

**Specialized Training: Investigating Sexual Abuse in
Correctional Settings
Notification of Curriculum Utilization
December 2013**

The enclosed *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum was developed by The Moss Group, Inc. (TMG) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The PREA standards served as the basis for the curriculum's content and development with the goal of the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and TMG logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval at which point the BJA logo may be added.

Note: Utilization of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility "meets standard". Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.





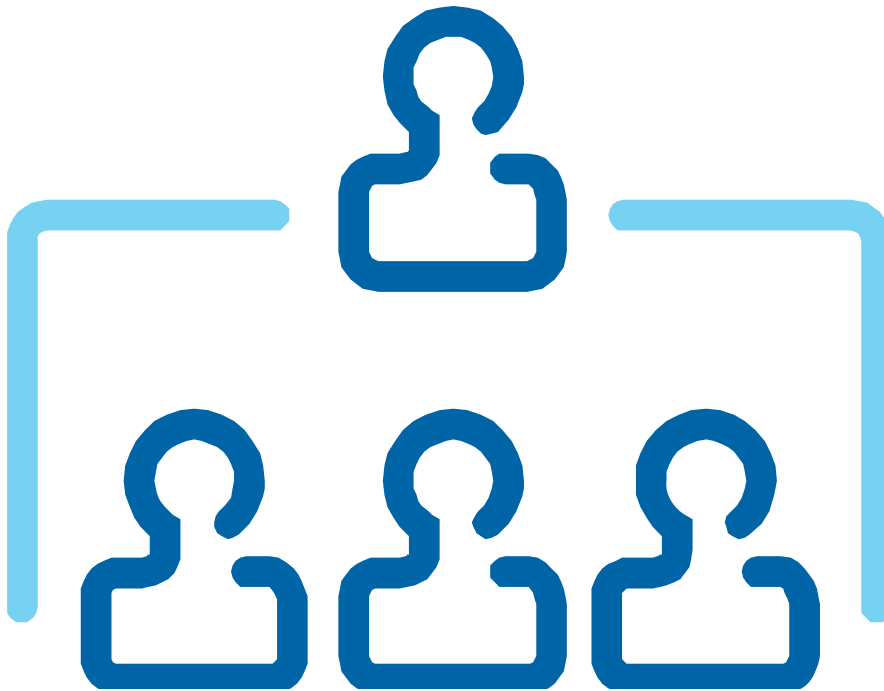
Module 3: Investigations and Agency Culture

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Module 3: Objectives

1. Explain how agency and facility culture impacts inmate/resident reporting and sexual safety.
2. Describe how agency and facility culture impacts investigations *and* is impacted by investigations.
3. Provide strategies for enhancing a culture of safety.

Definition of Agency Culture



Sum of the organization's attitudes, beliefs, values, norms, and prejudices that cause an organization to do what it does.

Components of Agency Culture

Beliefs: Shared explanations of experience

Values: What is considered right and good; the way things ought to be

Norms: Shared rules, “way things are done”

- Norms are often more powerful than formal sanctions
- So deeply held that they aren't even noticed unless they are violated



Objective investigations support the administration's value of zero tolerance while having a positive impact on culture.

Influences on Agency Culture

- History: critical events
- Hiring process: qualities sought, backgrounds considered, questions asked.
- Promotional process
 - » How is it determined?
 - » How is it perceived?
- Leadership and agency ethics
 - » Are rules enforced for everyone?

Influences on Agency Culture

Characteristics and behaviors of staff members

- What kind of behavior is each toward the other?

Staff-staff interactions

- Does line staff trust administration?

Staff-offender dynamics

- Are interactions professional?
- Are offenders talking about staff business?



Staff believe that administration practice follows policy.

Influences on Agency Culture

Agency policy and procedures

- Does practice match policy?
- Does staff care about policy or is it ignored?

Language

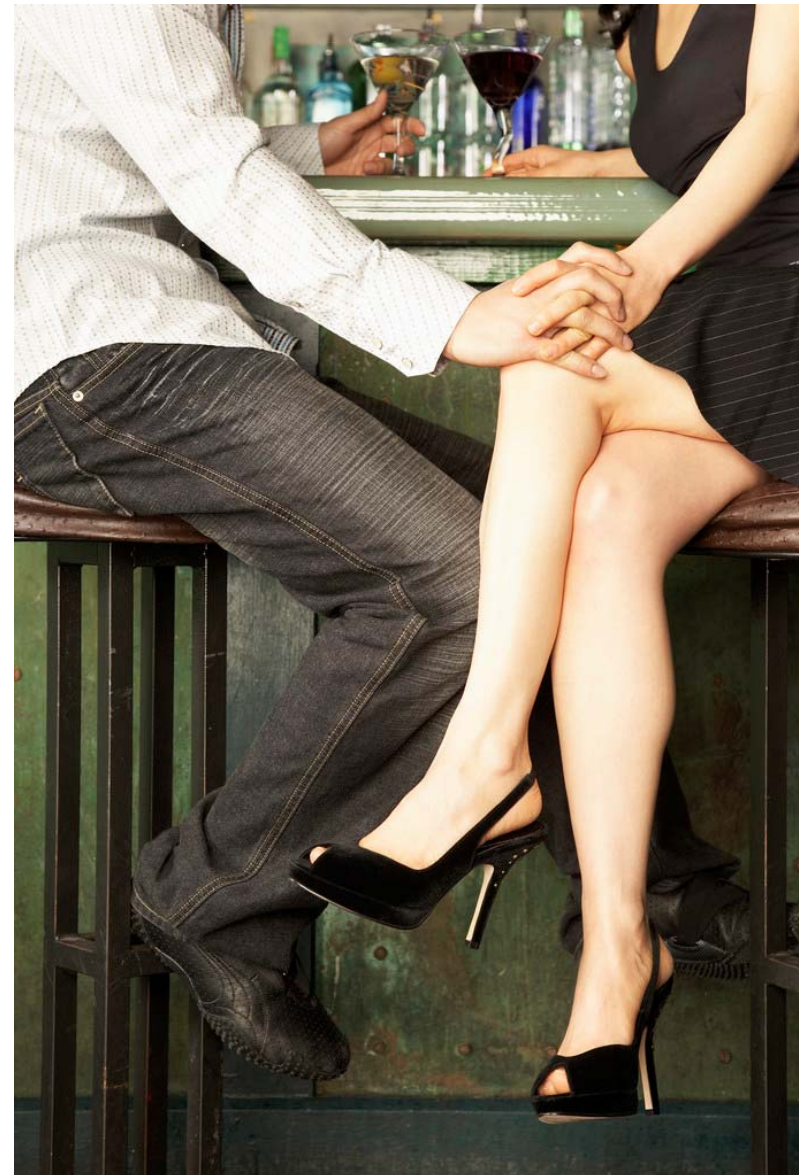
- Is there a sexualized work environment?

Disciplinary process

- Is discipline considered fair?
- Do staff trust the process?

Sexualized Work Environment

- Undue or over-familiarity between staff/offenders
- Staff/staff relationships unprofessional
- Staff/offender relationships cross boundaries
- Staff off-duty conduct impacts work
- Everything comes back to "sex"



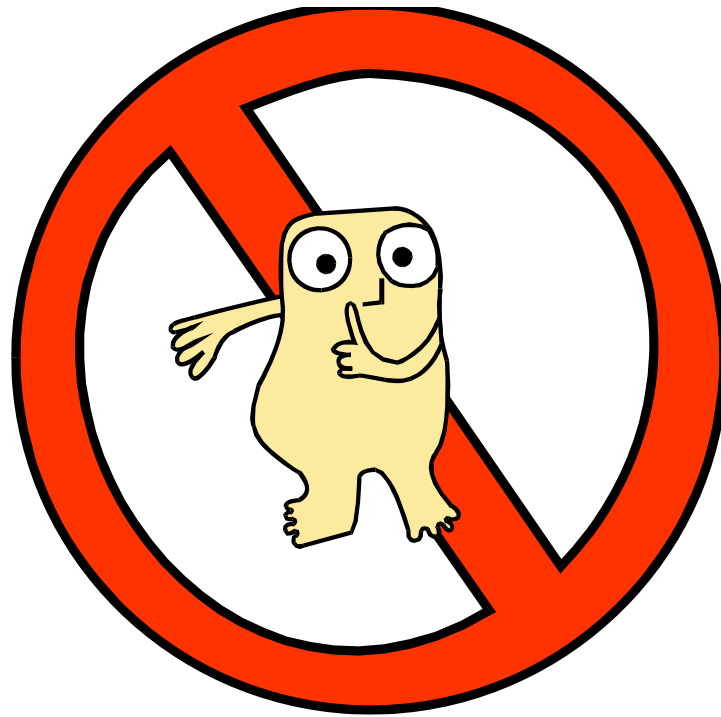


**In my facility, romantic relationships
among staff are...**



**In my facility, staff discuss personal issues
in front of offenders...**

Code of Silence



Code of Silence

Definition:

An informal institutional or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy or even the criminal law. Also referred to as the “Code of Blue.”

Code of Silence

Is it part of your agency's culture?

46% of experienced officers witnessed misconduct, but concealed it. Why?

- I would be ostracized
- Officer who committed misconduct would be fired
- I would be fired
- I would be "blackballed"
- Administration wouldn't do anything





**In my facility/organization, a code of
silence is ...**

**Staff in my organization could report an
incident of staff sexual misconduct
without fear of retaliation from their
peers**

If a staff member suspected another staff member of engaging in sexual misconduct with an offender, they would feel comfortable reporting it without proof.

Offenders in my facility could report an incident of sexual abuse without fear of retaliation from other offenders or staff

Code of Silence – Many Costs

Baron v. Hickey, 242 F. Supp.2d 66 (2003)

- County Corrections officer reported supervisor playing cards with inmates – violation of policy
- Harassed by co-workers (referring to him as a rat; throwing cheese at him; derogatory posters on locker; feces on car; slashing tires)
- Complained on 30 separate occasions
- No discipline for officers
- Claimed that he was forced to resign

Code of Silence

- Officer resigned his position
- Claimed constructive discharge
- No choice but to resign due to the harassment and code of silence
- Jury awards officer \$500,000 for harassment
- Affirmed on appeal



What does this mean for my agency?

- How does the “code of silence” impact reporting?
- What has happened to those who have reported misconduct in my agency?
- What happens to those who do not report and should have?
- Would staff feel comfortable reporting?
- At what stage do staff report?

In my agency, cases referred for prosecution result in indictments.

Impact of Prosecutions on Agency Culture

- Get's everyone's attention
- Defines the issue as serious
- Prosecutors have unique tools
 - » Subpoena powers
 - » Grand jury
- Successful prosecution can be a defining moment
- Makes things serious

Challenges for Leadership

- Discover the root of the problem
- Understand that the problem may be a symptom of the culture
- Addressing the problem in a systematic way is about making cultural change
- Cultural change is the challenge for leadership
 - » Must shift deeply ignored norms and attitudes
 - » Key positions must institute the change

Strategies for Changing Culture

Employee screening (115.17/317) It starts with staff at the beginning of their service

Training (115.31/331)

- What do they hear at the academy?
- How are they initially trained at the institution?
- Supervisor training vs. line staff

Zero tolerance (115.11/311) Make staff aware and impose consequences. Zero tolerance must mean zero tolerance. Something has to happen to make it real.

Strategies for Changing Culture

- **Policies.** Practice must match policy. Policies must be communicated and update. More than just something in writing.
- **Role Model.** Model ethical behavior for other staff and offenders. The culture will not tolerate hypocrisy.
- **Assistance.** Employees who need help are not afraid and get it.

Strategies for Changing Culture

- **Mandated Reporting** (115.61/361)– Are staff disciplined for failure to report?
- **Multiple Reporting Mechanisms** (115.51/351)– Is there a way for both staff and offenders to report anonymously? Is there a way to report outside the agency itself?
- **Discipline and Prosecution** (115.71/371 and 115.76/376)– Are staff or offenders involved in these actions treated fairly but prosecuted or disciplined to the fullest extent?


Impact of Culture on Investigations

- Culture can either support or obstruct an investigation
- Need to understand culture to know how to facilitate investigation process
- Outcomes of investigations can influence culture
- Understanding issues related to close communities






**Staff in my facility trust the
investigative process.**



If asked, how many staff would be able to describe what would happen to them if they were under some kind of investigation?

If a staff member were innocent but under investigation, how many would say they have trust in the investigative process to exonerate them?

Staff members under investigation in my facility believe they are adequately kept up to date as the investigation proceeds



In my facility there is a strong rumor mill—which is where people find out about ongoing investigations

**Staff in my agency believe
investigations are handled in a timely
manner**



Staff under investigation receive a written notice when an investigation is concluded providing the results



**Offenders in my agency trust the
investigative process**

Investigative Process

Benefits of a Clear Investigative Process

- Staff appreciate that the process protects them
- Dispels anger and hostility
- Changes attitude that the process is arbitrary, unfair, etc.
- Prevents anxiety and fear
- Confirms employee rights and obligations
- Demonstrates value to security and operational improvements that can be achieved
- Informs staff of penalties
- Encourages staff to cooperate

Strategies for Changing Culture – Demystifying the Investigative Process

- **Educate.** Staff need to know what is involved before they will trust. When do they learn about the process?
- **Training.** For investigators and staff. Regular training on policy.
- **Consistent and Timely Practices.** All staff treated fairly and timely results. Too long and the rumor mill takes over.
- **Report Results.** To those accused and others when possible. Written results.

Activity

List

- 1. Five positive things about your agency culture*
- 2. Five negative things about your agency culture*
- 3. One action step for your agency to improve culture*
- 4. One recommendation for improving culture, to share with the class*

A Word About Changing Culture

- Attempts to change = both positive and negative effects
- Staff need time to make adjustments and even longer to see the benefits of them.
- Staff accustomed to certain behaviors may be very resistant and demonstrate greater dissatisfaction with “administration.”



Questions?

