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	POLICY AND PROCEDURE		SUPERSEDES:	3300.1A November 27, 2012	
			OPI:	DIRECTOR	
			REVIEW DATE:	March 13, 2015	
			Approving Authority	Thomas Faust Director	
	SUBJECT:	EMPLOYEE CODE OF ETHICS AND CONDUCT			
	NUMBER:	3300.1B			
	Attachments:	None			

SUMMARY OF CHANGES:

Section	Change
Page 6, §9	Section #9, has been revised.

APPROVED:



Thomas Faust, Director

3/13/2014

Date Signed

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1. **PURPOSE AND SCOPE.** The purpose of this directive is to establish clear guidelines regarding standards of ethics and conduct for all persons employed by or who provide services to the Department of Corrections (DOC).
2. **POLICY.** It is DOC policy to require that employees, contractors and volunteers:
 - a. Perform their duties in an ethical and accountable manner by maintaining high standards of honesty, integrity, impartiality, and professional conduct, and
 - b. Refrain from engaging in any on-duty or *employment-related act or omission* that the employee knew or should reasonably have known is a violation of law or any on-duty or *employment-related act or omission* that adversely and materially has affected, or is likely to affect the efficiency of government operations or the employee's performance of his or her duties. An "*employment-related act or omission*" is one that occurs during a time when the employee is not on duty.
3. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. Persons employed by DOC and contractors, interns and volunteers who provide services on behalf of the DOC (hereafter called employees) shall not engage in activities that bring discredit to the DOC or the Government of the District of Columbia.
 - b. Employees shall not use their official positions to secure privileges for themselves or others.
 - c. Employees shall not engage in activities that constitute a conflict of interest or the appearance of a conflict of interest.
4. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**

PS 3300.1 Employee Code of Ethics and Conduct (11/27/12)
 - b. **Directives Referenced**
 - 1) PM 1340.4 Media Public Relations/Scheduling Departmental Events/Facility Tours
 - 2) PM 2830.1 Use of Government Vehicles-Fleet Management
 - 3) PP 3300.2 Non-Fraternization

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- 4) PS 3040.2 Correctional Officer's General Orders
- 5) PS 3040.5 Outside Employment and Other Activity
- 6) PP 3310.4 Sexual Harassment Against Employees
- 7) PS 3350.2 Elimination of Sexual Abuse, Assault and Misconduct
- 8) PS 3360.2 Employee Attire
- 9) PS 5010.3 Contraband Control
- 10) PS 5011.1 Possession and Use of Firearms
- 11) PS 5320.1 Key Control
- 12) PP 6050.4 Mandatory Employee Drug and Alcohol Testing
Program (MEDAT)
- 13) SOP 6050.4-13 Mandatory Employee Drug and Alcohol Testing
Program (MEDAT)

5. **AUTHORITY**

- a. D.C. Code § 24-211.02, Powers; promulgation of rules
- b. D.C. Code § 2-1401.01, et seq., DC Human Rights Act
- c. D.C. Code § 1-1162.01, et. seq., Ethics Act
- d. 5 U.S.C. §§ 7321-7326, Hatch Act
- e. District of Columbia Personnel Manual, Chapter 8, Career Service
- f. District of Columbia Personnel Manual, Chapter 16, General Discipline and Grievances
- g. District of Columbia Personnel Manual Chapter 18, Employee Conduct
- h. District of Columbia Personnel Manual Chapter 39, Testing for Presence of Controlled Substances and Alcohol

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6. NOTICE OF NON-DISCRIMINATION

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

7. STANDARDS REFERENCED

- a. American Correctional Association (ACA), 4th Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-7C-02 and 4-ALDF-7C-03.
- b. U.S. Department of Justice National Standards on Prison Rape Elimination Act (PREA): §115-11 and § 115.76.

8. EMPLOYEE/INMATE RELATIONSHIPS

- a. DOC strictly prohibits its employees from engaging or fraternizing with inmates whether on or off duty which conflicts or appears to conflict with the interests of their official positions in accordance with PP 3300.2, *Non-Fraternization*.
- b. Employees shall not become intimately or romantically involved in a relationship with an inmate and/or individuals under criminal justice control or supervision.
- c. Employees shall keep their conversation with inmates on a professional level at all times, and shall refrain from discussing their personal lives and activities with them.
- d. DC law and the DOC do not recognize a defense of consensual sexual contact between staff and inmates. Sexual contact between employees and inmates is prohibited and punishable by criminal law.
- e. Employees, who have an immediate relative who is incarcerated in CDF or a DOC contract facility, shall obtain the written recommendation of their

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immediate supervisor and the affected Warden's approval to visit the inmate. Such visits shall only occur during an employee's non-duty hours and the employee shall not wear any part of his/her official uniform.

- f. Employees shall not engage in trading or trafficking with inmates. This includes selling, buying from, or delivery to any inmate any article or commodity of any description, except through authorized channels.
- g. Employees shall not give or loan an inmate money for any reason.
- h. Employees shall not introduce contraband into any facility. Contraband is defined as any article not officially issued, purchased from the canteen, or specifically authorized by the Deputy Director for Operations.
- i. Employees shall not bring articles of any kind into the institution for delivery to an inmate or take out an article of any kind for an inmate unless authorized to do so by the Director or designee.
- j. Employees shall not aid and or abet an inmate in acts which disrupt the orderly operation of the facility.
- k. Employees shall not permit keys to be in the possession of an inmate unless the Warden has issued written authorization. These keys shall never be those designated as security keys pursuant to PS 5320.1, *Key Control*.
- l. Employees shall not provide any gifts or favors to inmates, their relatives, friends, representatives, or agents which might present a conflict of interest or give the appearance of a conflict of interest.
- m. Employees shall not convey messages to or from inmates nor to or from their families or friends, except in the line of official duty.
- n. Employees shall not allow an inmate or group of inmates to exercise control over another inmate or group of inmates.
- o. Employees shall not make terrorist threats towards inmates or other employees.
- p. Employees shall refrain from discussing matters relating to the discipline of inmates or employees and/or the management of the facility in the presence of the inmate population.

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- q. Employees having charge, control, or direction of inmates shall not be in any manner financially interested in the work of or profit from the labor of any inmate, nor receive pay, gift, gratuity or favor from any person interested in such labor.
- r. DOC employees shall not employ inmates on work in which that employee or any other DOC employees has a personal interest nor be connected or have any interest in the business or shops belonging to the DOC.

9. PERSONAL ACCOUNTABILITY

- a. Whether on or off duty, employees shall conduct themselves in a manner so as not to discredit the DOC or the Government of the District of Columbia.
- b. DOC employees are required to provide immediate notification to their Supervisor if they become subject to an arrest, criminal summons, criminal investigation or indictment by any law enforcement authority, including outside of the District of Columbia.
- c. Any employee who is arrested or issued a citation for a violation of the law, other than a minor traffic violation, will be subject to the following procedure and policies:
 - 1) The employee must immediately notify their supervisor of his/her alleged violation of law.
 - 2) If DOC believes the employee has engaged in illegal activity, DOC may question the employee about the activity as it relates to the employee's performance of job duties.
 - 3) Refusal to answer questions of such illegal activity as it relates to the job may result in disciplinary action, to include dismissal.
 - 4) Any alleged illegal activity on the part of the employee will be considered to have an impact on his or her ability to perform as a correctional employee and may result in immediate suspension from the job pending further disposition.
- d. Any employee whose driver's license is suspended or revoked must immediately notify their supervisor and the Department's Fleet Certifying Official (FCO) and may not operate any DOC vehicle.

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- e. Employees who are approached by the media for an interview as a spokesperson on behalf of the DOC shall notify the Government and Public Affairs Coordinator, for appropriate review and authorization. No employee shall act as an official spokesperson for the DOC without the authorization of the Director through the Government and Public Affairs Coordinator.
- f. If the interview is of a private matter, it should not take place during official duty hours, while the employee is in uniform or on DOC property. In a private interview, reference to an employee's DOC affiliation is prohibited if it is presented in a manner that would lead a person to reasonably believe that the employee's statements or opinion are not of a private nature but those representing the DOC.
- g. Unless the Director so authorizes, employees who testify before a legislative committee, the courts, or any other administrative or judicial body, shall not purport to speak on behalf of DOC, shall not wear the DOC uniform, and shall not testify during the employee's tour of duty.
- h. Only an authorized employee shall disclose information pertaining to an inmate. Disclosure shall be in accordance with DOC rules for release of information.
- i. No employee shall wear the uniform of a correctional officer unless on duty or directly en route to or from the employee's work place.
- j. Employees shall not knowingly or deliberately withhold information concerning the violation of any DOC rules and regulations by inmates or other employees of DOC. If an employee has knowledge of another employee's violation of this code, other rules and regulations of DOC, rules and regulations contained in the District Personnel Manual, or city, state or federal laws, then the employee having such information shall promptly report it in full to his/her immediate supervisor. In the case of misconduct by the supervisor, the employee shall report the information to the next higher supervisor in his/her chain of command.
- k. Employees shall not bring personal weapons of any kind onto government property. No firearms, other weapons, illegal drugs, intoxicants or other contraband articles are to be left in employee vehicles parked on government property.
- l. Employees shall not leave unattended vehicles unlocked or leave ignition keys in personal or DOC vehicles while parked on government property.

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- m. Employees shall not leave their assigned post without being properly relieved or authorized by a supervisor.
- n. Employees shall not misuse or convert government property to their own use or benefit.
- o. Employees shall report any incident which does or could lead to a major inmate or employee disruption in the work place.
- p. Employees shall obey all lawful orders from their superiors.
- q. Employees shall not sleep or be in an inattentive condition at their assigned duty station. Sleeping or being in an inattentive state at a post where the securities of the institution, the inmate population, or other employees are at risk will be considered a major rule violation.
- r. Employees are personally responsible for the accuracy of their time sheets. They shall take the necessary steps to preclude incidents of tardiness and shall not abuse any form of leave granted to them by the District of Columbia.
- s. Employees shall not enter into acts of discrimination or workplace harassment against other employees or inmates.
- t. Employees shall ensure that while operating a government vehicle, they obey all laws and only use the vehicle as authorized.
- u. Employees of this Department shall not consume alcoholic beverages prior to or while operating a government vehicle.
- v. Employees shall not transport alcoholic beverages or illegal drugs in a government vehicle.
- w. Employees shall not take prescription drugs which they know will impair their ability to drive before or while operating a government vehicle.
- x. Employees shall wear seat belts, shall not carry radar detectors, shall not wear headphones and shall not use personal cell phones when operating or riding in a government vehicle. DOC issued cell phones shall only be used with a hands free device while operating a government vehicle.
- y. Employees shall not manufacture, distribute, dispense, possess or use illegal drugs. Any employee violating this policy shall be subject to discipline up to

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and including termination and referral to the appropriate law enforcement agency for prosecution.

10. CONFLICTS OF INTEREST

- a. No DOC official may appoint, employ, promote, advance or advocate for appointment, employment or promotion a person who is a relative as defined in Chapter 8, Section 803.6, of the District Personnel Manual.
- b. *Outside Employment or Private Business*
 - 1) Pursuant to PS 3040.5, *Outside Employment*, an employee shall make a written request for the Director's permission through his or her chain of command to engage in outside employment or private business.
 - 2) DC Government employees are prohibited from engaging in outside employment or private business that:
 - a) Is prohibited by law, regulation or DOC standards;
 - b) Has any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial and objective performance of officially assigned duties and responsibilities;
 - c) May interfere with the employee's ability to perform his or her job, or that may impair the efficient operation of DOC or DC government;
 - d) May impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as a DOC or DC government employee in a proper and efficient manner;
 - e) Is conducted during working hours unless the employee is on approved annual leave or leave without pay;
 - f) Uses or draws on official DOC or DC government data or ideas that has not become part of the body of public information unless the employee has received the DOC Director or other authorized DC government official's written permission to use the information when its use is deemed in the public interest; and
 - g) Provides the employee with compensation or anything of monetary value for engaging in this activity, while using subject matter that is

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substantially devoted to the employee's official duties and responsibilities, DOC programs or operations, or is information obtained from his or her government employment.

11. FINANCIAL ACCOUNTABILITY

- a. While in the discharge of his or her duties, an employee shall not take action or make a decision which will cause financial benefit for him/her, or a member of his/her immediate family, or business or properties in which he/she has an interest. If by error or omission the employee becomes aware of this rule after the fact, a written statement describing the conflict of interest must be prepared by the employee and sent to the Office of the General Counsel and the Director.
- b. An employee shall not engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial and objective performance of their official duties and responsibilities.
- c. A DOC employee shall not solicit or accept, either directly or through the intercession of others, any gift, gratuity, favor, loan, entertainment or other like thing of value intended to influence the actions or judgment of the employee in the performance of their official duties. An employee shall not use his/her position or confidential information received through his/her position to obtain financial gain, other than compensation provided by law, for himself/herself, a member of his or her immediate family, or a business with which the employee is associated.

12. **POLITICAL ACTIVITIES.** The Hatch Act limits political activities of D.C. government employees. As a result a DOC employee may not be a candidate for office in a partisan election; may not use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or directly or indirectly coerce or request contributions from subordinates in support of a political party or candidate.