing personal information (for example, family member names, ages, schools, etc.);
      - d) contacting offender's immediate family members for matters unrelated to the employee's official duties;
      - e) exchanging written correspondence; or
      - f) developing a relationship with an offender that is anything other than a professional relationship.

#### **D. Department Employee and Service Provider Reporting Requirements**

1. Department employees must immediately disclose any of the following events to a supervisor (in consultation with HR, the supervisor will instruct the employee on the appropriate course of action):
  - a. intentional or repeated attempts to contact the employee by an offender, an offender's immediate family members, or close associates;
  - b. the employee engaged in prohibited conduct described in III.C above; or
  - c. an employee's immediate family member or a close associate has been committed to the custody or supervision of the Department and/or is assigned to the facility or program in which the employee is employed using the *Staff Association Disclosure* form.
2. Department employees and service providers who receive information regarding, or have personal knowledge of, sexual misconduct and/or misconduct that causes bodily injury or reasonable apprehension of bodily injury to an offender must immediately report the misconduct to the applicable administrator and HR.
3. Department staff, contract employees, and volunteers who know or have reasonable cause to suspect that a youth offender has been abused or neglected must immediately report the matter to the administrator, or designee, and to the Department of Public Health and Human Services as required by 41-3-201, MCA.

#### **V. CLOSING**

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions about this policy should be directed to Human Resources.

#### **VI. REFERENCES**

- A. §§ 45-5-204, 45-5-501, 45-5-502, 45-5-503, 45-7-203, 45-7-307; MCA
- B. 4-4069, 4-4281; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. 3-JTS-1C-23, 3-JTS-3D-06; *ACA Standards for Juvenile Correctional Facilities, 2003*
- D. 4-4084, 4-4084-1, 4-4281-6, 7; *2008 ACA Standards Supplement*
- E. DOC 1.1.17 *Prison Rape Elimination Act (PREA)*; DOC 1.5.5 *Case Records Management*; DOC 3.1.19 *Investigations*; DOC 5.5.4 *Hobby Programs for Adult Facilities*
- F. *Department of Corrections Code of Ethics*

#### **VII. FORM**

*Staff Association Disclosure*