Learning Objectives

- Clarify the ethical standards of employees and the agency
- Identify the importance of establishing and maintaining professional boundaries
- Identify the issues associated with staff sexual misconduct
- Identify Red Flags that signal there is a problem
What are some of the Assumptions About this Issue?

- Staff should know right from wrong and govern their own conduct.
- Misconduct is effectively addressed by reviewing the organization's management and operational practices.
- Agency's responsibility to ensure everyone knows the policies.
- Most staff want to do the right thing.
- The Code of Silence is not a significant factor.
The Ethics Test

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Ethics

- Why are ethics important?
- Can you identify your own ethics?
- How do your employees learn your agency’s ethics?
Ethical Decision-Making

Define dilemma
Gather data
List pros and cons
Is it legal?
Is it consistent with the agency’s mission?
What are consequences?
Ethical Decision-Making, continued

- Make a decision – ethical or not
- Act on decision
- Live the decision
Where Do We Begin?

Myths
What we know and don’t know
Institutional realities/
Community realities
Management and operational challenges
We Don’t have a Problem

Burying your head in the sand still leaves the rest of your body vulnerable....

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Myths

- No reports = no problem
- Offenders “consent” to involvement
- Staff are clear about professional boundaries
- Cross-gender supervision causes misconduct
- Employees will tell us when there are suspected problems
- Raising awareness only invites problems
Myths, continued

- Educating offenders invites malicious and false allegations
- Rookie officers are the problem
- Investigations only lead to he said/she said
- Prosecutors won’t take cases, so why bother to investigate
- Misconduct is a male staff/female offender issue
- Arrestees are not in jail long enough for misconduct to occur

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Realities

- Legislation with clear penalties can be an effective prevention and investigative tool. Policies that back it up are essential.

- Policies need to be in place to direct staff. Policies must be explicit.

- Effective training is a part of a strategic response.
Realities

- Leadership must come from the top
- Zero tolerance and mandatory reporting are important ingredients in prevention
- Required behaviors must be role modeled
- Sexual misconduct associated with earlier breaches of professional boundaries
Realities

- Training must include contractors, volunteers, etc.
- Staff fear and distrust internal investigations.
- Investigations must be professional, timely and conducted by trained and supervised investigators.
Realities

- There needs to be multiple reporting points for staff and inmates
- Daily operations must support a “zero tolerance” atmosphere
- Staff misconduct disrupts everything
- An incident of sexual misconduct polarizes staff, offenders and leadership
Role of Leadership

- Establish policy and procedure
- Preserve competent and efficient operations
- Support agency goals through action
- Assure operations support agency mission
- Take immediate and appropriate actions
- Initiate change where needed
Key Management & Operational Issues

OVERVIEW

- Staff/Staffing Patterns
- Physical Plant/Geographically Disperse Assignments
- Key Control
- Offender Assignments
- Discretion and Autonomy
- Managing Personal Association with Offenders
Key Management & Operational Issues

- Conflict of Effective Intervention
- On-duty/Off duty behavior & Employee Misconduct
- Freedom of Association and Collateral Contacts
- Imbalance of Power
- The Issue of Consent
- Offender Issues

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Key Management & Operational Issues

Staff

Hiring Process

- Interviews, questions, make laws/policies known to applicants

Define staff sexual misconduct for everyone

Orientation for new staff must be detailed and employees should sign statement acknowledging laws and policies

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Key Management & Operational Issues

Staffing Patterns

- Review posts. Look at gender-specific post needs and determine the most effective deployment of male/female staff
- Have at least one same-sex supervisor available each shift to do unannounced “walk around” supervision
- Review post orders. Make sure they are effective for cross gender supervision
Staff continued..

- Staff must be required to maintain current phone and home address information with facility
- Annually, formal reminder of laws and policies
Key Management Operational Issues

**Staff continued..**

- Make supervisors aware of the need to be observant of staff demeanor and behavior
  - Examples:
    - Unusual “off” routine schedule activity at work
    - Change in appearance
    - Significant life crisis
    - Defensive about certain offender(s)/ownership
    - Volunteering for extra offender activities
Key Operational Issues

Staffing Patterns continued...

Rotate posts on some sensible basis—pay specific attention to those posts with the most frequent inmate contact. May be limited by contractual language. Field supervision is more difficult to monitor.

- Employ all available means to minimize staff isolation from other employees.
- In institutions scrutinize weekend, holiday and visiting coverage.
Key Operational Issues

Physical Plant Features

Thoroughly review these specific features:

- Windows in doors, walls, etc.
- Use of blinds/curtains
- Isolation of storage areas
- Isolation of professional offices
- Make good use of signs, bulletin boards
- Posted hours for showers
- Specific modifications for minimal privacy
**Key Operational Issues**

**Key Control**

- Review annually
- Who has or needs authority to issue, possess.
- No duplicate keys for convenience (Solder key rings).
- Minimize use of master keys- Look at supervisors and maintenance.
- Minimize “need” to move around.
- Enforce policy. Hold staff accountable.

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Key Operational Issues

Offender Assignments

- Who has authority?
- Avoid ownership of offenders
- Monitor use of non-peak working hours
- Policy to rotate assignments (periodically)
- Isolation
Key Operational Issues

Offender Issues

- Specific dress code-enforce
- Give thorough orientation about rules, laws and policies.
- Inform volunteers and family of laws and rules
- Contraband searches (Check personal property for cards, letters, phone numbers, address books, jewelry, pictures etc.)
- Watch for unusual patterns
Key Operational Issues

Matrix Information
Chart: Name, Event, Who, Where, When

- Floor plans for each building
  - Use colored dots for drugs, assaults, sexual acts etc

- Analyze blind spots
  - Use drug dogs, post assignments, physical plant design
Management Issues

- Staff must understand their duties, responsibilities and agency expectations
- Staff do not automatically know what their boundaries are and how to maintain them
- Management provides this through training and ongoing dialogue and reinforcement
- Training must be open, interactive and allow staff to completely explore their responses to situations in real-life examples
What actions do supervisors and management take to assure that staff are able to handle the decisions facing them in the field?

Do supervisors recognize when staff is waving a “red flag” indicating potential involvement in over-familiar or inappropriate relationships with offenders?
Managing Personal Associations with Offenders

- Potential conflicts with their professional responsibilities;
- Agency needs clear policy on how to handle these situations – when, how, and to whom staff must notify supervisor;
- Agency needs procedures for oversight of these situations
On-duty and Off-duty Behavior

- Human nature is not generally dichotomous – what we do off the job is what we will do on the job.
- Staff and offenders share the same community.
- Staff live in that community and are observed by everyone – they are a direct reflection of the agency and its ethics.
- Agency guidelines related to mission of organization
Conflict of Effective Interventions

- Trend to more clinical approach to supervision;
- Blending of roles as “helpers” & “enforcers”;
- More difficult to maintain boundaries when working as “helper”, gaining personal knowledge with offender;
- Agency should provide a forum for staff to discuss and deal with these conflicting roles.
Collateral Contacts

- Same potential danger for blurring of boundaries when dealing with offenders’ families, friends, employers, treatment providers, etc.

- Agency needs to provide guidance and direction concerning collateral contacts and what are acceptable and unacceptable interactions.
Red Flags

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Management Questions

Do departmental practices provide for a safe and healthy environment?

Do policies or practices support or alienate staff?
Management Questions

Do policies and procedures clearly support zero tolerance for sexual misconduct?

Is there open communication between staff and supervisors?
Management Questions

Are facilities designed to minimize the isolation of staff and provide for privacy of the offenders?

Does field supervision allow for periodic review of casework/supervision practices?
Management Questions

- Are the agencies ethical standards and expectations known to all employees?

- Does the chain of command allow for staff to report personal problems and concerns before incidents without fear of retaliation?
Management Questions

Is there an effective employee assistance program?
Conclusion

Staff and offenders look to us for guidance. We can minimize the incidence of sexual misconduct if management provides leadership by example!