RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 3.14-2 DOC	EFFECTIVE DATE: 06/27/2011	PAGE 1 OF 17
	SUPERCEDES: 3.14-1 DOC	DIRECTOR: Please use BLUE ink. A. T. Wall II	
SECTION: PERSONNEL		SUBJECT: CODE OF ETHICS AND CONDUCT	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; RIGL § 36-14-1, et seq., Code of Ethics			
REFERENCES: ACA standard # 4-4069 RIDOC policy #'s 1.02 DOC (Departmental Mission, Philosophy and Goals)			
INMATE / PUBLIC ACCESS?	X YES	□ NO	
AVAILABLE IN SPANISH?	□ YES	X NO	

I. PURPOSE:

To provide all sworn and civilian, union and non-union, line, supervisory, and managerial employees with a clear understanding of the conduct required of them as employees of the Rhode Island Department of Corrections (RIDOC).

II. POLICY:

A. All employees must uphold and abide by the laws of the United States and the State of Rhode Island and all local ordinances. All employees must follow RIGL § 36-14-5, the Code of Ethics for Rhode Island State Employees and all RIDOC policies, rules, objectives, and orders. Such compliance includes, but is not limited to, adherence to the specific rules and regulations enumerated in this policy. All employees are expected to carry out all lawful directives issued by superiors and supervisors.

B. The Director's authority to promulgate and enforce a Code of Ethics and Conduct derives from his/her powers under RIGL § 42-56-10. Among these powers is the authority to:

1. Designate, establish, maintain, and administer State correctional facilities;

2. Establish and enforce standards for all State correctional facilities;

3. Direct employees in the performance of their official duties;

4. Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge, or take disciplinary action;

5. Maintain the efficiency of the operations of the Department and determine the methods, means, and personnel by which those operations will be conducted;

6. Establish training programs for employees;

7. Investigate grievances and inquire into alleged misconduct within the Department;

8. Relieve employees from duties because of lack of work or for other legitimate reasons;

9. Make and promulgate rules and regulations necessary to perform his/her duties including but not limited to rules and regulations regarding nutrition, sanitation, safety, discipline, religious services, communication, visiting privileges; and classification, education, training, employment, care and custody for all persons committed to the Department.

III. PROCEDURES:

A. Statutory Requirements

All staff is to act at all times in conformity with RIGL § 36-14-1 which states, "It is the policy of the State of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage."

In addition, all staff must abide by RIGL § 36-14-1 et seq., the Code of Ethics for Rhode Island State Employees.

B. Departmental Mission Statement

"The mission of the Rhode Island Department of Corrections (RIDOC or Department) is to contribute to public safety by maintaining a balanced correctional system of institutional and community programs that provide a range of control and rehabilitative options for criminal offenders."

Consistent with the mission, staff shall not knowingly engage in actions, conduct or associations, either on or off duty, which compromise the authority of the staff member or other staff members, or which give the appearance of improper influence on the staff member's judgment when making decisions affecting the Department, offenders or staff, or which bring discredit on the Department or undermine its goals and objectives in any way. Such action may subject the staff member to disciplinary measures.

C. Definitions

1. All RIDOC personnel in every unit of the Department are subject to this Code.

2. The respective units of the Department supervise various categories of persons – pre-trial detainees, sentenced inmates (including incarcerated persons and home confinees), probationers, and parolees. For these reasons, this Code will use the term "offender" to refer to each individual or category within the Department's jurisdictional population.

D. Rules and Regulations

1. General

a. Appointment

(1) Statements or representations made in interviews, employment or examination forms found to be false or intentionally misleading may subject the staff member to dismissal from the service of the Department.

(2) All staff must allow an identification photograph to be taken and retaken as necessary to maintain Departmental records.

b. Change of Vital Personal Data

(1) Staff is responsible for notifying the Office of Human Resources within five (5) calendar days of:

a) any change in address and/or telephone number;

b) change in marital or family status; or

c) other information which may affect eligibility for health care coverage or related benefits.

(2) Staff shall immediately notify their immediate supervisor of any change in telephone number. Exceptions may be granted in special circumstances with the permission of the Director.

c. Fitness for Duty

(1) Each employee must be present at his/her designated reporting time, properly groomed and attired, alert, and must be physically and mentally prepared to perform his/her duties throughout his/her assigned work shifts/assignments.

(2) For reasons of safety, security, and mutual protection of employees, the offender population and the public, if at any time or for any reason an employee feels that either s/he or a fellow employee is unprepared to adequately perform his/her assigned duties, it is the employee's responsibility to inform their immediate supervisor and seek relief and/or assistance as soon as possible.

(3) Staff shall not make any additions or modifications to any uniform, badge, or other identification/insignia unless authorized by the Director. These rules shall govern the display of the uniform, badge or other identification/insignia both on and off duty.

d. Identification

(1) Uniformed staff shall wear their badges and name plates/insignia with their last names at all times while on duty. Non-uniformed staff shall wear Department I.D. badges or building passes provided at the Control Centers of

institutions in a visible manner whenever they are within inmate facilities.

(2) While on duty, employees shall provide their last names, job titles, and name of immediate supervisor whenever requested by any individual.

(3) All staff shall strictly adhere to the identification and access procedures established by a facility.

(4) No civilian staff member, whether on or off duty, is permitted to carry a badge or other identification stating or implying that s/he is employed by RIDOC unless this identification was issued by the Department or approved by the Director.

2. Relationship to the Public

a. Conduct Toward the Public

(1) Members of the public, including visitors to inmates, visitors to Departmental offices and facilities, and individuals who call the Department on the telephone, shall be treated with courtesy, dignity, and respect at all times.

(2) Language which is degrading, abusive, profane, or refers to an individual's race, religion, ethnicity, national origin, gender, age, handicap or sexual orientation in a demeaning or derogatory manner shall not be used in speaking to or about members of the public. This prohibition shall also apply to communications via radio or telecommunications equipment, electronic and voice mail, the World Wide Web, and all integrated computer networks.

(3) It is the duty of staff to assist members of the public, and to answer questions promptly, accurately, and courteously. In the event that a staff member cannot easily obtain the information requested, the staff member shall, whenever possible, explain to the individual how to contact the appropriate source of information.

b. Dissemination of Information

(1) Except when the Director designates otherwise, only the Director or the Chief of Information and Public Relations provides official information to the media regarding staff, the offender population, or Departmental activities and programs. No employee shall make statements to the media which jeopardize the security of Departmental operations.

(2) The executive committees of bargaining units are permitted to speak to the media about legitimate union business or matters which relate to collective bargaining or contract administration.

(3) Confidential or privileged information or information regarding pending investigations (i.e., information the disclosure of which would violate federal or state confidentiality laws, would endanger institutional security, or would constitute an unwarranted invasion of personal privacy) shall never be disclosed to the media, the public, or other agencies.

(4) Access by other Departmental staff, employees of other agencies or members of the public to records concerning staff or a member of the offender population will only be granted subject to the procedures established by the custodian of those records.

3. Professional Relationships

a. Nature of Professional Relationships

Relationships among staff, and with the staff of other agencies, shall be characterized by respect, courtesy, patience, and cooperation.

Language which is degrading, abusive, profane, or refers to an individual's race, religion, ethnicity, national origin, gender, age, handicap or sexual orientation in a demeaning or derogatory manner shall not be used in speaking to or about RIDOC staff members or staff of other agencies. This prohibition shall also apply to the use of communications via radio or telecommunications equipment, electronic and voice mail, the World Wide Web and all integrated computer networks.

b. Nepotism and Favoritism

(1) Staff is forbidden to take part in the selection or promotion of any member of their households, immediate families, or of the immediate families of spouses or children.

NOTE: Immediate family, (to include blood, marriage, and step relationships) is defined as parent, grandparent, spouse (including common law), brother, sister, child, and grandchild.

(2) The Department discourages romantic relationships between supervisory staff and subordinates.

(3) All employees have an affirmative duty to report to their immediate supervisor the existence of a significant dating/romantic relationship with a subordinate whom they supervise, or if they supervise an immediate family member.

The immediate supervisor is required to relay the information to the appropriate authority.

(4) No favoritism will be shown by any staff member to any subordinate or vendor as a result of a personal relationship.

4. Relationships with Offenders, their Family Members and/or Visitors

a. Civil Rights of Offenders

(1) Staff shall protect the civil and legal rights of each member of the offender population.

(2) The actions and judgments of staff in the exercise of duties which bring them into contact with the offender population shall not be influenced by personal feelings, attitudes, or prejudices toward an individual or group.

(3) Staff shall be firm, fair, and consistent in their conduct toward the offender population.

(4) Language which is degrading, abusive, profane, or refers to an individual's race, religion, ethnicity, national origin, gender, age, handicap or sexual orientation in a demeaning or

derogatory manner shall not be used in speaking to or about the offender population. This prohibition shall also apply to communications via radio and telecommunications equipment, electronic and voice mail, the World Wide Web and all integrated computer networks.

(5) Any use of force against an offender shall be strictly governed by the standards and procedures contained in the Department's policy on the Use of Force. All staff whose work brings them into contact with the offender population are responsible for thoroughly knowing the provisions of the Use of Force policy.

b. Personal Relationships

(1) Staff shall not discuss Departmental operations with the offender population or within hearing range of the offender population or visitors. Staff shall not permit access to Departmental reports, policies, orders, or memoranda, unless such information is necessary in order for the offender to understand what is expected of him/her or is deemed appropriate by the Director or designee for distribution to the offender population.

(2) Staff is forbidden from directing offenders to perform duties or provide services which are not designated by the Department as official work assignments.

(3) Offenders are permitted in staff office areas under supervision and only in the course of official Departmental business or to complete work assignments. Offenders shall not be allowed to linger or remain in these areas after the conclusion of this business.

(4) Staff shall make no attempt to influence any outside agency on behalf of any offender by writing letters, testifying, or having any form of contact on behalf of an offender unless approved in writing by the Director, an Assistant Director, a Warden, the Administrator of Probation and Parole or Administrator of Community Confinement.

(5) Staff shall not knowingly give or receive compensation, gifts, or favors to or from offenders or from the immediate families, visitors, representatives, or business associates of offenders. Staff shall provide their immediate supervisor with written reports documenting any attempt to offer such compensation, gifts, or favors.

The immediate supervisor is required to relay the information to the appropriate authority.

(6) Staff shall not knowingly give or receive compensation, gifts, or favors to or from former offenders, or from the immediate families, visitors, representatives, or business associates of former offenders, which are in substantial conflict with the proper discharge of their duties and responsibilities as prescribed in the laws of the State of Rhode Island, or which in any way undermine the goals and objectives of this Code of Ethics and Conduct.

(7) Staff shall not establish associations or relationships which bring discredit to the Department or which compromise their ability to perform their jobs. These relationships shall include, but not be limited to, visitors or family members of offenders.

(8) Staff shall provide their immediate supervisor with written notification of any personal associations or relationships with any current offenders or visitors to current offenders of the Department with whom the staff members have contact on the job or over whom the staff members have control or decision making authority.

The immediate supervisor is required to relay the information to the appropriate authority.

(9) Staff is prohibited from dating, marrying, or otherwise developing or engaging in romantic, physical, or sexual relationships with offenders of the Department with whom the staff members have contact on the job, or over whom the staff members have control or decision making authority.

Staff has an affirmative duty to report to his /her immediate supervisor any dating, marriage, romantic, physical or sexual relationship with a former offender who has been under the

department's supervision within the past two (2) years. The duty arises at the time the staff member discovers the connection.

The immediate supervisor is required to relay the information to the appropriate authority.

(10) Staff is prohibited from dating, marrying or otherwise developing or engaging in romantic, physical or sexual relationships with individuals on the visiting list of an inmate with whom the staff members have contact on the job, or over whom the staff members have control or decision making authority.

Staff has an affirmative duty to report to his/her immediate supervisor any dating, marriage, romantic, physical or sexual relationship with an individual on an inmate visiting list when the inmate has been incarcerated within the past two (2) years. The duty arises at the time the staff member discovers the connection.

The immediate supervisor is required to relay the information to the appropriate authority.

(11) RIDOC maintains a zero tolerance for staff sexual misconduct/harassment toward offenders.

5. Reporting Requirements

a. Safety and Security

Employees shall immediately report any information received, either on or off duty, which may have an impact on the safety or security of staff, the offender population, or Departmental operations. Even if an employee is uncertain about the significance of information received, the employee shall immediately report it to his/her immediate supervisor.

The immediate supervisor is required to relay the information to the appropriate authority.

b. Violations of Departmental Policy

(1) Staff has a duty to submit full, accurate, and timely reports to their immediate supervisor concerning any criminal conduct which they observe on duty.

The immediate supervisor is required to relay the information to the appropriate authority.

This provision shall not be construed as relieving employees of their obligation to provide any other reports required by Departmental policy.

(2) If, for any reason, staff fears that providing this information to his/her immediate supervisor may place them at risk of personal harm, they may report this information directly to the Director, the Assistant Director who oversees their respective division or the program/unit/facility manager.

c. Contact with Law Enforcement and Administrative Agencies

(1) Employees are required to provide their facility/unit/program manager with written notification of arrests, or notice of arraignment dates by law enforcement authorities.

(2) Employees are required to provide their facility/unit/program manager with written notification of Restraining Orders (RO), No Contact Orders (NCO's), drivers' license suspensions or expirations, or any professional license expirations or suspensions issued against them.

NOTES: This shall include any notifications with respect to sanctions resulting from a breathalyzer refusal.

Professional license suspension/ expiration notifications shall apply to staff who need a specific license in the performance of their duty.

These notifications shall be submitted at the beginning of the next working day after the arrest, notice of arraignment date, issuance of RONCO, or drivers' or professional license suspension. If the

employee is on leave for any reason, the notice shall be within five (5) calendar days.

d. Provision of Information

An employee must provide timely, accurate, and complete information, including written reports, relating to Departmental operations when required by his/her supervisor, superior or Director's designee.

6. Examples of Misconduct Subject to Disciplinary Action

This section describes specific instances of misconduct which may subject an employee to disciplinary measures, up to and including termination. However, nothing in this section precludes the Department from taking the full range of disciplinary measures against an employee who violates the other sections of this policy.

a. Conduct Unbecoming a Correctional Employee

(1) Misconduct, on or off duty, which violates federal, state, or local criminal codes and breathalyzer refusal.

(2) Any activity on or off duty which undermines the work or authority of the staff member or other staff members, brings discredit on the Department, compromises the Department's mission or operations, or adversely affects the public trust.

(3) Abuse of position for personal gain or benefit.

b. Tardiness, Absenteeism, and Abuse of Sick Leave

(1) Failure to arrive on time for work.

(2) Failure to report for work without prior authorization.

(3) Failure to return from a scheduled break in a timely manner.

(4) Departure from duty without authorization prior to the completion of a shift, from an assigned office or duties or failure to report to an assigned field destination.

(5) Abuse of sick leave.

c. Dereliction of Duty

(1) Sleeping on duty.

(2) Leaving a post unattended without proper notification or relief.

(3) Inattentiveness, including but not limited to reading, writing, using a computer, watching television while on a security post or other RIDOC assignment unless the activity is job-related and authorized by a superior; excessive use of the telephone for personal calls; or creating a distraction for other employees which jeopardizes the security or order of Departmental operations.

(4) Failure to follow policies, standard operating procedures (SOP's), protocols, and post orders.

(5) Carelessness, negligence, or poor performance overall.

d. Insubordination

(1) Failure or refusal to follow a lawful order or directive from his/her supervisor, superior or Director's designee.

(2) Failure to follow general or specific post orders, standard operating procedures (SOP's), or written orders communicated through the chain of command.

(3) Failure or refusal to attend, cooperate with or answer questions truthfully during an interview or in a requested report with the Office of Inspection;

(4) Abusive behavior toward a supervisor or superior, including but not limited to displaying a disrespectful, insulting, or threatening attitude by use of language, expressions, or gestures.

(5) Staff is prohibited from impeding, obstructing or otherwise interfering with an official investigation of the Department.

e. Unauthorized Physical Contact

(1) Fighting with fellow employees.

(2) Use of force against a member of the offender population which does not conform to the Department's Use of Force policy.

(3) Excessive use of force (i.e., more force than is necessary to accomplish a legitimate Departmental objective) in dealing with a member of the public.

(4) Expressing present or future intent to cause harm against fellow staff members, members of the offender population, visitors and/or members of the public.

(5) Horseplay with other staff, members of the offender population, visitors and/or members of the public.

f. Harassment

(1) Language, written communication, or gestures which are intended to ridicule, taunt, embarrass, insult, or provoke a staff member, member of the offender population or visitor for reasons including, but not limited to, race, ethnicity, national origin, religion, gender, age, handicap, or sexual orientation.

(2) Sexual harassment is defined/described as:

(a) Any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when submission to such conduct or such advances or requests is made either explicitly or implicitly a term or condition of an individual's employment;

(b) An unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

(c) Conduct so infused with hostility towards members of one sex that it alters the conditions of employment, interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

g. Dishonesty

Fraudulent practices including but not limited to:

(1) Theft.

(2) Providing false or misleading statements or representations, either verbal or written, on any official forms, reports, logs, affidavits, or other documents.

h. Substance Use and Abuse

(1) The presence or consumption of alcohol on Departmental premises, in Departmental vehicles or while wearing a uniform, or article of clothing with identifying insignia (e.g. badge or patch) which gives the appearance that the staff member is on duty at the Department of Corrections is prohibited.

There is an exception when carrying alcohol in an unopened and sealed container in the employee's vehicle.

(2) The presence or consumption of controlled substances is prohibited unless they are being taken pursuant to a valid medical prescription. A staff member who works in a secure area or in proximity to the offender population and has in his/her possession prescription medication must take steps to assure that these substances are stored in such a way that they are not accessible to the offender population. Officers working a weapons post may not be in the possession of a weapon while under the influence of any medication that impairs judgment.

NOTE: The Rhode Island Medical Marijuana Act at RIGL § 21-28.6-7 specifically states that is does **not** permit:

(a) "any person to undertake any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice."

(b) the smoking of marijuana "in a correctional facility; or public place."

(3) Staff members who are dependent on drugs or alcohol are encouraged to present themselves, in confidence, to the Rhode Island Employee Assistance Program, the Department's Stress Unit or a licensed treatment facility. Employees who voluntarily and without the coercive effect of pending disciplinary action seek such assistance to overcome drug or alcohol dependency are not subject to discipline under section III.D.6.h. However, staff remains accountable for their performance at all times and is still subject to discipline for violating other sections of this Code.

i. Misuse of State Property

Fraudulent practices including but not limited to:

(1) Using state property, either by intention or through negligence, in a manner which causes damage or injury, or unnecessarily diminishes its value.

(2) Making use of Departmental letterhead, official stamps, postage, photocopying machines, materials, equipment, supplies, or other property for personal reasons.

(3) Lending, borrowing, selling, or duplicating state property, including but not limited to security items, without the permission of the administrator responsible for the work unit.

(4) Unauthorized posting, alteration, or removal of posted material or material in Departmental files, records and databases.

(5) Removing state property from Departmental premises without the permission of a superior or unless this action is related to the performance of one's duties.

j. Conveying Contraband

(1) Conveying or allowing conveyance of any unauthorized items, food, substances, or materials to or from offenders.

(2) Conveying or allowing conveyance of any authorized items, food, substances, or materials to or from offenders in a manner other than that permitted by Departmental policy, directives, or post orders.

(3) Staff shall be required to permit inspection by superiors or other staff designated by the Director of packages, envelopes, briefcases, or other containers which are being taken into or out of secure facilities.

k. Unauthorized Possession/Misuse of Weapon

The unauthorized possession of weapons as well as the improper use or storage of authorized weapons.

l. Criminal Disposition

A finding of guilt, or plea of guilty or nolo contendere, to a criminal charge.