

# **Module 4: Agency Culture**

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## **Investigating Allegations of Staff Sexual Misconduct with Offenders**

Developed by the NIC/WCL Project  
under NIC Cooperative Agreement  
#06S20GJJ1



# Training Objectives

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- Define agency culture
- Identify how agency ethics affects the investigative process
- Identify and discuss how the culture of other agencies plays a role in the investigation of staff sexual misconduct



# Training Objectives

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- Identify and discuss how prosecutions affect the culture of investigations
- Identify culture challenges affecting agency leadership
- Define strategies to change negative institutional culture



# Components of Agency Culture

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- Beliefs: Shared explanations of experience
- Values: What is considered right and good.
- Norms: Shared rules, “the way things are done”
- So deeply held that they aren’t even noticed unless they are violated
- Norms are often more powerful than formal sanctions (e.g. sanctions)



# Definitions of Agency Culture

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- Sum of the organizations attitudes, beliefs, values, norms and prejudices that form the way of life within the organization
  - Includes the character of the surrounding community, the history of the operations and the professionalism and ethics of staff and leadership—past and present
  - Can vary by facility, shift and division
  - Can be positive or negative
  - Can be resistant to change or embrace it looking to the future



# Influences on Culture

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

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# Influences on Culture

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- Characteristics and behaviors of staff members
- Characteristics and behaviors of offenders
  - Respect for staff
- Staff-staff interactions
  - Does line staff trust administration
- Staff-offender dynamics
  - Are interactions professional or over familiar
  - Are offenders talking about staff business
  - Are non-verbal interactions appropriate

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# Influences on Culture

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- Agency policy and procedures
  - Does practice match policy
- Language
  - Are cartoons posted in staff areas
  - Are sexual innuendos accepted
- Disciplinary process
- Relations with organized labor
- Imbalance of power



# Agency Ethics

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- What are the agency ethics
- How does the staff know the ethics of the agency
- Why are ethics of an agency important
- How are staff members trained to make ethical decisions
- How do agency ethics affect the investigative process

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# Impact of Culture on Investigations

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- Can support or obstruct an investigation
  - Affects cooperation from staff, offenders and witnesses
- Need to understand culture in which investigations take place
  - Provides a context for behaviors and responses of staff and offender to the investigation
- Outcome of investigations can, in turn, influence culture



# Employee Code of Silence: Definition

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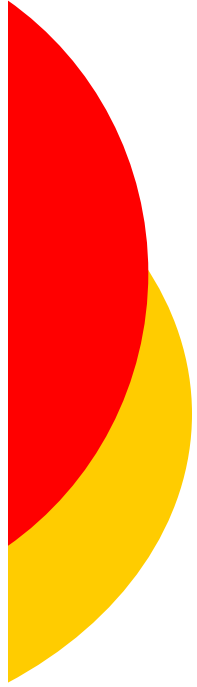
- Unwillingness to openly discuss other staff or incidences/ allegations of illegal, unethical, immoral conduct
- Protection of self to fit into culture
- Non-cooperation with management and investigators results in protection of wrongdoers



# Employee Code of Silence: Definition

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- Staff will risk discipline and even termination rather than violate this powerful norm
- Why
  - fear of retaliation by staff
  - May view investigative process as a witch hunt
- Culture imposes penalties on staff who break the code of silence




## **Code of Silence**

### **Baron V. Hickey, 242 F.Supp.2d 66**

### **(D.Mass. 2003)**

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- County Corrections officer harassed by co-workers after he reported misconduct
- Reported co-workers playing cards with inmates
- Referred to as “rat”; people dropped cheese in front of him; tires slashed
- Complained on 30 separate occasions



## Code of Silence

### Baron V. Hickey, 242 F.Supp.2d 66 (D.Mass. 2003)

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- Claimed that he was forced to resign
- Jury awards Baron \$500,000 for severe harassment
- Affirmed 402 F.3d 225 (1st Cir.(Mass.))

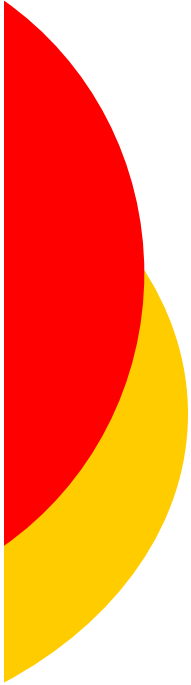


# The Culture of Other Agencies

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- Organization's attitude toward offenders
- Perceptions of the corrections environment
- Standards of proof
- Influence of larger political environment

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# Impact of Culture on Investigations

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- Important for participants from other agencies to understand the features of correctional culture
  - Code of Silence
  - Imbalance of power and its impact on consent
  - Layers of interaction



# Impact of Prosecutions on Agency Culture

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- 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
  - Lessons learned
  - Turning point



# Challenges for Leadership

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- Sexual misconduct by staff does not arise out of no where
- Can be a symptom of the culture
- Addressing the problem in a systematic way is about cultural change
- Cultural change is the challenge for leadership
  - Must shift deeply ignored norms and attitudes
  - Ideology and attitude lies in key positions



# Strategies for Changing Culture

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- Define boundaries for employees through policies that are clear, concise and definitive about what is acceptable and unacceptable.
- Conduct appropriate screening during hiring and promotional processes
- Provide employees appropriate tools for self assessment, to help them learn when they might be crossing boundaries.



# Strategies for Changing Culture

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- Help employees to identify and maintain their own professional boundaries; provide training through interactive exercises and dialogue
  - Reinforcement of training and ethical standards
- Maintain a policy and practice that provides employees with access to advice and assistance when they have concerns and questions about boundaries.



# Strategies for Changing Culture

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- Train and support first line supervisors in their efforts to supervise employees, and recognize red flags
- Ensure that there are open dialogues specific to the issue, using regular employee meetings, regular discussions and sharing of information and concerns, and any other format that will keep employees talking about the issue.



# Strategies for Changing Culture

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- Provide a safe environment for the discussion of concerns and questions without fear of embarrassment or retaliation
- Ensure that practices match policy and procedure; and
- Model ethical behavior and insist that all managers and supervisors do the same.



# Strategies for Changing Culture

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- Educate staff
  - For managers: there is liability
  - For supervisors and line staff: it's a security/ public safety issue
  - It is part of professionalism
- No more acceptable than for dentist/patient, priest/parishioners, law enforcement/motorist



# Strategies for Changing Culture

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- Make it clear that you take it seriously
  - Zero tolerance must mean zero tolerance
  - Consequence: Something has to happen to someone.
- Model the behavior
  - The culture will not tolerate hypocrisy
  - Demonstrate personal commitment
- Acknowledge and recognize staff who move process forward