


**Undue Familiarity**

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<b>Related Laws:</b>	<b>ACS Divisions/Provider Agencies:</b> Youth and Family Justice Detention Services	<b>Contact Office /Unit:</b> Stephanie Prussack Associate Commissioner Detention Services <a href="mailto:Stephanie.Prussack@acs.nyc.gov">Stephanie.Prussack@acs.nyc.gov</a>	
<b>Supporting Regulations:</b>	<b>Supporting Case Law:</b>	<b>Bulletins &amp; Directives:</b>	
<b>Key Words:</b> Undue familiarity, non-secure detention, NSD, secure detention, SD, romantic, romance, sex, sexual conduct, relationship, gifts, gratuity, family, friends	<b>Related Policies:</b> DJJ Directive # 004, Employees with Relatives and/or Acquaintances in DJJ Custody; DJJ Operations Order #02/09.	<b>Supersedes:</b> DJJ Directive # 010, Undue Familiarity, dated 12/24/01.	
<b>Related Forms:</b>			
<b>SUMMARY:</b> This policy establishes the Division of Youth and Family Justice's (DYFJ) standards for interactions between employees and youth in secure and non-secure detention facilities, both as current and former residents, and their relatives. It also outlines the notification processes employees must follow when a youth with whom they have or had a relationship enters detention.			
<b>SCOPE:</b> This policy applies to all secure and non-secure detention facilities operated by or for ACS, and applies to secure detention and non-secure detention (NSD) staff and ACS employees.			

## I. Purpose

To reiterate standards of professional decorum and expectations in the interaction of employees with youth in the Administration for Children's Services' (ACS) Department of Youth and Family Justice (DYFJ) secure and non-secure detention facilities, and their relatives, as outlined below.

## II. Policy

- A. Any action or activity, whether on- or off-duty, is prohibited which would undermine or compromise the effectiveness of an employee in the performance of his or her duties, or undermine ACS' relationship with children or family members supervised and/or served by ACS or otherwise involved with ACS.<sup>1</sup>
- B. It shall be the policy of ACS DYFJ Detention Services that employees, contractors, and volunteers shall not knowingly engage in any undue familiarity with youth currently in detention, nor shall they permit undue familiarity on the part of youth toward themselves.
- C. Employees, other than those authorized to do so as required by employment functions, shall not make or maintain contact with a family member of a youth currently in detention. Employees, other than those required to do so, shall not communicate regarding a youth with someone who provides professional services to that youth (e.g., lawyer, clergy, social worker). **Employees shall maintain a professional relationship with youth at all times.**
- D. Employees, contractors, or volunteers with any knowledge of, suspicion of, or information about unreported undue familiarity or unduly familiar behavior shall immediately report such conduct as required by ACS policies and procedures and/or any applicable New York State statutes and regulations.<sup>2</sup>

## III. Definitions

- A. Undue Familiarity<sup>3</sup> – Exceeding the appropriate or normal relationship between an employee and a youth or the family of a youth. Examples of inappropriate conduct include knowingly communicating confidential information, maintaining contact with

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<sup>1</sup> See *ACS Code of Conduct*, and any amended or successor *ACS Code of Conduct*.

<sup>2</sup> See 18 NYCRR Part 433; *ACS Code of Conduct*, and any amended or successor *ACS Code of Conduct; Prevention, Detection, and Response to Sexual Misconduct in the Division of Youth and Family Justice Detention Services* and any amended or successor policies.

<sup>3</sup> See Section IV. A. and C. for this policy's applicability to familial relationships between an employee and a youth.

a youth after a youth has left custody, establishing contact with a youth's family during or after the youth has left custody, being sexually familiar and/or intimate with a youth, or doing favors for a youth such as providing the youth with contraband.

- B. Family Member – For the purposes of this policy, parents/guardians, siblings, half-siblings, extended family, and family members of significance to the youth.

#### IV. Procedures

- A. Employees shall immediately:

1. Notify their Executive Director, Facility Director, or designee<sup>4</sup> in writing whenever a relative, friend, or a person with whom the employee had a close personal relationship is admitted to any DYFJ secure or non-secure detention site. The written notification must be complete and specific as to the substance of the relationship, e.g., nephew, family friend, neighbor, coached youth on sports team.
2. Notify the Executive Director, Facility Director, or designee of any contact or correspondence with a current or former youth, their families, or associations in violation of the preceding restrictions.
3. Notify the Executive Director, Facility Director, or designee if the employee must appear before a court concerning a youth or former youth.
4. Report to their Executive Director, Facility Director, or designee any attempt by a former youth or a current youth's family or acquaintances to establish inappropriate contact with them.

- B. Employees shall **not**:

1. Engage in romantic or sexual contact of any kind with a youth currently in detention, or engage in romantic or sexual contact of any kind with a youth formerly in detention unless the youth is at least 21 years of age and has been out of the care and custody of detention services for at least three (3) years.
2. Engage in romantic or sexual contact of any kind with a currently remanded youth's family member.

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<sup>4</sup>If the Executive Director or Facility Director is unavailable to report such attempts, a direct supervisor shall be designated to receive this information.

- a. Note: In the case of a pre-existing familial, social, or professional relationship between an employee and a youth's family member, section 2 above does not apply **except** to the extent that the employee must report the name of the youth and the nature of the relationship immediately to the Executive Director, Facility Director, or designee.<sup>5</sup>
3. Engage in in-person, written, telephone, electronic, or any other manner of contact outside of the course of authorized employment functions with youth currently in care, except with the explicit approval of the Associate Commissioner of Detention Services, and shall not engage in any in-person, written, telephone, electronic, or any other manner of contact with youth formerly in care unless the youth is at least 21 years of age and has been out of the care and custody of detention services for at least three (3) years.
4. Intercede with any court for the discharge or modification of a placement or sentence of a youth, unless ordered to do so by the court or authorized to do so as required by employment functions.
5. Provide information to any court or to any person involved in the court case of a youth, except by court order or when authorized to do so as required by employment functions.
6. Discuss the case history of a youth with another youth.
7. Discuss any subject matter or use language with youth that may be detrimental to their physical or emotional wellbeing, e.g., using language that is unduly familiar such as calling a youth "honey" or "baby."
8. Receive a gratuity or gift, directly or indirectly, from any youth or other person acting on the youth's behalf or from a youth's family member.
9. Give any gift or gratuity to a youth<sup>6</sup> or to a youth's family member except under circumstances approved by the Executive Director, Facility Director, or designee (e.g., an ACS-sponsored toy drive).
10. Solicit money or other items from a youth's family or friends.

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<sup>5</sup> See DJJ Directive # 004, *Employees with Relatives and/or Acquaintances in DJJ Custody*.

<sup>6</sup> See DJJ Operations Order #02/09, *Contraband Management for Secure and Non-Secure Detention* and any amended or successor policies.