DEPARTMENT OF CORRECTIONS

Policy Number: 300.040
Title: Volunteer Services Program
Effective Date: 4/7/20

PURPOSE: To engage community partners in the provision of high quality programming for incarcerated offenders in a safe and secure environment. To specify the lines of authority, responsibility, and accountability for citizen involvement and volunteer services programs. To assist department staff in identifying and recruiting qualified people to enhance and expand the services and programs offered to offenders, and to accept such services as uncompensated and voluntary.

APPLICABILITY: All facilities

DEFINITIONS:
Department volunteer coordinator – a senior staff member responsible for coordinating the department volunteer services program.

Facility volunteer – a screened and trained person authorized to provide services within the facility for a specific purpose.

Facility volunteer coordinator – a staff member responsible for coordinating the facility volunteer services program.

Facility volunteer sponsor – a specific staff member at a facility who serves as the direct contact person for the volunteer.

Valid identification (ID) – a valid driver's license from the state of residence, a valid state photo identification card from the state of residence, a valid photo military identification card (active duty only), a valid tribal identification card as detailed in Minn. Stat. § 171.072 (b) and (c), or a valid passport if a resident of a foreign country.

PROCEDURES:

A. Recruitment
Facilities recruit volunteers from all cultural and socioeconomic backgrounds based on the needs of the facility and the qualifications of the volunteers.

B. Application and approval procedure
1. Individuals identified as prospective volunteers to serve in a Minnesota Correctional Facility (MCF) must:
   a) Be 18 years of age or older;
   b) Have no conviction for a sexual offense
   c) Have no active criminal conviction/sentence for a felony, gross misdemeanor, or misdemeanor; If an applicant has a criminal history, an application may only be considered
      (1) After at least one year since discharge from a correctional facility, probation, supervised release or parole; and
      (2) With no subsequent criminal convictions.

d) Have no active warrants;
e) Not be on the visiting list of any offender incarcerated in the DOC. If previously on the visiting list of any offender, the prospective volunteer must have been off the visiting list of the offender for a minimum of one year;
f) Complete a Volunteer Application (attached)
   (1) All prospective volunteers complete the same Volunteer Application,
   (2) Except for those applying to volunteer with the Minnesota Circles of Support and Accountability (MnCOSA) program which has its own application (attached);
g) Read and sign the Tennessen notification on the Volunteer Application regarding private data required of volunteers;
h) Complete an Offender Association Disclosure form (attached) per MN DOC Policy 103.223 "Personal Associations Between Staff and Offenders;"
i) Read the Prison Rape Elimination Act (PREA) brochure and complete the PREA sign off form (attached) per MN DOC Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting and Response;"
j) Be separated from DOC or state contractor employment for a minimum of six months from the last date of employment;
k) Participation may be limited dependent upon program and/or facility;
l) Have one year of sobriety to be an AA volunteer; and
m) Pass a required Department of Human Services (DHS) background study for volunteers working with juveniles.

2. Facility volunteer coordinators must:
   a) Review all documents submitted by the prospective volunteer/applicant;
      (1) Cross reference with the DOC corrections operational management system (COMS) visiting field;
      (2) Complete a criminal history background check through the Bureau of Criminal Apprehension (BCA) by completing a criminal history code "QWI" query; and
      (3) Confirm validity of identification;
   b) Submit the prospective volunteer/applicant's required documents and BCA criminal history check to the facility captain/designee for final review and approval.
      (1) Only the warden may make an exception and approve an applicant with an active criminal conviction.
      (2) There are no exceptions for applicants with a history of sexual convictions;
   c) Document the written approval/denial of the facility captain/designee by securing the captain's/designee's signature on the application;
   d) Notify the prospective volunteer/applicant, in writing, of the status of his/her application, orientation dates and times available, and the registration process;
   e) Ensure that the volunteer provides documentation of a current negative tuberculosis (TB) test, if the volunteer provides more than 10 hours a week of direct offender contact (see Policy 105.180, "Tuberculosis Control for Applicants, Employees, Contractors, Volunteers and Students");
   f) Ensure that volunteers do not have individual offices or any key access, so as not to give the appearance of employee status; and
   g) Ensure a current schedule of volunteer services is available to all offenders and is posted in appropriate areas of the facility.

3. Annual recertification process

a) Each year, approved volunteers must be recertified.
b) The recertification procedure is the same as the original application process, including review of all relevant policies.
c) Juvenile recertification is required every two years.

4. Training, orientation and admission of volunteers
   a) All volunteers approved to provide services to offenders incarcerated in the DOC must complete training and orientation per MN DOC Policy 103.420, Pre-Service and Orientation Training.
      (1) This training includes but is not limited to a review of relevant policies, a tour of the physical plant areas that are related to the volunteer's service, and a review of safety and security practices.
      (2) A review of training and pertinent information must occur annually.
      (3) The approved volunteer must sign the Orientation Checklist (attached) at both the initial orientation and annual reviews.
         (a) Volunteers who are approved at multiple facilities must attend initial orientation at the originating facility and annually at any facility thereafter.
         (b) If a volunteer changes or adds facilities, the volunteer must attend facility-specific orientation at the new site.
   b) Once a volunteer is approved and orientation is completed, the volunteer coordinator must enter the newly approved volunteer in the volunteer database and the Controlled Access Tracking System (CATS), with the expiration date.
   c) Expiration dates for volunteers and contractors who have attended training are:
      (1) The first date of the next month, one year after the initial or previous recertification orientation date;
      (2) For example, if the orientation/recertification date is 9/9/2015, the expiration date would be 10/01/2016.
   d) Volunteers must comply with the dress code outlined in Policy 302.100, "Visiting," when providing services at a facility.
   e) Volunteers must present valid identification, as outlined in Policy 103.013, "Identification Cards Employee/Contractors/Volunteers/Interns," every time the volunteer enters an MCF.

5. No volunteer services are accepted from a volunteer that:
   a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
   b) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
   c) Has been civilly or administratively adjudicated to have engaged in the activity described in b) of this section.

C. Volunteer suspension/termination

Facilities may suspend or terminate a volunteer for violation of DOC policies (see Volunteer Suspension Guidelines, attached).

1. The volunteer program coordinator may recommend the services of a volunteer or volunteer organization be curtailed, postponed, or terminated after discussion with the facility management and any appropriate investigation is completed.

2. Facilities must conduct an investigation into the alleged policy violation(s). The investigation includes
   a) Contacting the volunteer to advise him/her of the investigation; and
   b) Giving the volunteer an opportunity to present information on his/her behalf.
   c) This may occur via telephone.

3. Upon a final decision, the facility warden must verbally notify the volunteer of the action to ensure timely notice. Verbal notification must be followed by written notification.

4. The warden/designee of the facility imposing the suspension or termination must e-mail the volunteer committee associate warden liaison/designee a notification of the rule violation and whether volunteer privileges are suspended. The facility's volunteer coordinator must update the DOC volunteer database and CATS with the suspension information.

5. The volunteer has five working days from date of written notification to file a written appeal. The warden/designee reviews and responds to the appeal in writing.

6. In compliance with the PREA standards, any volunteer who engages in sexual abuse must be prohibited from contact with offenders/residents. The individual must also be reported to law enforcement agencies and relevant licensing bodies, unless the activity was clearly not criminal.

7. The DOC also considers incidents of sexual harassment in determining whether to enlist or terminate the services of a volunteer who may have contact with offenders/residents.

D. Volunteer authority, responsibility, and accountability:

1. The number of outside volunteers is limited to only those required for an activity per facility discretion.

2. Each volunteer is at the facility for the sole purpose of his/her programs and must not use his/her volunteer role to solicit business or donations from offenders.

3. Volunteer and offender physical contact must be limited to an initial and departing handshake. Exceptions must be approved in writing by the Warden/designee.

4. Volunteers must not give or accept gifts, money, articles, or special favors to/from an offender or an offender's friends or family. Any attempt on the part of a volunteer to visit, write, communicate, send gifts or money to an offender, offender's friend, or offender's family results in suspension or termination as a volunteer unless authorized, in writing, by the facility warden (see Policy 103.223, "Personal Associations Between Staff and Offenders," and Minn. Stat. §609.345).

5. Volunteers must not divulge any home telephone numbers, addresses, or personal information about themselves, other volunteers, or any staff to offenders (see Policy 103.223, "Personal Associations Between Staff and Offenders," and Minn. Stat. §609.345).

6. Volunteers must not use or bring onto facility grounds or into the buildings any items deemed to be contraband by Policy 301.030, "Contraband."

7. Any volunteer who engages in behavior that threatens the safety, security, or orderly operation of the facility is permanently removed from the volunteer list, subject to visiting restrictions and possible criminal prosecution (see Policy 103.223, "Personal Associations Between Staff and Offenders," and Minn. Stat. §609.345).

8. A volunteer who is the subject of a criminal investigation, charge, arrest and/or conviction, or is incarcerated for any reason, must immediately notify the facility volunteer coordinator who notifies the appropriate facility manager. Notification consists of
   a) Direct telephone or written communication with the facility volunteer coordinator; and
   b) Information about the formal charge date, time, and jurisdiction of the alleged occurrence and any other relevant information.
   c) The volunteer must keep the facility volunteer coordinator informed of the progress and final disposition of the charge.

9. Volunteers may be searched as specified in Policy 301.010, "Searches."

10. Facility volunteer coordinators, staff sponsors, and/or designees must conduct an annual review of each volunteer program.
    a) Volunteers are encouraged to submit suggestions to the volunteer coordinator or designee concerning improvements for their volunteer program.
    b) Recommendations must be forwarded to the administrative team for review.

11. Any volunteers with personal and/or professional associations with a current or former offender (on supervised release, parole, or probation under the jurisdiction of the DOC or any other state, federal or local jurisdiction in the United States within the past two years) must notify the facility volunteer coordinator and complete the Offender Association Disclosure form (attached). The facility volunteer coordinator must notify the appropriate facility manager per Policy 103.223, "Personal Associations Between Staff and Offenders" and Minn. Stat. §609.345).

12. Volunteers must agree in writing (via DOC volunteer checklist) to abide by facility rules, regulations and requirements, including the use of confidential information and security practices outlined in DOC policy.

13. A volunteer who is directly associated with a structured program providing transitional services to offenders may request communication privileges by completing the Volunteer Request for Communication with Individual Offender form (attached).
    a) The volunteer coordinator in consultation with the transition coordinator determines if the program meets the definition of "structured," and make a recommendation to the warden.

    b) The elements of an acceptable structured program include such examples as:
       (1) An administrative system of accountability (governing board, by-laws, mission related to transition services activity);
       (2) Incorporation, 501c3 tax status;
       (3) Training for staff/volunteers;
       (4) A publicly-available list of services provided by organization (e.g., brochure, website, poster); and
       (5) Non-discriminatory (e.g., can get services without joining a church).

c) The incarcerated offender must be within one year of release.

d) The warden/designee approves/disapproves.

e) The volunteer coordinator must forward copies of approval documentation to
(1) The non-DOC persons database; and
(2) The office of special investigations (OSI) through the non-DOC persons database.
Copies are maintained in the non-DOC persons database and in the volunteer coordinator shared network drive.

f) Approval may be rescinded if information becomes available indicating that the volunteer or program no longer meets the established criteria.

14. Volunteers performing professional services must possess a relevant license and/or certificate.

E. Offender participation: a current schedule of volunteer services is made available to all offenders.

F. Volunteer/offender contact upon release:
1. Current volunteers may be permitted to maintain contact with offenders upon offender release from the facility.

2. Volunteers must complete a volunteer request for correspondence form and return it to the facility volunteer coordinator.

3. Approvals are documented in the volunteer database comments section.

G. Facilities must follow Policy 300.032, "Visiting" for admittance authorization for volunteers.

H. Records retention
1. Signed Volunteer Applications, Orientation Checklist, Tennessen document, and dated confirmation of completed BCA background check are retained for three years.

2. The signed Offender Association Disclosure Form, suspension and termination letters, appeal documents, and signed Request for Offender contact forms are retained for three years and then entered into the volunteer database.

INTERNAL CONTROLS:

A. The completed Volunteer Application, Offender Association Disclosure Form, Orientation Checklist, Volunteer Request for Contact with an Offender, any suspension and termination letters and appeals documents, and the Tennessen documents are retained for three years by the facility volunteer coordinator, after which time the Offender Association Disclosure Form, any suspension and termination letters, and signed Request for Offender Contact forms are entered into the volunteer database.

ACA STANDARDS: 4-4114 through 4-4122, 1-ABC-1G-01 through 1-ABC-1G-09; and 2-CO-1G-01 through 2-CO-1G-10

REFERENCES: Minn. Stat. §§ 241.01, subd. 6; 171.072 (b) and (c); and 609.345
42 U.S.C. 1997
Prison Rape Elimination Act (PREA), 28 C.F.R. §115 (2012)
Policy 302.100, "Visiting"
Policy 103.013, "Identification Cards-Employees/Contractors/Volunteers/Interns"
Policy 105.180, "Tuberculosis Control for Applicants, Employees, Contractors, Volunteers and Students"
Division Directive 300.032, "Admittance Authorization to Adult Facilities"
Policy 302.300, "Religious Programming"
Division Directive 301.010, "Searches"
Division Directive 301.030, "Contraband"
Division Directive 302.210, "Offender Telephone Use"
Policy 103.300, "Sexual Harassment Prohibited"
Policy 103.302, "Harassment and Discrimination Prohibited"
Policy 103.223, "Personal Associations Between Staff and Offenders"
Minn. R. 5218.0250, "Comprehensive Managed Care"
Minn. Stat. Ch. 13: Minnesota Government Data Practices Act
Policy 105.125, "A Workplace Accident and Injury Reduction Program"
Policy 103.226, "Fitness for Duty"
Volunteer Database Frequently Asked Questions (FAQ)
Team Charter

REPLACES: Policy 300.040, "Volunteer Services Program," 6/19/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: MCF Volunteer/Contractor Application (300.040A)
Volunteer Suspension Guidelines – Rule Violations (300.040B)
Volunteer Request for Communication with Individual Offender (300.040C)
Volunteers, Contractors, and Interns Orientation Checklist and Agreement (300.040D)
Links/MnCoSA Volunteer Application (300.040E)
PREA Sign-Off form (300.040F)
Offender Association Disclosure Form (103.223A)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Office of Strategic Planning, Implementation, and Employee Development