



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 305.03

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Effective Date: May 15, 2020

Distribution: A

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Approved by: Tony Parker

Subject: EMPLOYEE/OFFENDER INTERACTION

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 39-16-201, and TCA 39-16-402 Prison Rape Elimination Act of 2003 standard 115.15 (d)
- II. PURPOSE: To establish guidelines for employee and offender interaction.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) staff, offenders, volunteers, Tennessee Rehabilitative Initiative in Corrections (TRICOR) staff, employees of privately managed institutions, contract employees, vendors, and interns.
- IV. DEFINITIONS:
 - A. Employee: For purposes of this policy only, an employee is considered to be any individual who is 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.
 - B. Offender: For purposes of this policy, 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.
 - C. Sexual Abuse: The subjection of an offender to any sexual act or contact between an employee, volunteer, visitor, or agency representative by force, persuasion, inducement, or enticement.
 - D. Sexual Contact: The intentional touching of an offender or of his/her intimate parts and/or clothing covering the offender for the purpose of sexual arousal or gratification.
 - E. 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).
 - F. Sexual Misconduct: Any unwanted behavior or unwanted act of a sexual nature directed towards any individual by an employee, volunteer, visitor, or agency representative.
 - G. Tennessee Department of Correction (TDOC) Site Manager: For purposes of this policy only, Warden for prisons, Superintendent for the Tennessee Correction Academy (TCA), Superintendents/Wardens for transition centers, District Director for probation/parole offices, Correctional Administrator for day reporting centers, Division Director(s) of the Office of Investigation and Compliance (OIC), Major Maintenance, Institutional Integrated Technology Services, and Central Office divisions or designee(s).

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V. POLICY: Interaction between employees and offenders shall be of a professional nature only. All offenders shall be treated equally in a non-discriminatory manner.

VI. PROCEDURES:

- A. Employees shall conduct themselves in a professional manner when interacting with offenders. When staff of the opposite gender enters an inmate housing unit, he/she shall announce his/her presence. Each Warden/Superintendent shall ensure that this language is provided in the applicable post order governing inmate housing, living quarters, etc.
- 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 offenders shall be respectful and limited to what is necessary as part of the employee's duties. Inmate questions which cannot be answered shall be referred to the immediate supervisor. Offenders 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 offenders who have been discharged from TDOC custody or probation/parole supervision for less than one year. Social media relationships are also excluded, such as Facebook, Twitter, and so forth, unless written approval is obtained as described in subsection (F) below.
- E. Sexual contact between employees and offenders is prohibited and subject to administrative and criminal 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.
- 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 TDOC Site Manager immediately upon establishment of such relationships.
- G. 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 TDOC Site Manager upon employment or when the relationship becomes known to the employee. (See Policy #302.08) Upon receipt of this information, the local manager and appropriate assistant commissioner will review and determine appropriate action to be taken.
- H. 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)

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- I. 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 TDOC Site Manager. An employee determined to be participating in such activity is subject to disciplinary action up to and including termination.
- 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.
- J. 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.
- K. The TDOC Site Manager/designee shall post incompatible notices on the offender management system (OMS) conversation LIBA listing employee(s) and/or offender(s) that have been determined to be incompatible based on an investigation conducted by or requested by the TDOC Site Manager/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, or under TDOC supervision, such as 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 or under TDOC supervision in the same county
 7. Other reasons if approved by the staff member's respective Deputy or Assistant Commissioner.
- L. Signs that declare the Department's zero tolerance policy regarding employee/offender relationships shall be prominently posted at institutional checkpoints and sally ports, and at all TDOC work locations as deemed appropriate by the TDOC Site Manager.

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- M. 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.
- N. Nothing in this policy shall be construed to prohibit offender/employee communication and relationships required by those employees mentoring offenders through the Governor's Volunteer Mentorship Initiative or Tennessee Achieves. Employees participating with offenders in these programs shall immediately report this relationship in writing to the TDOC Site Manager and shall not be considered in violation of TDOC policy.
- VII. ACA STANDARDS: 4-4281-6.
- VIII. EXPIRATION DATE: May 15, 2023.