Watching for the Signs of Sexual Misconduct in Corrections

By Keith L. Martin, Associate Editor

Sexual relations between correctional staff and inmates do not happen overnight. The steps and incidents leading up to it are slow and deliberate, whether being initiated by an employee or an inmate, so there is ample time to catch warning signs. In many cases involving staff, the person who is being manipulated usually doesn't realize it until it is too late.

"In my teaching [on sexual misconduct], I always say that it is like the hour hand on a clock - you know the direction it is going in, but you don't see it moving," says **Aaron Aldrich**, Chief Inspector for the Rhode Island Department of Corrections. "Sexual misconduct happens so slow in most cases, that an employee doesn't realize that they are going down the wrong route. Much like they look at a clock and say 'it's *that* time already,' they don't realize how the situation has developed into sexual misconduct."

Aldrich adds that in the case of inmates, they can be motivated and sometimes know very quickly which staff members can be manipulated.

"Just like correctional officers, they are trained observers," he says. "They read body language and mannerisms. Some inmates I've interviewed have indicated that after just one look, they knew a relationship would happen."

Despite the fact that their crimes alone should indicate to staff that they can be manipulative, many inmates possess an engaging personality, adds Aldrich. From serial killers like John Wayne Gacy and Ted Bundy to "Long Island Lolita" Amy Fisher, they have the ability to size people up and read them - a trait that allowed them

to function on the street and makes them someone staff should be extra careful.

"It's like encountering a rattlesnake - you know what it is and what it can do, but some still decide to play with it," he says.

The Slow, Steady Process of Manipulation by Inmates

According to Aldrich, when inmates manipulate staff, they commonly begin by approaching staff who they have already felt out. They won't approach the strict disciplinarian who does everything by the book from behavior to condition of uniform or what Aldrich calls the "poster boy for corrections." Instead, they will find a target who is a little lax and has a relationship with other inmates as the "cool, nice guy" who they have already identified as having a softer heart.

The use of compliments from inmate to staff member usually sets the stage for both friendly dialogue as well as trying to begin a simple relationship. For example, an inmate may say that an officer looks nice and follow that up by asking if they work out. If they say "yes," they may add further compliments, such as the way their uniform looks on them and ask how many push-ups they do, engaging them in flattering conversation.

"Prison is a negative environment and has the potential to be a hostile environment," says Aldrich. "[Staff] spend eight and sometimes 16 hours a day with that and compliments don't usually come their way, so a person feels good when compliments are offered."

Once some kind of rapport is established, he says, the introduction of personal matters comes into play, with the inmate seeking a friendly ear from the staff member. This usually involves their personal matters, so Aldrich advises all staff to use a simple measuring tool to gauge what is discussed.

"Do not engage in any dialogue at any time, that you would not talk about in front of your wife or husband, boyfriend or girlfriend, boss or member of internal affairs," he says. "Say what you would say if they were there. Say to the inmate that you are not comfortable talking with them about that. This tells the inmate: 'game over.'"

Innocent Things Are Anything But

Aldrich even warns against sexual jokes or "prison humor." What happens is that the inmate feels they can tell a staff member a joke like this and then can extend that to other dialogue of a sexual nature - once that humor is accepted, doors begin to open. For example, an

inmate will tell a staff member that they have been locked up for so long without sex and that every time they see that person, they think about sex. An inmate may also tell them that they've had dreams with the staff member in it, peaking the interest of that person.

"[There is a problem if the employee] is not abrupt or shuts down the conversation and instead, looks over their shoulder to see who is around," says Aldrich. "Curiosity takes over and the thrill of hearing someone incarcerated is having thoughts about them, so they'll ask 'what kind of dream was it' and the inmate knows 'wow, I've got this person.'"

What can follow, he adds, are notes or cards being passed from the inmate to the staff person as an expression that they think differently of them than others working at the prison. In fact, says Aldrich, this feeling of being separated from others in the correctional environment is often used. For example, if a person is frustrated with their job, thinking of leaving and tells the inmate, an offender may back that up by telling them that they should go because they are "better than anyone else there" and "you treat others better."

That, he says, is when the ping-pong game begins. Staff begin to relate to the inmate with appreciation and then start to wonder why they are in prison, talk about the personal aspects of the inmate's life and start to feel compassion for their situation.

"You have two people in a negative environment who are complimentary to one another," says Aldrich. "The inmate will say that the officer is a step above others in the prison and that's when the door begins opening."

Recognizing the Boundaries of Authority

Just as inmates can be the conduit to initiate a sexual relationship with staff members, those who work in the prison can do the same. In Minnesota, just as officers and other personnel are made aware of sexual misconduct, its consequences and signs to watch out for, so are inmates.

The state's Department of Corrections begins addressing the issue with inmates both in an orientation session when they initially come into the system as well as when they are moved to a new facility. Along with a discussion, each inmate is given a pamphlet that discusses what sexual misconduct is, the procedures for notifying staff of an incident and the consequences of false accusations.

"We want to teach offenders that just because they are in prison and a lot of the aspects of their lives are controlled by correctional officers and staff, that they

can't use that authority to tell them to have sex with them," says **Jeff Shorba**, Assistant Commissioner of the Management and Legal Services Division of the Minnesota DOC. "We make it clear that this is not tolerated, get it out clearly and get the information out on how to report these issues."

In their training, staff are told about the training inmates receive and also informed that this activity is not only a violation of policy, but a felony offense in the state of Minnesota. Beyond losing their job, staff need to be wary that they could also be subject to criminal sanctions for their behavior.

According to Shorba, training for staff is crucial because this type of behavior, while a personal discrepancy, has a ripple effect on their facility as well.

"We point out to staff that this is not a 'gotcha' thing where we try to get as many [staff doing this] as we can, but also need to make it clear that this is everyone's business because it causes security problems for the whole facility,' he says.

Part of this, adds Shorba, is letting staff know that if they are aware of incidents of sexual misconduct going on, to report it immediately to the department.

"They have an obligation to report any sexual misconduct they see, even if it is their buddy who is doing it and doesn't think their behavior is inappropriate," he says. "[Staff] are the eyes and ears of management - if they see something suspicious, they need to let us know."

Be Wary of the Motive In Motivation

According to Aldrich, unlike inmates, it is more difficult to profile those staff members who are likely to engage in sexual misconduct. He has seen cases involving new officers and those with 26 years of seniority, male and female officers alike and those ranging in level of education from a GED to a Master's degree.

In his investigations, one thing usually is the case - the officers involved are those who are trusted by the administration at the facility. This trust can aid them in setting up situations where they can engage in a relationship with an inmate without others being aware.

One example might be an officer at a facility who is allowed to hand-pick inmates for a work crew and has the latitude to go to the warden and request that inmate "X" be on his or her crew.

"This should be a warning, but can be overlooked because it is a seasoned veteran, so it shouldn't be

questioned," says Aldrich. "On the surface level, a certain inmate has been requested to be with them. We should ask why."

Another warning sign, says Aldrich, is handpicking inmates to work in an isolated area of the facility. One example he gives is an officer who went to a superior and wanted to renovate an unused space in the basement of the facility. Maybe this officer even comes in on his time off and brings in materials from home for his project. Now, says Aldrich, you have an employee who wants to bring a handpicked inmate into an isolated area of the prison and the warden thinks "what a great motivator this guy is."

"There may be motivation there, but look at the motives they have," he says.

In many of the letters he has read between inmates and officers involved in a relationship in corrections, staff often indicate that they need to see the inmate everyday and would go to great lengths to see them, which is presented in a number of warning signs.

Aldrich recommends that managers be aware of staff who volunteer for overtime, pick a post to cover and then when they don't receive that assignment, might as well go home. There should also be concern when staff come to blocks they are not assigned to and request to go in to see someone. The question of "why" should immediately be asked. Aldrich advises putting that person in check and even making them uncomfortable.

Another situation is the staff member who comes in early and asks to relieve officer "X" from their post, eager to begin their shift.

"They can't wait to get there - like a moth to a flame," he says.

No matter the situation itself or how staff use their authority to set up a relationship behind bars, Aldrich says that there should be anger on the part of anyone connected to that facility or department over sexual misconduct.

"I think we need to be aware when corrections professionals get involved in these kinds of relationships and we should be as outraged [about them] as we would a dentist taking advantage of a patient, a teacher of a student or a patrolman who pulls someone over and accepts a favor versus giving someone a ticket," he says. "That person doesn't belong with a badge."

Resources

Aaron Aldrich, Chief Inspector, Rhode Island Department

of Corrections, (401) 462-2551

Jeff Shorba, Assistant Commissioner, Management and Legal Services Division, Minnesota Department Of Corrections, (651) 642-0566

News: Main Feature

Not the Rat Squad: Investigators Work to Keep Institutions Safe for Staff and Inmates

By Michelle Gaseau, Managing Editor

The Suits vs. the Code of Silence. It's an old-fashioned image but one that corrections officials still battle when it comes to internal investigations. In recent years, whether acting on their own or with a push from the state legislature, corrections agencies are getting serious about stopping crime behind bars.

Corrections leaders are providing additional support and better mechanisms to uncover and investigate crimes by inmates and staff in prisons. This is important so that both law-abiding staff and the public know that corrections is doing its job.

"Issues of integrity are so often implicated in correctional settings. These can be corrupting environments; even good people can be corrupted here. The entire system depends on staff performing their duties conscientiously and professionally. We have a great deal of power over the inmate population and that kind of power calls for very tight supervision of staff and monitoring of any questionable activity," said **A.T. Wall**, Director of the Rhode Island Department of Corrections.

Today corrections leaders are working to instill the belief that when staff are involved in situations of excessive use-of-force, sexual misconduct and the smuggling of contraband, they put not only themselves, but their co-workers and the institution at risk.

Changing a Paradigm for Internal Affairs

"It's always embarrassing when you are a corrections officer and the newspaper headline reads that a corrections officer has been arrested for beating an inmate," said **Aaron Aldrich,** Chief Inspector for the Rhode Island Department of Corrections.

Aldrich, who began his career in corrections as a line officer, knows that some staff still question the fairness of "Internal Affairs" and assume that they are "out to get you." So, in addition to his job of weeding out the bad guys, he also tries to interface with staff to show them that his intentions are different than this perception.

"One of the most important steps is demystifying the role of the Internal Affairs office. So many people associate it with a bad thing and someone is in trouble," Aldrich said.

Aldrich spends six to eight hours each week teaching classes at the corrections academy to both seasoned officers and new recruits. The topics are his specialty - the hostile work environment, avoiding staff sexual misconduct, crime scene and evidence preservation.

"I am seen by staff at all levels. I believe 'An ounce of prevention is worth a pound of cure.' I will tell you how to avoid certain pitfalls, how to avoid circumstances in a hostile, toxic work environment and how to prevent the Internal Affairs interview," he said.

Wall, who receives reports daily from Aldrich, said it is important to help staff understand the true role and the significance of Internal Affairs to the department on several levels.

"An Internal Affairs unit is considered a kind of spy organization by many line staff. That's natural in these settings, but it can be overcome," he said.

Wall suggests several approaches to address this:

*The people chosen for Internal Affairs should be carefully selected. They have to have credibility in the organization, either because they are known from having worked in the department or have good reputations from where they worked before.
*Internal Affairs can't be a foreign presence that "comes in like a SWAT team" only when misconduct is alleged. Wall explained that Internal Affairs people need to be visible; they need to be seen and known. "It's important that they interact with our staff in training settings, and casual walk-throughs of institutions so that they are not regarded as

strangers," Wall said.
*A director needs to give very strong support and credit to Internal Affairs. It sends a message throughout the agency and staff understand that this is a valued unit.

"Too often in the agencies I know, Internal Affairs confines their activities to playing 'Gotcha' and waiting for the staff member to fall and [then] swooping in and destroying a career. Sometimes that is necessary, but if we really care about our people, we have some obligation to help them avoid those compromising behaviors," Wall said.

Aldrich agrees and said that involvement with staff in situations other than investigations helps staff to avoid making inappropriate choices in the future.

"Internal Affairs is always perceived as the rat squad. But I have to tell you, the students in the classes request to have me come back. What is satisfying is to have someone with 25 years of service tell you you did a great job," he said. "Anyone who is not doing it, is missing the biggest boat."

Aldrich said he also takes the opportunity during training at the academy to explain that he is not out to destroy careers. In fact, Aldrich said, it is his job to point out when staff are doing the right thing in any given situation, as well as when staff are not.

"I might identify in a report the actions of an employee that were text book and require recognition, but it may also identify another employee whose actions may be inappropriate," he said.

The explanation can set the stage for future actions by staff not only when they face difficult situations on the job, but also if they see others whose actions may put the facility in jeopardy.

Staffing the Inspector's Office

Successful investigations in corrections take more than a plan for interaction with staff at varying levels. Directors must choose the right people to work in an inspector's office in order to ensure that the department is performing with the utmost integrity.

According to Wall, that means that the people running the investigations should have a high level of commitment to the job and to the mission of the department.

"The best inspectors regard their work as more than a job. They have a passion for integrity; they hate corruption and they are willing to work whatever schedule it takes and be available whenever needed to respond to a possible problem. Staff very quickly pick up if an inspector simply regards it as a job," Wall said.

At the same time, Wall said, inspectors or investigators are just as dangerous if they are over-zealous and disregard the rules and laws that apply to them. They should clearly understand confidential policy about investigations and be able to work closely with other types of central office staff in serious investigations - such as legal staff and human resources.

"They are there not to do the investigator's job but rather to support the investigation by pointing out possible pitfalls or the ramifications of different investigative approaches. Otherwise, we have cast our inspectors adrift," Wall added.

Aldrich said it is important to have a loyal team of investigators on the same page to function well together and promote consistency.

"In my office I have an [inscription] that says 'Always give people more than they expect to get.' I try to have my people do that. What it means is there are times when we will give people more compassion than they expect to get or it might be that we have a surveillance detail out at 3 a.m. on a major holiday. We will be there," he said.

Wall said it is also important to consider the experience of those staffing the investigative unit. In Rhode Island, officials believe that having inspectors or investigators with prior corrections experience can add to their effectiveness.

"They understand jail and prison cultures, they know the informal relationships among staff, they understand the physical plant and how certain things can happen in certain places," Wall said.

However, Wall added, these staff members may not be removed enough from the corrections system to do the job well. He said there is always the risk that an inspector may be too close to the personnel involved in a case and therefore may not be objective.

In Texas, officials took great care to ensure that they created a complete separation between investigators

and the corrections agency to ensure objectivity.

According to **John Moriarty**, Inspector General for the Texas Department of Criminal Justice, his 137 staff member-unit reports to the Texas Board of Criminal Justice but communicates with the director of the TDCJ as well.

"That is so I have some autonomy regarding investigations inside [regarding] wrongdoing for both corruption as well as normal run-of-the-mill crimes," Moriarty said.

Originally the TDCJ's investigation unit, which handles both staff and inmate crimes, was staffed with non-civilian employees of the department. A major lawsuit several years ago helped re-shape the unit so that it was better able to look into allegations of staff misconduct, harassment and retaliation.

Wall said the inmate investigations unit, however, must be staffed with people who know the corrections system because their familiarity with the prison culture and activities are essential to apprehending inmates who break the law.

These staffing decisions can also influence how easily facility staff communicate with investigators.

Working Together

Whether investigating illegal activity by an inmate or a staff member, or both, investigators rely on the willingness of those inside the facility to communicate about these transgressions.

Often this information comes from a staff member, which is why selection of the investigators is so important to the unit's success.

"That is one reason why the inmate investigations unit needs to be drawn from the personnel. They have credibility and personal relationships with staff. Our staff don't regard them as competition and they don't see them as an elite group because they are one of the group," Wall said.

Corrections agencies also need to put in place certain mechanisms that allow staff and inmates to provide information without the fear of retaliation.

Both the TDCJ and the Rhode Island DOC provide ways for inmates and staff to communicate with the investigations unit.

According to Moriarty, a state law called the Safe

Prisons Act specifically mandates that the investigation unit has a safe and secure referral system for information as well as policies that help those within the facilities identify misconduct - especially sexual misconduct.

"We provide the same services as if you were a victim of a sexual assault on the street. In Texas you have a right to an advocate, to be examined by a physician and have the best forensic capabilities - we do the exact same thing inside the penitentiary," Moriarty said.

Wall agrees that unfettered access is vital to keeping the pulse of the institution.

"We allow inmates to make collect calls from the cell blocks to both units. There are always channels of communication. The calls can be anonymous as well. We are concerned about getting information and we need to make it possible for that," Wall said.

Aldrich has found that his interactions with staff at the training academy have helped staff open up about misconduct they see on the job. He said staff often feel comfortable approaching him after training or asking him to give them a call.

"The code of silence is diminished when the staff know that the motive of the Internal Affairs unit is not to do harm or to discipline those doing the right thing. It is for those who are doing the wrong thing. They are the ones who will get the good guys in trouble. They will make your job that much harder," Aldrich said.

Inmate Investigations

The job of investigating inmate crime and plots for escape involves a whole other level of investigative techniques and understanding of the criminal mind. For Moriarty and others who work in offices that sniff out criminal activity by both inmates and staff, it is inmate crime that takes up much of their time.

In a state the size of Texas, with 147,000 inmates, the number of crimes, escape plots, assaults and other activities that the investigative unit must monitor might seem overwhelming.

To date this year, Moriarty's unit has conducted 3,000 felony criminal investigations including homicide, aggravated assault, sexual assault and escape.

Just recently his office uncovered an escape plot that

had people on the outside working to prepare an inmate for an escape by collecting survival gear and other items that were to be dropped near a facility. Through his team's diligent efforts, the plan was uncovered.

But Moriarty said that the unit officers need more than good investigative techniques. Inmates need deterrence. Texas seems to have a handle on this.

"What I see as key is the aggressive prosecution for predatory inmates outside the walls of the prison. We have our own prosecutors with the concurrence of the DA. We have a very aggressive group of prosecutors who are separate and above the local district attorneys office," Moriarty said.

Because these prosecutors deal specifically with the cases that arise behind prison walls, they understand the issues that can arise to make a case complicated, such as the witness credibility, or lack thereof.

"The truth of the matter is our staff assaults are down. That is coupled with aggressive prosecutions. We recently prosecuted an inmate who murdered a corrections officer. He received the death penalty," Moriarty said.

William Bell, a criminal investigator with the Colorado Department of Corrections, also says corrections investigations require specialized experience.

"To start, criminals today are more sophisticated, more violent and more dedicated to criminal behavior than ever before," he said. "Outside law enforcement are really not equipped to come in and investigate, mainly because they don't have the manpower [to do so] and don't know the lay of the land."

Bell says that to put the need for correctional investigators into perspective, imagine an average city where there is one police officer for every 1,000 people. Out of a city of 16,000, he says, one percent of them is involved in felonious activity. In corrections, however, there are 16,000 people and every one of them is a convicted felon.

Bell, who has worked for the DOC for 20 years, agrees with Moriarty that there are subtle differences between investigations on the streets and those done in prison.

"[In corrections], there is the "inmate code" where

an inmate suspect doesn't want to talk, the victim doesn't want to talk because they fear retaliation and the witnesses may not want to talk [either]," he says. "[Also] with the use of confidential informants, we have to be careful because the likelihood of that information getting out [means that person] will be killed. 'You snitch, you die' is the rule."

From a director's perspective, these investigative units need a lot of support from the top to do their jobs well.

"With regard to both units, but especially Internal Affairs, we are asking the staff who work there to do a really difficult job. They have to move comfortable through the institution, they have to be accessible and they have to be trusted. At the same time they can't get too close to anyone," Wall said.

Wall said that the investigators help him understand each facility and the department as a whole.

"I talk to my chief of Internal Affairs every day, not only about investigations, but also staff attitudes and climate. I find it essential to keeping my finger on the pulse. Similarly either myself or the assistant director talks with the special investigations unit every day. Both units are critical tools for managing a corrections operation," Wall said.

Resources:
To call the Rhode Island DOC for more information dial 401-462-2611

For information about Colorado DOC, visit the Inspector General's Office website at http://www.doc.state.co.us/IGO/IGO.htm which is also this week's Site of the Week

For information about the TDCJ, visit the website at http://www.tdcj.state.tx.us/
