



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part 0 – Mission, Values, Principles



Subject:

#### Relationships with Offenders and Their Families

Section – Policy Number:

**0-2.2**

Supersedes:

**0-2.2 (12/08)**

**0-2.2 (12/06)**

**II-B-1.0 (11/02)**

Effective Date:

**07/25/2011**

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)
- [ORS Chapter 244](#) (Government Standards and Practices)
- Oregon Government Ethics Commission: [A Guide for Public Officials](#)
- 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-A-10.0 (Preventing, Responding to, and Monitoring Offender Sexual Abuse)  
I-E-2.3 (Requests for Offender Records, Reports, and Other Materials)
- [OYA forms](#): YA 8130 (Conflict of Interest Notification and Review)

#### Related Procedures:

- None

#### Policy Owner:

Professional Standards Office  
Administrator

#### Approved

Colette S. Peters, Director

#### I. PURPOSE:

This policy provides staff with OYA's expectations regarding professional boundaries with offenders, former offenders, and their families 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 physical or legal 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 attached to the policy to address situations staff may experience about interacting with offenders or former offenders and their families in the community. The FAQ also lists "red flag" behaviors identified by the National Institute of Corrections staff must mindfully avoid in order to maintain professional boundaries.

## II. POLICY DEFINITIONS:

**Dual relationships:** Simultaneously maintaining a professional relationship and a personal or family relationship with an offender, former offender, or his/her family.

**Family member:** Includes legal spouse, domestic partner, parent, guardian, sibling, child, aunt, uncle, grandchildren and grandparents, including foster, in-law, step relationships; and the caregiver of the offender's minor child(ren).

**Former offender:** 1) Any offender no longer in OYA legal or physical custody who has not reached the age of majority (18); and 2) any offender who is at least 18 years old for whom less than three years have elapsed since OYA legal or physical custody has terminated, and since supervision in the community by any supervising authority for the adjudication or conviction that resulted in OYA legal or physical custody has terminated.

**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 professional capacity and includes giving or accepting gifts, favors or special considerations of any kind, no matter how trivial they may seem. Personal relationships also include but are not limited to dating, sharing living accommodations, and intimate or sexual relationships, regardless of gender.

**Potential conflict of interest:** Any relationship that is or appears to be not in the best interest of OYA. A conflict of interest could interfere with an individual's ability to perform his or her duties and responsibilities objectively.

**Private business relationship:** For purposes of this policy, a private business relationship involves lending or borrowing money; or being a partner, associate,

consultant, or advisor in business matters.

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

**Professional relationship:** A relationship that occurs while OYA staff are performing their official job duties in a professional capacity.

### III. POLICY:

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

OYA 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 begins the moment an offender is placed in OYA's custody and staff interact with the offender while performing their official job duties. Once a professional relationship is established with an offender, appropriate boundaries must be continued while an offender is in OYA physical or legal custody and as a former offender.

This policy applies to relationships between OYA staff and – offenders, former offenders, and offenders'/former offenders' families. Former offenders include any offender no longer in OYA legal or physical custody who has not reached the age of majority (18); and any offender who is at least 18 years old for whom less than three years have elapsed since OYA legal or physical custody has terminated, and since supervision in the community by any supervising authority for the adjudication or conviction that resulted in OYA legal or physical custody has terminated.

Specifically, OYA prohibits staff from establishing dual relationships with – offenders, former offenders, and their families. Such relationships are unethical and may compromise staff and offender safety or objectivity. Dual relationships may constitute criminal activity, result in staff loss of employment, or cause OYA to deny staff access to facilities or offenders.

In addition, staff have access to confidential information regarding offenders and former offenders. As a result, staff must be diligent and not use their professional capacities to access information about offenders and former offenders outside the normal scope of their work duties.

### IV. GENERAL STANDARDS:

- A. Relationships with offenders, former offenders, or their families that were established prior to OYA physical or legal custody.
  - 1. If staff have an established relationship with an offender or the offender's family that existed prior to OYA assuming the offender's custody, staff must report this relationship immediately to the staff's

supervisor when the staff becomes aware of the offender's commitment or transfer to OYA.

- a) Staff must also notify their supervisors when staff become aware of an established relationship with a former offender or former offender's family.
- b) Supervisors must ensure the staff member completes OYA form YA 8130 (Conflict of Interest Notification & Review) to document the notification.

- 2. OYA will take action to limit the contact between the staff member and the offender during the offender's placement in OYA physical or legal custody.

Staff will avoid any circumstance where they provide direct or indirect supervision of or have any case management influence over an offender or former offender with whom a preexisting relationship exists.

- 3. Staff must not access information regarding the offender or former offender or share this information with the offender's or former offender's family. This includes:

- a) Case file records and information;
- b) Any JJIS information; and
- c) Information regarding the offender or former offender from other staff members.

- 4. Supervisor Responsibilities

- a) The supervisor who receives notification from a staff member regarding the staff member's preexisting relationship with an offender, former offender or an offender's/former offender's family must ensure the staff member completes OYA form YA 8130 (Conflict of Interest Notification & Review) pursuant to OYA policy 0-2.4 (Conflict of Interest) and inform other affected management staff.
- b) If cause exists to initiate corrective action, the supervisor must inform the appropriate assistant director and the Human Resources Section.
- c) The supervisor must develop and document a plan with the staff member to ensure a dual relationship does not exist.

- B. Relationships with offenders, former offenders, or their families established while the offender is/was in OYA physical or legal custody.

1. Staff will not engage in a personal relationship with an offender, former offender, or an offender's/former offender's family.
2. Staff may contact and interact with offenders, former offenders, and offender's/former offender's families in a professional capacity.
  - a) Contact and interactions in a professional capacity may occur during a staff member's non-working hours as long as the contact or interaction does not constitute a "personal relationship" or "private business relationship" as defined in this policy.
  - b) Any interaction or contact during a staff member's non-working hours other than incidental may be perceived as outside a professional capacity and must be reported by the staff member to the staff member's supervisor via a YA 8130 (Conflict of Interest Notification and Review).
  - c) The supervisor will follow steps outlined above (section IV.A.4.) to determine whether the staff member's reported contact or interaction is allowable.
3. Business relationships

Staff and staff's immediate family must not have private business relationships with offenders, former offenders, or their families. Private business relationships include either party lending or borrowing money; or being a partner, associate, consultant, or advisor in business matters.

- a) Exception:

When no option is available but to have a private business relationship with an offender's or former offender's **family member**, the staff member must notify his/her supervisor of the situation through the conflict of interest notification process described in OYA policy 0-2.4 (Conflict of Interest).

- b) Sale of items produced by offenders

Staff may purchase items produced by offenders through vocational or educational programs when the items are available to members of the general public in the same way. This is not considered a private business relationship.

4. The development of a personal or private business relationship with an offender or former offender may constitute criminal activity, result in a loss of employment, or denial of 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 notify, in writing, their supervisor as soon as the staff knows of the event or circumstance.

OYA form YA 8130 (Conflict of Interest Notification & Review) will be used to document the notification.

**V. LOCAL OPERATING PROTOCOL REQUIRED: NO**

A Frequently Asked Questions (FAQ) document is attached to this policy to provide additional information for staff.

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 offenders' families so they can maintain their objectivity. The ethics of our profession require that staff guard against establishing "dual relationships" with offenders. Dual relationships occur when staff simultaneously maintain relationships with an offender, former offender, or offender's/former offender's family as a corrections professional and on a personal or private business level.

*OYA will take action to avoid dual relationships in the event a staff member has a relationship with an offender that existed prior to the offender entering OYA physical or legal 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?

Professional relationships between OYA staff and offenders in OYA custody result in imbalances of power. Many staff have control of or influence over offenders while in our facilities or on community supervision. Staff also have access to restricted information (e.g. psychological, medical, abuse and neglect information) about offenders, former offenders, and their families. This information would not be disclosed to staff in a non-professional capacity. Because of this access to information and possible control or influence over offenders, ethics require staff engage in activities limited to those in a professional capacity. Correctional careers have been ruined because of some staff's disregard for these limits.

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 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, avoiding a dual relationship). Policy also prohibits staff from accessing case file information or other information concerning the offender.

4. What about contacts within the community with OYA offenders that occur while I'm off duty?

OYA is not concerned with incidental contact with offenders or former offenders that take place in the community (e.g. while shopping or contact with an offender that is working at a gas station where you purchase fuel). These interactions are referred to as "incidental" and staff need not take action if these contacts occur. However, brief contacts with offenders that lead to social or business interactions must be reported (e.g. contact that leads to a conversation over coffee in a public area). The same holds true if social or private business relationships are entered into with members of the offender's family. OYA staff must not jeopardize their professional objectivity nor appear to violate professional boundaries. Reporting the contact

allows the staff member's supervisor to determine whether the contact is/was appropriate and may continue or not.

5. What are the circumstances that constitute a violation of professional boundaries with offenders or former offenders?

The following behavior is prohibited:

- a) Engaging in personal relationships or private business relationships with offenders, former offenders, or their families.

This includes:

- dating;
- sharing living accommodations;
- intimate or sexual relationships;
- lending or borrowing money; or
- being a partner, associate, consultant, or advisor in business matters.

- b) Giving or accepting gifts or money.

- c) Favors or special considerations of any kind (no matter how trivial they may seem).

- d) Exchanging personal information (e.g. personal phone numbers, home addresses, personal e-mail addresses, social media networking);

- e) Inappropriate physical contact and any type of horseplay.

- f) Having offenders perform services or produce items for staff outside of OYA policy or procedure.

- g) Contacting the offender, former offender, or their family via telephone, e-mail, fax, mail, or social media networking, except in a professional capacity.

- h) Allowing offenders or former offenders access to staff's personal property. This includes entering vehicles or the staff's residence. (See question 6 for reporting potential conflicts of interest in this scenario.)

- i) Giving prohibited items (contraband) to offenders.

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

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

This is considered a potential conflict of interest and must be reported in writing (via YA 8130 Conflict of Interest Notification and Review) to your supervisor for discussion and to establish a plan to prevent a personal or private business

relationship, if needed. The following are example of circumstances that must be reported.

- a) A staff member enters into a dating relationship with a person and learns the person has a child in OYA physical or legal custody in another facility or state region.
- b) A staff member learns that their son or daughter is dating a former offender that was supervised by the staff member while the former offender was in OYA physical or legal custody.
- c) A former offender and staff member who had a previous OYA professional relationship attend the same organization meetings or events (e.g. church, sports club/team, and community service clubs) and interact with each other during the meetings or events.

7. What action should the supervisor take in response to the circumstance described in Question # 6?

The supervisor should respond to the circumstance as a potential conflict of interest. The supervisor must ensure the staff member completes OYA form YA 8130 (Conflict of Interest Notification & Review) pursuant to OYA policy 0-2.4 (Conflict of Interest). Depending on the details of the circumstance, a plan may be established with the staff member to prevent an actual conflict of interest.

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. The contact must be documented in JJIS case notes.

If an offender or former 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 supervisor after an offender calls. For case management reasons, if the offender is in OYA physical or legal custody the offender's juvenile parole/probation officer (JPPO) should be notified of the contact. The JPPO or contacted staff member will document the contact in JJIS case notes. However, if a staff provides the offender their home address or personal phone number (actions that may promote a relationship which is beyond the scope of a professional relationship) then a violation of this policy has occurred.

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

There are at least two types of crimes that staff could be charged with depending on the nature and circumstances of on- or off-duty conduct. If a dating, intimate, or sexual relationship is established, the crime of Custodial Sexual Misconduct may have been committed. Regardless of whether a crime has been committed, establishing a dating, intimate, or sexual relationship with an offender is unethical and a violation of OYA policy.

Another crime 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.

10. 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 does occur. It is imperative that staff continually reevaluate themselves in light of the ethics of their profession, professional standards, OYA policy, Prison Rape Elimination Act (PREA) Standards, 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.

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 seek guidance from their supervisor. 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 such 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 offender’s 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 private car to appointments, etc.;
- Staff in personal crisis (divorce, ill health, bankruptcy, death in family) and appears to be participating in any of the scenarios on this list;
- 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.