

**POLICY 1.20 (20) ESTABLISHING STANDARDS OF CONDUCT FOR STAFF**

**Policy Committee Chair**

Don Mead, Ed. D.  
Superintendent, Echo Glen  
Juvenile Justice & Rehabilitation Administration

**Approved**



John Clayton, Assistant Secretary  
Juvenile Justice & Rehabilitation Administration  
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**Authorizing Sources**

28 CFR Part 115 PREA, Juvenile Facility  
Standards, effective August 20, 2012  
RCW 74.34.030,  
RCW 26.44  
RCW 13.40.460,  
RCW 9.94.043,  
RCW 9A.44.160-170,  
DSHS Administrative Policy 5.01,  
DSHS Administrative Policy 7.02,  
DSHS Administrative Policy 7.20,  
DSHS Administrative Policy 7.21,  
DSHS Administrative Policy 7.22,  
DSHS Administrative Policy 8.02,  
DSHS Administrative Policy Section 15  
DSHS Administrative Policy 18.60,  
DSHS Administrative Policy 18.62,  
DSHS Administrative Policy 18.64,  
DSHS Administrative Policy 18.66,  
DSHS Administrative Policy 18.68,  
DSHS Administrative Policy 18.75  
DSHS Administrative Policy 18.76

**Information Contact**

Jennifer Zipoy, Policy & Planning Administrator  
Juvenile Justice & Rehabilitation Administration  
[jrapolicy@dshs.wa.gov](mailto:jrapolicy@dshs.wa.gov), Ph: 360-902-8092

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**I. PURPOSE AND SCOPE**

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The purpose of this policy is to address the standards of conduct embodied in the DSHS Code of Ethics, its statement of mission, vision and core set of values so that Juvenile Rehabilitation employees will better understand prohibitions and limitations pertaining to their conduct and activities. Additional guidance on matters of conduct is provided by specific policies, procedures, and directives disseminated by this administration and from Appointing Authorities. This policy sets forth general guidelines for the standards of conduct for JR staff, but does not provide an exhaustive list of all types of impermissible conduct and performance.

**Policy 1.20 (20), Establishing Standards OF Conduct For Staff 4/1/2014**

All staff, contractors, volunteers, and interns working in the Division of Institution Programs, Division of Community Programs and Parole, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

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## II. POLICY

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- 1. JR staff, contractors, volunteers and interns will practice honesty and integrity in every aspect of dealing with youth, families, colleagues, members of the public, vendors, and other government authorities.**
- 2. Staff 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 strata.**
- 4. Staff must behave in a professional manner with colleagues (including superiors, peers and subordinates), stakeholders and other professionals in the workplace and the community**
- 5. Staff must uphold a commitment to rehabilitation and improved outcomes for youth.**
- 6. Staff must cultivate an understanding of the developmental approach to juvenile justice.**
- 7. Staff 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. JR staff will value and support cultural competence and embrace respect for the individual differences of youth, families and colleagues. Every employee must demonstrate a commitment to understanding diverse cultures, social groups and individuals (DSHS AP 7.22) and an understanding of the impact of racial and ethnic disparity in the juvenile justice system.**
- 9. JR staff will use respectful and non-judgmental language when interacting with youth, families and colleagues.**
  - 9.1. Staff must guard against employing an officious or overbearing attitude or using language that may belittle, ridicule, or intimidate the individual.
  - 9.2. Staff will not use profanity in the workplace at any time, regardless of whether youth are present.
- 10. Staff must not use excessive force in applying restraint techniques or devices in accordance with Policy 2, *Using Physical Restraints*. Staff must observe the civil rights of and protect the well-being of those in their charge.**
- 11. JR staff must protect the confidentiality of client information in accordance with Policy 29, *Confidentiality of Juvenile Records*, DSHS Administrative Policy 5.01 and HIPAA;**

Policy **1.20 (20)**, **Establishing Standards OF Conduct For Staff 4/1/2014****12. JR staff must not provide contraband or restricted property to youth or provide drugs, including alcohol or tobacco, or any illegal substances or contraband of any kind to youth under any circumstances.**

12.1. Pornographic and sexually explicit material is prohibited on JR property.

**13. JR staff will develop and maintain healthy, supportive, and professional relationships with youth while youth are in JR care.**

13.1. Youth are to be treated fairly while they are in JR care. Staff 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.

13.2. Staff must maintain appropriate personal boundaries while working with JR youth.

13.2.1. Staff will not exchange personal information with youth, including , but not limited to, personal telephone numbers, home addresses, personal email addresses, or social media information.

13.3. Staff must report the following to the Superintendent or Regional Administrator:

13.3.1. If staff 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.

13.3.2. If staff 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.

13.4. Staff will not develop dating or romantic relationships with youth currently in JR care, and will not groom youth for future romantic involvement. These relationships are unethical due to the imbalance of power and may result in reduced staff or youth safety or loss of objectivity.

13.5. Any sexual contact with a JR youth by staff, contractor, volunteer or intern is considered abusive, is prohibited, and may be subject to prosecution pursuant to RCW 9A.44.160-170. *Custodial Sexual Misconduct*. It must be reported in accordance with Policy 34, *Reporting Abuse and Neglect*.

13.6. Staff 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 Superintendent or Regional Administrator per Policy 49, *Applying the PREA Juvenile Standards in JR*. (PREA Standard 115.361 (a))

**14. JR staff 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;****15. All staff are expected to meet the standards of behavior outlined in each of the DSHS Administrative Policies. Specific requirements are highlighted below.**

15.1. JR staff are mandatory reporters and must report any suspected abuse, neglect, financial exploitation, and abandonment of vulnerable adults and suspected abuse or neglect of children (DSHS AP 8.02). Procedures specific to JR may be found in Policy 34, *Reporting Abuse & Neglect*.

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- 15.2. All DSHS employees, contractors, and volunteers are required to perform their duties and responsibilities in a manner that maintains standards of behavior promoting public trust, faith, and confidence (DSHS AP 18.64)
- 15.3. DSHS 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. (DSHS AP 18.25, 18.66)
  - 15.3.1. Workplace bullying is a form of harassment and is prohibited. (DSHS AP 18.66)
- 15.4. Workplace violence and domestic violence are prohibited. Allegations are to be taken seriously. All employees must immediately report acts or threats of violence they experience or witness in the workplace or while performing work functions. (DSHS AP 18.67)
- 15.5. All employees are prohibited from using, threatening the use of, or possessing a weapon, either licensed or unlicensed while performing official duties, while on DSHS property, or in a state vehicle. All employees must report violations immediately. (DSHS AP 18.76)
- 15.6. All employees 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. (DSHS AP 18.75)
  - 15.6.1. Supervisors must follow the DSHS policy regarding drug or alcohol use when they have suspicion that an employee is using and/or under the influence of illegal drugs or alcohol. (DSHS AP 18.75)
  - 15.6.2. Tobacco use on JR property is addressed by Policy 21, *Using Tobacco on Facility Grounds*
- 15.7. Any DSHS employee who has reason to believe that another employee may have been or is now engaged in potential criminal activity must immediately report the matter to his/her supervisor (DSHS AP 18.62)
- 15.8. Political activity on behalf of a candidate or party in the workplace is prohibited (DSHS AP 18.68)
- 15.9. All employees must comply with the DSHS technology policies including information security, privacy, use of electronic messaging, and software piracy. (DSHS AP Section 15)
  - 15.9.1. Voice mail 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. (DSHS AP 15.15)

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**SANCTIONS**

- 16. 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 DSHS Administrative Policy.**
- 17. Staff 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))**
  - 17.1. Termination must be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. (PREA Standard 115.376 (b))
- 18. Immediate corrective action must be taken for contractors or volunteers who violate the zero tolerance policy against sexual abuse and sexual harassment per Policy 43, *Managing Vendor/Contractor Compliance*. (PREA Standard 115.377)**

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### III. DEFINITIONS

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**Accountability:** The duty of all staff 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. (DSHS AP 18.66)

**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 that 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. (DSHS AP 18.66)

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

**Physical Abuse:** "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. (RCW 74.34.020)

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**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. (DSHS AP 15.15)

**Professional relationship:** A relationship that occurs while staff 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 that people are not permanently criminal and that 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, 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, that is 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, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs a - e of 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.

**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. (DSHS AP 15.15)

**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. (DSHS AP 18.66)

**Weapon:** An object, instrument, explosive or chemical that is:

- 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 (DSHS AP 18.76)

#### IV. RELATED JR POLICIES

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Policy 1.21 (21) – Using Tobacco in JR	Policy 5.90 (49) – Applying the PREA Juvenile Standards
Policy 1.40 (29) – Maintaining Confidentiality When Releasing Records	Policy 5.91 (34) - Reporting Abuse & Neglect
Policy 5.10 (02) – Using Restraints	

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