



Children Youth & Families Department

Juvenile Justice Services (JJS) Policies and Procedures (P&P)

Title Code of Conduct – Secure Facilities

Category Code of Conduct

Procedure # P.16.17 A

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1 Overview Statement

- 1.1 “To protect the public trust and integrity of CYFD, JJS and the staff and clients associated therein, all personnel shall be provided, familiarized with, and held accountable to an employee code of conduct.” (NMAC 8.14.16.17)
- 1.2 Professional boundaries are vital in JJS work because employees work on a deep level with clients. The amount of time spent with clients and the nature of the subject areas addressed with clients complicates client supervision. The most complex area of professional conduct is managing the relationships between clients and employees. That is why it is paramount that JJS employees, *not* their clients, are responsible for setting and maintaining clear, appropriate, and professional boundaries in all forms of interactions.

- 1.3 Familial and personal relationships with other employees and clients must not impact an employee's ability to effectively and impartially perform job duties, including creating actual or perceived conflicts of interest, work distractions, misunderstanding, perceptions of favoritism, personnel complaints, and/or confidentiality breaches.
- 1.4 The Employee Relations Bureau (ERB) is available to provide human resource support and advice to employees by interpreting policy and procedure; training on performance management; administrating the Collective Bargaining Agreement (CBA); maintaining records on discipline; coordinating mediations/hearings; conducting internal investigations; processing disciplinary actions; managing the internal complaint response process; and assisting management with responses to union grievances.

2 Purpose

In addition to obeying state and federal statutes as they relate to the care of juveniles, specifically the Children's Code and the Prison Rape Elimination Act, JJS employees are required to follow this Procedure (specific to facility employees) and these additional Codes of Conduct:

State Personnel Director's General Memorandum: Code of Conduct, generally referred to as the Governor's Code of Conduct; and
CYFD Policies and Procedures, specifically Chapter 1: Human Resources and Administration, Part 2 General Working conditions, Section 1: Code of Conduct.

3 Definitions

- 3.1 "All JJS Clients": Clients on probation, in commitment, and on supervised release.
- 3.2 "Clients in Commitment": Clients who are placed at one of JJS's secure facilities [(YDDC, CNYC, JPTC, or the San Juan County Detention Center (SJCDC))].
- 3.3 "Clients on Supervised Release (SR)": Clients who have been released from a secure facility but are still being supported by a Juvenile Probation Officer (JPO). They may be placed at one of the Juvenile Reintegration Centers (JRCs), AGRC, ABRC, or ENRC, or residing in community.
- 3.4 "Conflict of Interest": A situation in which a person is involved in competing interests, financial or otherwise, and serving one interest could involve working against another. Specifically, a conflict of interest in the workplace is when an individual can personally benefit from their professional position.
- 3.5 "Familial Relation by blood or marriage (within the third degree)": Spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.
- 3.6 "Former Clients": Individuals previously served by JJS who have completed their probation, commitment, and supervised release.
- 3.7 "Horseplay" uncontrolled rough or rowdy play that often results in unintentional physical harm and/or property damage.

4 Client Relationships and Notifications

- 4.1 If an employee is related to any client, they must notify their supervisor in writing.
- 4.2 If an employee has a social or community contact with any client, they must notify their supervisor in writing.
- 4.3 When a supervisor becomes aware of a familial relationship between an employee and a client, they shall transfer the client or the employee or both to avoid a potential conflict of interest.

5 Professional Conduct with All JJS Clients

- 5.1 JJS employees shall set a positive example for clients and behave in a way in keeping with JJS's philosophy of support, encouragement, rehabilitation, and accountability.
- 5.2 "JJS employees shall not show partiality towards or become... physically, [romantically,] sexually, or financially involved with clients or the families of clients or former clients."
(NMAC 8.14.16.24 A)
- 5.3 JJS employees shall not grant favors or services to clients or clients' families in a manner that demonstrates preferential treatment.
- 5.4 JJS employees shall not restrict the rights, privileges, or protections that clients are afforded under federal and state laws and CYFD and JJS policies and procedures.
- 5.5 JJS employees shall communicate with clients only via CYFD issued phones, cell phones, or email addresses. JJS employees shall not provide personal information (e.g., addresses, phone numbers, email addresses, social media accounts, birthdates) to clients or clients' families.
- 5.6 JJS employees shall not interact with clients or clients' families on any social media platforms.
- 5.7 JJS employees shall not exchange gifts with clients or clients' families.
- 5.8 JJS employees shall not fraternize/socialize with clients or clients' families.
- 5.9 JJS employees shall not make photos, images, or recordings of clients which are not related to their job duties. Employees who make photos, images, or recordings of clients must have prior approval from their Superintendent.
- 5.10 JJS employees shall not transport clients in personal vehicles. Transition Services employees, with approval, have exemption from this prohibition.
- 5.11 In conversation with clients and their families, JJS employees shall avoid language that includes vulgarities, jargon, gang monikers, personal jokes, personal or emotional affects, sarcasm, and slang, especially slang specific to a particular context or group.

6 Professional Boundaries with Clients in Commitment

- 6.1 JJS employees are expected to develop appropriate mentoring and therapeutic relationships with clients; however, JJS employees shall not become inappropriately involved or enmeshed with clients or clients' families.

- 6.2 JJS specifies guidelines around employee/client contact and relationships to protect employees and clients from harm and allegations of wrongdoing.
- 6.3 JJS guidelines acknowledge that appropriate, limited physical contact affirms positive relationships and supports clients in rehabilitative environments.
- 6.4 Horseplay, as defined in this procedure, is prohibited.
- 6.5 Immediately, when a client transfers from one facility to another, the Multi-Disciplinary Teams (MDTs) from both facilities work together to develop a supportive transition plan. Any contact/support thereafter from the sending team must be coordinated by the new/receiving MDT and Superintendent.

7 Professional Boundaries with Clients on Supervised Release (SR)

- 7.1 JJS facility employees may continue appropriate mentoring and therapeutic relationships with clients during SR; however, they must ask permission and secure approval from their Superintendent via email. The Superintendent notifies the Deputy Director for Facilities.
- 7.2 If a JJS facility employee serves as a mentor for a client on SR, they must be assigned to that client's case in FACTS and document every interaction in the narrative notes.
- 7.3 Facility employees who are approved as mentors may visit clients placed at JRCs with approval from their supervisor and the JRC Program Manager, but they shall not visit clients residing in the community.
- 7.4 If a SR or former client contacts a secure facility employee who has not been approved as a mentor, the employee reports the contact via email to their supervisor and Superintendent.
- 7.5 Closure is an important part of every therapeutic relationship that should be addressed throughout a client's system involvement. As soon as clients get released, JJS employees, as part of mentoring, must facilitate a healthy ending to the employee/client relationship.

8 Professional Boundaries with Former Clients

- 8.1 JJS employees shall have no intentional, personal contact with former clients; however, it is understood that incidental contact in the community may be unavoidable. If a JJS employee encounters a former client, they must maintain professionalism and confidentiality.
- 8.2 JJS employees who are related (by blood, marriage, or community) to former clients must maintain confidentiality and report the relationship to the Superintendent.
- 8.3 Specifically, "chaplains, psychologists, psychiatrists, [and Behavioral Health (BH) clinicians] may continue previously established therapeutic relationships with former clients in accordance with their respective codes of professional conduct and responsibility." (NMAC 8.14.18.24 B)

9 Professional Conduct with Colleagues and All Other CYFD Employees (including Contractors, Volunteers, and Student Interns)

- 9.1 JJS employees shall respect and recognize the importance of all disciplines and employees within JJS/CYFD and work to improve cooperation, morale, and client care.

- 9.2 JJS employees shall not participate in displays of affection, exclusionary conversations, cronyism, favoritism or the appearance of favoritism, malicious or derogatory conversations, or gossip.
- 9.3 If a JJS employee is related (by blood or marriage) to or is in a romantic relationship with another employee, they shall not supervise and shall not be supervised by that employee. Whenever possible, related employees shall not report to the same immediate supervisor.
- 9.4 Additionally, employees who are related or in a romantic relationship shall not work in the same living unit or mutually supervise clients.
- 9.5 If an employee becomes romantically involved with a colleague, they must notify their supervisor immediately.
- 9.6 When a supervisor becomes aware of a romantic or familial relationship between employees, they shall reassign one or both employees or take other appropriate action to avoid a potential conflict of interest.

10 Conflict of Interest

JJS employees shall avoid real, potential, or perceived conflicts of interest. JJS employees must notify their supervisor immediately if they find themselves in a situation of conflict of interest. If an employee is confused by what a conflict of interest might be, they should contact their supervisor for guidance.

11 General Professional Standards/Conduct

- 11.1 When on and off duty, JJS employees must differentiate between CYFD's position and personal opinion and views.
- 11.2 JJS employees advise any inquiring individuals, including clients' families, how to make a report to CYFD's constituent affairs office, the JJS Confidential Reporting Line, and Statewide Central Intake (SCI), and how to file a grievance.
- 11.3 JJS employees must never share, lend, or photograph keys, badges, WEX cards, passwords, or identification cards or numbers.
- 11.4 If a JJS employee witnesses illegal or unethical activities, policy or procedure violations, or any unsafe practices on the job, they have an obligation to report to their supervisor, law enforcement, JJS administration, and/or CYFD's Office of the Inspector General (OIG).
- 11.5 JJS employees have an obligation to report witnessed financial abuses or fraudulent behavior to their supervisor, law enforcement, JJS administration, and/or OIG.
- 11.6 JJS employees shall not make any statements or take any actions with intent to provoke, goad, incite, or entice a fellow employee, client, or client family member to violence.

12 Diversity, Inclusion, and Equity

- 12.1 JJS employees promote diversity, inclusion, and equity for clients and families.
- 12.2 JJS employees shall not discriminate against clients, client families, or colleagues on the basis of:

race; ethnicity; creed; color; age; religion; sex or gender; gender identity; gender expression; sexual orientation; marital status or partnership; familial or parental status; pregnancy and breastfeeding or nursing; disability; genetic information; intersex traits; citizenship or immigration status; national origin; tribal affiliation; ancestry; language; political affiliation; military or veteran status; medical condition, including HIV/AIDS; status as a survivor of domestic violence, sexual assault, or stalking; and housing status, including homelessness; or any other non-merit factor.

13 Protected Information

- 13.1 JJS employees shall not access any confidential and/or protected information which is not required by their job duties and necessary to perform their specific job responsibilities.
- 13.2 JJS employees shall not provide or release to unauthorized recipients any confidential and/or protected information obtained by virtue of their employment.
- 13.3 Clients' Protective Services (PS) involvement/history, chronological (criminal) history, educational records, and medical and behavioral health information are confidential and protected by the Children's Code, the Family Education Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPAA) respectively.

14 Consequences of Noncompliance

An employee who fails to follow this Procedure may be subject to disciplinary action in accordance with the CYFD Code of Conduct and the CBA between AFSCME and the State of New Mexico.

15 Issue Date July 1, 2020

16 Effective Date August 1, 2020

17 Rescinded Directive

14-005 Professional Boundaries – Code of Conduct, issued 05/26/2017

18 Replaced Procedure

P.16.17 Code of Conduct, issued 11/15/2010

19 Applicable Policy (Regulation)

NMAC 8.14.16.17 Code of Conduct

20 Authorizing Signatures



Tamera Marcantel, Juvenile Justice Services Deputy Director for Facilities



Brian Blalock, Cabinet Secretary of Children, Youth and Families Department