

Delaware Department of Correction

EMPLOYEE CODE of CONDUCT



DOC Mission Statement:

Protect the public by supervising adult offenders through safe and humane services, programs and facilities.

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A message from the Commissioner.....

Welcome to the Department of Correction. We are proud you have joined our team and look forward to your many contributions.

Our shared commitment to public service requires a commitment to excellence and the highest ethical standards.

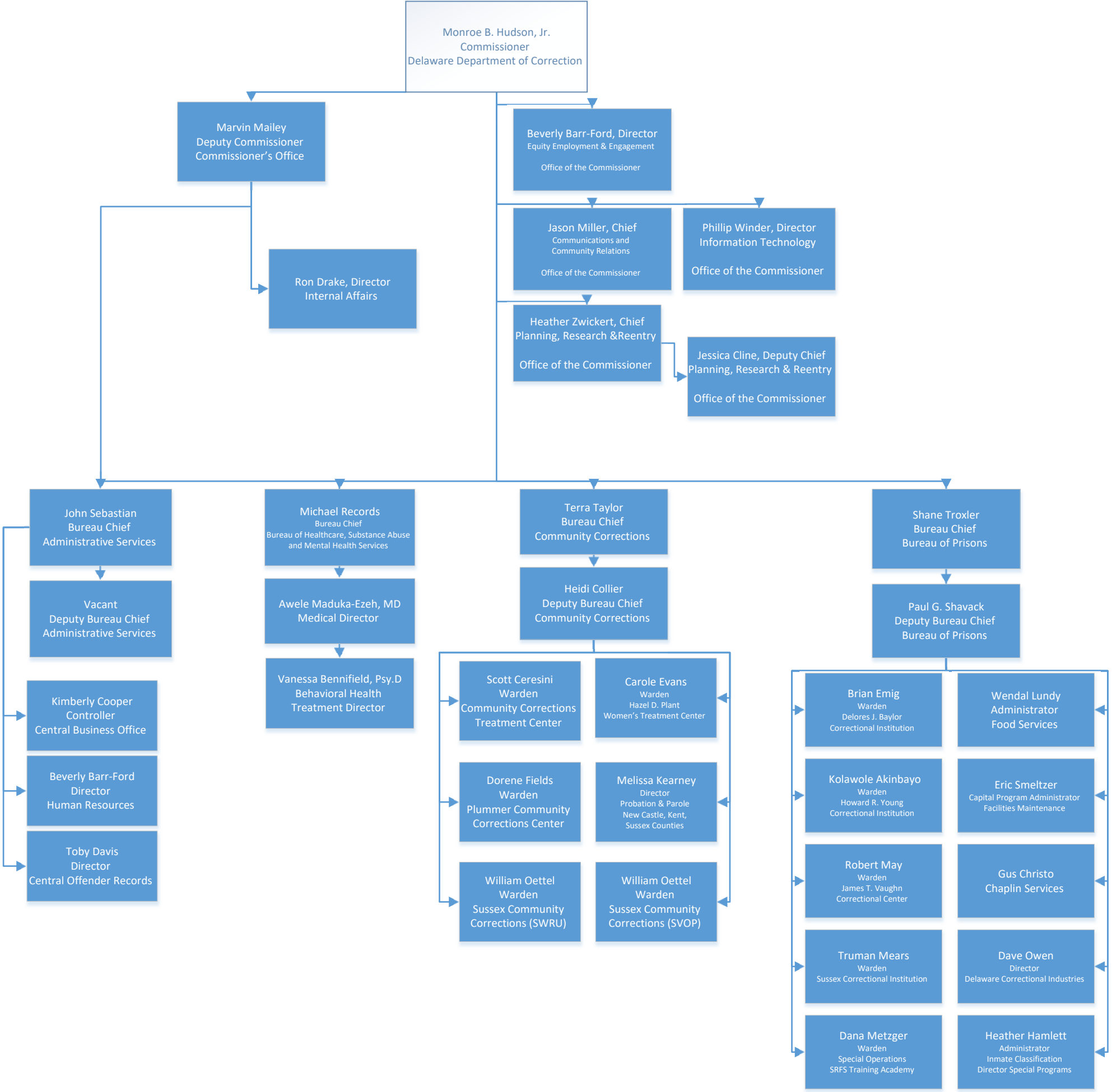
This Code of Conduct applies to all Department of Correction employees, no matter your role or assignment.

Please familiarize yourself with this Code of Conduct and use it as a guide throughout your career.

As a member of Delaware's largest law enforcement agency, your actions reflect directly on the public perception of the Department - on duty and off duty. The citizens of our State have entrusted us with significant authority and power, which come with the responsibility of honoring our high moral and ethical standards.

Thank you for your commitment to public service, and I wish you well in your career with the Department of Correction.

Monroe B. Hudson, Jr
Commissioner



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How to Use This Guide

The information assembled within this reference guide addresses the fundamentals of ethical, professional behavior expected of all Department of Correction (DOC) employees. This information is initially shared with new employees as an element of orientation training; it is also reiterated in multiple annual refresher training sessions. This Code of Conduct is an integral part of a much larger body of information that will be shared over the course of an employee's orientation and DOC career.

The DOC Leadership Team expects that these principles or conduct standards are to be actively deployed on every shift to which employees report. Knowledge and training are powerful tools supporting quality decision-making.

This publication is not intended to be an exhaustive list or substitute for the many specific details found in Delaware Code Title 11 Chapter 65 "Department of Correction," Delaware Code Title 29 Chapter 58 "Laws Regulating the Conduct of Officers and Employees of the State," DOC Policy, Bureau Policy or Facility Standard Operating Procedures. Those items are generally available on the DOC Extranet website at (<http://extranet.doc.state.de.us>) or the State of Delaware Internet website at (www.delaware.gov) or at the facility/institution/office site where employees are assigned.

No single document can anticipate every circumstance or question. Periodically the need may arise to revise this Code of Conduct, in response to changes in the Delaware Code or DOC Policy. Employees shall be notified of each change to this Code as it occurs.

Please note that the elements set forth in this reference guide are not intended to create a contract. They are not to be construed to constitute contractual obligations of any kind or a contract of employment between the DOC and any of its employees. Employment with the DOC may be terminated by either the employee or the employer at any time, in accordance with the Merit Rules or governing Collective Bargaining Agreements.

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Chapter 1: “General Agency Guidelines”

1.1 Code of Conduct:

The DOC mission is to protect the public by supervising adult offenders through safe and humane services, programs and facilities.

To that end, all employees are responsible for the security and safety of the public, their fellow employees, and all those entrusted to our care by court order. This Code sets high moral and ethical standards for correctional employees to assure unfailing honesty, respect for the dignity and individuality of human beings, as well as a commitment to professional, compassionate service.

1.2 Department Responsibility:

The Department shall ensure that all staff is given the opportunity to become familiar with this Code. Employees shall be made aware of the existence of this Code during new employee orientation, and all staff shall be issued a copy. An updated version of this Code shall be available on the Department’s extranet.

1.3 Staff Responsibility:

The ultimate and continuing responsibility for familiarity with and adherence to this Code shall reside with each individual staff member. This Code shall pertain to all staff unless otherwise specified.

1.4 Principles of Conduct:

Staff shall be courteous while interacting with any person, discharge their duties in a fair, impartial manner, and recognize their responsibilities as public employees.

Staff is expected to report on time for each tour of duty and perform their duties in a timely fashion.

Staff shall treat their duty as a public trust, and in the discharge of their duties, shall be mindful that their primary obligation is to serve the public efficiently, effectively, and consistent with applicable laws and DOC policies.

Staff shall avoid misuse and waste of public property.

Staff should take initiative in cooperating with governmental agencies, officials and employees. The performance of staff duties shall ensure the safety and welfare of the general public, as well as the betterment of the Department.

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Staff should not hesitate to offer respectful feedback to other staff or supervisors coupled with a suggestion of how a task may be better performed. Staff shall not, however, criticize other staff or their supervisors for the mere sake of criticism.

Staff should maintain a positive attitude toward the job and take pride in the profession. They should reflect a professional demeanor and maintain a professional appearance at all times.

As members of the criminal justice community, staff shall strive to be honest and set a good example for others. Staff shall not engage in the commission of any act prohibited by law, or the omission of any act required by law, when said commission or omission is defined as prohibited conduct under State of Delaware statutes or Federal statutes.

1.5 Unbecoming Staff Conduct:

Staff shall conduct themselves at all times so as to reflect favorably on the Department. Unbecoming conduct shall mean, but not be limited to:

- a. Consumption of intoxicating beverages, organic or chemical substances, while on duty or being intoxicated while on duty;
- b. Overbearing, oppressive, or tyrannical conduct;
- c. Neglect of duty;
- d. Acts of incompetence;
- e. Absence from duty without leave;
- f. Abuse of sick leave;
- g. Discourtesy or insolence;
- h. Tardiness;
- i. Dissemination of confidential information contrary to DOC policy or procedures;
- j. Any conduct that would interfere with the staff member's ability or fitness to effectively perform required duties;
- k. Unauthorized, intentional destruction of State property;
- l. Conviction of a felony or misdemeanor;
- m. Gambling at work;
- n. Insubordination;
- o. Failure to submit true, accurate reports;
- p. Violation of any federal or Delaware statute or regulation, including DOC policies;
- q. Failure to cooperate in any official Department investigation or inquiry; and
- r. Association with a gang (Title 11 Chapter 5 § 616 & 617), Security Threat Group (DOC Policy 8.47), criminal organization, or criminal enterprise."

1.6 Disciplinary Action:

Disciplinary action may be taken for violations of any part of this Code, subject to the limitations, if any, under applicable law or as set forth in any Collective Bargaining Agreements. The Department is not limited to this Code of Conduct as a basis for disciplinary action and may impose appropriate discipline for just cause.

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1.7 Definitions and Terms:

The following definitions are offered to clarify this Code of Conduct:

- a. **Acquaintance, friend, or relative:** Any person known through personal experience; intimate associate, supporter or sympathizer; or a person connected by blood or marriage.
- b. **Anyone with Whom the Department Conducts Business:** Any individual, partnership, corporation or other entity who conducts business or interacts with the Department including offenders, offender family members, members of other state agencies, contractors, vendors (prospective or otherwise), attorneys or private clients, etc.
- c. **Chemical Test:** Analysis of blood, breathe, urine, or other bodily substance for the determination of the presence of intoxicants.
- d. **Commissioner:** Chief Executive and Administrative Officer of the Department.
- e. **Controlled Substance:** A drug; organic or manufactured chemical substance, as defined in 16 Del. C. Section 4701.
- f. **Department:** Department of Correction; or DOC.
- g. **Facility/Institution:** A correctional unit with a managing Warden or Director, which is operated or managed by the Department for the purpose of offender housing and care.
- h. **Fraternizing with offenders:** Staff behavior that represents or suggests friendship or common pursuit of fellowship, beliefs, or interests with offenders.
- i. **Facility/Institution/Office Site Administrator:** The senior leadership executive or executive's designee.
- j. **Incarcerated:** A secured housing condition for offenders in DOC custody.
- k. **Intoxicated:** Ingestion of any substance(s), by any method(s) that results in an impaired condition of thought/action to such an extent that the normal performance of duty is or could be affected.
- l. **Offender:** Any person committed by court order to the care, custody, or control within the Department's five supervision levels and pre-trial supervision.
- m. **Office:** A correctional unit operated by the Department which conducts departmental business but does not house offenders.

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- n. **Physical confines:** All areas of any facility or institution, in which offenders are housed and/or receive treatment. This includes the public offices of the facility/institution/office sites and the parking areas for the facility/institution/office sites.
- o. **Public:** Any person including the news media; exceptions include departmental staff, members of any local/state/federal agency providing services to the Department, or those receiving therefrom a lawful service during the course of their official duties.
- p. **Staff:** Any full-time, part-time, temporary, or volunteer employee of the Department, including vendors contracted to perform services on behalf of the Department.
- q. **Trafficking contraband:** Any buying, selling, bartering or trading activity conducted directly or indirectly with incarcerated offenders.

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Chapter 2: “On-The-Job Guidelines”

2.1 Use of Slang, Gestures or Derogatory Terms:

Staff shall perform assigned job duties in a professional manner. Staff shall not use slang, make obscene, indecent gestures or remarks, or make derogatory references to other staff, members of the public or offenders in relation to another individual's:

- a. Age
- b. Color
- c. Creed
- d. Disability
- e. Gender
- f. Gender Identity
- g. National origin or ancestry
- h. Race
- i. Religion
- j. Sexual Orientation

Staff shall refer to offenders by first name or surname. Staff shall refer to other staff by rank designation, first name or surname. Use of nicknames is to be evaluated according to the following criteria:

- a. The response a reasonable person might be expected to give if the nickname is used publicly;
- b. The reaction of the person to whom the nickname is addressed;
- c. The obscenity or crudeness of the name;
- d. The origin of the nickname; and
- e. The effect of the use of the nickname on the operation or management of the facility/institution/office site.

2.2 Reporting Unprofessional Conduct:

It is the duty of all staff persons to report observed unprofessional conduct by anyone. The report shall be written, and made available to the immediate supervisor of the staff person who observed the event. The report shall include:

- a. The name of the alleged offending staff person;
- b. The date and time of the alleged unprofessional conduct;
- c. A description of the alleged unprofessional conduct;
- d. A statement of the circumstances relating to the alleged unprofessional conduct; and
- e. A list of other witnesses to the alleged unprofessional conduct.

It is the responsibility of the immediate supervisor to inform the offending staff person of the complaint, investigate the alleged conduct, and respond in writing to all reports of alleged unprofessional conduct.

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Reports concerning a vendor employee's unprofessional conduct shall be forwarded to the facility/institution/office site administrator for resolution.

All reports and disposition of allegations concerning unprofessional conduct shall be made a part of an investigation's file. Any final disposition of a verified complaint of unprofessional conduct, when resulting in a formal disciplinary sanction, shall be made a part of the employee's personnel file.

No staff person shall direct any reprisal against any other staff person, or non-DOC employee, who has filed a report of unprofessional conduct or is the subject of a complaint.

2.3 Incident Reports & Report Writing:

Staff shall submit true, accurate and appropriate reports in a timely fashion as required by DOC policies/procedures, facility/institution/office site operating procedures, and / or the facility/institution/office site administrators. Staff shall not knowingly convey false information to others concerning official departmental business.

2.4 Trafficking:

In compliance with 11 Delaware Code Section 6562A and 6562B, trafficking contraband with offenders is prohibited. Prohibited behavior includes any buying, selling, bartering or trading activity conducted directly or indirectly with incarcerated offenders.

2.5 Fraternizing:

No staff shall have any personal contact with an offender, incarcerated or non-incarcerated, beyond that contact necessary for the proper supervision and treatment of the offender.

Examples of fraternizing behavior include, but are not limited to: living with an offender; conveying or communicating unofficial or unapproved messages or items to/from another offender; a social relationship of any type with an offender; and physical contact beyond that which is routinely required by specific job duties.

Any sexual contact with offenders is strictly prohibited. Contact for other than professional reasons with offenders outside of the workplace shall be reported in writing to the employee's supervisor.

2.6 Prior Relationships with Offenders:

Upon learning of Court commitment to DOC custody of an acquaintance, friend or relative, staff shall promptly notify the facility/institution/office site administrator in writing of such a relationship. New staff shall advise the existence of such relationships upon accepting employment with the Department, or upon discovery if not known at the time of accepting employment.

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2.7 Use of Force:

Use of force shall be utilized only as authorized by policy. Excessive or unnecessary use of force may result in disciplinary action up to and including dismissal. Every use of force incident shall be documented, investigated, and reviewed in compliance with DOC Policy.

2.8 Staff Availability and Timely Performance of Duties:

Staff shall be available for scheduled shifts or tours of duty, as necessary, to ensure that the safety and security of the Department is maintained at all times. No staff shall fail to report to work on time without a valid, sufficient reason. No staff shall feign illness or otherwise abuse sick leave. All staff shall provide an emergency telephone number for the Department's use.

To further ensure the safety and security of the facility/institution/office site, staff may be required during non-work hours to report early or stay at work beyond the normal hours of the assigned shift. In any case, staff shall remain at their assigned post until properly relieved.

2.9 Use of Alcohol & Controlled Substances:

Staff use or possession of alcohol or any controlled substances, drugs, narcotics, opiates, etc., as defined in 16 Delaware Code Section 4701, while on duty in the performance of any activity, in any official capacity, or within the physical confines of any DOC site is strictly prohibited.

Such prohibition does not include substances prescribed by a physician for the person if used as directed. However, staff utilizing any medication(s) that may alter mental or physical performance shall notify their immediate supervisor of that fact prior to starting a shift. They may also be required to show proof that the effect of the medication(s) does not adversely impact their performance level. Unauthorized possession of any controlled substance, in any amount, without a valid prescription, shall be grounds for disciplinary action up to and including dismissal.

No staff person shall be intoxicated while on duty, in the performance of any activity, in any official capacity, or within the physical confines of any facility/institution/office site. Where evidence exists to indicate that an employee is impaired, disciplinary action may be taken.

As a condition of employment and in compliance with 29 Del. C. Sections 8920-8926, as well as DOC Policy, entitled "Employee Drug Testing," all staff shall consent to a chemical test upon request. Such request shall be random, incident triggered or based upon a reasonable suspicion that the staff person has used intoxicants. Refusal to submit to a chemical test shall result in removal from the workplace without pay.

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2.10 Insubordination:

Staff shall obey lawful job-related orders from supervisors. No staff shall knowingly disobey a lawful command or order, either verbal or written, from a senior officer.

The failure to obey lawful orders constitutes insubordination. Staff may require review of the order, by a higher authority within the Department, only after the order is obeyed.

2.11 Sleeping on Duty:

Attentiveness to duties and responsibilities is imperative in a correctional setting. Anyone found sleeping on the job, or being inattentive to their duties because of the appearance they are sleeping, shall be subject to disciplinary action up to and including dismissal.

2.12 Search of Staff and Personal Property:

Staff shall be subject to search of their person, personal effects, and vehicles upon entering or leaving a facility/institution, or at any time on demand and, while within the physical confines of a facility/institution.

Refusal to submit to a search shall result in the denial of entry into a facility/institution and/or disciplinary action. Searches of a more intensive nature (i.e., strip searches) shall only be conducted when based upon a reasonable suspicion that staff is carrying contraband or violating the D O C procedures. Intensive searches require the facility/institution/office site administrator's approval prior to the event.

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Chapter 3: “Public Service Guidelines”

3.1 Membership in Employee Organizations/Unions:

Employees in positions covered by collective bargaining agreements shall have the right to participate in employee organizations or not to do so, as they choose. No employee shall infringe upon the right of another employee in making the decision to form, join or assist an employee organization. Employees who elect not to participate in the employee organization will be required to pay a fair share fee. Any employee feeling pressure being exerted in regard to these decisions may report the facts of the situation to their immediate supervisor or the facility/institution/office site administrator.

3.2 Employee Organization Activities:

Organizational information may only be posted on designated staff bulletin boards with the prior written approval of the facility/institution/office site administrator.

Employee organizations are advised that the posting of notices involves the use of state property and therefore shall not include materials which are racist, sexist, inflammatory or derogatory in nature. Notices shall not endorse a political party or candidate.

DOC employee solicitation and distribution of non-departmental literature or petitions during scheduled shifts or tours of duty or on facility/institution/office grounds, by either employees or non-employees, shall be permitted only with prior written authorization by the Commissioner or Commissioner’s designee.

Representatives of D O C employee organizations, who are not Department employees, may be granted access to facility/institution/office sites, with prior written approval of the facility/institution/office site administrator.

If access is granted, the representative shall be subject to the rules governing all visitors to the facility/institution/office site. Representatives may have access to personnel files and employees in accordance with applicable State statutes and rules.

Employee job actions (i.e., strikes, sick-outs, or work slowdowns), either sanctioned or unsanctioned by employee organizations/unions, are prohibited. Participation in such activities may results in disciplinary action up to and including dismissal.

3.3 Solicitation:

Solicitation of D O C staff for funds, membership, or individual commitment to outside organizations or causes within any facility/institution/office site or physical confines, during staff’s working hours, shall be permitted only with the prior written approval of the Commissioner or Commissioner’s designee. Such approval will only be granted if the activity does not disrupt the security or efficiency of the facility/institution/office site or physical confines.

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3.4 Political Activity:

Staff members are entitled to support whatever political beliefs they choose, unless said beliefs adversely affect the ability to perform assigned duties in a fair, appropriate manner.

No staff shall be forced or coerced to make political contributions, nor be required to participate in any form of political activity whatsoever. Staff is encouraged to freely express views as citizens and to cast votes in an election.

Staff may engage in political activity during off-duty hours consistent with applicable law. No staff may engage in political activity while in a D O C uniform anywhere. No staff may engage in political activity within the physical confines of the facility/institution/office site.

Nothing in this Code section prohibits employee voluntary contributions to any political party. Such contributions, however, shall not be made or solicited during employee work hours or while engaged in the business of the state.

3.5 Conflicts of Interest:

Staff shall perform their duties in such a manner as to avoid any appearance of impropriety or conflict of interest. Compromising activity may include any activity that gives rise to a suggestion or inference of impropriety or conflict.

Staff shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency, except lawful salary and other remuneration, which may be authorized by law, or by the permission of the Commissioner.

Staff shall not, under any circumstances, accept or solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their membership or employment, except by permission of the Commissioner.

DOC employees, non-DOC staff, and contracted vendors are prohibited from engaging in side-employment activities within a facility/institution/office site or physical confines. This prohibition is intended to include rendering services to other staff, offenders, and the public. Unauthorized use of the State's resources, while performing the State's business, is also prohibited.

Any questions regarding potential conflicts of interest shall be discussed with the staff's immediate supervisor or referred to the Public Integrity Commission.

3.6 Personal Gain:

No staff shall use their position within the DOC, or use any knowledge obtained from that position, or use any state property for personal gain or the gain of others.

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3.7 Discrimination:

It is the policy of the State of Delaware not to discriminate against any person based upon age, color, creed, disability, gender, gender identity, national origin, race, religion, sexual orientation or ancestry.

Department staff shall not discriminate in any manner, against any other staff member, offender, offender's family or member of the public.

Sexual harassment is discrimination and will not be tolerated. And in compliance with BOP Policy, entitled "Prison Rape Elimination Act (PREA)," sexual harassment of an offender is also defined as another form of abuse. Sexual harassment behavior is defined as repeated verbal comments or gestures of a sexual nature to an offender 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.

Disciplinary action may be taken where evidence exists to indicate that discrimination or sexual harassment exists or has occurred.

3.8 Use of State Equipment:

Staff shall not use State-owned or leased equipment or property in such a fashion as to reflect discredit on the Department or show a careless disregard to the public funds represented by this equipment or property.

3.9 Disregard of Another's Rights:

Staff shall respect the personal and property rights of others.

3.10 Staff Arrests, Convictions or Police Contact:

Any staff named a defendant or suspect in any criminal or traffic matter, shall promptly report such fact in writing to their immediate supervisor within five (5) calendar days of such event.

In addition, any staff questioned by an official concerning an alleged involvement in any criminal or traffic offense shall report such questioning to their immediate supervisor. Also, any staff served with notice of a Protection from Abuse (PFA) Hearing shall promptly report the notice to their immediate supervisor.

3.11 Departmental Investigations:

Upon request staff shall cooperate, to the fullest extent, in any Department investigation or inquiry. Failure to cooperate with any DOC investigation or inquiry may result in disciplinary action.

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Staff also has an affirmative duty to report, in a timely fashion, any violation of the Department's Code of Conduct to the appropriate supervisor or facility/institution/office site administrator. Should a facility/institution/office site administrator be involved in the misconduct, staff should report the violation to the Commissioner's Office. Staff's failure to report violations represents an infraction just as serious as the initial violation.

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