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**Human Resources and Administrative Investigations
Notification of Curriculum Use
April 2014***

The enclosed Human Resources and Administrative Investigations curriculum was developed by the Project on Addressing Prison Rape at American University, Washington College of Law as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency and the Bureau of Justice Assistance (BJA). The Prison Rape Elimination Act (PREA) standards served as the basis for the curriculum's content and development, with the goal of the Human Resources and Administrative Investigations curriculum to satisfy specific PREA standards requirements.

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**Training Curriculum:
Human Resources and Administrative Investigations**

**MODULE 5:
AGENCY CULTURE**

**The Project on Addressing Prison Rape
January 2014**

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Objectives

1. Define agency culture
2. List and describe the components of culture
3. Identify influences on agency culture
4. Describe the impact of culture on all correctional agencies
5. Identify strategies for changing culture



Webster's Definition of Culture

- The integrated pattern of human knowledge, belief, and behavior that depends upon the capacity for learning and transmitting knowledge to succeeding generations;
- The customary beliefs, social forms, and material traits of a racial, religious, or social group;
- The set of shared attitudes, values, goals, and practices that characterizes an institution or organization; and
- The set of values, conventions, or social practices associated with a particular field, activity, or societal characteristic.



Foundation of Culture

Culture is communication,
communication is culture



Components of Agency Culture

- **Beliefs:** Shared explanations of experience
- **Values:** What is considered right and good
- **Norms:** Shared rules, “the way things are done”
 - Norms are often MORE powerful than formal guidelines.



Components of Agency Culture

Phantom Rules:

Rules that people create that they **THINK** are the real rules based on their own misunderstanding or past history - these rules have **NOTHING** to do with the actual rule.



Influences on Culture

- History
- Hiring process
- Promotional process
- Leadership and agency ethics
- Public opinion



Influences on Culture

- Staff-staff interactions
- Staff-inmate/ resident dynamics
- Inmate-inmate and resident-resident dynamics
- Agency policy and procedures
- Language
- Disciplinary process



The Employee “Code of Silence”

What is the “**Code of Silence**”?

- A code of silence is when a person opts to withhold what is believed to be vital or important information voluntarily or involuntarily.
- A shroud of secrecy, agreement to keep quiet.
- The code of silence is usually either kept because of threat of force, danger to oneself, or fear of being branded as a traitor or an outcast within the unit or organization.



The Employee “Code of Silence”

- How **prevalent** is the “Code of Silence” in corrections and law enforcement?
- National Institute of Ethics conducted survey of 3,714 police officers regarding “code of silence”.
 - **42% admitted to having witnessed misconduct by another employee but took no action.**



The Employee 'Code of Silence'

- Protection of self and co-workers and even management or supervisors
- Non-cooperation with management and investigators
- Staff will risk discipline and even termination rather than violate this powerful norm
- Culture imposes penalties on staff who break the code of silence



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

The Facts

- Baron, a corrections officer in Suffolk County House of Correction, witnessed a supervisor playing cards with inmates, a violation of facility policy
- Baron filed a report, and the supervisor was suspended
- Baron claimed that he was ostracized and harassed after making the report
 - Defaming posters claiming Baron watched child pornography; threatening phone calls; smeared feces on his car; slashed tires.
- Hickey, another corrections officer, was the ring leader of the harassment
 - Called him a “rat-fink” and threw cheese at him



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

The Facts

- Baron verbally complained on 30 separate occasions and submitted 20 reports in writing
 - Hickey was ordered to cease harassment, but not disciplined
 - A supervisor told Baron to “be a man”
- Baron was charged, and acquitted of indecent assault and battery
- Baron then suspended for five days for giving food to a female inmate
- Baron claimed that charges and suspension were retaliatory
- Baron was to be suspended for 20 days for submitting an inmate communication directly to the Boston Police rather than his supervisor, but resigned before the suspension
- Baron claimed constructive firing because of retaliation



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

Legal Claims and Holding

- Legal Claims:
 - 42 U.S.C. § 1983
 - First Amendment
 - Due Process
 - State law claims

- Holding
 - The supervisors' tolerance of harassment was a "matter of public concern," sufficient to satisfy a First Amendment claim

 - Jury awards Baron \$500,000 for severe harassment
 - » Affirmed 402 F.3d 225 (1st Cir.(Mass.))
<http://law.justia.com/cases/federal/appellate-courts/F3/402/225/510084>



Impact of Staff Culture on Administrative Investigations

- Culture can either **support or obstruct** investigations
- Need to understand culture in which investigations take place
- Important for participants from other agencies to understand the features of culture in your agency
- **Outcomes of investigations can in turn influence culture**
- Understand the challenge of conducting independent investigations in close / small communities



Red Flags

What is a “red flag” and why is it important?

- A warning signal.
- Something that demands attention or provokes an irritated reaction.
- Red flags are actions, words, situations or settings that should warn a person that something may be wrong.



Red Flags: Staff Sexual Misconduct

- Over-identifying with any inmate/ resident or their issues (i.e., blind to inmate's actions)
- Inmates/ residents know personal information about staff
- Inmate/ resident has letters or photos of staff
- Staff granting special requests or showing favoritism
- Inmates/ residents in unauthorized area or repeatedly out of their assigned space



Red Flags: Staff Sexual Misconduct

- Staff spending an unexplainable amount of time with inmates/ residents
- Staff taking inmates/ residents out of cell/ housing space at unusual times
- Staff in personal crisis (divorce, ill health, bankruptcy, death in family)
- Overheard conversations between staff and inmates/ residents which is sexualized in nature, or refers to the physical attributes of staff or inmates/ residents



Red Flags: Staff Sexual Misconduct

- Hygiene changes for staff
- Contraband
- Creating opportunities to be alone
- Familiarity with inmates/ residents
- Extra interest in unpopular inmates/ residents
- Being only person who understands the inmates/ residents



Challenges for Leadership

- Discover the root of the problem
- Problem 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



Inmate/ Resident Culture: *A Toxic Recipe*

- Development is often delayed or interrupted clearly affecting rational decision-making for adults and residents
- Impulsiveness, risk taking, short-sightedness
- **Histories of victimization** -- abuse & neglect, mental illness, developmental delays, academic failure/ special education
- Questionable staff ethics such as sexual joking and innuendos, tolerance, complacency



Inmate/ Resident Culture

- Peer Pressure
- Dangers in refusal, reporting [snitching]
- Language
- Code of Silence
- Criminal Thinking
- Survival
- Protection



Inmate/ Resident Culture

- Group Affiliations
- Companionship/Friend
- Reputation
- Fear
- Deprivation
- Curiosity/Exploration



Differences for Short-term Facilities

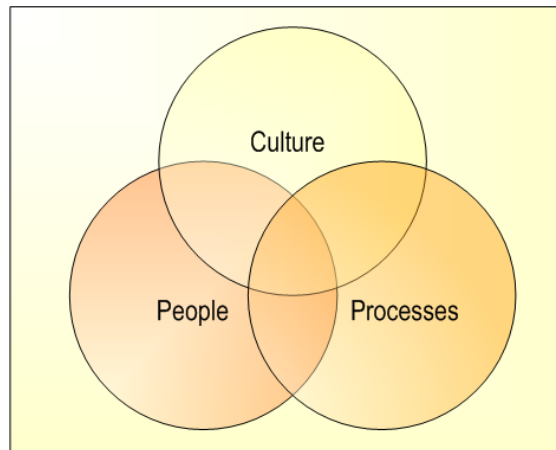
- May have **fewer "consensual"** sexual relationships
- **More sexual acting** out directly off the street
- **More drug/alcohol withdrawal** influenced sexual behaviors
- **More crowding & less opportunity for staff to observe**
- Inmates/ residents **less affected by concern with long-term safety** & reputation within facility



Changing Culture

3 Steps to Culture Change

- Understand the current culture (the way things are now)
- Decide what the organizational culture should look like to support success
- The individuals in the organization must decide to change their behavior to create the desired culture



Strategies for Changing Agency Culture

- Involve all key entities:
 - Line Staff, mid-management, management
 - Governing boards/CJPO/CEO
 - External stakeholders (law enforcement, prosecutors)
- A top-down approach is essential to success of culture change
- Ensure that behavior matches policies, good policies that are not actually practiced does not work
- Create a culture and community of accountability
- Model the behavior



Strategies for Changing Agency Culture

PREA Commission Report states:

- Sexual abuse is **not** an inevitable feature of incarceration.
- **Leadership matters.** Corrections administrators can create a culture within facilities that promotes safety instead of one that tolerates abuse.



Strategies for Changing Agency Culture

Envision the big picture

- Define your agency/organization mission, vision and values

Change the organizational culture

- Executive Support
- Training
 - Include community partners and experts



Strategies for Changing Agency Culture

- **Create** value and belief statements
- **Evaluate** whether staff at all levels buy into the value and belief statements
- **Target** areas where there are disconnects
 - Practice effective communication
 - Review organizational structure
 - Redesign your approach to rewards and recognition



Strategies for Changing Agency Culture

- Meet with local officials regarding culture change within the agency
- Inform local officials about your culture change initiatives and invest them in the success of them
- Involve other key stakeholders [inmates/ residents, families, religious community, advocates]



Strategies for Changing Staff Culture

- Conduct appropriate screening during hiring process
- Define boundaries for employees through policies that are clear, concise and definitive about what is acceptable and unacceptable
- Provide employees appropriate tools for self assessment, to help them learn when they might be crossing boundaries
- Provide employees with access to advice and assistance when they have concerns and questions about boundaries



Strategies for Changing the Staff “Code of Silence”

- Create a culture where staff place **loyalty to agency’s mission** above loyalty to other staff/peers/supervisors
- Place **honor** above loyalty to other staff members/friends/peers
- Behavior must be **modeled** by all levels of management on down to line staff
- **Regular training on ethics** is absolutely necessary



Strategies for Changing the Staff “Code of Silence”

Create opportunities for discussion about:

- Professionalism
- Mission and purpose of work
- Sexual dynamics
- Appropriate inmate/residents sexual behavior in detention

Create environment for staff to support each other:

- Recognize red flags
- Safe outreach to each other:
 - Are you ok?
 - I am concerned about you...



Strategies for Changing Staff Culture

Make it clear that you take the issue of sexual abuse of inmates/residents seriously

- Develop a firm zero tolerance policy
- Zero tolerance must mean zero tolerance
- Consequence: Something has to happen to someone

Model the behavior daily

- Insist that all managers and supervisors do the same
- The culture will not tolerate hypocrisy
- Consequences must be fair and consistent

Train, train, train on expectations



Strategies for Changing Staff Culture

Educate staff

- Requirements of the law
- Liability of management and staff
- Human resources consequences
- Criminal consequences
- Professionalism and ethics
- Development
- Sexual Dynamics



Strategies for Changing Staff Culture

- 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
 - Regular employee meetings
 - Regular discussions and sharing of information and concerns



What Are the Strategies for Changing Inmate/Resident Culture?

- **Change the environment**
 - Create an environment in the facility where inmates/residents feel safe reporting sexual abuse and are confident their allegations will be investigated.
- **Orient and educate inmates/residents**
 - Teach inmates/residents about boundaries, being safe and how to report abuse, their rights and responsibilities
- **Empower inmates/residents**
 - Allow inmates/residents to have responsibilities; peer mentors



Summary

- (1) Understanding Agency Culture
- (2) Impact of Culture
- (3) Strategies for Changing Culture

