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ADMINISTRATIVE REGULATION NUMBER 318

OPR: MEN'S AND WOMEN'S SERVICES

EMPLOYEE/INMATE RELATIONSHIPS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for employee and inmate relationships.

II. POLICY

It is the policy of the ADOC that relationships between employees and inmates shall be only of a professional nature and that all inmates shall be treated equally in a non-discriminatory manner.

III. DEFINITIONS AND ACRONYMS

A. **Employee/Staff**: Any person employed by the ADOC as a full-time, part- time, conditional or temporary employee, and all other persons such as contractors, authorized service providers, vendors, and volunteers in the classified and unclassified service.

B. **Gender-Responsive**: Approaches guided by women-centered research; that are relational, strengths-based, trauma-informed, culturally competent, and holistic; and account for the different characteristics and life experiences of women and men and respond to their unique needs, strengths, and challenges.

C. **Inmate**: Any person currently incarcerated or under the custody of the ADOC or under the supervision of the Alabama Board of Pardons and Paroles (ABPP).

D. **Prison Rape Elimination Act (PREA) of 2003**: A federal statute enacted to provide for the analysis of the incidences and effects of sexual abuse in federal, state, and local institutions and to provide information, resources,

recommendations, and funding to enable reviews of correctional facility practices in order to protect individuals from sexual abuse in confinement.

E. **Sexual Abuse**: Sexual abuse by an employee/staff (as defined in PREA Standard §115.6) includes any of the following acts with or without the consent of the inmate:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

2. Contact between the mouth and the penis, vulva, or anus;

3. Contact between the mouth and any body part where the employee/staff has the intent to abuse, arouse, or gratify sexual desire;

4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee/staff member has the intent to abuse, arouse, or gratify sexual desire;

5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the employee/staff has the intent to abuse, arouse, or gratify sexual desire;

6. Any attempt, threat, or request by an employee/staff to engage in the activities described in Sections V.E.1-V.E.5 of this section;

7. Any display by an employee/staff of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

8. Voyeurism by an employee/staff.

F. **Sexual Conduct**: Sexual intercourse; any touching of the sexual or intimate parts, clothed or unclothed, of the victim or actor, for the purpose of sexual arousal, gratification, or abuse; or any intrusion by any object into the genital, anal, or oral opening of another person for the purpose of sexual arousal, gratification, or abuse.

G. **Sexual Harassment**: Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

H. **Sexual Misconduct**: The act of employees/staff engaging in sexual abuse, sexual conduct, or sexual harassment of inmates.

I. **Social Media**: Computer-mediated tools that allow people to create, share or exchange information, ideas, and pictures/videos in virtual communities and networks.

J. **Trauma Informed**: Approaches that incorporate the research on violence against women and girls and the impact of trauma; and changing or avoiding practices that can cause further trauma to women.

K. **Voyeurism**: Voyeurism by a staff member, contractor, or volunteer (as defined by PREA Standard §115.6) means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

IV. RESPONSIBILITIES

A. Wardens/Division Directors/Designees are responsible for:

1. Developing their institutional/divisional Standard Operation Procedures (SOPs), as necessary, for the implementation of this AR.

2. Wardens/Designees responsible for female facilities shall include gender-responsive and trauma-informed principles in institutional SOPs for the implementation of this AR.

B. It is the responsibility of all ADOC employees and inmates to comply with the contents of this regulation.

V. PROCEDURES

A. Employees shall conduct themselves in a professional manner and exercise respectful and tactful communication when interacting with inmates.

B. It is the duty of each employee to correct any inmate observed in violation of departmental rules and regulations in a fair, consistent, and impartial manner in accordance with AR 403, *Procedures for Inmate Rule Violations*.

C. Employee conversations with inmates shall be related to official duty only:

1. Employees shall require inmates to address them by title and name.

2. Inmates shall be addressed by their name.

3. Inmate questions, which cannot be answered, shall be referred to the employee's immediate supervisor.

D. Social Relationships:

1. Prohibited social relationships include, but are not limited to, emotional, sexual, or romantic attachments with:

   a. ADOC inmates;

   b. Inmates on parole or probation; and

   c. Former inmates who have been discharged from ADOC or ABPP for less than two (2) years.

2. Social relationships with an inmates' relatives, family, and/or clearly identifiable close associates is prohibited unless written approval is obtained from the Warden/Director/Designee.

E. Familial Relationships with Inmates:

1. An employee shall report any known familial relationship to an ADOC inmate in writing to the Warden/ Director/Designee upon employment. When a familial relationship becomes known to the employee, the employee shall immediately report the relationship in writing to the Warden/ Director/Designee.

2. The Warden/Director/Designee shall then notify the Regional Directors and determine appropriate action to be taken.

F. Contact with ABPP or other agencies on behalf of an inmate is prohibited unless written approval is obtained from the Warden/Director/Designee.

G. All employees/staff are prohibited from engaging in sexual misconduct, sexual harassment, sexual contact, and sexual abuse of inmates. Such allegations shall be investigated in accordance with ADOC policies, PREA Standards, and Alabama statutes.

1. If an allegation is substantiated, the employee shall be subject to disciplinary action pursuant to AR 208, *Employee Corrective Actions (ECA)*, and a criminal prosecution referral.

2. Consent on the part of an inmate is not a defense to charges of any form of sexual misconduct.

H. Employees shall not trade, barter, donate items or enter into any business transaction with inmates or their families except as specified below.

1. Employees must abide by their institutional SOP when purchasing hobby craft items from inmates. Hobby craft items may not be purchased for resale.

2. Employees shall not communicate with a third party associated with an inmate in an effort to circumvent this policy.

I. Employees shall not exchange correspondence or engage in telephone conversations or any form of social media or networking with inmates or their families for any purpose other than to fulfill their official duty.

J. Employees who violate or fail to report any violations of this regulation shall be subject to disciplinary action according to AR 208, *Employee Standards of Conduct and Discipline*.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

There are no forms prescribed by this regulation.

VIII. SUPERSEDES

This Administrative Regulation supercedes AR 318, *Staff/Inmate Relationships,* dated January 25, 2016, and any changes.

IX. PERFORMANCE

A. Code of Alabama (1975), Sections13A-6-60 *et seq*.

B. Code of Alabama (1975), Section 14-1-1.1 *et seq*.

John Q. Hamm
Commissioner