

Jim Doyle
Governor

Matthew J. Frank
Secretary



Mailing Address

3099 E. Washington Ave.
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 240-5000
Fax (608) 240-3300

State of Wisconsin Department of Corrections

Executive Directive 16

August 2004

SUBJECT: Fraternization Policy

I. Background

The Department of Corrections (DOC) prohibits certain relationships and conduct between its employees and adult and juvenile offenders. DOC also requires the reporting of certain relationships, including when the employee's own relatives or family members are offenders. This policy is designed to eliminate any potential conflict of interest or impairment of the supervision and rehabilitation provided to adult and juvenile offenders by DOC employees, and to provide for the humane and respectful treatment of offenders as set forth in DOC's mission statement

II. Definitions

- A. "Adult or juvenile offender" or "offender" means an adult or juvenile under the legal custody or supervision of the Department of Corrections, the Department of Health and Family Services, or a federal, state or local law enforcement or correctional agency contracting with the Department of Corrections. "Adult or juvenile offender" or "offender" includes individuals on adult probation or parole or juvenile aftercare, and adults and juveniles committed to state correctional institutions, including the Wisconsin Resource Center, Mendota Juvenile Treatment Center, and Emergency Detention with the Department of Health and Family Services.
- B. "Employee" is any person employed by the Department of Corrections, including limited term, project, and permanent employees, students, volunteers, and those persons under a contractual relationship with the Department of Corrections under a purchase of services arrangement if the contract places the vendor in an employment relationship with the Department. This definition does not include inmate workers.
- C. "Relationship" means a personal association between an employee and an individual listed under Section III (A) of this policy, including, but not limited to, the relationships prohibited under Section IV.

III. Policy

- A. Employees may not have relationships prohibited under Section IV of this policy with:
 1. An adult or juvenile offender; or
 2. The spouse of an adult or juvenile offender.
- B. Employees shall not engage in sexual conduct prohibited under Section V of this policy with an adult or juvenile offender.

- C. Consistent with Section VI of this policy, employees must report relationships involving:
1. An adult or juvenile offender;
 2. The spouse of an adult or juvenile offender;
 3. The children or legal guardian of an adult or juvenile offender;
 4. Other persons who reside in the same household as an offender, or the spouse, children, or legal guardian of an offender; or
 5. Any relative of the adult or juvenile offender when the employee knows that the individual is related to the offender.
- D. This policy does not include employer-directed contacts or those contacts that are part of the employee's job duties.
- E. Employees may request exemptions from this policy by following the procedures outlined in Section VI.

IV. Prohibited Relationships

- A. Relationships prohibited under this policy include, but are not limited, to:
1. Having personal contacts or being in a social or physical relationship with an individual listed under Section III (A). The policy does not prohibit personal contacts that are required for employees to perform their duties. It also does not prohibit incidental personal contacts in group activities such as church-related or sporting events. The policy prohibits personal contacts that are usually one-to-one such as dating, knowingly forming close friendships, corresponding or communicating without an exemption being granted, and visiting that is not job related or without an exemption being granted.
 2. Living in the same household with an individual listed under Section III (A). Living in the same apartment building or complex but in a separate apartment or in a separate unit of a duplex is permitted.
 3. Working for an individual listed under Section III (A).
 4. Employing an individual listed under Section III (A), with or without remuneration.
 5. Extending, promising, or offering any special consideration or treatment to an individual listed under Section III (A). This provision also includes giving special preference outside normal work practices, such as granting a furlough to an inmate who does not meet requirements for furloughs or granting work release to an inmate who does not meet the requirements for work release.
 6. Providing or receiving goods or services to or from an individual listed under Section III (A). This provision is not meant to prohibit casual contact such as buying groceries at a business where a listed individual works. It does prohibit accepting or giving gifts or loans, providing services in exchange for work performed, or activities in violation of section 302.095 (Delivering Articles to Inmates), Wisconsin Statutes.

V. Prohibited Sexual Conduct

- A. Employees are prohibited from engaging in sexual conduct of any kind with adult or juvenile offenders, including, but not limited to:
 - 1. Having sexual contact or sexual intercourse with an adult or juvenile offender. (See Executive Directive 16-A for employees covered under sections 940.225(2)(h) and 940.225(2)(i), Wisconsin Statutes.)
 - 2. Engaging in acts of sexual misconduct with an adult or juvenile offender. Sexual misconduct is any behavior or act of a sexual nature directed toward an offender by an employee. This includes, but is not limited to, acts or attempts to commit acts of sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature, sexual gratification of any party, obscenity or unreasonable invasion of privacy. Sexual misconduct also includes conversations or correspondence, which suggests a romantic or sexual relationship.

VI. Reporting Requirements Regarding Relationships

- A. Employees shall report to their immediate supervisor in writing any present relationship or any relationship being considered which has the potential for violating this policy. The report shall be submitted on the next workday following the employees' awareness of the potential violation.
- B. Employees shall report to their immediate supervisor any unanticipated, non-employer directed contacts with individuals listed under Section III (A). The report shall be submitted on the next workday following the contact. Employees who have unplanned contacts with persons identified under Section III (A) must keep them brief and professional.
- C. Consistent with Section III (C), employees must notify their supervisors when their own relatives or family members are offenders. 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 to avoid possible conflicts of interest for the employee with the Department's mission and in carrying out his/her duties and responsibilities. Supervisors will review the circumstances surrounding supervision or custody and determine possible conflicts of interest for the Department and employee. The respective Division Administrator will decide the course of action and the employee will be notified in writing. The employee will be cautioned about providing special favors or advising the offender on matters of supervision or custody.
- D. Employees shall use form DOC-2270, Fraternization Policy Exception Request, for purposes of reporting under this Section, regardless of whether an exception is being sought.
- E. Employing units shall submit reports containing the specifics of employee contacts and requests for exemptions to the Division Administrator. The reports shall include recommendations from the appointing authority. The Administrator shall review all recommendations and either approve or deny the request in writing.

VII. Exemption Procedure

- A. Employees seeking exemption from this policy shall complete form DOC-2270, Fraternization Policy Exception Request. Exemption requests are to be submitted to the immediate supervisor who shall review the request and submit it with recommendations to the appointing authority. The appointing authority shall review the request and forward recommendations to the Division Administrator. The Division Administrator will review recommendations and either approve or deny the request in writing.

- B. Officer candidates in pre-service training who are seeking an exemption to the policy shall submit a completed form DOC-2270, Fraternalization Policy Exception Request, to the Corrections Training Center Pre-Service Director. The Pre-Service Director shall review the request and submit it with recommendations to the appropriate Division Administrator. The Division Administrator will review recommendations and either approve or deny the request in writing.
- C. Submission of any request for exemption from this policy does not constitute an automatic exemption from the policy or immediate authorization of contact. A letter from the Division Administrator will be the only authorization for exemptions.
- D. After review of the recommendation of the appointing authority, the Administrator of the respective division may grant an exemption consistent with this policy. The approval may be conditioned upon and require additional restrictions or reporting to assure continued compliance with the policy.
- E. In situations arising under section 302.095, Wisconsin Statutes, Delivery of Articles to Inmates, the Warden or Superintendent has the final authority to approve or deny requests.
- F. The Department may amend or rescind any decision made under this policy with notice to the employee.

VIII. Employee Statement

- A. All Department of Corrections employees shall sign and return to their supervisors a Form DOC-1558 acknowledging receipt of the fraternization policy. New employees shall complete and return Form DOC-1558 within the first 14 days of employment with DOC.



Matthew J. Frank
Secretary

August 31, 2004
Date