



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 305.03

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Effective Date: May 1, 2008

Distribution: A

Supersedes: 305.03 (9/15/05)

Approved by: George M. Little

Subject: EMPLOYEE/OFFENDER INTERACTION

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and TCA 39-16-402.
- II. PURPOSE: To establish guidelines for employee and offender interaction.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) staff, inmates, volunteers, Tennessee Rehabilitative Initiative in Corrections (TRICOR) staff, employees of privately managed institutions, contract employees and vendors, and interns.
- IV. DEFINITIONS:
 - A. Departmental: Any rule, regulation, or function pertaining to a TDOC or privately managed institution.
 - B. Employee: For purposes of this policy only, an employee is considered to be any individual employed by the TDOC, any individual serving as a volunteer to the Department, any contract employee, any vendor providing professional services to the Department, any TRICOR employee, and any intern.
 - C. Offender: Any incarcerated inmate, any person currently on active probation or parole supervision, or any former inmate who has been discharged from TDOC custody or probation/parole supervision for less than one year.
 - D. Sexual Abuse: The subjection of another person to any sexual act or contact between an employee, volunteer, visitor, or agency representative by force, persuasion, inducement, or enticement.
 - E. Sexual Contact: The intentional touching of another individual or of the individual's intimate parts and/or clothing covering the individual for the purpose of sexual arousal or gratification.
 - F. Sexual Harassment: Any unwelcome or unsolicited sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party).
 - G. Sexual Misconduct: Any unwanted behavior or unwanted act of a sexual nature directed towards any individual by an employee, volunteer, visitor, or agency representative.
- V. POLICY: Interaction between TDOC employees and offenders shall be only of a professional nature. All offenders shall be treated equally in a non-discriminatory manner.

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VI. PROCEDURES:

- A. Employees shall conduct themselves in a professional manner when interacting with offenders.
- B. It is the duty of each employee to correct all incarcerated offenders observed in violation of departmental rules and regulations in a fair, consistent, and impartial manner.
- C. Conversation with inmates shall be limited to that necessary as part of the employee's duties. Inmate questions which cannot be answered shall be referred to the immediate supervisor. Inmates shall be addressed by name, rather than TDOC numbers.
- D. Social relationships are prohibited, including but not limited to emotional, sexual, or romantic attachments with offenders in an institution, offenders on parole or probation, and former inmates who have been discharged from TDOC custody or probation/parole supervision for less than one year.
- E. Sexual contact between employees and inmates is prohibited and subject to administrative and criminal disciplinary sanctions. (See Policy #502.06) Per Tennessee statute, any staff member who is successfully prosecuted for a relationship (that is sexual in nature) with an inmate will be placed on Tennessee's sex offender registry.
- F. Social relationships are also prohibited with relatives, family, and/or clearly identifiable close associates of such persons unless written approval is obtained from the Commissioner for Central Office employees, Wardens for institutional employees, Superintendent for the Tennessee Correction Academy employees, or the Executive Director of TRICOR immediately upon establishment of such relationships. When an employee is related in any way to an offender and/or an offender's relatives, the employee will report this fact to the Warden or Central Office Director upon employment or when the relationship becomes known to the employee. Upon receipt of this information, the local manager and appropriate assistant commissioner will review and determine appropriate action to be taken.
- G. Allegations of employee sexual misconduct, sexual harassment, sexual contact and/or sexual abuse shall be investigated in accordance with TDOC policies and Tennessee statutes. If the accusations are found meritorious, then the employee(s) shall be subject to disciplinary actions, up to and including termination, or appropriate actions where necessary, in accordance with Tennessee statute and TDOC policies. Consent on the part of an offender is not a defense on the part of the employee as a response to charges of any form of sexual misconduct. (See Policy #502.06)
- H. An employee shall not trade, barter, or enter into any business transaction or maintain any business interaction with offenders or their families except as outlined in Policy #510.02, nor shall an employee carry, mail, pass, or throw contraband in or out of any correctional institution. An employee shall not donate items to offenders or their families without prior approval of the Warden.

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Should an employee have knowledge of any employee engaged in such trafficking, it is the employee's duty to report such information to his/her supervisor. Failure to do so shall result in disciplinary action. Any attempt by an employee to communicate or do business with offenders or their families through their relatives and/or clearly identifiable close associates in an effort to circumvent this policy shall be a violation of this policy.

- I. Exchange of correspondence or telephone conversations for any purpose other than related to official duty shall be considered a violation of this policy and shall result in disciplinary action being taken.
 - J. The Warden/designee shall post incompatible notices on TOMIS conversation LIBA listing employee(s) and/or offender(s) that have been determined to be incompatible based on an investigation conducted by the Warden/designee including, but not limited to, the following reasons:
 1. Assault by an offender with resulting serious physical injuries to the staff
 2. Sexual assault upon the staff member
 3. Employee's immediate family is a victim of the offender's crime which results in serious physical injury or death
 4. Staff gave testimony which caused the offender to be sent to the TDOC or whose testimony caused the offender to receive an additional sentence while incarcerated, i.e., death sentence, etc.
 5. A member of staff's immediate family gave testimony which may have resulted in the offender being incarcerated in TDOC
 6. OPTIONAL: If any staff member has a close relative, immediate family member, or close personal friend incarcerated within the same institution
 7. Other reasons if approved by the Assistant Commissioner of Operations.
 - K. Signs that declare the Department's zero tolerance policy regarding employee/offender relationships shall be prominently posted at institutional checkpoints and sallyports, any additional areas deemed appropriate by the Warden, and also in Central Office.
 - L. An employee who witnesses or knows of a violation of this policy must promptly report the violation. Any employee who fails to promptly report a violation shall be subject to disciplinary action, up to and including termination. An employee who retaliates against any person for reporting or providing information concerning a violation of this policy shall be subject to disciplinary action, up to and including, termination.
- VII. ACA STANDARDS: 4-4281-6, 4-4281-1, and 4-4281-3.
- VIII. EXPIRATION DATE: May 1, 2011.

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POLICY CHANGE NOTICE 08-16

INSTRUCTIONS:

Please change Section VI.(E) to read as follows:

- “E. Sexual contact between employees and inmates is prohibited and subject to administrative and criminal disciplinary sanctions. (See Policy #502.06) Any staff member convicted of an offense that constitutes a sexual offense or violent sexual offense as defined in TCA 40-39-202 will be placed on Tennessee’s sex offender registry”