



Policy No. BOPP 3.4	Subject: STAFF ASSOCIATION AND CONDUCT WITH OFFENDERS
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Section 4. Staff Association and Conduct with Offenders	Effective Date: June 1, 2022
Signature: /s/ Joseph McElroy, Chief of Staff	Revised:

I. POLICY

The Board of Pardons and Parole (BOPP) requires employees to limit their association with offenders, offender’s immediate family members, and close associates of offenders to a professional relationship. The BOPP further maintains zero tolerance for misconduct by its employees toward or with any individual in the custody or under the supervision of the Department of Corrections (DOC).

II. APPLICABILITY

All BOPP.

III. DEFINITIONS

Board Chair – The official ultimately responsible operation and management.

Close Associate – Persons, other than immediate family members, who may be considered friends or business partners through known associations.

BOPP Employee – A person employed by the BOPP, who has attained permanent status or is eligible to attain permanent status, as provided in 2-18-601, MCA; volunteers, interns, temporary and short-term workers; this term does not include service providers.

Facility/Program – Refers to any division, prison, secure care correctional facility, correctional or training program, or community-based program under DOC jurisdiction or contract. This term includes the facility building or residence, including property and land owned or leased and operated by the Department of Corrections

Immediate Family Member – A legal spouse, natural or adoptive parents and children, siblings, grandchildren, grandparents, corresponding in-law, person verified as being primarily responsible for raising the offender in the absence of a parent and any other member of the offender’s household.

Mistreatment – Actions that violate the human rights of offenders including unwarranted physical acts and acts that adversely affect offender mental or emotional well-being including abusive treatment such as threats, harassment, cursing, and shouting.

Offender – Any individual in the custody or under the supervision of the Department of Corrections or its contracted service providers. The term includes former offenders for whom less than one year has elapsed since discharge from Department custody or supervision.

Professional Relationship – A staff relationship with offenders maintained through well-defined professional boundaries and the highest ethical standards of honesty, integrity, and impartiality pursuant to the *Department of Corrections Code of Ethics*.

Service Providers – This term includes contracted persons or other vendors providing service whose assignment is primarily on DOC premises, e.g., facility or program office.

Sexual Misconduct – Behavior or misconduct as defined in *DOC Policy 1.1.17 Prison Rape Elimination Act (PREA)*.

IV. BOPP DIRECTIVES

A. General Requirements

1. The Board Chair, or designee, is responsible for ensuring the following:
 - a. BOPP employees review and comply with the provisions of this policy
 - b. offenders under the custody or supervision of the DOC review and understand the procedures for reporting alleged staff misconduct toward offenders
 - c. staff misconduct is reported and followed up on with the assistance of Human Resources
 - d. operational procedures are established and maintained that provide effective policy communication and guidance for the following:
 - 1) confidential reporting procedures regarding alleged staff misconduct toward offenders and availability of these procedures to department employees, service providers, offenders, visitors, offender's immediate families, and offenders' close associates
 - 2) ensure offenders have the opportunity to promptly file a complaint anonymously, through third parties, verbally or in writing using the facility's formal grievance process, if applicable
 - 3) investigation and response to misconduct allegations is a high priority and conducted as provided in law and all applicable State, BOPP, and DOC policies.
2. After consultation with Human Resources (HR) and Legal Services Bureau, and upon approval of the Chairman or designee, may approve limited exceptions to this policy on a case-by-case basis to allow limited contacts between employees, offenders, offender's immediate family members, and close associates of offenders. BOPP must include documentation of the circumstances supporting the exception and a written plan outlining the permissible contact.
3. BOPP employees and service providers who violate this policy are subject to disciplinary action, up to and including termination of their employment.
4. BOPP employees entrusted with confidential records will adhere to requirements outlined in BOPP 2.2 and *DOC Policy 1.5.5 Offender Records Management, Access, & Release* and report breaches of confidentiality appropriately.
5. BOPP employees and service providers will not retaliate against the complainant, the victim, the accused, the witnesses, or the informants involved in the filing and investigation of misconduct allegations.

B. Required Conduct

1. BOPP employees must exhibit the following conduct:
 - a. always maintain a professional relationship with offenders
 - b. provide offender services without regard to race, color, age, gender, physical or mental disability, marital status, creed, sex, political beliefs, genetic information, veteran's status, culture, social origin or condition or ancestry, national origin, religious preference, or sexual orientation, or any other protected class.
 - c. not display favoritism toward, or discrimination against, any offender or group of offenders
 - d. limit relationships with offenders, offender's immediate family members and close associates to officially authorized activities
 - e. avoid conflicts of interest or situations, such as engaging in personal or business relationships, that may compromise professional integrity, compromise security, or cause embarrassment to the BOPP or DOC and the State of Montana.

C. Prohibited Conduct

1. Employees who assault, injure, intimidate, threaten, endanger, or withhold reasonable necessities from an offender, or violate any civil right of an offender are subject to felony and misdemeanor criminal penalty as well as disciplinary action, up to and including termination from employment pursuant to all applicable regulations and State and DOC policies.
2. BOPP employees who commit staff sexual misconduct are subject to felony and misdemeanor criminal penalties as well as disciplinary action up to and including termination from employment as outlined in applicable regulations and State and Department policies.
3. BOPP employees and service providers will not engage in inappropriate behaviors with offenders, offender's immediate family members, or close associates; inappropriate behavior includes, but is not limited to, the following:
 - a. using profane, indecent, or discriminatory language or references
 - b. giving or receiving gifts, favors, or services that exceed Department requirements
 - c. engaging in any type of business or fiduciary relationship including trading, selling, or buying from an offender excluding purchases in accordance with *DOC Policy 5.5.4 Hobby Programs for Adult Facilities*
 - d. interaction that is unnecessary, not a part of the employee's duties, and related to a personal relationship or purpose rather than a legitimate correctional purpose including, but not limited to:
 - 1) engaging in horseplay
 - 2) socializing
 - 3) sharing personal information, e.g., family member names, ages, schools, etc.
 - 4) contacting offender's immediate family members for matters unrelated to the employee's official duties
 - 5) exchanging written correspondence

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- 6) developing a relationship with an offender that is anything other than a professional relationship.

D. BOPP Employee and Service Provider Reporting Requirements

1. BOPP employees must immediately disclose any of the following events to a supervisor. In consultation with HR, the supervisor will instruct the employee on the appropriate course of action:
 - a. intentional or repeated attempts to contact the employee by an offender, an offender's immediate family members or close associates
 - b. the employee engaged in prohibited conduct described in section IV.C. above
 - c. an employee's immediate family member or a close associate has been committed to the custody or supervision of the department and/or is assigned to the facility/program in which the employee is employed using the [Staff Association Disclosure](#) form.
2. BOPP employees who receive information regarding, or have personal knowledge of, staff misconduct involving sexual misconduct and/or misconduct that causes bodily injury or reasonable apprehension of bodily injury to an offender must immediately report the misconduct to the division administrator and HR.

V. CLOSING

1. Provisions of this policy not required by statute will be followed.
2. Questions concerning this policy should be directed to Board Chair/or DOC Human Resources.

VI. REFERENCES

- A. 45-5-204, 45-5-501, 45-5-502, 45-5-503, 45-7-203, 45-7-307; MCA
- B. 4-4069, 4-4281; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. 3-JTS-1C-23, 3-JTS-3D-06; *ACA Standards for Juvenile Correctional Facilities, 2003*
- D. 4-4084, 4-4084-1, 4-4281-6, 7; *2008 ACA Standards Supplement*
- E. *DOC Policies 1.1.17 Prison Rape Elimination Act (PREA); 1.5.5 Case Records Management; 3.1.19 Investigations; 5.5.4 Hobby Programs for Adult Facilities Department of Corrections Code of Ethics*

VII. ATTACHMENT

[Staff Association Disclosure](#)