



LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

DEPARTMENTAL POLICY

**Chapter:** Administration

**Section:** Personnel

Index Number:	01-3.02	Title: Employee Code of Ethics and Conduct
Supercedes:	04/11/2014	
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OD:	DB:	PO:
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**I. POLICY**

Louisville Metro Department of Corrections (LMDC) shall establish acceptable standards of conduct for all employees as set forth by this policy. Employees of LMDC shall not use their official position to secure privileges for themselves or others, engage in activities that constitute a conflict of interest, engage in behavior which would bring discredit to the Department or violate any individual's constitutionally guaranteed rights.

**II. SOURCES**

- 28 CFR 115.51, 61, 71 and 76-77 PREA National Standards
- KRS 61.872 Right to inspection – Limitation.
- 501 KAR 3:040 Personnel
- Louisville Metro Government Personnel Policy 1.6 Principles of Behavior
- ACA Standards for Adult Local Detention Facilities 4<sup>th</sup> Edition 4-ALDF-7C-02 and 03
- ACA Standards for Correctional Training Academies 1<sup>st</sup> Edition 1-CTA-1C-12
- ACA Core Jail Standards 1<sup>st</sup> Edition 1-CORE-7E-02

**III. DEFINITIONS**

**Date:** A social engagement between individuals made out of romantic interest.

**Dereliction:** Abandonment or neglect of duty or responsibilities.

**General Public:** Total population, inclusive of all court officials and law enforcement personnel.

**Immediate Family Members:** The parents, siblings, spouse and children of personnel.

**Inmate:** Any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release or diversionary program.

**Former Inmate:** Any person released from a detention facility or correctional supervision within six (6) months who was convicted of and sentenced for violations of criminal law.

**Pat Down or Frisk Search:** A search during which a person is not required to remove clothing, and includes a visual inspection of the open mouth.

**Personnel:** Any individual involved in providing supervision and/or services for the inmate population, including but not limited to, Departmental employees, interns, service contractors, volunteers and staff from other government agencies.

**Romantic Relationship:** Physical intimacy, sexual contact or continual dating. Casual acquaintances and ordinary business fraternization do not constitute a romantic relationship. In determining what behavior constitutes a romantic relationship, the Department shall take into account the following factors: length and nature of the relationship, and frequency and type of interaction between the involved employees.

**Staff:** All paid/unpaid employees, contractors and volunteers.

**Strip Search:** A body search during which a person is required to remove clothing, and is subject to visual inspection of the genital and anal areas as well as other body cavities.

**Subordinate:** Lower in rank than the immediate supervisor in the Chain of Command. All personnel are subordinate to their immediate supervisor and to all levels above the rank of their immediate supervisor in the Chain of Command, as defined in LMDC Policy 01-1.04 Chain of Command.

**IV. AUDIT FREQUENCY**

This policy shall be reviewed annually.

**V. APPLICABILITY**

This policy is applicable to all employees, contract vendors and volunteers of Louisville Metro Department of Corrections.

**VI. PROTOCOL**

New staff shall acknowledge in writing that they have reviewed Departmental rules, ethics, regulations, conditions of employment and other related documents. A copy of the signed acknowledgement shall be placed in each employee's personnel file.

**A. Code of Ethics**

1. Personnel shall not:
  - a. Exchange, grant or receive a personal gift or favor with an inmate, their immediate family members or friends, including but not limited to visitors of the inmate.
  - b. Accept any form of bribe or unlawful inducement.
  - c. Perform duties under the influence of an intoxicant, including but not limited to prescription medications.
  - d. Consume an intoxicant while on duty.
  - e. Violate or disobey any established laws, rules, administrative regulations or lawful orders from any person to which they are subordinate.
  - f. Discriminate against an inmate on the basis of race, age, religion, creed, gender, national origin, disability or any other protected individual characteristic.
  - g. Employ corporal punishment or unnecessary physical force.

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- h. Engage in sexual conduct, as defined in policy 04-4.11, with an inmate, former inmate.
  - i. Subject an inmate to verbal, physical or mental abuse.
  - j. Intentionally demean or humiliate an inmate.
  - k. Bring a weapon or item declared as contraband into the jail without proper authorization, as defined in LMDC Policy 03-2.25 Contraband Control.
  - l. Engage in a discussion that is critical of staff or an inmate in the presence of another inmate.
  - m. Divulge confidential information without proper authorization, including but not limited to allegations of sexual abuse, sexual harassment and/or medical information.
  - n. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in LMDC policy, to make treatment, investigation, other security or management decisions.
  - o. Withhold information which threatens the security of LMDC facilities, staff, visitors, inmates or the community.
  - p. Endanger the well-being of self or others.
  - q. Engage in a business or profitable enterprise with an inmate.
  - r. Inquire about, disclose or discuss details of an inmate's crime other than as may be absolutely necessary in performing official duties.
  - s. Engage in horseplay (i.e., physical contact that may cause harm or injury).
2. Personnel shall:
- a. Treat each inmate in a fair and impartial manner.
  - b. Report any violation of the Code of Ethics and Conduct to their direct supervisor, unless the direct supervisor perpetrated the violation. In such an event, the employee may bypass their direct supervisor and report the violation to the next highest supervisor in the direct Chain of Command as dictated by LMDC Policy 01-1.04 Chain of Command.
  - c. Accept verbal, written, and anonymous reports of sexual abuse or sexual harassment from an inmate and from third parties made on behalf of an inmate and shall promptly document any verbal reports.
  - d. Report all allegations of sexual abuse and sexual harassment to LMDC's designated investigators.
  - e. Report immediately and according to LMDC policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment allegedly perpetrated by anyone that occurred in a facility.
  - f. Report retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or of retaliation.
  - g. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (c) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
3. Violations of Code of Ethics and Conduct  
Any violations of the Code of Ethics and Conduct shall be made part of the employee's personnel file, and shall be grounds for disciplinary action, up to and including termination.

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- a. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
  - b. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
  - c. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to any relevant licensing bodies and substantial allegations of sexual misconduct shall be referred to law enforcement agencies for prosecution.
4. Corrective Action for Contractors and Volunteers
- a. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates.
  - b. Any contractor or volunteer who commits any other violation of agency sexual abuse policy or sexual harassment policy may be prohibited from future contact with inmates.
5. Behavior
- a. Personnel shall conduct themselves with co-workers, the public and inmates in a respectful and courteous manner.
  - b. Relationships with colleagues shall be of such character as to promote mutual respect within the profession and in public, and shall adhere to all applicable Departmental regulations.
  - c. Employees shall be diligent in their responsibility to protect staff, inmates and the general public. To that end, employees shall report, without reservation, any corrupt, unethical or unsafe behavior.
  - d. The Department shall not tolerate retaliation or reprisals for such disclosures.
  - e. Any employee responsible for Departmental personnel actions shall make all appointments, promotions, disciplinary actions or terminations based solely on merit and contractual obligations and not in furtherance of partisan political interests.
6. Records and Information
- a. Personnel shall maintain the integrity of private information.
  - b. Subject to inmate's privacy rights and the Department's security needs, personnel shall respect the public's right to certain information, and shall share such information with the public with openness and candor in accordance with KRS 61.872, et. Seq. Kentucky Open Records Act.
  - c. Any release of confidential information shall require the prior written consent of the Director. Failure to obtain prior approval may be grounds for disciplinary action, up to and including termination.
7. News Media
- a. In any public statement, including any statement made to the media, employees shall clearly distinguish between personal views, statements and positions taken on behalf of the Department.

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- b. Personnel shall obtain the written approval of the Director prior to making any statement on behalf of the Department (LMDC Policy 01-10.01 Media).

**B. Code of Conduct**

All personnel shall maintain exemplary personal integrity and ethical conduct in their relationships with other employees, inmates and the general public.

1. Compliance with Orders

- a. Any employee who willfully disobeys or disregards the direct order of a supervisor, whether oral or written, shall be considered insubordinate.
- b. In the event of conflicting orders, employees may respectfully call the conflict to the attention of the supervisor giving the last conflicting order.
- c. If the latter supervisor does not change the order, it shall be obeyed and employees are thereafter relieved of the responsibility of disobeying the first order.
- d. Supervisors shall not issue any order that would require a subordinate to commit any illegal, immoral or unethical acts.
- e. Employees are not required to obey any order that would cause them to commit any illegal, immoral or unethical acts, nor any act that violates Departmental policy.
- f. If a subordinate feels they are given an order that is illegal, immoral or unethical, they shall report the order up the chain of command.

2. Conduct Unbecoming

- a. Employees shall not commit any act that constitutes Conduct Unbecoming of a Departmental employee.
- b. Conduct Unbecoming includes, but not limited to, criminal acts, dishonesty, or other improper conduct. The Department shall determine what constitutes Conduct Unbecoming a Departmental employee.
- c. Employees shall avoid giving the appearance of impropriety (i.e., an improper act or remark).
- d. Employees are prohibited from posting, transmitting and/or disseminating any photographs, video images, audio, files, text documents, logos, badges, emblems, uniforms or any other material that specifically identifies LMDC on any personal or social networking website (i.e., MySpace, Facebook, Twitter, YouTube, etc.) without the expressed written permission of the Director/designee. Employees who have a personal or social networking website shall not identify themselves as an LMDC employee and allow photographs of them in uniform. Employees shall monitor their personal website and remove any postings that may bring discredit to the employee or the Department.

3. Interpersonal Relationships

- a. All supervisors, uniform, non-uniform and contract personnel shall refrain from engaging in romantic relationships with employees who work in their direct Chain of Command, as defined in LMDC Policy 01-1.04 Chain of Command.
- b. Employees and prospective employees shall promptly disclose romantic relationships up the Chain of Command.

- c. Employees who fail to disclose the relationship may be subject to disciplinary action, up to and including termination.
- d. Prospective employees who fail to disclose such relationships may be rejected for employment.
- e. Upon such disclosure, LMDC shall make every reasonable effort to reassign one (1) or both individuals into a separate Chain of Command.
- f. Some employees may be ineligible for the transfer or bid outside of their current Chain of Command, in order to prevent the transfer or bid from having an adverse impact on other employees.
- g. Employees, utilizing sound judgment, shall not engage in public displays of affection while in uniform/while on duty.

4. Family Relationships

- a. LMDC does not prohibit the employment of immediate family members in the same administrative area, provided that one (1) family member is not in the direct Chain of Command of another family member.
- b. Employees and prospective employees shall promptly disclose immediate family relationships up the Chain of Command.
- c. Employees who fail to disclose the relationship may be subject to disciplinary action, up to and including termination.
- d. Prospective employees who fail to disclose such relationships may be rejected for employment.
- e. Upon such disclosure, LMDC shall make every reasonable effort to reassign one (1) or both of the family members into a separate Chain of Command.
- f. Some employees may be ineligible for transfer or bid outside of their current direct Chain of Command, in order to avoid the transfer or bid from having an adverse impact on other employees.

5. Dereliction of Duty

- a. Dereliction of Duty on the part of any employee shall be cause for disciplinary action, up to and including termination.
- b. The Department shall determine what acts or omissions constitute Dereliction of Duty, which include but not limited to:
  - i. Failure to obey an order;
  - ii. Willful, serious or repeated violation of any rule, regulation or policy of the Department;
  - iii. Failure to report an incident that is a violation of Departmental policy and procedure;
  - iv. Falsification, unauthorized alteration or unauthorized destruction of documents or records;
  - v. Knowingly making false statements, deliberately omitting facts or failing to cooperate during an inquiry or investigation;
  - vi. Disclosing confidential information to unauthorized persons;
  - vii. Absence without authorized leave (AWOL), including failure to report for duty on time or leaving a place of duty or assignment without the authorization of a supervisor;
  - viii. Failure to assist or support a fellow employee;
  - ix. Retaliation against any staff member or inmate;
  - x. Failure to perform duties without a valid reason;
  - xi. Sleeping on duty;

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- xii. Failure to complete required training or unauthorized absence from required training;
- xiii. Displaying a reluctance to properly perform assigned duties;
- xiv. Acting in a manner tending to bring discredit upon the employee or the Department; or
- xv. Failure to exercise due diligence in the performance of duties.

6. Neglect of Duty

- a. Employees shall competently and properly perform their duties and assume the responsibilities set forth in their job descriptions.
- b. Employees shall perform their duties in a manner that tends to establish and maintain the highest standards of efficiency in carrying out the functions of their duties and the objectives of the Department.
- c. Incompetence may be demonstrated by lack of knowledge of the application of Departmental policies and procedures and an unwillingness or inability to perform assigned tasks.
- d. Failure to consistently conform to work standards established for the employee's rank, grade or position shall be deemed incompetence.
- e. Failure to take appropriate action on the occasion of a crime, disorderly conduct by an inmate or other conditions deserving the employee's attention shall be deemed incompetence.
- f. Failure to perform supervisory, administrative or decision-making responsibilities in an acceptable or suitable manner as set forth in one's job description, policies and procedures, post orders or other regulations shall be deemed incompetence.
- g. Absence without leave (AWOL) or unexcused absence from assigned duties or tours of duty shall be deemed incompetence and/or neglect of duty.
- h. A record of repeated infractions of Departmental policies and procedures shall be deemed as incompetence and neglect of duty.

7. Monitoring Use of Alcohol or Other Drugs

- a. Employees shall not bring or store alcoholic beverages in any LMDC facility or vehicle, except for those alcoholic beverages which are properly tagged, marked and held as evidence.
- b. Employees shall not drink intoxicating beverages while on duty, appear for duty while under the influence of intoxicants to any degree and/or have the odor of intoxicants on their breath or person.
- c. Refusal to submit to a Breathalyzer test or other analysis shall be grounds for disciplinary action (LMDC Policy 01-3.07 Employee Drug Testing).
- d. Alcoholic beverages shall not be purchased or consumed while wearing any part of the Departmental uniform.
- e. Sworn employees, while off-duty and consuming alcoholic beverages, shall not act in a sworn capacity. If necessary, the officer shall notify the local law enforcement agency having jurisdiction.
- f. Employees shall not take any narcotic or controlled substance, unless prescribed by a physician to them.
- g. Employees taking prescription medication prior to or while on duty shall notify their supervisor of the medication prescribed to them. The Department may refuse to allow an employee to work while under the influence of narcotics or other controlled substances.

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- h. The employee shall not be required to inform the supervisor of the nature of the ailment or reason for the medication.
- i. Employees may be referred to the Departmental Personnel Administrator to determine whether any other information needs to be relayed to Administrative staff.

8. General Rules of Conduct

- a. Employees shall not participate in activities with inmates, or with inmates' friends or families outside of the facility.
- b. Employees shall not solicit, barter or accept any gift, personal favor or loan from an inmate.
- c. Employees shall not give inmates any gifts or items of value, such as clothing, money or jewelry.
- d. Employees shall not grant or promise any inmate special privileges or favors not available to all inmates.
- e. Employees shall use discretion and good judgment in determining what information, if any, to provide inmates concerning the Department. Personnel shall not talk to inmates about other Departmental staff.
- f. Employees shall not bring or allow others to bring contraband into LMDC facilities.
- g. Employees shall not give contraband to inmates and/or make contraband available through any means (LMDC Policy 03-2.25 Contraband Control).
- h. Employees shall not personally utilize services or programs, such as dental or medical care, designated for the welfare of inmates.
- i. Employees shall not participate in any behavior that can be viewed as sexual abuse or sexual harassment.

9. Relationship of Employees with Inmates

- a. Employees shall provide for the legitimate needs of the inmates.
- b. Employees shall use only the minimum amount of force necessary under the circumstances to control an inmate.
- c. Employees shall treat inmates with respect, courtesy and firmness.
- d. Employees shall not use profane, demeaning, insulting or threatening language when speaking to inmates, nor manage inmates by harassment or intimidation.
- e. Employees shall limit their association/contact with visitors to only that necessary, and treat visitors with respect and courtesy even where firmness is required.
- f. Employees shall not form personal relationships with inmates, or the family of inmates.
- g. Employees shall not develop a romantic relationship an inmate to include current or former inmates. Sexual misconduct between staff and inmates is strictly prohibited and shall be enforced and prosecuted in accordance with KRS 510.060 and 510.090 as a felony.
- h. Employees shall not provide written or oral statements related to an inmate's conduct for pre-sentencing reports, pre-parole reports, PREA allegations or any other similar documentation without approval of the Director/designee.
- i. Employees shall notify their immediate supervisor of any pre-existing relationship between them and any inmate or family member of an inmate. Notification shall be in writing and forwarded to PSU as soon as possible to be maintained on file.

10. Correspondence/Telephone Calls

- a. Employees shall not correspond with any inmate or the family of inmates for any purpose unrelated to the employee's professional responsibilities.
- b. The employee shall notify their supervisor if they receive any correspondence from an inmate in any LMDC facility or any other facility, and complete an Incident Report and forward to the Professional Standards Unit.
- c. Employees shall not provide any inmate their personal phone number and address.
- d. Employees shall not accept any personal phone calls from any inmate without the approval of the Director/designee.
- e. All requests from staff to correspond with an inmate shall be in writing to the Director/designee.
- f. All approved and denied requests shall be forwarded to the Professional Standards Unit by the Director/designee.

11. Abuse of Position

- a. Employees shall not use their official position, identification cards or badges for personal or financial gain or special favors.
- b. Employees shall not permit or authorize the use of their name, photograph or official title in connection with testimonials, advertisements or commercial enterprises without prior approval of the Director.

12. Official Identification

- a. Employees shall carry their official Departmental Identification on their person at all times, except when impractical or dangerous to their safety.
- b. Employees shall not lend their identification cards, badges, weapons or other official or Departmental items or equipment to any unauthorized person, including other law enforcement personnel.
- c. Employees shall not allow any reproduction of official Department issued identification cards or badges.

13. Searches and Contraband

- a. Departmental staff shall be subject to pat down or frisk searches at any time upon authorization of the Director/designee.
- b. An employee may be strip searched upon authorization by the Director/designee, if probable cause exists that an employee is introducing or removing contraband. Any strip search shall be conducted in a private location by members of the same sex as the employee being searched.
- c. Departmental staff entering any LMDC facility in possession of bags, purses, briefcases, containers, etc. shall be subject to search and/or processed through the metal detectors.
- d. The following items, to include but not limited to, shall be considered contraband for the staff assigned to secure areas, and shall not be permitted within the security perimeter unless authorized by the Director/designee:
  - i. Personal cell phones;
  - ii. Laptop computers/iPads/electronic tablets/electronic readers;
  - iii. Voice/video recording devices;
  - iv. Portable DVD/CD/MP3/iPod players;

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- v. AM/FM radios;
  - vi. Tobacco products and related items (i.e., lighters, matches, rolling papers, etc.); and
  - vii. Personal reading material.
- 
- e. Only Departmental issued cell phones are permissible within the security perimeter.
  - f. Departmental issued AM/FM radios are permissible within the security perimeter.
  - g. Lockers are available to staff for storage of the above listed items in the non-secured areas.

14. Additional Considerations

- a. Employees shall maintain a residential telephone and/or cell phone and inform the Department of the telephone number(s).
- b. Employees shall notify the Department, and update through the PeopleSoft/My HR database, within twenty-four (24) hours of any change in telephone numbers and/or address.
- c. Employees shall not engage in any outside or secondary employment without the prior written approval of the Director/designee.
- d. Each violation of this policy shall be reviewed on a case-by-case basis and may be cause for disciplinary action, up to and including termination.

15. Conformance to Law

- a. Employees are required to adhere to Departmental policies and procedures, Louisville Metro Government Personnel Policies and all local, state and federal laws.
- b. All employees involved in any civil or criminal legal action, either as a party or a witness, are required to notify the Director's Office and provide requested documentation or subpoenas as soon as possible.

16. Punctuality

- a. Employees shall be punctual in reporting for duty at the time and place specified by their supervisor.
- b. Employees shall not be absent from duty without leave (AWOL) or without authorization from their supervisor.