

Improving Prison Safety: Breaking the Code of Silence

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The field of corrections has grown by leaps and bounds over the last twenty years and this growth has been met with significant and ongoing improvements in the management of our nation's prisons. The safety of the prison staff and the inmates in custody has always been, and remains, the highest priority of any correctional administrator. The work of the Vera Institute's Commission on Safety and Abuse in America's Prisons has opened a dialogue about the problems and challenges of prison abuse and safety faced by correctional leaders. These issues must continue to remain at the forefront of discussions across the country.

Undoubtedly, many of the nation's prisons are staffed with some of the most talented and committed professionals in the world. However, it is also true to say that the field of corrections faces many of the same challenges as other law enforcement agencies when it comes to addressing issues of abuse and misconduct by staff.

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CODE OF SILENCE

Corrections officers comprise the bulk of the correctional workforce. They perform a critical public safety function, often under challenging and potentially dangerous circumstances. Therefore, it is understandable how a unique bond of camaraderie emerges within the rank and file. Officers may believe that they need the officers' subculture to survive the prison environment. However, one consequence of the psychological dynamics of being a correctional officer is the tendency to see officers as "us" and all others (managers, inmates and treatment staff) as "them." This aspect can play out in many ways, one of which is the institutionalization of a "code of silence" on both macro and micro levels.

Corrections professionals must face the fact that we work in an environment where a long-established code of silence can flourish and overshadow common sense and common decency. This is not to say that a code of silence exists in every prison system or in every prison in America. It does not. But in those departments and institutions where it does exist, safety is compromised.

Prisons are inscrutable structures and some staff members believe that what goes on behind the prison walls should remain hidden from public knowledge. On an individual level there is a clear peer expectation of officers in this subculture. In Massachusetts, at one time, the correctional officers' union published its "Ten Commandments"¹ which included:

- Thou shall not "rat" on a fellow employee;
- Thou shall not place thy faith in management;
- Thou shall not surrender thyself to management; and
- Thou shall not bear witness against one another.²

An officer who violates these "commandments" may be subject to union hearings and can be thrown out of the union. This creates an

1. *The Ten Commandments of Unit 4 Employees*, UNION LEADER (Mass. Correction Officers Federated Union, Boston, Mass.), Spring 1996, at 8.

2. *Id.*

enormous disincentive for staff to come forward regarding misconduct.

Left unchecked and unchallenged an established code of silence results in an increase in violence and in the dangerousness of our prisons. It is well known that it is not always the “bad” staff who get assaulted. More often it is his or her fellow officer who deals with the consequences. Take, for example, an officer who works the seven-to-three shift and has been unnecessarily “busting chops” all afternoon while the inmates in his charge were locked in their cells. When the officer on the three-to-eleven shifts lets the inmates out for chow, on whom do you think they will take out their frustration?

A system permeated by a code of silence reinforces negative behaviors in inmates, ultimately increasing the risk to staff. As the former Massachusetts Secretary of Public Safety, Edward A. Flynn, is keen on saying, “If nothing else, inmates must leave our custody with a belief that there is moral order in their world. If they leave our care and control believing that rules and regulations do not mean what they say they mean, that rules and regulations can be applied arbitrarily or capriciously or for personal interest, then we will fail society, we will fail them, and we will unleash people more dangerous than when they went in.” We know that many offenders go through life believing that rules and laws do not apply to them. If the system in which they are incarcerated lacks integrity and moral order their notions regarding law and order are reinforced. Corrections staff should be the very best people inmates encounter, as we may be the first individuals they are exposed to who do respect rules and laws. We should be role models of positive behavior. If staff members do not follow the rules there is no hope for intervention or for changing inmate behavior in the long term. If staff members are not held accountable we demonstrate that there is no consequence for bad behavior.

THE NEED FOR REFORM

The issue of prison safety and abuse is a topic ripe for discussion at the national level, and one that in Massachusetts we have been confronting head-on since implementing reform measures following the high-profile, in-custody murder of a pedophile.

In August 2003 defrocked priest John Geoghan was murdered in his cell in a maximum security facility by another inmate. In September 2003 Governor Mitt Romney and then Secretary Flynn formed a special panel to investigate the circumstances and conditions surrounding this murder. In October 2003 the Governor established the Governor's Commission on Corrections Reform (GCCR), chaired by former Massachusetts Attorney General Scott Harshbarger, to conduct a comprehensive, top-to-bottom review of the Massachusetts Department of Correction (DOC). The GCCR highlighted system-wide failures and was the catalyst for reform for the DOC. In September 2004 the Governor signed an executive order creating a Correctional Advisory Council (CAC) to work with the DOC to implement these reforms.³

Implementing reform required new leadership. On March 16, 2004, Governor Romney honored me by appointing me to the position of Commissioner of the DOC. I was directed to begin the work of affecting meaningful, measurable change in the agency's culture, philosophy and management practices. Throughout my almost thirty-year career with the DOC I have served proudly in many capacities such as director of the division of staff development, superintendent, and, most recently, deputy commissioner. I have had the pleasure of working with many talented and committed corrections professionals, both in Massachusetts and around the country, over the course of my career and I have seen first-hand the many accomplishments of this profession.

As Commissioner, I have been given a tremendous opportunity to lead the agency in a new direction—to transform a closed community into one that is open, transparent, and accountable to the public we serve.

3. Mitt Romney, Executive Order Number 461 (2004), <http://www.lawlib.state.ma.us/co2004.html> (follow "461" hyperlink), amended by Executive Order Number 468 (2005), <http://www.lawlib.state.ma.us/co2004.html> (follow "468-PDF" hyperlink).

PERFORMANCE, ACCOUNTABILITY, AND CULTURE

Reform began with clarification of the agency's vision and mission statements. In addition, an all-important value statement was created by a cross-section of employees, including representatives from most of the collective bargaining units. Since that time a core team of agency managers and superintendents have been working with me to define what the agency does, determine how we should measure it, and to identify performance gaps. These individuals have been committed to fostering a culture that looks to the future, embraces change, and is committed to continuously improving performance. Our challenge has been to clarify the agency's future direction and to develop a plan to realize it. We have remained focused on developing performance measures, establishing accountability systems, and addressing cultural issues.

An organizational culture defines the way the organization thinks about its central mission and tasks as well as the types of human relationships that employees foster within the agency. Ultimately, the culture affects:

- employees' interactions with each other;
- employees' interactions with supervisors and managers;
- employees' interactions with inmates;
- employees' interactions with other stakeholders;
- the agency's emphasis on certain goals and tasks; and
- the agency's predominate style of management and leadership.

In Massachusetts there was a vital need for all employees—leaders, managers, and line staff—to work together, to adapt, to change, and to deal with the difficult issues confronting our agency. It was critical to invite all of our unions to participate in the change process and while many are pleased to be part of an agenda that moves the agency forward, some are outright resistant to cultural change.

PRISON IS LIKE A SMALL TOWN

In many ways a prison is like a small town. In this town the inmates are the citizens. And, like your town and mine, the citizens of this town must be kept safe and secure. They are provided with housing that meets public health standards. They have access to medical and mental health care that meets national standards, food that meets basic nutritional requirements, and program opportunities that facilitate their successful reentry into the free communities in which we live.

These are the issues correctional administrators confront every day, and they are among the most complex in the public sector. There is a great amount of public misunderstanding concerning corrections operations, costs, and effectiveness. This field is the most rapidly growing public-sector function in government. It continues to grow in the number of offenders involved, the number of staff required to carry out its functions, and the volume of tax dollars directed to its operation.

Just like a small town, a prison cannot be managed effectively while a code of silence exists. In Massachusetts, we have initiated a number of reforms to make our system more open and transparent to improve public safety.

TRAINING, STAFF DISCIPLINE, AND INVESTIGATIONS

As we implement the recommendations of the GCCR we have focused on an overhaul of our selection and hiring processes and our training programs. Many departments conduct physical standards tests to ensure that staff can meet the physical requirements of their jobs. We should be just as concerned about the psychological well being of staff prior to investing tremendous authority in them over offenders or handing them a weapon. Accordingly, Massachusetts has implemented comprehensive pre-screening which includes psychological testing prior to hiring staff.

In addition, we no longer send recruits, fresh from the academy, into institutions and simply hope for the best. The nine-week basic training program has been completely redesigned to focus on building communication skills and increased role-playing of “real

life” interactions. The use of a mock institution allows recruits to practice and build skills, and significant time is spent addressing cultural issues. All recruits are required to read Tom Conover’s book *Newjack*,⁴ and our Training Academy created online chat rooms where recruits discuss the contents of particular chapters, specifically the cultural implications of the situations described in the book. Culture is a constant topic of discussion, with the goal being that new recruits become agents of change. Our hope is that new recruits breathe life into staff whose senses may be dulled by their experiences working in prison.

The department is also focused on its revised mission: to reduce recidivism, address the need to support successful prisoner reentry, and act in accordance with ideals of ethics and professionalism. Correctional staff must be positive role models of behavior and held to the highest standards of conduct while establishing a culture of accountability, fairness, and moral order.

For years correctional training has encouraged the “us versus them” mentality for the purpose of ensuring that proper boundaries are established and maintained between staff and inmates. As professionals, we need to establish clear boundaries and not become overly familiar with those in our charge. Staff realize that they have control over a segment of the population that is despised by much of the public. As such, staff do not want to be seen as over-identifying with inmates, being called a “con-lover,” or being seen as an easy mark.

Although some staff may address the need to establish boundaries by not seeing inmates as “truly human” this can result in missed opportunities to see and gauge the shifts in an inmate’s demeanor or behavior. Experienced, well-trained officers can identify these subtle changes before the inmate himself is even aware of them and quick intervention can reduce the likelihood of the inmate harming others or themselves. However, this way of thinking can lead to the dehumanization of inmates, inmate families, visitors, volunteers, advocacy groups, treatment personnel, managers, and so on. Viewing anyone as less than “human” dulls our senses of observation. The

4. TED CONOVER, *NEWJACK* (2000).

need to establish appropriate boundaries presents a difficult line to walk. The need for boundaries is imperative, yet the consequence of dehumanization is catastrophic.

As a professional, no one wants to be seen as over-identifying with offenders. Yet, at its core, corrections is about interaction and communication. It is about using your head, not just your brawn. Staff must have the appropriate temperament, the necessary communication skills and a full understanding of “what works” in the correctional environment to be effective. That is why selection, training, hiring, and support are so critical to ensuring safe and secure prisons.

Without doubt, there is a desire for an employee to “fit in,” to be a “stand up guy” who “does right” by his peers. Why? Prisons are dangerous environments and staff need to know that their fellow staff will be there for them in an emergency situation. “Will people respond if I need help and I’m not part of the ‘us’ crowd?” This fear factor in particular cannot be ignored. There is tremendous peer pressure to “go along.”

While this certainly impacts peer-to-peer relationships, as well as supervisor-to-peer relationships, it is especially noticeable in cross-gender supervision. There are differences in communication styles and differences in social styles. Females tend to be more relational, while men tend to be more “macho,” for lack of a better word. This can impact how well we operate our prisons.

In any institution there are both formal and informal organizational charts. There are leaders by title and there are informal leaders who drive the culture of a given shift, division, and facility. If the culture embraces a code of silence the code is often enforced through intimidation tactics such as verbal threats against personal safety and vandalism of personal property. If left unchecked the potential for violence increases.

At the DOC in Massachusetts we have experienced first hand the intimidation tactics of staff who are entrenched in maintaining the status quo. Since I became Commissioner the agency has overhauled the staff investigations process and we have brought consistency to staff discipline. We all know that staff investigations must have integrity to be effective. Staff must believe in the system and know it is fair. Inmates must also have confidence in the investigatory

process and everyone must know that there are consequences for bad behavior. Prosecution of staff who abuse authority is a must.

The GCCR proposed the creation of an Inspector General position for Massachusetts who would review certain levels of investigations. While existing legislation to create such a role has not passed, the DOC has offered testimony in support of such a bill, provided that the roles and responsibilities are clearly articulated and do not tie the hands of the commissioner as the chief operating officer. Having an independent authority review staff investigations lends additional credibility to the investigatory process and provides added weight to the findings. The creation of the CAC, and the chairing of that panel by a respected leader in criminal justice, has provided Massachusetts with an invaluable external perspective. The council has facilitated an internal focus on reform efforts.

When doling out discipline to staff we must consider honesty as a mitigating factor. Of course one must always weigh the egregiousness of the offense with the potential positive outcome of mitigating a sanction. We must also weigh the evidence. There is a difference between an employee being caught red-handed doing something wrong and an employee taking responsibility for the right reasons and breaking the code of silence. Whenever possible truth tellers should be afforded second chances.

Technology can be helpful in trying to break the code of silence as well. When staff and inmates know cameras are monitoring and recording their actions they tend to behave differently. Capturing behavior on tape makes it easier to hold guilty people accountable and to exonerate others when false allegations are made.

In addition to cameras, technology provides administrators with information that helps to track a facility's climate. A recent example is helpful. After the well-publicized conviction of another former priest for pedophilia more than 800 "hits" on this inmate's computerized record were recorded within six days of his admission to the system. The majority of the staff reviewing this offender's record had absolutely no reason to review the case file—they did so out of simple curiosity. This is a situation where administrators can intervene and hold staff accountable before issues explode into climate concerns. Another example involved the possible release to the media of sensitive medical information regarding inmates

diagnosed as gender-identity disordered. These are serious violations and staff must know that they will be held accountable.

STAFF HELD TO THE HIGHEST STANDARDS

It bears repeating: corrections staff should be among the very best people inmates meet in life. We should be role models for positive behavior. If staff do not follow the rules there is no hope for intervention or for changing inmate behavior.

As we have emerged from a decade or so where the mantra had been about being “tough on crime,” our collective failure to operationalize what that means for staff has led to an environment where the often conflicting goals of corrections (deterrence, incapacitation, rehabilitation, and punishment) are out of balance. Felons are sentenced to prison *as* punishment, not *for* punishment. When we fail to revise our training to reflect our philosophy some staff can lose sight of it, begrudging inmates even the basic necessities, such as food and medical care. In combination with the code of silence the consequences of failing to operationalize our philosophies and approaches can be serious.

Beyond efforts to greatly enhance selection, hiring, training, investigation, and oversight practices there are other strategies that leaders can employ. Establishing “field training officer” positions in each facility can provide an avenue for experienced staff to play a vital role in reinforcing the skills and standards established during basic training. Also, correctional administrators must be attuned to “stressors” that can be pre-cursors to most problems. Being attentive to signs and signals, even using fitness-for-duty evaluations when necessary, is critical in avoiding tragic and costly staff actions.

Finally, to set the tone for reform, correctional administrators can launch a public information campaign on two fronts—one for staff, volunteers, and contractors (an internal communication plan) as well as one for the general public, interested policymakers, and stakeholders (an external communication plan).

LACK OF MORAL ORDER

Many offenders often go through life believing that the rules and laws do not apply to them. A lack of integrity in the prison workforce

supports that very notion because the behavior of staff does not match the rules or the laws. The result is a lack of moral order in the universe. When injustices stand we reinforce the belief that there is no moral order in prison, which can lead to an increase in violence and in the dangerousness of prisons. The code of silence is a barrier to public safety and one that must be demolished in the interest of maintaining safe, secure prisons.

Those who serve as corrections professionals are aware of the enormous responsibility we have to protect the citizens of our communities from criminal offenders. All corrections professionals, from the front line to the front office, must demonstrate self-discipline, a concern for the public's safety, respect for the rights of inmates in our custody, and a respect for and adherence to statutes and department policy. Anything less is unacceptable.

Corrections is a field where we must continually seek the best practices rather than simply follow the past practices. It is a field where simply doing the right thing is not the true measure of success, but where doing the right thing *well* is. Lastly, it is a job that challenges us daily to apply our experience and intelligence, training and education, common sense and good judgment, integrity and respect for others, and, not least of all, our humor to solve a myriad of problems ranging from the mundane to the most complex.

CONCLUSION

Working in corrections is difficult and challenging. Daily, the vast majority of staff members rise to the challenges and dangers inherent in our prisons. Sadly, the code lives in some of the darker corners and hallways of our profession. Shining the light of day on this behavior presents an opportunity to deal with it openly and honestly, and with a commitment to change it.