



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject

Relationships with Offenders and their Families

Section – Policy Number:
0-2.2

Supersedes:
II-B-1.0 (11/02)

Effective Date:
12/15/06

Date of Last Review/Revision:
None

Related Standards and References:

- [ORS 162.415](#) (Official Misconduct in the First Degree)
- [ORS 163.452](#) (Custodial Sexual Misconduct)
- [ORS 419B.005 through 419B.050](#) (Child Abuse Reporting)
- [Public Law 107-79](#) (Prison Rape Elimination Act)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 3-JTS-1C-23 (Code of Ethics)
- American Probation and Parole Association (APPA) Code of Ethics
- National Institute of Corrections Staff Sexual Misconduct with Offenders: [Policy Development Guide for Community Corrections Administrators](#)
- OYA policy: [0-2.0](#) (Principles of Conduct)
[0-2.1](#) (Professional Standards)
[0-2.4](#) (Conflict of Interest)
[I-E-2.3](#) (Requests for Offender Records, Reports, and Other Materials)

Related Procedures:

- None

Interpretation: Business Services

Approved:

Robert S. Jester, Director

I. PURPOSE:

This policy provides staff with the OYA's expectations regarding professional boundaries with offenders in the following circumstances:

1. When a relationship with an offender or the offender's family exists prior to the offender entering custody;

2. When a professional relationship is established with an offender or the offender's family after the offender enters OYA custody;
3. Any other relationship where a potential conflict of interest or violation of professional boundaries may exist.

A Frequently Asked Questions (FAQ) document is provided at the end of the policy to address a number of circumstances staff may experience as it relates to contact with offenders and their families in the community. The FAQ provides a list of red flags identified by the National Institute of Corrections for staff to be particularly mindful of to avoid violating professional boundaries.

II. POLICY DEFINITIONS:

Dual Relationships: The act of simultaneously maintaining a professional relationship and a personal, business, or romantic relationship or a relationship or another authority (e.g. parent or grandparent) with an offender.

Offender: A person placed in OYA legal or physical custody, who is supervised by OYA staff either in a close custody facility or on parole or probation status in the community. Such persons include offenders placed in the legal custody of the Oregon Department of Corrections (DOC) or other agencies, and placed in OYA physical custody.

Personal relationship: A relationship that develops outside a staff's or volunteer's professional capacity and includes giving or accepting gifts, favors or special considerations of any kind, no matter how trivial they may seem. This includes social relationships, business relationships, and romantic relationships.

Professional capacity: Actions that are directly related to job or volunteer responsibilities and are conducted during approved work hours and in relation to the offender's reformation plan.

Professional Relationship: An interaction between OYA staff members and offenders that occurs while OYA staff are performing their official job duties.

Staff: OYA employees, volunteers, and facility school personnel.

III. POLICY:

OYA expects staff to adhere to and demonstrate the values and standards expressed in the Principles of Conduct (OYA Policy 0-2.0 Principles of Conduct).

Staff provide professional services to offenders and their families to assist offenders in achieving reformation goals. Establishing appropriate boundaries with offenders is vital for OYA to accomplish its mission. A professional relationship between staff and offenders begins the moment an offender is placed in OYA's custody and staff interact with offenders while performing their official job duties. Once a professional relationship is established with an offender, the ethics of our profession acknowledge that appropriate boundaries

must be maintained while an offender is in OYA custody and after the offender has been terminated from custody.

Specifically, OYA prohibits the establishment of “Dual Relationships” with offenders and their families. Such relationships are unethical and compromise staff and offender safety and objectivity. “Dual Relationships” are detrimental to offenders, their families and staff and may constitute criminal activity, result in loss of employment, or cause OYA to deny access to facilities or offenders.

In addition, staff have access to confidential information regarding offenders currently in OYA custody and offenders whose custody has been terminated. As a result, staff must be diligent and avoid using their professional capacity to access information about offenders that is beyond the scope of their duties as an employee of OYA.

IV. GENERAL STANDARDS:

- A. Relationships with offenders or the offender’s family that were established prior to OYA custody.
 - 1. In the event staff have established a relationship with an offender or the offender’s family that existed prior to OYA assuming custody, staff must report this relationship immediately upon the offender’s commitment to OYA.
 - 2. OYA will take action to limit the contact between staff and the offender in the work unit.
 - a) Staff will avoid any circumstance where they provide direct or indirect supervision of or have any case management influence over offenders where a preexisting relationship exists.
 - b) OYA acknowledges that the relationship with the offender and the offender’s family may resume after the offender is terminated from OYA custody.
 - 3. Staff under no circumstances will access information regarding the offender and share this information with the offender’s family. This includes:
 - a) Case file records and information;
 - b) Information found in JJIS;
 - c) Information regarding the offender from other staff members.
 - 4. Supervisor/Manager Responsibilities

- a) The Supervisor/Manager who receives such information is responsible for documenting the information and informing other affected management staff.
 - b) If cause exists to initiate corrective action, the Supervisor/Manager will inform the appropriate Assistant Director and Employee Services.
 - c) The Supervisor/Manager will develop a plan with the staff to ensure a dual relationship does not exist.
- B. Relationships with offenders or the offender's family established while the offender is in OYA custody.
- 1. Staff will not engage in personal, business, or romantic relationships with an offender or an offender's family.
 - 2. All contact between staff and an offender and the offender's family while the offender is in OYA custody will be in a professional capacity.
 - 3. The establishment of a professional relationship with an offender and the offender's family precludes staff from developing a personal, business, or romantic relationship while the offender is in OYA custody or after the former offender's commitment to OYA is terminated. The establishment of a personal, business, or romantic relationship may constitute criminal activity, result in a loss of employment or volunteer status, or cause OYA to deny access to facilities or offenders.
- C. In the event of a circumstance where a potential conflict of interest, conflict with this policy or breach of professional boundaries exists, staff must immediately report the circumstance to their supervisor/manager for guidance.
- V. **LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED:** An FAQ is attached to provide additional information for staff.

Frequently Asked Questions (FAQs)

Relationships with Offenders and their Families

1. What is the agency's concern regarding staff relationships with offenders and the offender's family?

OYA is concerned about making sure that staff always establish professional boundaries with offenders and the offender's family so they can maintain their objectivity. The ethics of our profession require that staff guard against establishing what are known as "Dual Relationships" with offenders. Dual relationships occur when staff simultaneously maintain the role of a corrections professional and a personal, business, or romantic relationship or a relationship of a different authority (such as a parent) with an offender.

OYA will take action to avoid the creation of a dual relationship in the event a staff member has relationship with an offender that existed prior to the offender entering OYA custody. In essence, OYA will prohibit the staff from working in a professional capacity with the offender if this circumstance exists.

2. Why is this important?

A professional relationship with offenders in OYA necessitates an imbalance of power. Staff have access to privileged information (e.g. psychological, medical, abuse and neglect information) about the offender and his/her family. Access to this privileged information about an offender would not normally be available or revealed to staff in a non-professional capacity. Because of this access, ethics demand that staff engage in activities solely limited to those in a professional capacity. Many careers in our field have been ruined because of staff disregarding these limits. Once a professional relationship is established it must be maintained regardless of whether the offender is currently in OYA custody or not.

3. My nephew, niece, grandson, or granddaughter has been committed to OYA. What steps must I take to comply with this policy?

This needs to be reported to your supervisor/manager immediately. A plan will be developed to ensure that you will have no professional responsibility for the care, supervision or treatment of the offender (hence, a dual relationship). Policy prohibits staff from accessing case file information or other information concerning the offender.

4. What if I establish a relationship with a parent or former offender (that is, an offender that is not longer in OYA or DOC legal custody and off parole or probation) and I never worked with the offender in a professional capacity?

The policy clearly prohibits all OYA staff from entering into a personal, business, or romantic relationship with an offender or the offender's family if the youth is in OYA custody. This particular question is aimed at a circumstance where a staff that never worked with an offender in a professional capacity during any time the offender was in a YCF or supervised in the community on probation or parole establishes a

personal relationship with a former offender or the former offender's family member. This is a circumstance that is addressed in section IV C of the policy as a potential conflict which may exist. Staff should report this circumstance to their manager/supervisor to ensure a professional relationship was never established. If a professional relationship has never been established with an offender, no dual relationship would exist. As a result, the staff's personal relationship is not prohibited by this policy. Staff should be advised in this circumstance that they should never use their position to access JJIS, case file, or other information regarding the offender. To do so would be a violation of OYA policy.

5. What about contacts within the community with present or former OYA offenders that occur while I'm off duty?

OYA is not concerned with incidental contact with offenders that take place in the community (i.e. while shopping or contact with an offender that is working at a gas station where you purchase fuel). These interactions are referred to as "*de minimis*" contacts and no action by staff needs to be taken if these contacts occur. However, brief contacts with offenders that lead to social interactions or business relationships must be reported. The same holds true if social or business relationships are entered into with members of the offender's family. OYA staff must avoid having their professional objectivity compromised and the appearance of a violation of professional boundaries.

6. What are the circumstances that constitute a violation of professional boundaries with offenders after a professional relationship is established?

The following behavior is prohibited:

1. Engaging in personal, business or romantic relationships with offenders. This includes establishing a personal, business, or romantic relationship with offenders after OYA custody has been terminated. This includes:
 - giving or accepting gifts;
 - favors or special considerations of any kind (no matter how trivial they may seem);
 - exchanging of personal information (e.g. phone numbers and addresses).
2. Inappropriate physical contact and horseplay is prohibited.
3. Having offenders work for staff even if the offender is paid.
4. Bartering with, selling to, or purchasing items from an offender.
5. Contacting the offender or their family via telephone, email, fax or mail, except in a professional capacity.
6. Allowing offenders access to staff's personal property. This includes entering automobiles or the staff's residence.
7. Giving contraband to offenders.

8. Staff using their professional relationship with an offender or their family to further their personal, religious, political, sexual or financial interests.

7. What am I required to do if a potential violation of professional boundaries exists?

This must be reported to your supervisor/manager so the situation can be discussed and a plan can be established to remedy the situation. The following are examples of a circumstance that must be reported.

1. A staff member enters into a dating relationship with a person and learns the person has a child in OYA custody in another facility or state region.
2. A staff member learns that their son or daughter is dating an offender that was supervised by the staff member while the offender was in OYA custody.

8. Sometimes offenders contact me at work to inform me of their progresses or significant events in their lives. What is the agency's expectation in this circumstance?

As long as this contact remains within the scope of a professional capacity (that is, the offender contacts you at work and the interaction is restricted to issues concerning the offender's reformation), then it is acceptable. This is especially true if the contact is part of the offender's case plan. For example, the case plan could include language that directs the offender to call the QMHP every two weeks for the first three months after release from a YCF.

If an offender contacts staff for reasons that are outside of the case plan, to avoid any appearance of a violation of professional boundaries, staff should report the contact to a their immediate supervisor/manager after an offender calls. For case management reasons, if the offender is in OYA custody the offender's Parole Officer should be notified of the contact. However, if a staff provides the offender their home address or phone number (actions that may promote a social relationship which is beyond the scope of a professional relationship) then a violation of this policy has occurred.

9. What action should the supervisor/manager take in response to the circumstance described in Question # 7?

The purpose of staff reporting the contact and informing the supervisor/manager in the situation described in Question # 7 is to create transparency around offender contact. These situations do not require any documentation by the supervisor/manager.

10. The policy refers to activities that may constitute criminal activity. What conduct is the policy referring to?

There are two types of crimes that staff could be charged with depending on the nature and circumstances of on- or off-duty conduct. If a romantic/sexual relationship is established, the crime of Custodial Sexual Misconduct may have been

committed. Regardless of whether a crime has been committed, establishing a romantic/sexual relationship with an offender is unethical and a violation of OYA policy.

The second type of criminal offense that staff could be charged with is Official Misconduct. Official Misconduct occurs when a staff, with intent to obtain a benefit or to harm another, knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of office or if the staff knowingly performs an act constituting an unauthorized exercise in official duties.

11. Sexual misconduct by corrections staff has received a great deal of media attention. What can I do to protect myself or avoid the appearance of such conduct?

Sexual misconduct in the field of juvenile corrections, although infrequent, does occur. It is imperative that staff continually reevaluate themselves in light of the ethics of their profession, professional standards, OYA policy, and possible risk factors associated with sexual misconduct. If issues related to professional boundaries are indicated through self assessment, staff should seek guidance from their supervisor or manager.

The following events, actions, and activities have been identified by the National Institute of Corrections as “Red Flags” indicating the potential of staff sexual misconduct.

If staff observe a coworker engage in one or more of the “Red Flags” listed below, they should address their concerns with their coworker and/or seek guidance from their supervisor/manager. This is difficult to do, but if experience is our guide, experience has demonstrated time and again that staff we would never suspect or believe capable of sexual misconduct have unfortunately engaged in illegal sexual behavior. Stressful events and difficult circumstances can have a debilitating effect on staff judgment. Addressing the “Red Flag” behaviors listed below can help staff avoid the tragedy of sexual misconduct.

Indicators of possible staff sexual misconduct:

- Over-identifying with the offender (my offender) or their issues (i.e. blind to offenders actions);
- Reluctance to closely supervise a particular offender(s);
- Early termination of supervision outside of normal practices;
- Horseplay, interaction with sexual overtones between staff and offenders;
- Offenders knowing personal information about staff;
- Staff isolation from others;
- Offender has letters or photos of staff;
- Staff granting special requests or showing favoritism;
- Offenders appearing in the office when not scheduled or required;
- Staff spending an unexplainable amount of time with an offender;
- Excessive telephone calls to and from staff/offender with no official purpose;
- Staff in the office during “off hours”;
- Staff overly concerned about an offender;
- Drastic change in behavior or appearance of an offender or staff – dress, makeup, hair;

- Staff allowing offender to perform a service such as a car repair, housecleaning etc.;
- High/low number of offender grievances;
- Staff intercepting offender violation (incident) reports, or attempting to persuade another staff from filing a probation/parole violation against the offender;
- Staff can't account for time;
- Staff's family being involved with offender's family;
- Staff transporting offenders in their car to appointments, etc.;
- Staff in personal crisis (divorce, ill health, bankruptcy, death in family);
- Staff consistently works more overtime than peers;
- Staff has excessive knowledge about an offender and his/her family;
- Staff intervening, or helping with the offender's personal life, legal affairs, etc. when it is not necessary to the supervision of that offender;
- Staff accepting or giving gifts to or from an offender;
- Staff testifying for an offender, or requesting special treatment for an offender;
- Overheard conversations between staff and offenders which are sexualized in nature, or refers to the physical attributes of staff or offenders;
- Sexual or personal banter between staff or staff and offenders;
- Offenders using staff's first name when it is not the standard procedure in the agency or office.