

Ethics and Professional Boundaries

Working with Individuals in the Justice System

Bureau of Justice Assistance (BJA)








Residential Substance Abuse Treatment (RSAT)
Program for State Prisoners

Training and Technical Assistance Resource

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Today's Speakers



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Learning Objectives

Upon completion of this presentation, participants will be able to:

- Define the concept of “power differential.”
- Identify three types of boundaries and describe their relevance when working with people within the criminal justice system.
- List three warning signs that boundaries may be at risk of being compromised
- Develop an action plan if boundaries are in danger of becoming compromised or boundaries have been compromised.

The Staff - Participant Relationship

The Power Differential

The unbalance of power between staff and participant

Access to private knowledge about the participant

Control over the services provided to the participant



Examples of the Power Differential

Staff set the time and place

- Staff set and change schedules, begin and end classes, decide where and how to facilitate groups, and choose when and how drug testing occurs.

Staff set the stage

- Staff arrange seating within a room, change classrooms, and allow and deny participants to leave classroom.

Examples of the Power Differential

Staff have the right to ask questions, but do not necessarily answer all client questions

- Staff obtain personal and sensitive information during screenings and assessments, group and individual meetings, and case management meetings.

Staff maintain and control their own anonymity

- Staff know more about participants than participants know about staff.
- Staff choose what to disclose about their personal details to participants.

Examples of the Power Differential

Staff have the power to diagnose, assess progress, and make referrals

- Staff analyze and interpret assessment and test results.
- Staff make recommendations based upon participant progress that affect parole eligibility, future classification, and aftercare referrals.

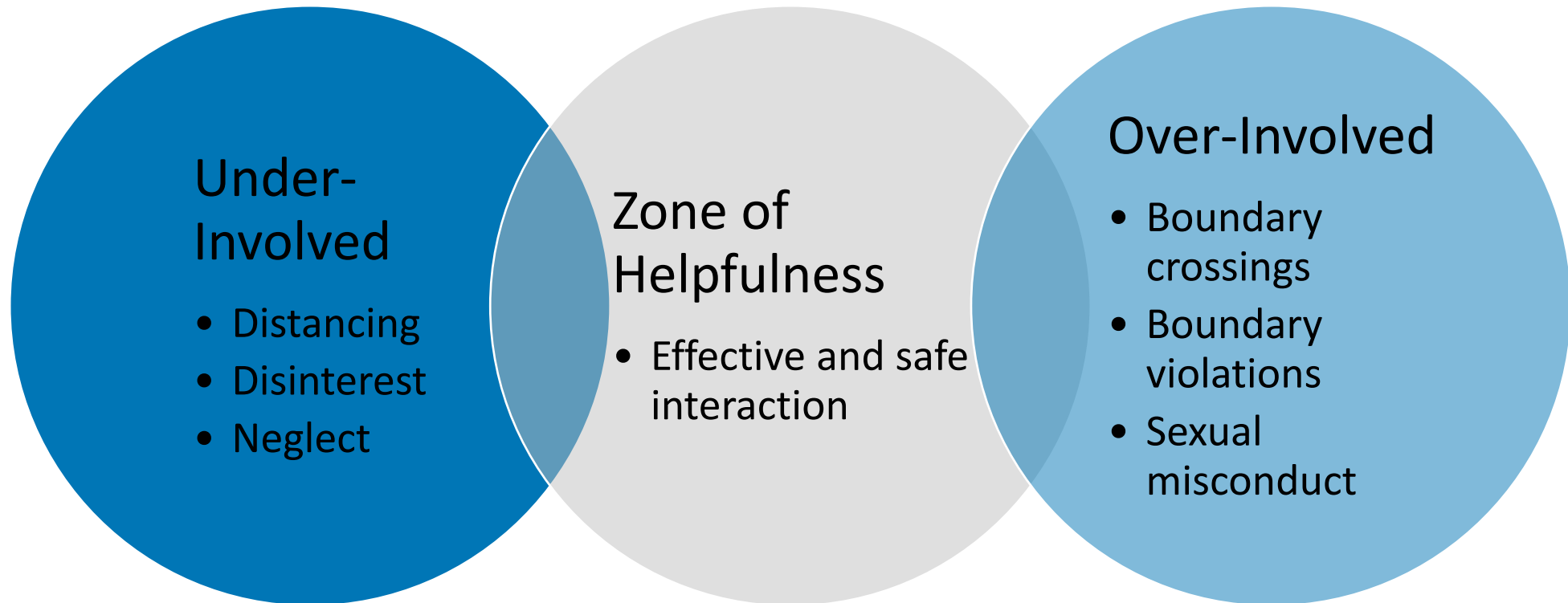
Staff have authority to determine rules of the relationship

- Staff review program rules, classification guidelines, and probation/parole conditions.
- Staff set the social rules of engagement for provider/client relationship.

Boundaries

Zone of Helpfulness

Staying within the “zone” helps you to stay “in bounds”.



Context is Key

Context – *not just content* –
often determines the
appropriate boundary.



Physical Boundaries

Violations of Physical Boundaries

- Hugging, holding hands, and any type of intentional touching between staff and participant.
- Aggressive and/or behaviors with violent intent towards participant from staff person.
- Staff invading participant's personal space and/or property.



Examples of Physical Boundary Violations

RSAT Officer leans over a seated participant touching their shoulder while looking over their journal homework.

RSAT counselor touches a participant's hand as they begin to cry when telling them about a close friend's death.

Re-entry worker gives a hug to a client after they share news that they've been approved for parole.

Emotional and Psychological Boundaries

Violations of Emotional and Psychological Boundaries

- A staff member uses client disclosures and/or information to satisfy their own emotional and dependency needs.
- A staff person uses psychologically manipulative behaviors to:
 - intentionally or unintentionally gain more control of the situation
 - be perceived as the more powerful person within the situation.



Examples of Emotional Boundary Violations

An educator tells their students that they'll be working more closely with students who are Black and Latino since they'll be needing time to catch up in most subjects.

A RSAT counselor talks about their own trauma history telling participants that the past is no excuse for substance misuse and criminal behavior in a "Trauma and Resilience" group.

A "fill-in" officer for the RSAT Program demands participants call him "Daddy" whenever he is working a shift in the unit or relieving the regular RSAT Officer.

► “Are my actions more about my needs than about the needs of the participant?”



Examples of Psychological Boundary Violations

During an intake interview with a RSAT participant, a case manager answers the phone several times to talk with the Classification Director and Special Sheriff.

A RSAT Officer tells a participant in front of others that “You aren’t doing anything in this program. I think you need some time in isolation.”

A medical staff member shares their thoughts with RSAT security staff in front of participants during med-line in the RSAT program unit about the Black Lives Matter movement, immigration policies, and firearm preferences.

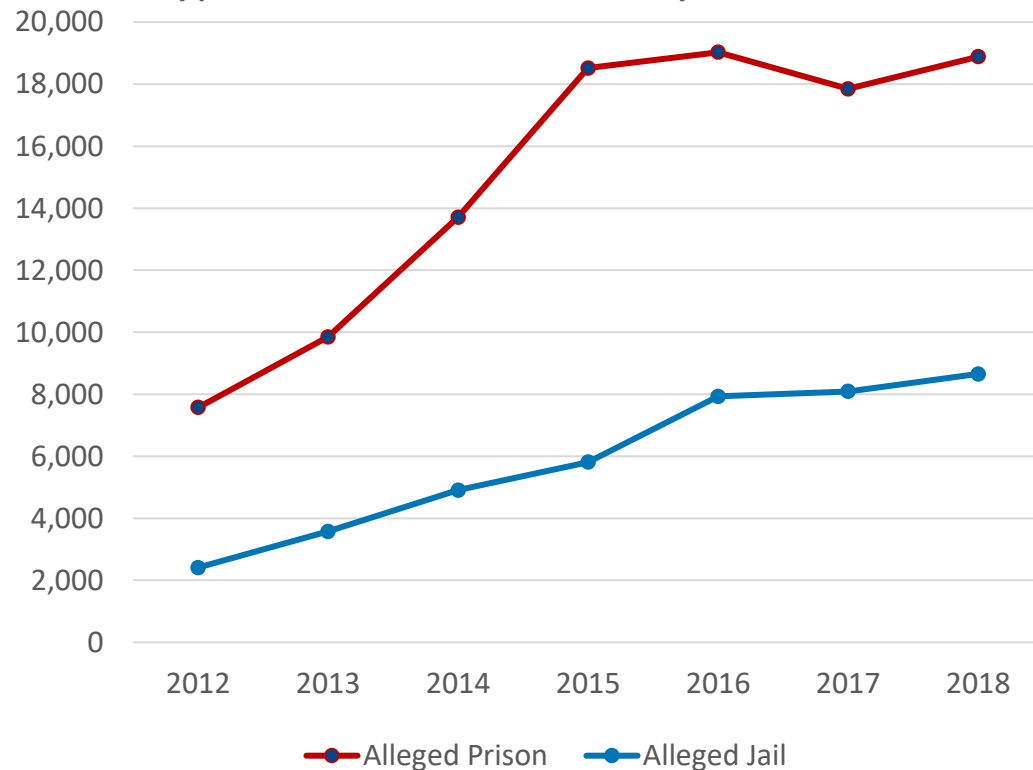
Sexual Boundaries

Violations of Sexual Boundaries

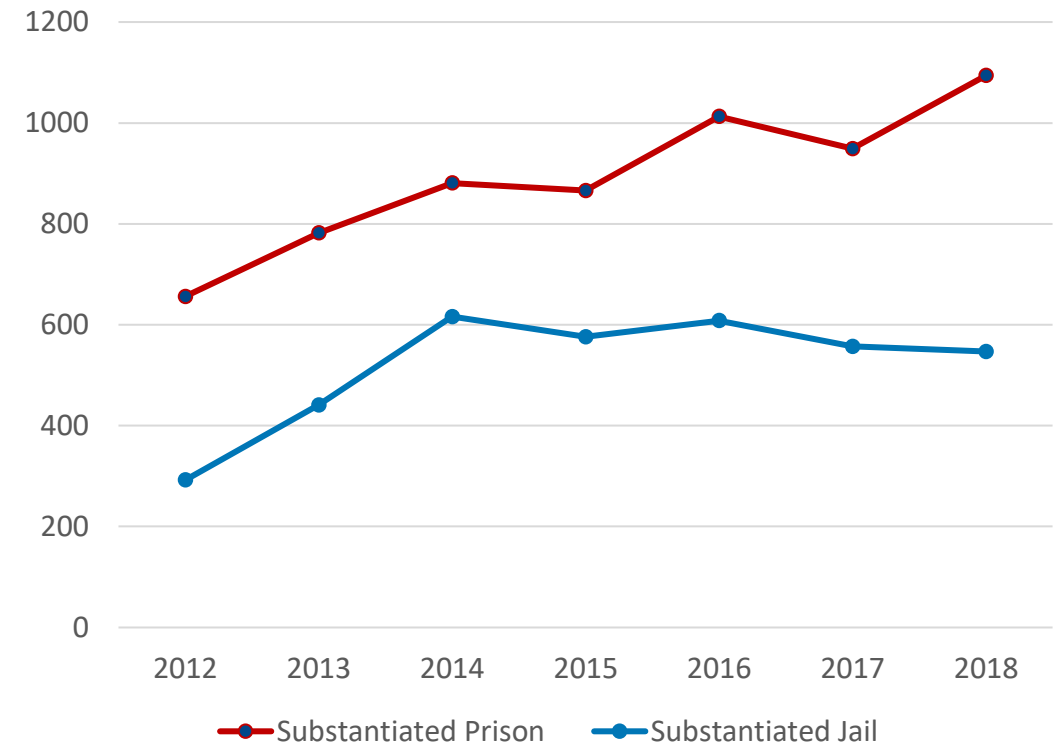
- Any type of sexual behavior, ***whether or not it includes physical contact***, between staff and participant.
- Any type of inappropriate sexual innuendo or language between staff and participant.
- Any type of inappropriate clothing worn by the staff within the workplace.

Bureau of Justice Statistics

Allegations of sexual victimization, by type of correctional facility, 2012-2018



Substantiated incidents of sexual victimization, by type of adult correctional facility, 2012-2018



Source: [Bureau of Justice Statistics, Survey of Sexual Victimization in Adult Correctional Facilities, 2012–2018 – Statistical Tables](#)

Note: Excludes inmate-on-inmate sexual harassment; excludes military prisons, dedicated U.S. Immigration and Customs Enforcement facilities, and Indian country jails.

Bureau of Justice Statistics

Staff sexual misconduct includes any consensual or nonconsensual behavior or act of a sexual nature directed toward an inmate by staff, including romantic relationships.

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire.
- Completed, attempted, threatened, or requested sexual acts.
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff sexual harassment includes repeated verbal comments or gestures of a sexual nature to an inmate by staff.

- Demeaning references to an inmate's gender or sexually suggestive or derogatory comments about his or her body or clothing.
- Repeated profane or obscene language or gestures.

Examples of Sexual Boundary Violations

RSAT clinician questions a participant about details regarding past sexual relationships although there are no questions on RSAT assessment instrument about such issues.

An educator in the RSAT program asks personal questions to a participant who is transgender, regarding their sexual preferences and past intimate relationships, despite the RSAT participant saying the questions are none of their business and they feel uncomfortable.

RSAT officer talks to a participant about sexual frustrations with their spouse and asks them if they find them sexually attractive.

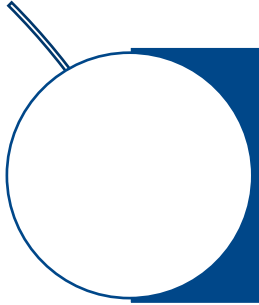
Prevention of Sexual Misconduct

National PREA (Prison Rape Elimination Act) Resource Center

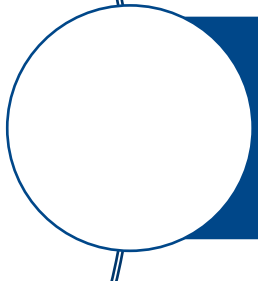
- Training and technical assistance (TTA) provided to:
 - Achieve sexual safety in state, local, and tribal agencies.
 - Implement PREA standards in correctional facilities.
 - Support Department of Justice (DOJ) audits.
- Maintains [National PRC Resource library online](#) that includes:
 - Webinars, publications, and templates.
 - [PREA Peer Education – Innovative Approach to Resident Education](#).



Prevention of Sexual Misconduct



All RSAT staff, including officers, should receive regular supervision.



All RSAT staff, including officers, need to feel empowered to interrupt, disrupt, or deescalate a potential situation of sexual misconduct.



Follow your facility's procedure and document any comments and concerns made by a participant and/or colleague relative to alleged sexual victimization, misconduct, and harassment.

Prevention of Sexual Misconduct

All RSAT staff, including officers, should participate in frequent trainings.

- PREA
- Ethics and Boundaries
- Sexual Harassment
- Diversity, Equity, and Inclusion
- Cultural Competency

The Gray Areas

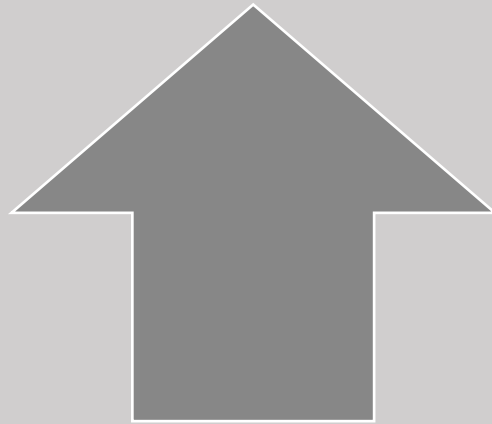
The Gray Areas

Once boundary violations begin, they often increase in frequency, severity, and the number of people involved.

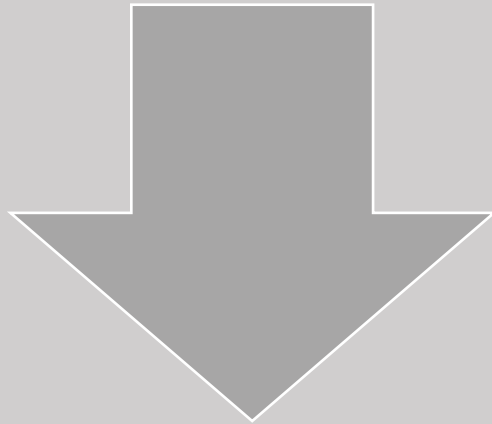


The Gray Areas

Self-Disclosure



Using personal experience as guiding life lessons can add credibility and be helpful on a more personal level.



Inappropriate disclosure may occur because of emotional or dependency needs.

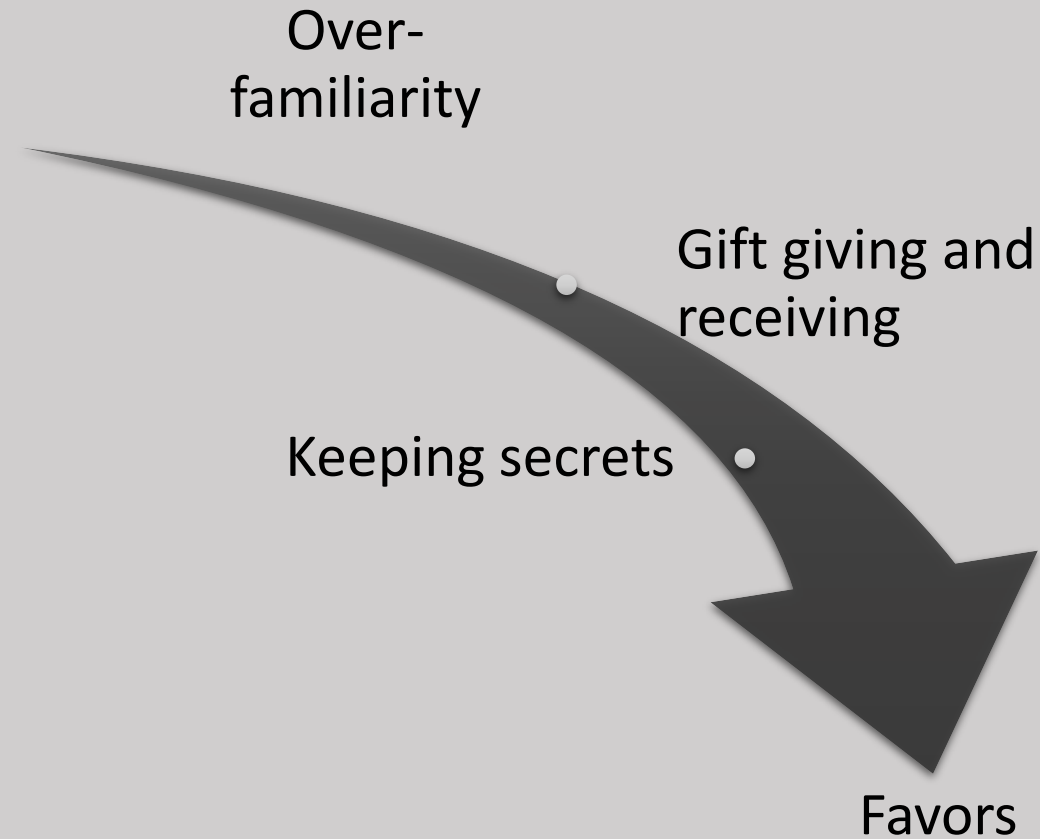
The Gray Areas

Questions to Ask Oneself About Self-Disclosure

- 1. Is it consistent with participant's treatment needs and goals?
- 2. Is it reflecting your own personal needs or the needs of the participant?
- 3. Does self-disclosure represent a significant departure from your usual practice?
- 4. Would you hesitate to discuss the disclosure with your supervisor, or document it in participant's progress notes?
- 5. Who benefits from the disclosure?

The Gray Areas

The Slippery Slope



The Gray Areas

Dual Relationships

Occur when staff and participant are engaged in a relationship other than that of staff-participant such as:

- Social, professional, sexual, emotional relationships.

Staff should not engage in other roles or relationships with participants that may:

- Impair judgment and objectivity.
- Affect ability to render effective services.
- Result in harm and exploitation to participants.

Action Planning

Warning Signs that Professional Boundaries May be at Risk

I frequently think of the participant when I am away from work.

I spend time with the participant outside of my work area.

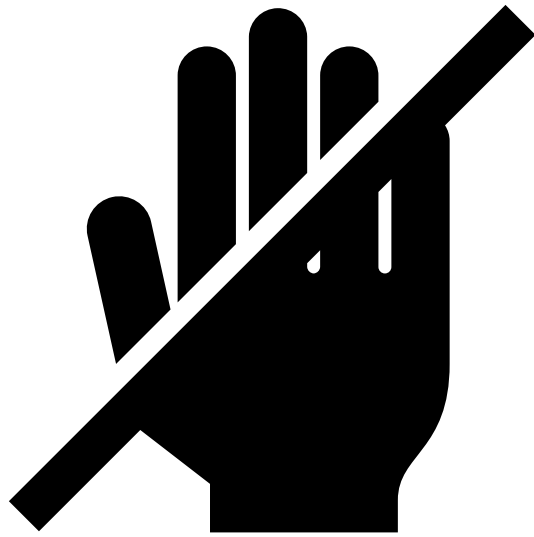
I share personal information with the participant.

I have unnecessary or out of proportion concern for the participant.

I am defensive of the participant or my interactions with the participant.



Warning Signs that Professional Boundaries May be at Risk



I touch the participant more or differently than other participants.

The participant can only work with me.

The participant waits for me to be available rather than work or talk with other staff.

I am willing to accept secrets and gifts from this participant.

Warning Signs that Professional Boundaries May be at Risk

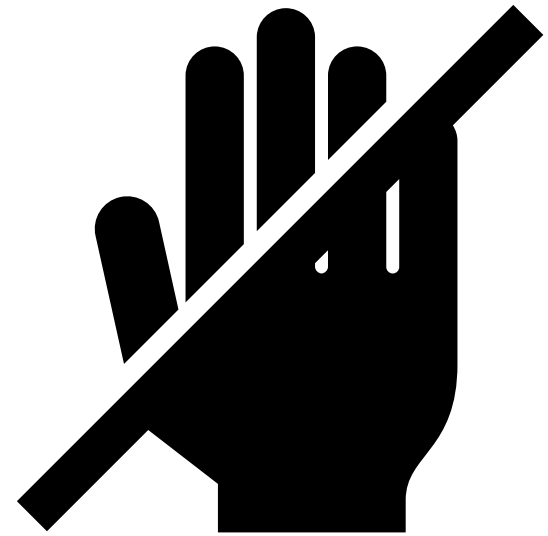
I advocate and work more for this participant more than others.

The participant could, or has, hurt my feelings.

I am flirtatious or have overt sexual content in my interactions with the participant.

I feel I understand the participant better than other staff.

I feel that I can help the participant better than other staff.



Decision Making about Professional Boundaries

Questions to ask when unsure if professional boundaries are being compromised:

Am I doing this in the best interest of the participant, or is there some other motivation?

Whose needs are being served?

Why am I feeling angry, frustrated, or resentful towards the participant? Is it about them, or is there another reason?

Am I treating the participant differently than I have in the past? Or differently than other participants?

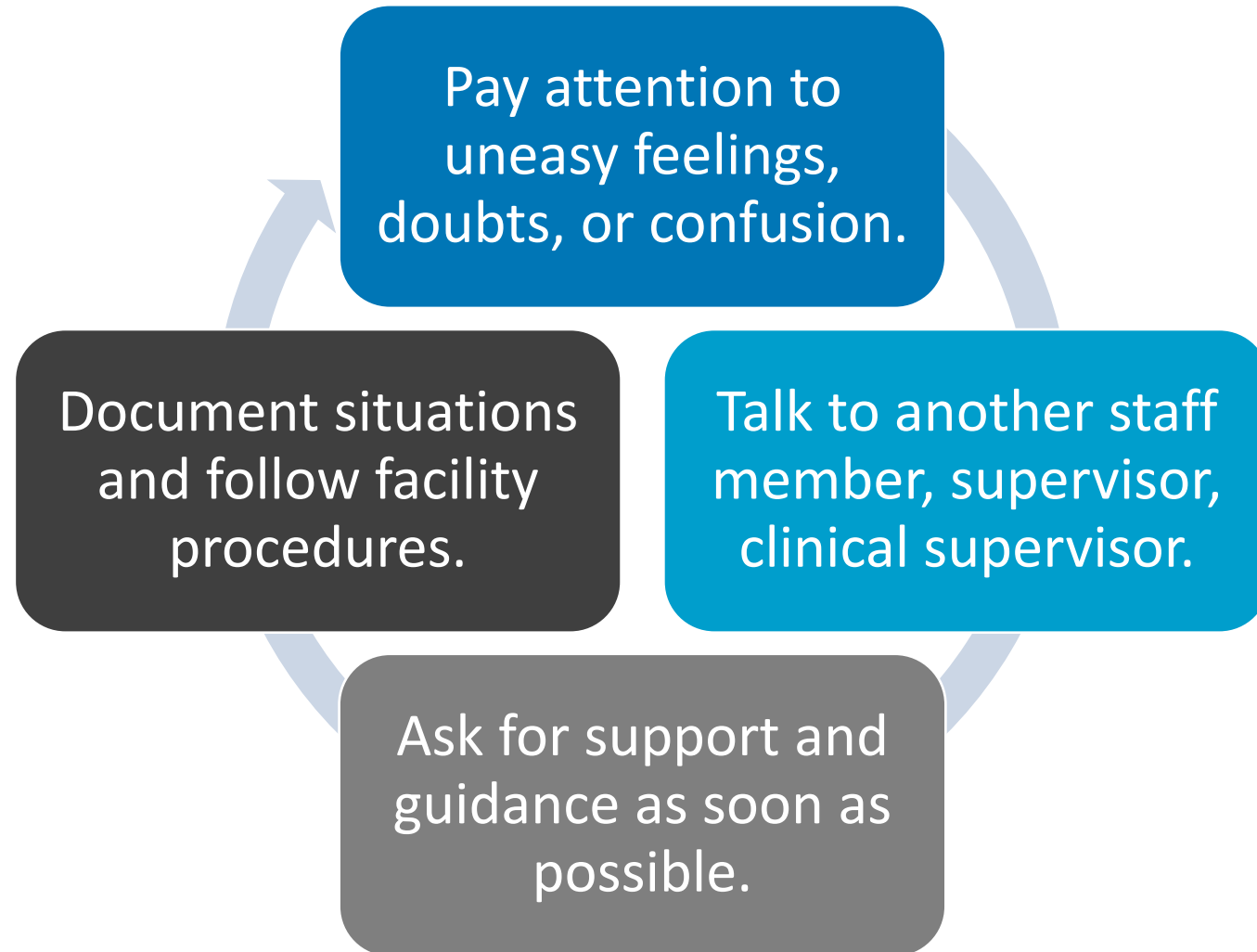
Decision Making about Professional Boundaries (cont.)

Questions to ask when unsure if professional boundaries are being compromised:

How would interactions with the participant be perceived by:

- Supervisor and clinical supervisor?
- Family, partner, close friends?
- Colleagues and co-workers?
- Licensing agency or other professional board?
- The participant's family and partner?

Decision Making about Professional Boundaries



Professional Conduct and Boundaries



- Examine boundaries with others and reflect on how they might affect work with participants.
- Be aware and mindful of boundaries with co-workers.
- Obtain professional counseling and other support when needed.

Preventing Professional Boundary Violations

Training

Clinical Supervision / Peer Supervision

Chain of Command

Codes of Conduct

Preventing Professional Boundary Violations (cont.)

Empower the Bystander

Encourage Civility

Encourage Reporting of Boundary Violations and Misconduct

Prevention of Professional Boundary Violations

Codes of Ethics

The Association for Addiction Professionals (NAADAC) – Code of Ethics

- Updated in 2021.

National Association of Social Workers (NASW) – Code of Ethics

- Updated in 2021.

National Board for Certified Counselors (NBCC) – Code of Ethics

American Counseling Association (ACA) – Code of Ethics



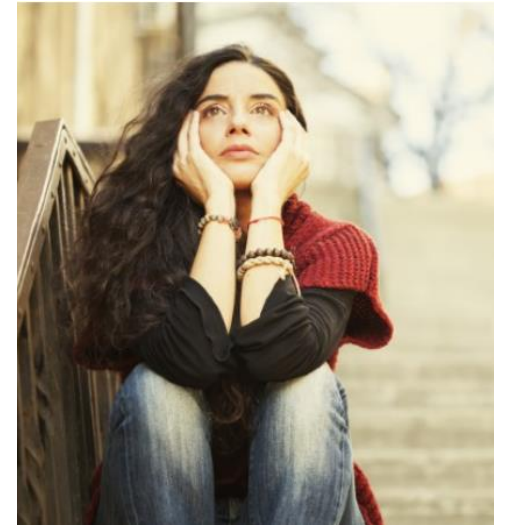
Summary

- Accept the complexity of maintaining boundaries.
- Admit when you have experienced a boundary dilemma.
- Disrupt, interrupt, and deescalate when you observe a potential boundary violation.
- Discuss boundary dilemmas with colleagues and supervisors.

“Who do we serve?”



“Do no harm.”



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QUESTIONS

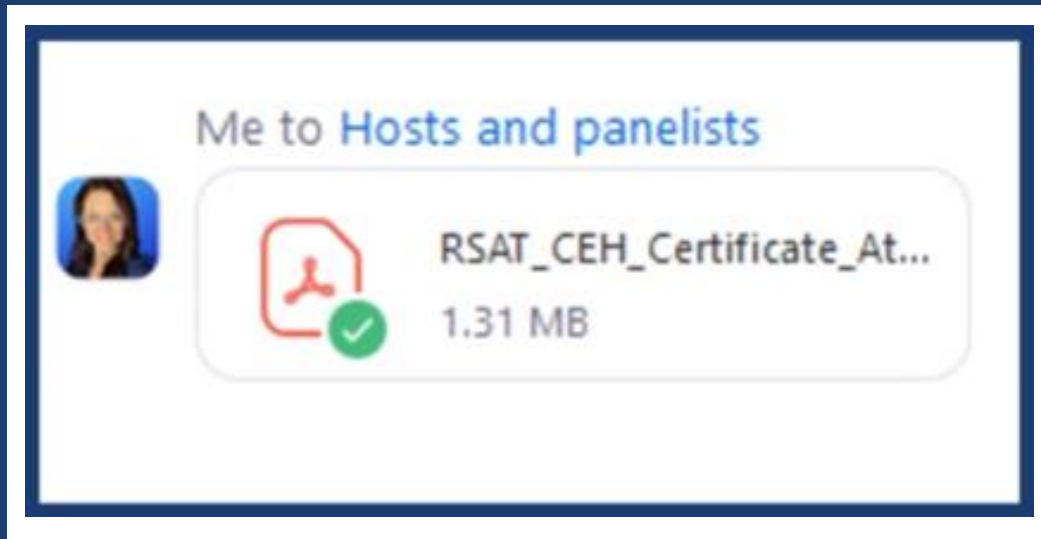
▶ Type your questions in the Q&A box on your screen.



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You can download the certificate of attendance from the chat.





CERTIFICATE OF CONTINUING EDUCATION



1 Continuing Education Hour (CEH) approved by NAADAC, the Association of Addiction Professionals



Pass 10-question quiz with 7 correct answers



Download certificate upon completion of the quiz

February 22, 2023 RSAT webinar CEH quiz link:

<https://survey.alchemer.com/s3/7712172/February-21-2024-RSAT-Webinar-CEH>

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