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			<b>OPI:</b>	DIRECTOR	
			<b>REVIEW DATE:</b>	August 26, 2023	
			<b>Approving Authority</b>	Thomas Faust Director	
	<b>SUBJECT:</b>	NON-FRATERNIZATION			
	<b>NUMBER:</b>	3300.2B			
<b>Attachments:</b>	Attachment A – Employee/Inmate Relationship Form				

**SUMMARY OF CHANGES:**

Section	Change
	<i>Minor changes made throughout policy.</i>

**APPROVED:**

*Signature on File*



**Thomas Faust, Director**

**8/26/2022**  
**Date Signed**

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1. **PURPOSE AND SCOPE.** This order establishes rules governing employee standards of conduct relative to relationships with persons while under justice control supervision and during the first year following their release from criminal justice control supervision.
  
2. **POLICY.** It is the policy of District of Columbia Department of Corrections (DOC) that all employees, inmates, volunteers and contractors during their time of service conduct themselves in a safe, secure, and professional manner at all times.
  - a. Pursuant to DC Personnel Regulations, Chapter 18, Part 1., ¶1800.1 “Employees of The District government shall at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking ordering or participating in any official action which would adversely affect the confidence of the public in the integrity of the District government.”
  - b. DOC strictly prohibits its employees from engaging in behavior whether on or off duty that conflicts or appears to conflict with the interests of their official positions.
  - c. Employees are expected to promote the agency’s mission by facilitating an environment that fosters institutional security, professionalism, and public safety.
  - d. Fraternization with individuals while under criminal justice control supervision during the first year following their release from criminal justice control supervision can expose the employee, other staff, inmates, and the public to increased risks and can compromise security at the prison and in the community.
  
3. **APPLICABILITY**
  - a. This directive shall apply to all DOC employees and all individuals who have been under criminal justice control through incarceration, parole, and probation within one (1) year of developing a personal association with a DOC employee.

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- b. For the purpose of this program statement, a family member shall include an individual's spouse, parent, step-parent, foster parent, legal guardian, grandparent, foster grandparent, blood/step/foster brother or sister or other person reared in the home, aunt, uncle, niece, nephew, cousin, children (blood, step, foster), and biological parent of a child.

#### **4. NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. 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 an interfamily 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.

#### **5. DIRECTIVES AFFECTED**

a. **Directives Rescinded**

PP 3300.2A                      Non-Fraternization (1/17/17)

b. **Directives Referenced**

1) PP 3300.1                      Employee Code of Ethics and Conduct

2) PP 5320.1                      Key Control

#### **6. AUTHORITY**

- a. D.C. Code § 24-211.02 Powers; promulgation of rules
- b. District of Columbia Personnel Regulations, Chapter 18 Employee Conduct

#### **7. STANDARDS REFERENCED. None**

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**8. DEFINITIONS.** For the purpose of this directive, the following definitions shall apply:

- a. *Fraternization.* To associate on friendly terms with an inmate or inmate's family often in violation of discipline orders.
- b. *Family Member.* An individual's spouse, parent, step-parent, legal guardian, grandparent, foster grandparent, blood/step/foster brother or sister or other person reared in the home, aunt, uncle, niece, nephew, cousin, children (blood, step, foster), and biological parent or child.
- c. *Criminal Justice Control Supervision.* Incarceration, parole, probation, house arrest, halfway house placement, and any other lawful custody or supervision by a law enforcement body.

**9. RELATIONSHIPS WITH FORMER INMATES, PROBATIONERS, AND PAROLEES**

- a. Employees of the DOC shall not knowingly associate with, accompany, correspond, consort, or develop a personal relationship with a former inmate or other individual within one (1) year of their release from criminal justice control supervision, except for a chance meeting, without the specific approval from the Director of the Department of Corrections or his designee.
  - 1) When the former inmate or other individual is a family member of the DOC employee, the employee shall follow the reporting requirements contained in Section 11 herein.
- b. Employees of the DOC shall not treat former inmates or other individuals within one year of their release from criminal justice control supervision in any manner which compromises the integrity of their official position, public confidence, or the integrity of the DOC.
- c. Employees of the DOC shall not directly or indirectly accept any gift gratuity or favor from or engage in personal business transactions with former inmates or other individuals within three (3) years of their release from criminal justice control supervision, which could be reasonably interpreted as influencing the employee.
- d. Employees of the DOC shall not provide any gifts or favors to former inmates or other individuals within one (1) year of their release from criminal justice

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control supervision which might present a conflict of interest or give the appearance of a conflict of interest.

- e. Employees of the DOC shall not provide former inmates or other individuals within three years of their release from criminal justice control supervision with official information regarding the operations of the agency that is not available to the general public.
- f. Employees who have unplanned contact with former inmates or other individuals within one (1) year of their release from criminal justice control supervision shall keep such contact brief and professional.

## 10. INTERACTION WITH INMATES

- a. Employee contacts with inmates and/or ex-offenders are conducted in a professional manner.
- b. Employee will not violate the rights of persons held in custody.
- c. Employees will not verbally abuse or use unnecessary force against any person.
- d. Employees will not direct malicious persecution, willful mistreatment, or inhumane treatment to any person held in custody.
- e. Employees shall not knowingly give to or receive from inmates/former inmates, the immediate family or representatives or associates of inmates, compensation, gifts or favors. Staff shall provide a written report documenting any attempt to offer such compensation, gifts or favors. Staff, volunteers, and contractors are forbidden from directing inmates to perform duties or provide services which are not designated by the DOC as official assignments.
- f. An employee who has lost, damaged, or destroyed property belonging to a person in custody, or that has come into possession of said employee by reason of this Department, may be required to make restitution if the loss or damaged is the result of willful negligence on the part of the employee.
- g. Staff shall not discuss Department operations with the inmate population or within hearing range of the inmate population. Staff shall not permit access to DOC reports, policies, orders, or memoranda unless such information is necessary in order for the inmates to understand what is expected of him/her

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or is deemed appropriate by the Director or Warden for distribution to the inmate population.

- h. Employees will not recommend or suggest to inmates or persons in custody, the employment or name of any person, firm, or corporation, as attorney, counsel, or bondsman.
- i. An employee who by birth or marriage is related to, a personal friend of, or has as personal association with an individual incarcerated in any facility under DOC, including contracted facilities, will notify the supervisor and submit a written report (Attachment A) to the Warden and to the Office of Investigative Services (OIS) stating their relationship with the inmate.
- j. Physical, verbal, or written contact between employees of the DOC and persons with outstanding warrants or in the custody of the DOC, or visitors of such persons while on duty, is prohibited except in a routine, official working situation.
- k. Verbal, phone, written or physical contact with individuals, or family members of individuals incarcerated in other local, state, or federal correctional facilities is prohibited except in a routine, official working situation, unless prior written approval is granted pursuant to Sections 11 and 12 herein.
- l. Telephone contact with inmates, on or off duty, is prohibited. If an employee receives collect, third party or other calls from an inmate, the calls are to be reported immediately in writing to the Warden.
- m. Developing or participating in relationships with inmates other than those necessary in the normal course of business is prohibited. Employees will not use their position to become emotionally or romantically involved with those in the custody of the DOC.
- n. Conveying or allowing to be conveyed any unauthorized items, substances or materials to or from inmates is prohibited.
- o. Conveying or allowing any authorized items, substance or materials to be conveyed to or from inmates in a manner other than that permitted by Department policy, directive or post orders is prohibited.

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- p. Correspondence that could be construed as an attempt by an inmate to become personally, emotionally, or romantically involved with an employee must be reported specifically to the Warden for review
- q. Employees will report, in writing to the Warden, any personal, business or other outside relationship with an individual on probation/parole by the District of Columbia, federal probation/parole, or any other State or jurisdiction.
- r. An employee with personal knowledge of an employee in violation of this policy must report this knowledge in writing to the Office of Investigative Services.
- s. Employees shall not make or write any recommendations or letters of reference for any inmate to any court, agency, or employer except in their official capacity.
- t. Employees who witness an inmate commit a criminal or administrative violation, must report it in writing in accordance with PP 1280.2, Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences.
- u. Failure to comply with this policy is a serious violation of security and shall be cause for immediate termination from employment.

## 11. PROCEDURES

- a. Employees shall notify their supervisor whenever a situation occurs in which they have an acquaintance or personal relationship with, or have been contacted by, a former inmate or other individual within one (1) year of their release from criminal justice control supervision. The report shall be submitted on the next workday following the employees' awareness of the potential violation.
- b. Employees must notify OIS when their own family members have been incarcerated or under criminal justice control supervision in DOC or other local state or federal institutions. The Department understands that employees might have little control over the criminal conduct of family members. The Department also understands the role that family can play in the rehabilitation of an offender. The Department requires the reporting and evaluation of family relationships and contacts of this nature in order to avoid

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possible conflicts of interest for the employee with the Department's mission and in carrying out his/her duties and responsibilities.

- c. Employees shall use the Employee/Inmate Relationship Form (Attachment A) for purposes of reporting under this Section, regardless of whether or not an exception is being sought.
- d. Employees shall report to the appropriate authority any observed or otherwise known inappropriate or otherwise unacceptable relationship involving an employee and an individual who has been under criminal justice control supervision within the past year.
- e. Employees who fail to follow the procedures contained herein shall be immediately terminated from employment.

## **12. EXCEPTION PROCEDURE**

- a. An employee seeking exemption from this policy shall complete the Employee/Inmate Relationship Form (Attachment A). Exemption requests are to be submitted to the employee's immediate Supervisor for further review and approval by OIS.
- b. OIS shall review the circumstances surrounding the relationship and determine possible conflicts of interest for the Department and the employee. OIS will make a recommendation to the Director of the Department of Corrections, or his designee, on the appropriate course of action.
- c. The Director of the Department of Corrections, or his designee, will review the recommendations provided by OIS and will either approve or deny the request in writing.

## **13. TRAINING.** Each new employee shall be provided pre-service training regarding the requirements of this directive prior to assuming duties within the agency and during annual in-service refresher training and shall sign the Employee/Inmate Relationship Form (Attachment A).

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Attachment

Attachment A – Employee/Inmate Relationship Form

**DOC/PP3300.2B/8/26/2022/OPP**