DEPARTMENT OF CORRECTIONS

Policy Number:	**103.223**
Title:	**Personal Associations between Staff and Offenders**
Effective Date:	**1/7/20**

PURPOSE: To provide parameters governing personal and professional interactions between all department employees, student workers, volunteers, interns, contractors, and current or former offenders or the families of current or former offenders.

APPLICABILITY: Department-wide

DEFINITIONS:

Appointing authority – the warden of a facility or a central office or field/community services manager designated as the appointing authority for a division.

Current offender – individual who is incarcerated, on supervised release, parole, or probation, under the jurisdiction of the DOC or any other federal, state, or local law enforcement jurisdiction in the United States.

Former offender – individual who has previously been incarcerated, on supervised release, parole, or probation, under the jurisdiction of the DOC or any other federal, state, or local law enforcement jurisdiction in the United States and has been discharged from their sentence for LESS than two years (i.e., two years or less "off paper").

Offender family members – offender's spouse, biological children, wards, step-children, foster children, grandchildren, parents, step-parents, grandparents, guardian, and siblings. Also, the offender's spouse's parents, grandparents, or other family members living in the same household of the former offender.

Personal association – any interaction with current or former offenders other than one required by departmental work assignments. These interactions include such examples as, personal, sexual, financial, familial, or business relationships, regardless of whether the association existed before, during, or after the current or former offender's incarceration or release under any federal, state, or local law enforcement jurisdiction.

Released offender – individuals who, after serving a sentence or sentences under any federal, state, or local law enforcement jurisdiction, have been discharged from supervised release, parole, probation, or from a facility for MORE than two years (i.e., two years or more "off paper").

Staff family members – staff's spouse, biological children, wards, step children, foster children, parents, step parents, grandparents, siblings and their spouse's parents, grandparents, or other family member living in the same household of the employee.

PROCEDURE:

A. Prohibited Conduct

Employees, student workers, volunteers, interns, and contractors are prohibited from:

1. Divulging any personal telephone numbers, addresses, or other private information to current or former offenders or their families regarding themselves or other employees, without the approval of the appointing authority.
2. Giving or accepting gifts, articles, special favors to/from current or former offenders, or their families.
    a) Any attempt on the part of any current or former offenders or their families to visit, write, or otherwise communicate or send gifts to an employee or the employee's family must be immediately reported, in writing, to the appropriate appointing authority.
    b) Former offenders may contact staff if required for the former offender's employment, education, or some type of social services.

3. Introducing or removing any written material, information, etc., to or from any offender in a facility. Violations of this provision are dealt with in accordance with Minn. Stat. § 243.59.
4. Introducing or removing clothing, food, tobacco, or other articles or devices to or from an offender in a facility. Violation of this provision is dealt with in accordance with Minn. Stat. § 243.211.

B. Disclosure Required

Employees, student workers, volunteers, interns, and contractors who become aware they, or a member of their family, have a personal association with a current or former offender or their families must immediately complete the Offender Association Disclosure (OAD) form (attached).

1. The completed OAD form must be submitted to the appropriate appointing authority.
    (a) Employees working at adult or juvenile facilities submit the OAD to the facility warden.
    (b) Employees working at central office, field services, or community services submit the OAD to the designated appointing authority of their division.
    (c) The appointing authority may also require an employee to complete a confidential incident report that discloses and provides additional information regarding the offender association.
2. Staff may request the type of association they wish to establish, if any, the duration, the type, and frequency of contact, and names of the current or former offenders and family members.

C. The appointing authority receiving the OAD form consults, if needed, with the facility warden where the designated offender is incarcerated, with the field/community services manager where the designated offender is on supervised release, parole or probation, or with the appointing authority review panel, to determine whether the personal association requested would create a safety or security risk; and decides whether to deny, approve, or approve with conditions, the personal association requested.

1. If the appointing authority(s) denies the association request, the appointing authority who received the request sends:
    a) A written response to the employee informing the employee of the reason for the denial; and
    b) The completed OAD form(s) and any written denials to human resources (HR) to be maintained in the employee's personnel file.

2. HR staff send a copy of the completed OAD form(s) and any written denials to the central office or facility office of special investigations (OSI) unit.

3. The OSI unit's investigator – corrections intelligence staff must maintain a copy of the completed OAD form(s).

D. The employee must immediately complete an updated OAD form and submit it to the appropriate appointing authority if there is any change or intent to change the association by either party.

E An employee who fails to report a personal association may be disciplined up to and including discharge from employment.

F. The department investigates allegations of unauthorized sexual assault involving an offender and an employee, student worker, volunteer or a contractor in compliance with Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting, and Response."

INTERNAL CONTROLS:

A. OAD forms completed by staff are maintained in the employee's personnel file and by the office of special investigations upon final approval or denial by the appointing authority.

ACA STANDARDS: 4-APPFS- 3C-02 (BP3)

REFERENCES: Minn. Stat. Chapter 152; and §§ 179A.06; 243.211; 243.55; 243.59; 609.344; 609.345; 609.3451; 13.01
Collective bargaining agreements
Policy 103.220, "Personal Code of Conduct of Employees"
Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting, and Response"
Policy 300.040 "Volunteer Services Program"
Policy 103.015 "Internship Program"
Policy 300.045 "Contractor Relationship to Department"
Policy 302.100 "Visiting"
Policy 202.050 "Offender/Resident Orientation"

REPLACES: Policy 103.223, "Personal Associations between Staff and Offenders," 1/2/18. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Offender Association Disclosure form (103.223A)

APPROVALS:

Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services