

EFFECTIVE TRAINING FOR THE PREVENTION OF MISCONDUCT AND CORRUPTION IN DETENTION AND CORRECTIONS[†]

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I. CORRUPTION AND MISCONDUCT

Within the criminal justice system, incarceration is the one element that has the single duty of restricting a person's freedom. In spite of discussions attempting to massage the purposes of incarceration between retribution, deterrence or rehabilitation, its sole responsibility is incapacitation. Pre-trial detention or remand has only one purpose – to hold an individual in a secure setting to insure that person is available for trial. A prison sentence, whether in a relatively open community setting or in a highly secure facility, is instituted to regulate the movement of an individual and to moderate that person's contact with others. The provision of programs or “rehabilitation” is hoped for, but not the reason people are locked up.

As such, detention and imprisonment provide other areas of the criminal justice system (police, prosecution, courts) with a powerful, coercive tool. Thus, when looking at the potential for corruption within the criminal justice system, the inter-relationship of all elements tend to intersect with the detention/prison component. Police can decide to ticket or arrest and in most jurisdictions have between 24 hours and two weeks in which they must bring the person before a judge or release that person. As fears of terrorism, gang violence and organized crime increase, the use of preventive detention can make incarceration without judicial oversight a multi-year reality. Courts, most often, are given the responsibility of deciding on the length of incarceration as well as the type of facility to which a person is sent. In some cases the court can have a person placed in “house arrest,” staying in their own home with or without having to wear an electronic bracelet. The court can assign a person to an open, modern, relatively pleasant facility or can have them placed in solitary confinement with little contact with the outside world. Thus, the use of detention, if used inappropriately, can be a tool police, prosecutors and judges can use to conduct corrupt practices with or without collusion of detention/prison authorities. However, in this paper we will look more closely at the potential for corruption within the detention/prison community.

Slogans like, “Power corrupts and absolute power corrupts absolutely,” when incorporated into a discussion of prisons, tends to confirm a feeling that prisons breed corruption. However, current research indicates that the issue is not that simple. Individuals with strong moral awareness are less likely to use their authority for self-gain and most often use it to expand their good behavior, while those with a weak moral identity are more likely to misuse their power. (DeCelles, 2012)¹. That corruption exists in detention facilities and prisons is not surprising. Corrections, after all, is a microcosm of the greater society. However, identifying signs of potential corruption within a prison environment, its causes and how to reduce it are currently part of well-run correction/detention operations. For purposes of this paper, corruption refers to the misuse of one's position or authority for personal gain.

The subservient position of prisoners, the amount of discretion given to correctional officers, the anxiety of inmate family and friends, coupled with a lack of transparency with which many prisons operate allows for the possibility of a number of corrupt practices:

[†]The word *correction* and *prison* are used interchangeably in this article and mean the same thing and refers to convicted and sentenced individuals. *Detention*, called *remand* in some jurisdictions, refers to pre-trial or pre-sentenced individuals.

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¹DeCelles, K.A., D.S. DeRue, J.D. Margolis, and T.L. Ceranic. *Does Power Corrupt or Enable: When and Why Power Facilitates Self-interested Behavior. Journal of Applied Psychology* 97, no. 3 (May 2012): 681–689.

- Allowing inmates to conduct criminal activities and administer criminal organizations from within the prison.
- Providing inmate labor to private business or individuals for a profit.
- Lying in a report or during an inmate's disciplinary hearing to insure a finding of guilt.
- Using excessive force either on purpose or upon losing control of one's emotions.
- Using one's position to elicit sexual favors from an inmate or a family member or friend of the inmate.
- Leaking confidential information to embarrass an inmate or to appear more important to others.
- Smuggling unauthorized communications out or contraband items into an institution for personal gain.
- Stealing items of value from an inmate or visitor during a search.
- Not reporting the misconduct of a fellow officer as a show of loyalty.
- Having what the officer considers *consensual* sex with a current or former inmate when prison rules prohibit it.
- Threatening an inmate with loss of privileges, discipline or violence for personal gain.
- Accepting something from an inmate or family member to insure good reports and special favors and treatment, such as increased visits.
- Verbally harassing and intimidating inmates for personal aggrandizement.

Corruption from the top describes a facility or system where the top administration, possibly in collusion with political and/or other criminal justice agencies operates in a corrupt manner. Payoffs, kickbacks, favoritism, graft, bribes by those in control of a political system, administration, facility, or particular shift establishes a tone and methods of operation that makes corruption at a lower level both acceptable and expected. If the prison administration provides inmates as non-paid labor to friends or colleagues, the message that exploitation of inmates for personal gain is acceptable becomes clear to all staff. Examples of system-wide corruption include:

- Bolivia's San Pedro Prison which had a thriving cocaine production and distribution operation (Gilbert, 2014)²
- Philippines Bilbid Prison - in exchange for bribes provides inmates with drugs, sex and privileges (IANS, 2014)³
- "Indonesian prisons operate like a complex business ecosystem sustained by corruption, overcrowding, mismanagement and poor resources." (VOA, 2013)⁴
- Haiti where due to bribes or lack thereof prisoners can wait years for trials. (O'Brien, 2014)⁵

II. CONDITIONS THAT CAN LEAD TO CORRUPTION IN DETENTION FACILITIES AND PRISONS

A. Conditions That Can Lead to Corruption Due to a Lack of Resources

1. Staff Shortages and Overcrowded facilities

Staff shortages and overcrowded can create opportunities for corruption by reducing both inmate and staff supervision and increasing an officer's state of chronic stress. Not all stress is bad. Good stress, called *eustress* by psychologists, helps people feel alive and excited about life or their current activity. But *chronic stress* can lead to personality disorders⁶ in correctional officers. Among those disorders are:

²Gilbert, Jack. *Meet the Man Who Thrived in Bolivia's Cocaine Prison*. VICE UK, <<https://news.vice.com/article/meet-the-man-who-thrived-in-bolivas-cocaine-prison>>.

³Gulfnews.com, *Drugs, sex and corruption in Philippines'* June 7, 2014, <<http://gulfnews.com/news/world/philippines/drugs-sex-and-corruption-in-philippines-largest-prison-1.1344100>>.

⁴Voice of America, *Drugs, Corruption Rampant in Indonesian Prisons*, July 31, 2013. <<http://www.voanews.com/content/drug-use-corruption-rampant-in-indonesian-prisons/1713589.html>>.

⁵O'Brien, James. *Haiti special report: Corruption means many prisoners wait years for trials*. *Irish Independent*, February 2, 2014, Dublin, Ireland

⁶McCafferty, Francis L. MD, and McCafferty, Margaret, RN. *Corruption in Law Enforcement: A Paradigm of Occupational Stress and Deviancy*. *Journal of the American Academy of Psychiatry and the Law*, Vol. 26, No. 1 (1998): 61-62.

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- *Borderline Personality Disorder* which can exhibit itself in intense anger or lack of control, promiscuous sexual activity, substance abuse, extreme loyalty to fellow officers combined with a devaluation of inmates or citizens.
- *Narcissistic Personality Disorder* which is characterized by lack of empathy, exploitation of others, arrogance, a sense of entitlement, and a belief that one has special powers or abilities.
- *Antisocial Personality* describes people who lack a conscience and have no sense of right and wrong.
- *Passive-Dependent Personality* sees others getting away with dishonest activities and uses that as a reason to engage in corrupt behavior.

2. Low Staff Pay and/or Inadequate Benefits

Low staff pay and/or inadequate benefits put officers in a position where supporting themselves or their families without finding extra income is virtually impossible. Throughout the world many jurisdictions which provide food, housing, medical care, education and recreation to prisoners do not provide the staff with the ability to acquire comparable benefits. Beside the financial burden, psychologically the officers can begin to compare themselves with the inmates, which fosters animosity toward the prisoners or the prison administration.

B. Conditions That Can Lead to Corruption Due to Poor Management

1. Lack of Direction

Lack of direction describes an agency that has no written operational policies defining appropriate behaviors and rules in the treatment of prisoners. In the Lewis Carroll story, *Alice in Wonderland*, the Cat asked Alice, "Where are you going?" When she responded, "I don't know," the Cat said, "If you don't know where you are going, any road will get you there." For the corrections officer that is too often a familiar scenario. Many times the public, politicians and correctional agencies are not precise in deciding why people are sent to prison or held in detention. Officers do not always understand that detention is to insure that people will show up for their trial. Detainees, by legal definition, are not guilty of any crime and are to be treated as much like normal citizens as security allows. Prisons, in most jurisdictions in modern times, follow the axiom that individuals are sent to prison **as** punishment and not **for** punishment. When staff does not understand the legal, philosophical, and operational constraints of their work, then what some of them might consider appropriate action could actually fall into the category of corrupt practice.

2. Lack of Transparency

Lack of transparency exists for several well-intentioned reasons. Detention prisoners, like all non-convicted citizens in most nations, have some right to the privacy of their personal information, so sharing it with the public is restricted. Prisons, especially in an age of expanding concern over terrorist and gang-related activities, exacerbates the reluctance of prison authorities to disclose techniques, reports of investigations and security procedures. These concerns produce an atmosphere where the prison walls, in addition to keeping the inmates in, tend to keep the public out. Controlling the lives of individuals without transparency increases the chance of corruption.

3. Lack of Training

Lack of training places officers in a position of feeling alone and vulnerable as well as not knowing what is right or wrong in the context of prison work. Learning *how* to use force is not particularly difficult, but learning *when* to use force and how much to use takes great skill and requires enough practice to make the appropriate reaction second nature. Inappropriate use of force is a relatively consistent concern within a prison/detention context. Searching an individual in a manner that does not lend itself to inappropriate physical contact yet is thorough enough to discover contraband is a skill acquired through training. Controlling inmate behavior without resorting to humiliating, demeaning or physically harmful techniques is trained behavior. *Acceptable* behavior is defined by laws, procedures, institutional values and a *Code of Conduct*. An officer's knowledge and understanding of those are also a matter of training.

4. Acceptance of Excessive Use of Force

Acceptance of excessive use of force by an administration and the public can contribute to the acceptance of corrupt practices by setting a tone that whatever happens to the prisoners is because they deserve it or asked for it. Law enforcement and military heroes on television and in the movies are more often than not those who use excessive force and are rewarded for it by solving the crime or stopping the

fictional calamity. Correction officers see the same media and cheer for the same heroes and tell their own stories with similar themes.

5. Lack of Monitoring, Investigating or Reporting Systems

Lack of monitoring, investigation or reporting systems within a detention/correction facility creates both the impression and reality that unethical practice by staff will go unnoticed and/or unpunished. A system without checks and balances from within the organization or from outside sources is a system vulnerable to corrupt practices. If inmates do not have a way to safely report abuse or if officers are not protected by some type of whistle-blower legislation, then they are likely to remain victims of or unwilling participants in corrupt activities.

C. Conditions That Can Lead to Corruption Due to an Absence of Leadership and/or Supervision

1. Addictive Behaviors

Addictive behaviors of staff can impact on behavior, self-esteem and depending upon the addiction, quickly soak up personal resources. Addictions include drugs and alcohol but also gambling, sex, shopping, games and eating among others. “A power trip can be just as addictive as a cocaine-induced high. . . . Power changes the brain triggering increased testosterone in both men and women. . . . Testosterone and one of its by-products called 3-androstanediol, are addictive, largely because they increase dopamine in a part of the brain’s reward system called the nucleus accumbens . . . too much power - and hence too much dopamine, can disrupt normal cognition and emotion, leading to gross errors of judgment and imperviousness to risk, not to mention huge egocentricity and lack of empathy for others.” (Robertson, 2012)⁷

2. Informal Inmate Reward System

An informal inmate reward system is where an inmate who acts as spy for a correctional officer is rewarded with better living conditions, work or privileges. The inmate “snitch” may also be exempted from punishment for participating in criminal activities.

3. Institutional Codes of Silence

An institutional code of silence is an *unwritten rule* which some officers use to protect fellow officers and at times themselves from the consequences of misconduct. Much like the Mafia system of “Omerta,” it means that an officer will not report a fellow officer for unethical behavior nor testify against a fellow officer. Such a *Code* both allows for and encourages corruption among staff.

4. Familiarity with an Inmate

Familiarity with an inmate to the point that the inmate knows the officer’s personal and family business and the officer’s likes or dislikes or conflicts with other staff or policies. This can lead to blackmail or manipulation by the inmate. It can also lead to favoritism or an officer not reporting an inmate’s improper behavior.

III. SIGNS THAT CORRUPTION MIGHT EXIST WITHIN THE DETENTION OR CORRECTION FACILITY

A. Formal Corruption Assessment

Assessment tools to help detect corruption are relatively rare in corrections. Those that do exist seem aimed primarily at identifying if the particular facility has the tools in place to help prevent corruption rather than to identify individuals who may be susceptible to or actively involved in corrupt practices.

- The Development Academy of the Philippines, in 2007, produced for the office of the Ombudsman of the Philippines, with support from the European Commission, a report on its extensive study and assessment of corruption vulnerability within the Philippine correctional system⁸. The Integrity Development Review (Baliton, 2008)⁹ is a compendium of diagnostic tools – self-assess-

⁷Robertson, Ian H. “The Winner Effect: The Neuroscience of Success and Failure. Thomas Dunne Books (October 2012), New York, USA.

⁸The report can be found at: <http://www.ombudsman.gov.ph/docs/statistics/2007_bucor.pdf>.

⁹Baliton, Evelyn A. *Understanding the Integrity Development Review (IDR) Project, Prospects and Challenges*, January 29, 2008. <[http://www.pdf.ph/downloads/governance/Understanding%20the%20IDR%20\(PDF\).pdf](http://www.pdf.ph/downloads/governance/Understanding%20the%20IDR%20(PDF).pdf)>.

ment scorecards for managers, feedback, survey of employees and corruption vulnerability assessment – for assessing the robustness of corruption resistance mechanisms, and for identifying the vulnerabilities of government agencies to corruption.

- The report identified vulnerability points in areas such as financial management, business activities conducted by corrections especially in the agricultural-related programs of the corrections service. In terms of staff–inmate corruption, the main point of concern was the potential of staff familiarity and unsupervised contact with prisoners.
 - Apart from management procedures which should apply to all government and private business, the majority of the recommendations were in line with other findings within this paper in terms of emphasizing the need for correction leadership to proactively discourage corruption, establish and promote a Code of Conduct, establish policies for officers to follow when offered gifts and establish procedures on internal reporting for protecting whistle-blowers. Procedures to help counter staff potential for abusing their positions for personal gain while working with inmates included establishing staff rotation schemes and eliminating inmates from positions of power or control over other inmates. Part of the study included a look at prisons in other nations, but apparently little of a practical nature was found that could be helpful in the Philippines Corrections service.
- A dedicated London Prisons Anti-Corruption Team (LPACT) is based at New Scotland Yard to combat staff corruption in London Prisons. It is jointly staffed by Prison Service representatives and police officers and is managed within the London Region. The unit focuses on the key individuals allegedly involved in corrupt activity and links to criminal associates in the community, and across similar organizations such as SERCO (court staff who have been successfully prosecuted).
- A report by Lukas Muntingh¹⁰ for the South African Civil Society Prison Reform Initiative provides a detailed examination of corruption in South Africa's prisons according to the different relationships operating in a prison environment. It also categorizes different types of corrupt activities found in these prisons. Similar to observations at the beginning of this paper, the report identifies areas that make corruption in the prison system different from that in other sectors of public service. Of most importance is the very close relationship that often develops between staff and prisoners caused by the organization and functions of the prison. As the report points out: First, the all-encompassing nature of imprisonment regulates every aspect of prisoners' daily lives from having the most basic necessities to having access to luxury items, or even illegal items and activities. This unavoidably creates a situation where some goods are scarce, and demand and reward exists for their supply. Second, the state as the controller, establishes a highly unequal power relationship between the prison bureaucracy (represented by the warder) and the prison population. Third, the closed nature of prisons and their general marginalization from the public eye and political discourse do not assist in making prisons more transparent. Against this backdrop, poor management, weak leadership or organized crime can have a devastating impact on the overall operation of a prison system and, ultimately, on the human rights of prisoners.

B. Detecting Signs of Potential Corruption

The prison community in individual institutions is relatively small and close-knit. Prison staff are generally trained in observing inmates and detecting changes in behavior or signs of potential problems. These skills are further honed through experience. These same skills are also available to help identify staff who may be moving toward, or engaged in, inappropriate behaviors. Items supervisory staff may see as warning signs include:

- Drinking or use of drugs on or off duty
- Increased use of profanity during the course of work and displays of uncontrollable anger
- Constant complaints about the stress of the job or the unfairness of management

¹⁰ Muntingh, Lukas, Investigating Prison Corruption in South Africa, Civil Society Prison Reform Initiative, 2006, <<http://cspri.org.za/publications/research-reports/Investigating%20prison%20corruption.pdf>>.

- Over emphasis on the need for officers to stick together and back each other up when dealing with inmate complaints or with management
- Having gang-related tattoos or use of gang signs
- Exhibiting special protection or interest in particular inmates
- Changes in income and/or lifestyle
- Casual touching of particular inmates or allowing inmates to use suggestive or personal references
- Significant increase or decrease in the filing of disciplinary or incident reports
- Increase in violence or contraband during a particular officer's shift

IV. WAYS TO MINIMIZE CORRUPTION IN DETENTION/CORRECTIONS

A. Clear Definitions of What Is Expected of Correctional Personnel

- Development of a mission statement, core values, and a *Code of Ethics*. These and related documents should be widely circulated to staff and the public.
- Development and wide circulation of written definitions of graft and corruption within the corrections context and what sanctions can be imposed.
- Development of clear policies on personal contact with inmates and their families, acceptance of gratuities or gifts, confidentiality, use of force, and inmate discipline.
- Written policy and procedures indicating how inmates and staff can appeal decisions or actions that negatively impact on them.

B. Training

- Inclusion in basic staff training and annual/periodic training of the laws, procedures and policies impacting on corrections and especially the duties of staff. The increase in the use of technology in training, including e-learning, training videos, and distance learning reduces the cost involved in keeping staff updated and allows them to train during their own time and even at home. All training, including computer-based training should include testing mechanisms to insure staff is taking advantage of it and understanding what is being presented.
- Inclusion of training on the *Code of Conduct* in basic training and annual training. Such training should include self-assessment techniques to measure oneself and one's actions in terms of the *Code of Conduct*.
- Exposing staff to the United Nations, Council of Europe and related international documents such as the *Standard Minimum Rules for the Treatment of Offenders*, *Protocols Against Torture*, and *Basic Principles on the Use of Force and Firearms by Law Enforcement Officers*, indicating how they relate to their own national laws and procedures.
- Training on staff and inmate complaint mechanisms and the Employee Assistance Program.

C. Transparency Mechanisms

- Creation of an independent Ombudsman available to inmates, staff and the public.
- Creation of an independent inspection process. It can be totally apart from the prison services such as the UK's HM Inspectorate of Prisons or industry-wide such as the American Correctional Association Commission on Accreditation.
- Facilitate open access to prisons by the International Committee of the Red Cross, Amnesty International, Human Rights Watch and national human rights agencies.
- The Scottish Prison Service Management and Information Department conducts an annual inmate survey in all prisons. The survey forms are given to each inmate who fills it out in private, places the completed survey in an envelope, seals it and personally hands it to a member of the survey team. The comprehensive survey covers all aspects of prison life, including treatment by staff and other inmates. The entire survey is given to management within 20 working days and key results are posted in the main inmate living areas.
- South Africa, in 2006, under the Civil Society Prison Reform Initiative instituted a comprehensive study on *Corruption in the Prison Context*. The full report was made public and used as the basis for investigations and public debate.
- Jurisdictions in Australia, Canada and other nations have *Independent Prison Visitors* who regularly visit the prisons and talk to prisoners, staff and visitors. They provide recommendations to the Minister of Corrections.

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- Private and uncensored mail, visits and telephone communications between prisoners, their attorneys and judicial authorities provide inmates with access to ways to report corruption or inhumane practices.
- Access to independent Employee Assistance Programs provide avenues for correctional personnel to obtain help prior to falling into corrupt practice as well as having a way to indicate potential institutional weaknesses that could facilitate corruption.

V. A FINAL THOUGHT

This paper began with the premise that the absolute power given to detention and prison personnel does not necessarily lead to corruption. United States moral and social philosopher Eric Hoffer summed it up this way, "It has often been said that power corrupts. But it is perhaps equally important to realize that weakness, too, corrupts. Power corrupts the few, while weakness corrupts the many. Hatred, malice, rudeness, intolerance, and suspicion are the faults of weakness. The resentment of the weak does not spring from any injustice done to them but from their sense of inadequacy and impotence."¹¹ Four centuries earlier, English writer, poet, dramatist, playwright, and politician John Lyly could have been talking about those who work with "undesirables" when he said, "The sun shineth upon the dunghill, and is not corrupted."¹²

(The author would like to thank members of the International Corrections and Prisons Association Staff Training and Development Committee who provided him with information, insight and suggestions for this brief.)

¹¹ Hoffer, Eric. *The Passionate State of Mind: And Other Aphorisms*, Page 41 (1955). Harper & Row, New York.

¹² Lyly, John. *Euphues: The Anatomy of Wit*, page 43 (1579).

APPENDIX A: SAMPLE LESSON PLAN FOR TEACHING THE CODE OF CONDUCT FOR CORRECTION WORKERS

OBJECTIVE	CONTENT	EVALUATION
<p>By the end of the session, the participants will be able to:</p> <p>Explain ethics and professionalism.</p>	<p>Definition of Ethics and Professionalism</p> <p>Ethics is making choices between right and wrong ... doing what is right. Generally, the conscience is the guide.</p> <ul style="list-style-type: none"> ➤ Avoid ethical problems by: <ul style="list-style-type: none"> Using good reasoning Acting in good faith Doing job fairly & honestly Respecting rights of others Following rules & regulations <p>Ethics and Action:</p> <p>Ethics is about putting principles into action. Consistency between what we say we value and what our actions say we value is a matter of integrity.</p> <p>It is also about self – restraint:</p> <ul style="list-style-type: none"> ➤ <u>Not doing what you have the power to do.</u> An act isn't proper simply because it is permissible or you can get away with it. ➤ <u>Not doing what you have the right to do.</u> There is a big difference between what you have the right to do and what is right to. ➤ <u>Not doing what you want to do.</u> In the well-worn turn of phrase, an ethical person often chooses to do more than the law requires and less than the law allows. <p>Professionalism is an act of participating in an occupation that requires significant education, training or experience, and involves specialized skills and requires the highest degree of commitment and dedication</p> <ul style="list-style-type: none"> ➤ Professionalism carries PRIVILEGES of: <ul style="list-style-type: none"> Camaraderie Job security Opportunity for advancement Respect of the public Knowing YOU make a difference ➤ Professionalism carries RESPONSIBILITIES: <ul style="list-style-type: none"> Continual training Fairness Honesty Highest standard of ethical conduct <p>Basic Social Ethics Concepts</p> <ul style="list-style-type: none"> ➤ Ethics are among other things, a set of rules and standards which govern individual conduct. ➤ Every aspect of human behavior is influenced by personal values, but values are not easily defined or achieved. 	<p>What is ethics and professionalism?</p>

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<p>Explain the basic social ethics concepts.</p>	<ul style="list-style-type: none"> ➤ As public servants, we are expected to abide by standards of conduct established. The public has entrusted us with a large responsibility, it demands that we abide by the highest ethical standards and is quick to criticize when we fail to live up to those standards. <p>Misconceptions About Ethics</p> <ul style="list-style-type: none"> ➤ Ethics is not something that good people need to worry too much about. ➤ Idealism is incompatible with realism. ➤ People concerned about ethics dismiss every pleasure and are just holier-than-thou. ➤ Principle subject matter of ethics is moral problems as opposed to the formation of habits of good character. ➤ If other officers are not concerned, then it is acceptable. <p>People have lots of reasons for being ethical:</p> <ul style="list-style-type: none"> ➤ There is inner benefit. ➤ There is personal advantage. ➤ There is approval. ➤ There is religion. ➤ There is habit. 	<p>What are the social ethics concepts?</p>
<p>List the typical misconceptions about ethics.</p>	<p>Major Points Contained in the Code of Ethics</p> <ul style="list-style-type: none"> ➤ Fundamental Duty ➤ Safeguard lives and properties ➤ Constitutional rights ➤ An example to all ➤ Courageous calm ➤ Self - restraint ➤ Honest in thought and deed ➤ Confidential ➤ Personal feelings ➤ Fear or Favor, Malice of Ill Will, and with Dignity ➤ Unnecessary force ➤ Gratuities <p>Ethical Decision-Making Tools</p> <p>1. Six Pillars of Character</p> <ul style="list-style-type: none"> ➤ Trustworthiness ➤ Respect ➤ Responsibility ➤ Fairness ➤ Caring ➤ Citizenship 	<p>What are the misconceptions about ethics?</p>
<p>Explain why the need to be ethical?</p>	<p>Groundwork for Making Ethical Decisions</p> <ul style="list-style-type: none"> ➤ Taking choices seriously ➤ Recognizing important decisions ➤ Good decisions are both ethical and effective ➤ Discernment and discipline ➤ Stakeholders 	<p>What are the reasons for a Corrections Officer to be ethical?</p>
<p>Enumerate and explain the major points contained in the Code of Ethics.</p>	<p>Seven Steps to Better Decisions</p> <ul style="list-style-type: none"> ➤ Stop and think ➤ Clarify goals ➤ Determine facts ➤ Develop options 	<p>What are the major points contained in the Code of Ethics?</p>

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<p>Apply the Ethical Decision-Making Tools.</p>	<ul style="list-style-type: none"> ➤ Consider consequences ➤ Choose ➤ Monitor and modify <p>Rationalization in Making Decisions</p> <ul style="list-style-type: none"> ➤ If it's necessary, it's ethical ➤ The false necessity trap ➤ If it's legal and permissible, it's proper ➤ It's just part of the job ➤ It's all for a good cause ➤ I was just doing it for you ➤ I'm just fighting fire with fire ➤ It doesn't hurt anyone ➤ Everyone's doing it ➤ It's OK if I don't gain personally ➤ I've got it coming ➤ I can still be objective 	<p>What are the ethical decision-making tools? What is the procedure in making ethical and better decisions?</p>
<p>Differentiate ethical & legal behaviour. Apply ethical and legal behaviour in Corrections work.</p>	<p>Ethical & Legal Behaviour</p> <ul style="list-style-type: none"> ➤ Is what's legal always right? ➤ Is the law THE source for judging ethical or moral behaviour? ➤ "Ethical" and "legal" are not the same. ➤ You can follow the law to the letter... and still violate professional ethics. 	<p>What is ethical and legal behaviour. Give examples in Corrections work?</p>

APPENDIX B: A SAMPLE CODE OF CONDUCT (from Canada)

STANDARDS of PROFESSIONAL CONDUCT IN THE CORRECTIONAL SERVICE OF CANADA

DECLARATION

To the employee:

You are expected to read and familiarize yourself with the Standards of Professional Conduct. It is your responsibility to seek guidance from your supervisor on any areas that you feel require explanation or clarification.

Acknowledgement and undertaking by the employee:

I have received the Standards of Professional Conduct and the Code of Discipline, and undertake to maintain, in the course of my employment, the standards of professionalism and integrity that are therein set forth.

Print your name

Signature of Employee

Title

Date

A copy of this signed declaration must be returned to Personnel Services Division for placement on your personal file.

COMMISSIONER'S INTRODUCTION

The Correctional Service of Canada's Mission, with its Core Values, Guiding Principles and Strategic Objectives, challenges staff to pursue a goal of excellence in corrections.

As public servants, we are accountable to our Minister and to Parliament, and, through them, to the Canadian people as a whole. Our behavior must, at all times, show that we are worthy of their trust and confidence to carry out the responsibilities of our agency. As employees in the field of corrections, we have a special obligation to make sure that everything we do in our work- whether it is administrative or involves direct contact with offenders- ultimately contributes to the protection of society. This is a vital obligation that is both demanding and exciting. It calls upon each of us to meet high standards of honesty and integrity, and to approach our work in a spirit of openness, compassion and co-operation. These are indeed the hallmarks of professionalism.

Core Value Three of our Mission Document states: "We believe that our strength and our major resource in achieving our objectives is our staff and that human relationships are the cornerstone of our endeavour." The guiding principles of Core Value Three reflect the Service's focus on the importance of its employees. These principles form the basis of the Standards of Professional Conduct.

The primary emphasis of the Standards of Professional Conduct is on promoting ethical behaviour consistent with the Mission. It recognizes that corrections is a complex field, which frequently presents an employee with difficult practical and ethical decisions. The principles set out in the Standards of Professional Conduct are intended to guide staff in situations where the right course of action may not always be clear.

The Standards of Professional Conduct is a guide for all staff at all levels of the organization. Managers and supervisors, however, have special obligations. As leaders in the Service, they are expected to set an example by demonstrating high ethical and professional standards in their own conduct. They must also be sensitive to conditions of working environment, and actively concern themselves with assisting, advising and motivating their staff.

When, on occasion, an employee flagrantly or persistently falls short of acceptable standards of conduct, the disciplinary part of the Standards may come into play. Then it is the job of the supervisor to take prompt action to correct the problem. Such action must be fair and must respect the employee's rights. The Standards of Professional Conduct tries to give supervisors benchmarks to help meet these often difficult responsibilities.

Our Mission should inspire us all to be the best we can be and to build humane and helping relationships with both our fellow employees and the offenders in our care. I hope that these Standards of Professional Conduct will guide us towards making the closing words of the Mission Document a reality: "to pursue our Mission in a way that exemplifies at all times our values and guiding principles so that our integrity is never compromised."

DEFINITIONS

Employees, staff

For the purpose of this document, these terms mean all persons employed full-time or part-time by the Correctional Service of Canada, whether they have indeterminate or term status.

Public

For the purpose of this document, the public means all persons other than employees of the Correctional Service of Canada, and includes offenders.

Workplace, place of work

These terms mean administrative and operational facilities of CSC and also any other location in which work for CSC is carried out by a CSC member.

LEGISLATIVE AND OTHER AUTHORITIES

The following documents are the principal authorities governing CSC members' responsibilities and duties, and are readily available, upon request, to members at their workplaces:

Overall Correctional Responsibilities: the Corrections and Conditional Release Act and regulations; Commissioner's Directives, Regional Instructions and local Standing Orders.

Conflict of Interest: the Conflict of Interest and Post Employment Code for the Public Service, the Criminal Code.

Disclosure of Information: the Oath of Office and Secrecy; the Canadian Charter of Rights and Freedoms; the Access to Information Act; the Privacy Act; the Criminal Code; the Security Policy of the Government of Canada.

Political Activity: the Public Service Employment Act (section 32).

Discrimination: the Canadian Human Rights Act; the Public Service Employment Act; the Official Languages Act.

Employee Organization Activities: the Public Service Staff Relations Act.

PROFESSIONAL STANDARDS

1. STANDARD ONE

RESPONSIBLE DISCHARGE OF DUTIES

Staff shall conduct themselves in a manner which reflects positively on the Public Service of Canada, by working co-operatively to achieve the objectives of the Correctional Service of Canada. Staff shall fulfil their duties in a diligent and competent manner with due regard for the values and principles contained in the Mission Document, as well as in accordance with policies and procedures laid out in legislation, directives, manuals and other official documents.

Employees have an obligation to follow the instructions of supervisors or any member in charge of the workplace and are required to serve the public in a professional manner, with courtesy and promptness.

Discussion and Relevance

Responsible discharge of duties means employees perform their work accurately, completely and within the time frames allotted for the task.

Staff are encouraged to be innovative and to participate in decision making through positive and constructive means. Statements that criticize other employees or the Service are to be made only if they are verifiable and constructive. Disagreement with a policy does not mean that staff members can neglect their duties. They are free to question policies, procedures or instructions but are expected to do so within appropriate channels. In particular, employees must not be critical of policy or operations in front of offenders or the public; to do so is to encourage a lack of respect for the Correctional Service of Canada and its staff.

2. STANDARD TWO

CONDUCT AND APPEARANCE

Behaviour, both on and off duty, shall reflect positively on the Correctional Service of Canada and the Public Service generally. All staff are expected to present themselves in a manner that promotes a professional image, both in their words and in their actions. Employee dress and appearance while on duty must similarly convey professionalism, and must be consistent with employee health and safety.

Discussion and Relevance

The way in which employees speak and present themselves is an important part of a professional Correctional Service. We lead by example. As role models for offenders, staff are responsible for setting high standards which offenders can respect and emulate. The use of abusive language, showing discour-

teousness towards other people and disrespect for their views, or other such behaviour will encourage offenders to act in the same manner, and so create an environment that is unfavourable to healthy interaction. Staff must take care, both on and off duty, to present themselves as responsible law-abiding citizens.

Employees who commit criminal acts or other violations of the law, particularly if the offences are repeated or serious enough to result in imprisonment, do not demonstrate the type of personal and ethical behaviour considered necessary in the Service. Accordingly, any employee who is charged with an offence against the Criminal Code or against other federal, provincial or territorial statutes must advise his or her supervisor before resumption of duties.

At times, an employee may experience personal problems which may affect his or her job performance. The Service has a responsibility to offer assistance to members facing such difficulties. Notwithstanding this offer of assistance, personal problems are not considered a reason to ignore or fail to take action on poor employee performance or behaviour.

3. STANDARD THREE RELATIONSHIPS WITH OTHER STAFF MEMBERS

Relationships with other staff members must promote mutual respect within the Correctional Service of Canada and improve the quality of service. Staff are expected to contribute to a safe, healthy and secure work environment, free of harassment and discrimination.

Discussion and Relevance

It is the responsibility of all staff to work towards improving the health and safety of the workplace. Staff shall comply with all legislation and policies relating to occupational health and safety, within their intended purposes.

Staff shall not inhibit the work of fellow employees or coerce members to participate in illegal activity or misconduct.

Staff shall respect the rights of all fellow workers, regardless of race, national or ethnic origin, color, language, religion, gender, age, sexual orientation, or mental or physical disability. Staff shall not participate in, or condone, any form of harassment or discrimination. Staff are expected to be co-operative and civil in their dealings with each other.

Work in corrections represents a co-operative effort, drawing upon a wide range of expertise and knowledge from within the Service and from other agencies and organizations in the criminal justice system. Employees have a responsibility to work as part of a team to meet correctional objectives.

Supervisors are expected to demonstrate high personal standards. They must take prompt action when they become aware of discrimination, harassment or disrespectful treatment of any staff member by other employees. Failure to act will be considered a serious infraction.

4. STANDARD FOUR RELATIONSHIPS WITH OFFENDERS

Staff must actively encourage and assist offenders to become law-abiding citizens. This includes establishing constructive relationships with offenders to encourage their successful reintegration into the community. Relationships shall demonstrate honesty, fairness and integrity. Staff shall promote a safe and secure workplace and respect an offender's cultural, racial, religious and ethnic background, and his or her civil and legal rights. Staff shall avoid conflicts of interest with offenders and their families.

Discussion and Relevance

All interactions with offenders are to be fair, honest and open, and members shall actively involve themselves in the offender's treatment plan. Staff are expected to be active participants in the reintegration process and to work towards reducing the risk which the offender presents to society. The objective of all staff must be to contribute to the safe reintegration of offenders into the community.

Staff must be aware of all matters affecting offenders for whom they are responsible by referring to

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their files and any other relevant source of information. They must be informed of the correctional plan and the offender's progress towards the achievement of that plan.

Staff must be diligent in their responsibility to record and make available for review all offender information which could contribute to sound decisions affecting the offender or public safety. In addition, staff must give offenders ongoing documented feedback about their behaviour. Staff must respect the race, national or ethnic origin, color, religion, sex, age, language and/or mental or physical disabilities of offenders and be responsive to the various needs of different cultural groups in our society. Ensuring that relationships with offenders remain constructive and professional is a difficult and sensitive task, but it is necessary for a professional service. It requires that staff maintain a delicate balance between personal and professional interest in the offender.

Inappropriate relationships include, but are not limited to, concealing an offender's illegal activity, using inmate services for personal gain, and entering into business or sexual relationships with offenders, their families, or their associates. Supervisors are expected to take prompt action when they see signs that an inappropriate relationship between an employee and an offender exists or could develop.

The general rule is that staff do not accept gifts from offenders and their families or friends. In exceptional circumstances, it may be permissible to accept a gift of purely token value from an offender, providing it is clear that doing so will not create any obligation on the staff member.

Any doubts or concerns staff have involving relationships with offenders should be discussed with the supervisor. Staff should always inform the supervisor of any token value gift offered or received.

Remember that a professional relationship means loyalty to the values, ethics and standards of the Correctional Service of Canada.

5. STANDARD FIVE CONFLICT OF INTEREST

Staff shall perform their duties on behalf of the Government of Canada with honesty and integrity. Staff must not enter into business or private ventures which may be, or appear to be, in conflict with their duties as correctional employees and their overall responsibilities as public servants.

Discussion and Relevance

Employees of the Government of Canada are governed by the Conflict of Interest and Post Employment Code for the Public Service, as well as the Criminal Code of Canada.

Staff cannot use or appear to use their position for personal gain or advantage. This usually means receipt of financial benefits, gifts or favours from persons conducting, or who are intending to conduct, business with the Government or the Department.

Staff should, for their own protection, seek clarification and advice on any potential conflict of interest.

6. STANDARD SIX PROTECTION AND SHARING OF INFORMATION

Staff shall treat information acquired through their employment in a manner consistent with the Access to Information Act, the Privacy Act, the Security Policy of the Government of Canada, and the Oath of Secrecy taken by all employees of the Public Service of Canada. They shall ensure that appropriate information is shared in a timely manner with offenders, with other criminal justice agencies and with the public, including victims, as required by legislation and policy.

The Correctional Service of Canada recognizes and respects the confidentiality requirements of particular professional groups such as chaplains and medical staff.

Supervisors are responsible for providing their employees with direction and guidance concerning the protection and release of information.

Discussion and Relevance

In the course of their employment, staff are exposed to a wide range of information about offenders,

employees, and the operations of the Service.

All staff must respect offenders' and employees' right to privacy and this means not talking about offenders and staff members to the public, the media, family or friends. The Privacy Act and the Access to Information Act both outline information, which can be disclosed to third parties, and staff should be aware of their responsibilities in this regard.

Staff have an obligation to protect the sensitive information and assets to which they have access. The manner in which information is created, transmitted, stored and destroyed is governed by the Security Policy of the Government of Canada.

There are certain situations in which staff are expected to share information about offenders. Staff and the parties concerned should be made aware of these situations. Such disclosures must be made with great care and, whenever possible, with the interested parties' knowledge, unless this would impede necessary decision-making or prejudice the interests or safety of others.

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