

JUVENILE REHABILITATION

Policy 1.20– Establishing JR Standards of Conduct
Summary

- Establishes mandatory standards of conduct for Juvenile Rehabilitation employees, contractors, volunteers and interns

Background:

The policy was updated as a sunset review to clarify procedures and address organization and technical edits.

Policy Summary

The policy addresses expectations for staff regarding honesty and integrity in actions, respectful and professional treatment of youth, families, members of the public, and coworkers, requirements for equity of access to services and treatment without discrimination, focus on improving outcomes for youth, promoting and protecting physical and emotional safety, expectations for cultural curiosity and cultural humility, protection of confidentiality of client information, maintaining professional and supportive relationships with youth, and prohibitions on providing contraband and restricted property to youth. The policy references DSHS Administrative Policy expectations for staff as well.

Changes from Former Practice

- Use of personal cell phones or other personal electronic devices while supervising youth is prohibited.
- Staff may only take photos of youth on DSHS phones or cameras.
- Clarification that staff may not provide drugs, drug paraphernalia, alcohol, tobacco or any illegal substances to youth.
- Clarification of language regarding staff personal relationships with youth (section 16)

Training Required: No

Policy Effective Date: December 31, 2018

Staff members are responsible for reading and understanding the information contained in the full policy. Review of this summary is not sufficient for full understanding.

POLICY 1.20 ESTABLISHING JR STANDARDS OF CONDUCT

Policy Committee Chair

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Approved



Marybeth Queral, Assistant Secretary
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12/14/2018

Authorizing Sources

28 CFR Part 115 PREA Juvenile Facility
Standards
RCW 9.94.043
RCW 9A.44.160-170
RCW 13.40.460
RCW Chapter 26.44
RCW Chapter 70.02
DCYF AP 2.01, 3.02, 4.01
DCYF AP 6.01, 6.04, 6.06
DCYF AP 11.01, 11.13, 11.14, 11.20, 11.21
DCYF AP Chapter 12
DCYF AP 13.04

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12/31/2022

I. PURPOSE AND SCOPE

The purpose of this policy is to address the standards of conduct embodied in DCYF policies, statement of mission, vision and core set of values so Juvenile Rehabilitation (JR) staff members will better understand prohibitions and limitations pertaining to their conduct and activities, especially when interacting with youth and young adults (“youth”). Additional guidance on matters of conduct is provided by specific policies, procedures, standards, and directives. This policy sets forth general guidelines for the standards of conduct in JR, but does not provide an exhaustive list of all types of impermissible conduct and performance.

Staff members¹ include staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR), and are responsible for reviewing and complying with JR policies.

II. POLICY²

- 1. Staff members will be honest and act with integrity in every aspect of dealing with youth, families, colleagues, members of the public, vendors, and other government authorities.**

¹ 08/25/2021 Technical Edit: Changed references throughout document from ‘staff’ to ‘staff members’ to clarify the policy applies to everyone working or volunteering in JR.

² 08/14/2019 Technical Edit: Updated references from DSHS to DCYF and added hyperlinks

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- 2. Staff members must treat youth, families and the public with respect, courtesy, and dignity.**
- 3. JR requires equity of access to the services and treatments and may not discriminate based on race, age, gender, religion, religious beliefs, sexual orientation, gender identity, physical or mental disability, native language, nationality, or socioeconomic status.**
- 4. Staff members must conduct themselves in a professional manner with colleagues (including superiors, peers and subordinates), stakeholders and other professionals in the workplace and the community.**
- 5. Staff members must uphold a commitment to rehabilitation and improved outcomes for youth.**
- 6. Staff members must cultivate an understanding of the developmental approach to juvenile justice.**
- 7. Staff members must promote and protect:**
 - 7.1. Physical safety for youth, colleagues, clients, and others in the workplace and community through consistent supervision practices.
 - 7.2. Emotional and psychological safety in an environment free from implicit or explicit bias and discrimination.
- 8. Staff members will value cultural curiosity and cultural humility and embrace respect for the individual differences of youth, families and colleagues. Every staff member must demonstrate a commitment to understanding diverse cultures, social groups and individuals ([DCYF AP 6.01](#)³) and have an understanding of the impact of racial and ethnic disparity in the juvenile justice system.**
- 9. Staff members will use respectful and non-judgmental language when interacting with youth, families and colleagues, and will not:**
 - 9.1. Use an officious or overbearing attitude or use language that may belittle, ridicule, or intimidate people.
 - 9.2. Use profanity in the workplace at any time, regardless of whether youth are present.
- 10. Staff members must not use excessive force in applying restraint techniques or devices in accordance with Policy 5.10, *Using Physical Restraints with Youth*. Staff members must observe the civil rights of and protect the well-being of those in their charge.**
- 11. Staff members must protect the confidentiality of client information in accordance with Policy 1.40, *Managing JR Juvenile and Operations Records*, DCYF AP 13.04, and RCW 70.02.**
- 12. Staff members will actively engage with youth while on duty. Interactions between youth and staff members will be positive, and will reinforce skillful behavior.**

³ 08/18/2020 Technical Edit: Corrected reference to DCYF Admin policy from 6.02 to 6.01

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- 13. Staff members will not use their personal cell phones and other personal electronic devices while supervising youth.**
- 14. Staff members must protect the privacy of youth⁴, and are not permitted to take pictures, videos, or audio without written permission per DCYF AP 3.02, and must follow DCYF AP 3.01 before interacting with media. Staff will only take photos of youth on DCYF phones or cameras⁵.**
- 15. Staff members must not provide contraband or restricted property to youth.**
- 15.1. Staff members must not provide drugs, drug paraphernalia, alcohol, tobacco, or any illegal substances of any kind to youth under any circumstances.
- 15.2. Pornographic and sexually explicit material are prohibited in JR facilities. Staff members must not provide youth with these materials under any circumstances.
- 16. Staff members will develop and maintain healthy, supportive, and professional relationships with youth while youth are in JR care.**
- 16.1. Staff members must treat youth fairly while they are in JR care. Staff members must not show favoritism, provide special favors, give gifts, or allow special privileges at any time. Items of value donated for a specific youth must go through the facility's local donation process.
- 16.2. Staff members must maintain appropriate personal boundaries while working with JR youth.
- 16.2.1. Staff members will not exchange personal contact information with youth, including, but not limited to, personal telephone numbers, home addresses, personal email addresses, or social media information.
- 16.2.2. All non-incident personal contact with former residents outside the professional context must be reported to the JR appointing authority or designee.
- 16.2.3. Staff members who are contacted by former residents, including but not limited to contact through phone calls, text, social media, applications, and letters, will consult with the JR appointing authority or designee prior to responding.
- 16.3. Staff members must report the following to the JR Superintendent or Regional Administrator:
- 16.3.1. If staff members have an established personal relationship with a youth or the youth's family that existed prior to a youth's commitment to JR in order to reduce conflict of interest while the youth is in JR's care.
- 16.3.2. If staff members develop a personal relationship or engage in social activities with a youth or the youth's family after the end of a youth's commitment to JR.
- 16.4. Staff members will not develop dating or romantic relationships with youth currently in JR care.
- 16.5. Staff members will not develop dating or romantic relationships with former JR residents.
- 16.6. Staff members will not groom youth for future romantic involvement after release.
- 16.7. Any sexual contact with a JR youth, including but not limited to kissing and hand-holding, by a staff member is considered abusive, is prohibited, and may be subject to prosecution pursuant to RCW 9A.44.160-170. *Custodial Sexual Misconduct*. Any allegation of sexual abuse or contact

⁴ 08/25/2021 Technical Edit: Added clarity about requirements per DCYF policies.

⁵ 08/18/2020 Technical Edit: Added hyperlink to new DCYF policy.

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must be reported in accordance with Policy 5.91, *Reporting Abuse and Neglect of JR Youth*.

16.8. Staff members must immediately report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a jail, detention facility or JR facility, to the JR Superintendent or Regional Administrator per Policy 5.90, *Applying PREA Juvenile Standards in JR*. (PREA Standard 115.361(a))

17. Staff members must not engage in physical or emotional abuse or the threat of such abuse toward youth, families, colleagues, and others in the workplace or community.

18. All staff members are expected to meet the standards of behavior outlined in each of the DCYF Administrative Policies (AP). Specific requirements are highlighted below: ⁶

18.1. Staff members are mandatory reporters and must report any suspected abuse, neglect, financial exploitation, and abandonment of vulnerable adults and suspected abuse or neglect of children (DCYF AP 2.01). Procedures specific to JR may be found in Policy 5.91, *Reporting Abuse and Neglect of JR Youth*.

18.2. Staff members are required to perform their duties and responsibilities in a manner that maintains standards of behavior promoting public trust, faith, and confidence. (DCYF AP 11.21)

18.3. Staff members will provide an environment free from all forms of discrimination. Employees will not engage in any form of racial, religious, or sexual harassment related behavior including jokes, slurs, and innuendoes. (DCYF AP 11.01, DCYF AP 11.13)

18.3.1. Workplace bullying is a form of harassment and is prohibited. (DCYF AP 11.13)

18.4. Workplace violence and domestic violence are prohibited. Allegations are to be taken seriously. All staff members must immediately report acts or threats of violence they experience or witness in the workplace or while performing work functions. (DCYF AP 11.20)

18.5. Staff members are prohibited from using, threatening the use of, or possessing a weapon, either licensed or unlicensed while performing official duties, while on DCYF property, or in a state vehicle. All staff members must report violations immediately. (DCYF AP 11.20)

18.6. Staff members will report to work in a condition fit to perform their assigned duties, unimpaired by alcohol or drugs. Any activities involving the use, possession, or distribution of alcohol, unauthorized prescription drugs, controlled substances or drug paraphernalia in state vehicles, on state owned and/or leased property, or on official business are prohibited. (DCYF AP 11.14)

18.6.1. Supervisors must follow the DCYF policy regarding drug or alcohol use when they have suspicion a staff member is using and/or under the influence of illegal drugs or alcohol. (DCYF AP 11.14)

18.6.2. Tobacco use on JR property is addressed by Policy 1.21, *Smoking in JR Programs and Facilities*.

18.7. Any staff member who has reason to believe another staff member may have been, or is now engaged in potential criminal activity must immediately report the matter. (DCYF AP 11.21)

⁶ 08/18/2020 Technical Edit: Corrected DSHS references to DCYF references.

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- 18.8. Political activity on behalf of a candidate or party in the workplace is prohibited. (DCYF AP 11.21)
- 18.9. Staff members must comply with the DCYF technology policies including information security, privacy, use of electronic messaging, and software piracy. (DCYF AP Chapter 12)
 - 18.9.1. Voicemail messages, email messages, and internet use histories are public records and subject to public records disclosure or legal discovery unless privileged or specifically exempt by law. Electronic documents, including email messages are subject to record retention requirements.

SANCTIONS

- 19. The failure to comply with this policy will result in an investigatory process. Due process will be afforded to determine culpability if necessary. The failure to comply with this policy may lead to corrective actions up to and including termination in accordance with DCYF Administrative Policies, contracts, and Collective Bargaining Agreements.**
- 20. Staff members must be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (PREA Standard 115.376(a))**
 - 20.1. Termination must be the presumptive disciplinary sanction for staff members who engaged in sexual abuse. (PREA Standard 115.376(b))
- 21. Immediate corrective action must be taken for contractors or volunteers who violate the zero tolerance policy against sexual abuse and sexual harassment per *DCYF AP 4.01 Contracting*⁷. (PREA Standard 115.377)**

⁷ 08/25/2021 Technical Edit: Changed policy reference from JR policy 1.60 to AP 4.01 (JR policy archived).

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III. DEFINITIONS

Accountability: The duty of all staff members to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this administration without deception or subterfuge.

Contraband: An article or item which a residential youth is prohibited from obtaining or possessing by statute, rule, regulation, policy or order of a court, including items altered by the youth without authorization. Contraband may reasonably be suspected to cause physical injury or adversely affect the safety, security, or order of a JR facility, program, or office.

Cultural Competence: A set of congruent behaviors, attitudes, and policies that come together in a system, agency or among professionals which enables individuals to work effectively in cross-cultural situations. It promotes respect and understanding of diverse cultures and social groups and recognizes each individual's unique attributes.

Custodial Sexual Misconduct: Sexual intercourse or sexual contact between a person who is a resident of a juvenile correctional facility and an employee of the juvenile correctional facility who has or could reasonably be believed to have the ability to influence the terms, conditions, length or fact of incarceration or correctional supervision. Consent of the victim is not a defense to prosecution. (RCW 9A.44.160 and 9A.44.170).

Discrimination: Unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, creed, sex, color, religion, national origin, age (over 40), disabled veteran status, disability, Vietnam Era veteran status, sexual orientation, marital status, use of a trained guide dog or service animal by a person with a disability, and/or any other protected class; or retaliation for complaints related to these categories. (DCYF AP 11.13)

Emotional Abuse: Emotional abuse is commonly defined as a consistent, chronic pattern of behavior by caregivers that can seriously interfere with cognitive, emotional, psychological or social development. (RCW 74.34.020 "Mental Abuse")

Explicit Bias: An explicit bias is a positive or negative mental attitude towards a person, thing, or group a person is consciously aware of having.

Harassment: Verbal, nonverbal or physical conduct that threatens, intimidates coerces, falsely accuses or taunts another person (including racial or ethnic slurs) and interferes with the employee's ability to perform his or her job. (DCYF AP 11.13)

Implicit Bias: An implicit bias is a positive or negative mental attitude towards a person, thing, or group a person holds at an unconscious level. Implicit biases are learned from an early age and can influence behavior in important ways.

Physical Abuse: The willful action of inflicting bodily injury or physical mistreatment. (RCW 74.34.020)

Pornographic Materials: The explicit representation of the human body or sexual activity with the goal of sexual arousal and/or sexual relief. These materials connote the more direct, blunt, or excessive depiction of sexual acts, with little or no artistic value, intended for mere entertainment.

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

Racial and Ethnic Disparity: Youth of color are overrepresented in the juvenile justice system and are often subject to disparate treatment compared to white youth. Disparity refers to an inequity or injustice rather than a simple inequality. Sources of the disparity are complex, involve historic and contemporary inequity, and decision-makers at distinct points across the continuum. Racial and ethnic disparities fall along a spectrum from differences with little connotation of being unjust to those that result from overt discrimination and systemic overrepresentation.

Rehabilitation: Introducing and increasing the use of effective life skills through therapy, education, and effective case management of services to enhance protective factors and decrease risk factors. Rehabilitation includes screening, assessment, treatment, and supervision to facilitate youth skill development. The assumption of rehabilitation is people are not permanently criminal and it is possible to assist youth in creating a life in which they contribute to themselves and society.

JR's main goal of rehabilitation is to prevent habitual offending. Rather than punishment, rehabilitation would seek, by means of education and therapy, to reshape an at-risk youth displaying criminal behaviors into a more effective and skillful young person with shared mainstream societal values, attitudes and behaviors which would be helpful to society.

There is no such thing as failure in rehabilitation.

Restricted Property: Items which may jeopardize the safety, health, security, or treatment of youth, staff members, visitors, or of a facility. Restricted property may include contraband, but not all restricted property is contraband.

Sexual Abuse: Includes sexual abuse of JR youth by a staff member, contractor or volunteer (PREA Standard 115.6). Sexual abuse of a youth by a staff member includes any of the following acts, with or without consent of the youth:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, by a hand, finger, object, or other instrument, unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- Any intentional contact, either directly or through the clothing, of or with the penis, vulva, anus, breast, inner thigh, or the buttocks, unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member to engage in the activities described in this section;
- Any display by a staff member of his or her uncovered penis, vulva, buttocks, or breast in the presence of a youth, and
- Voyeurism by a staff member.

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Sexual Contact: Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party per RCW 9A.44.010.

Sexually Explicit Materials: Video, photography, creative writing, films, magazines, or other materials intended primarily to arouse sexual desire or cause sexual arousal.

Sexual Harassment: Verbal, nonverbal or physical unsolicited and unwelcome sexual advances, requests for sexual favors, or other physical conduct or verbal comments, gestures, or actions of a derogatory or offensive sexual nature, when such conduct:

- Is made explicitly or implicitly, a term or condition of employment,
- Is used as a basis for an employment decision, or
- Interferes with an employee’s work performance or creates intimidating, hostile or otherwise offensive environment. (DCYF AP 11.13).

Staff Member⁸: All employees of DCYF, JR, contractors, volunteers, and interns.

Weapon: An object, instrument, explosive or chemical:

- Designed in such a manner to inflict harm or injury to another person;
- Used in a manner threatening harm or inflicting injury to another person (DCYF AP 11.20)

IV. RELATED JR POLICIES⁹

Policy 1.21 – Smoking in JR Programs and Facilities

Policy 5.90 – Applying PREA Juvenile Standards in JR

Policy 1.40 – Managing JR Juvenile and Operations Records

Policy 5.91 - Reporting Abuse and Neglect of JR Youth

Policy 5.10 – Using Physical Restraints with Youth

⁸ 08/25/2021 Technical Edit: Added definition for policy clarity.

⁹ 08/25/2021 Technical Edit: Removed JR policy 1.60 reference (JR policy archived).