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## 1-9 Gifts to Government Officials

**FSC EFFECTIVE DATE:** SEPTEMBER 2, 2017

**FSC SUPERSEDES DATE:** N/A

**FACILITY:**

**FACILITY SUPERSEDES DATE:**

**FACILITY EFFECTIVE DATE:**

### **POLICY:**

CoreCivic will comply in all respects with laws and regulations concerning the provision of gifts and gratuities to government officials and prohibiting corruption and bribery. This policy defines certain policies and procedures and provides guidance to CoreCivic employees with respect to this commitment. In some circumstances, the procedures in this policy may exceed the requirements of applicable law. Even in those cases, CoreCivic employees must comply with all procedures in this policy.

### **AUTHORITY:**

CoreCivic Company Policy

### **DEFINITIONS:**

Company – CoreCivic and those subject to its policies.

Ethics and Compliance- The corporate Ethics and Compliance Officer or his or her designee.

Foreign – Relating to any country other than the United States.

Government Official – Officers and employees of any government or any person acting on behalf of any government, department or agency or public international organization (e.g., the World Health Organization); any candidate for political office; any political party official; any political party; and any employee of an instrumentality of a government. When in doubt about whether an individual in a foreign country should be considered a foreign “Government Official,” contact the Office of General Counsel.

Immediate family member - Husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

Office of General Counsel – The General Counsel or designee.

Thing of Value – Anything of value, including but not limited to, monetary payments, gifts, entertainment, meals, beverages, lodging, travel expenses, social events hosted by the company, charitable contributions, services, use of company facilities or equipment, hiring of friends or immediate family members, and lobbying expenses.

Third-Party Foreign Intermediary – Any independent contractor, supplier, distributor, representative or agent of any kind which has a reasonable possibility of: (1) interacting with a foreign Government Official on behalf of the Company; or (2) contracting or otherwise transacting business in or directed at a foreign country with other parties on behalf of the Company. It is not intended to apply to any person or entity who, based on all of the circumstances, in no event could ever reasonably be said to act on behalf of the Company.

### **PROCEDURES INDEX:**

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## **PROCEDURES:**

### **A. PROVIDING THINGS OF VALUE TO GOVERNMENT OFFICIALS**

- A1. No CoreCivic employee may offer or provide a Thing of Value to a Government Official unless he or she knows that doing so is lawful and consistent with this Policy. In no event shall a proposed Thing of Value be offered or provided to induce a Government Official to exercise his or her influence regarding specific official powers, such as favorable treatment in connection with a contract award, or for or because of an official act, whether the official act was taken in the past or is to be taken in the future.
- A2. Procedure
  - A2a. Corporate Contributions – Company political and government relations activities, including corporate political contributions and lobbying activity, are subject to Policy 3-28 "Government Relations."
  - A2b. Other Offerings - Prior to offering or providing a Thing of Value to a Government Official or any immediate family member of a Government Official, an employee must provide the Ethics and Compliance with completed form 1-9A, Gift/Gratuity Approval Form, which will include the following:
    - A2b1. a description of the proposed thing of value;
    - A2b2. the dollar value of the proposed thing of value;
    - A2b3. any available documentation and/or receipts substantiating the value of the proposed thing of value;
    - A2b4. the business purpose of the proposed thing of value;
    - A2b5. the proposed date of the thing of value;
    - A2b6. a description of any business of the Company which the Government Official is in a position to influence;
    - A2b7. the proposing employee's certification that the thing of value is not being offered or provided to induce a Government Official to exercise his or her influence regarding specific official powers, such as favorable treatment in connection with a contract award, or for or because of an official act, whether the official act was taken in the past or is to be taken in the future.
- A3. If Ethics and Compliance determines that the offer or provision of the thing of value does not represent a risk of noncompliance with any law, rule or regulation governing the provision or receipt of gifts or gratuities to Government Officials, Ethics and Compliance may notify the employee that the offer or provision of the thing of value is permitted.

### **B. RECORD-KEEPING**

- B.1 In addition to the requirements of Policy 2-9, Travel and Entertainment and any other applicable CoreCivic policy, any employee who provides a Thing of Value to any Government Official or immediate family member of a Government Official shall, after providing the thing of value, maintain documentation and/or receipts substantiating the value of the thing of value. The documentation and/or receipts must include the completed Form 1-9A, Gifts to Government Official Approval Form.
- B2. The documentation required by this Policy must be maintained in accordance with Policy 1-15, Records Retention, for a period of six (6) years and will be subject to audit by the Office of General Counsel or designee.

### **C. REPORTING VIOLATIONS**

- C1. Employees must promptly report violations of this Policy or other applicable regulations to Ethics and Compliance or the General Counsel Office of Investigations. Examples of violations include:
  - C1a. A Government Official's request(s) for personal payment in return for the Government Official ensuring that official action will or will not be taken;
  - C1b. Unusual methods of payments for government services (e.g., payment through a third-party country or institution);
  - C1c. Payment in excess of the amount usually required for the specified government services;
  - C1d. Payment for government assessments or services in cash;
  - C1e. Reasonably credible report of suspicious, unethical, or unlawful conduct about a Government Official; and
  - C1f. Requests or demands that the company retain or utilize specific agents, intermediaries, vendors or service providers.

C2. Violations of this policy may result in disciplinary action, up to and including termination of employment.

**D. FOREIGN ANTI-CORRUPTION**

E. CoreCivic will comply in all respects with laws and regulations prohibiting corruption and bribery related to foreign officials and international business activity. Specialized regulations apply to providing things of value to foreign government officials, both directly or through third-party foreign intermediaries. Items intended for foreign officials must be approved in accordance with sections A-C of this policy. Additionally, any employee seeking to engage a third-party foreign intermediary must seek prior written approval from Ethics and Compliance.

**F. PROVIDING THINGS OF VALUE TO OTHER THIRD PARTIES**

Policy 3-27, Business Gifts, states CoreCivic policies for receiving things of value and offering gifts to persons other than Government Officials. In general, nothing of value may be given to corruptly or unlawfully induce any person to obtain or retain business or obtain an improper business advantage, and a CoreCivic employee may not give anything of value to any person if the CoreCivic employee is aware that the recipient is prohibited from accepting the gift under policies applicable to the recipient.

**G. ACKNOWLEDGEMENT**

G1. Each CoreCivic employee will be provided a copy of this policy to read and is required to acknowledge by signing the 1-9B Gifts to Government Officials Acknowledgement form upon initiation of employment and any subsequent policy changes thereafter.

G2. The Human Resource Representative or designee will be responsible for maintaining the 1-9B form in accordance with CoreCivic Policy 3-9 Personnel Records.

**H. COMMUNICATION AND TRAINING**

Communications and training regarding this policy will be provided as determined by Ethics and Compliance.

**REVIEW:**

This policy will be reviewed by the President/CEO and Ethics and Compliance on an annual basis or more frequently as needed.

**APPLICABILITY:**

All CoreCivic Facilities

**APPENDICES:**

None

**ATTACHMENTS:**

- 1-9A Gifts to Government Officials Approval Form
- 1-9B Gifts to Government Officials Acknowledgement Form

**REFERENCES:**

- CoreCivic Policy 2-10
- CoreCivic Policy 3-3
- CoreCivic Policy 3-9
- CoreCivic Policy 3-27
- CoreCivic Policy 3-28

American Correctional Association (ACA) Standards:

None