

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

# Preventing and Addressing Staff Sexual Misconduct In Community Corrections: Activity Guide

**Authors:**

**Susan W. McCampbell  
Elizabeth P. Layman**

**March 2004**



**U. S. Department of Justice  
National Institute of Corrections**  
320 First Street, NW  
Washington, D. C. 20534

**Morris L. Thigpen**  
*Director*

**Larry Solomon**  
*Deputy Director*

**Dee Halley**  
*Program Specialist*

**Maureen Buell**  
*Program Specialist*

---

National Institute of Corrections  
World Wide Web Site  
<http://www.nicic.org>

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

This document was prepared under Cooperative Agreements # 01P18GIR4  
Supplement #1 and 02P18GIR4 from the National Institute of Corrections, U. S.  
Department of Justice

**Copyright ©2004 Center for Innovative Public Policies, Inc.**  
**1880 Crestview Way**  
**Naples, Florida 34119**  
**(239) 597-5906**  
**Fax (239) 597-6691**  
**Email: [cippinc@aol.com](mailto:cippinc@aol.com)**  
**Web: [www.cipp.org](http://www.cipp.org)**

The National Institute of Corrections reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use, all or part of the copyrighted materials contained in this publication.

## Table of Contents

|  | <u>Page</u> |    |
|--|-------------|----|
| Overview of Training Activities                          | 5           |    |
| Blueprinting   | 6           |    |
| Test Your Knowledge                                      | 7           |    |
| Burning Issues   | 12          |    |
| The Leadership Challenge                                 | 13          |    |
| Critical Issues in Investigating Staff Sexual Misconduct | 14          |    |
| The Ethics Test  | 15          |    |
| Identifying Your Agency=s Culture                        | 17          | 17 |
| Tug of War: Impact of Culture                            | 19          |    |
| Red Flags  | 20          |    |
| The Envelope, Please                                     | 22          |    |
| Defining Ethics  | 24          |    |
| Putting Pen to Paper                                     | 27          |    |
| Why Should I Care? Getting Employee Buy-In               | 28          |    |
| You Are the Investigator                                 | 29          |    |
| Mapping the Investigative Process                        | 33          |    |
| Investigative Scenarios                                  | 34          |    |
| Value-Added From Investigations                          | 44          |    |
| Demystifying the Investigative Process                   | 45          |    |
| Triage State Law   | 46          |    |
| Prosecutors - Getting Buy-In and Support                 | 47          |    |
| Who Wants to be The Boss?                                | 48          |    |
| Training Design  | 49          |    |
| Top Ten Prevention Strategies                            | 50          |    |

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

**Overview - Trainer=s Guide to Group Activities**

| <b>Module One<br/>Overview</b>   | <b>Module 2<br/>Boundaries, Ethics<br/>&amp; Culture</b> | <b>Module 3<br/>Policies &amp;<br/>Procedures</b> | <b>Module 4<br/>Investigations</b>                            | <b>Module 5<br/>Legal Issues</b>                               | <b>Module 6<br/>Prevention</b> |
|--|--|---|---|--|--------------------------------|
| Test Your Knowledge  | The Ethics Test  | Putting Pen to Paper: Outlining Critical Policies | You Are the Investigator                                      | Triage State Law   | Who Wants to be the Boss?      |
| Burning Issues   | Defining Ethics (Alternative Exercise)                   | Why Should I Care? Getting Employee Buy-In        | Mapping the Investigative Process (Alternative Exercise)      | Prosecutors: Getting Buy-In and Support (Alternative Exercise) | Training Design                |
| The Leadership Challenge   | Identifying Your Agency=s Culture                        | Blueprinting                                      | Investigative Scenarios                                       | Blueprinting   | Top Ten Prevention Strategies  |
| Critical Issues in Investigating Allegations of Staff Sexual Misconduct (Alternative Exercise) | Tug of War: Impact of Culture                            |   | Value-Added from Investigations (Alternative Exercise)        |  | Blueprinting                   |
| Blueprinting   | Red Flags  |   | Demystifying the Investigative Process (Alternative Exercise) |  |                                |
|  | The Envelope, Please                                     |   | Blueprinting  |  |                                |
|  | Blueprinting   |   |   |  |                                |

## Blueprinting

### Preventing and Address Staff Sexual Misconduct in Community Corrections: Administrator=s Blueprint

A goal of this training is to provide you with the knowledge, the skills and the tools to address this issue in your organization. Organizing your thoughts and priorities prepares you for action when you return to work. By the time this training ends, you will have a blueprint for action.

- \$ During each learning module, pay attention to practices and issues in your organization that cause you concern. Also identify things that you feel are currently working well. You should keep a running list of things you need to do with respect to each module, and people you need to brief. Use the front page of your blueprint to keep a list of what you discover.
- \$ At the end of each module you will also have a chance to review your blueprint. You should prioritize your list of things to do and identify people you will want to call.
- \$ At the end of the training, you will have the chance to complete your list of priorities as well as establish a timetable by which you hope to accomplish these tasks.

The blueprint will serve as a resource to post-training activities.

## Test Your Knowledge!

**Activity Description:** This is a "quiz" designed to engage participants and introduce them to the issues associated with staff sexual misconduct. The exercise is intended to stimulate discussion, identify areas of controversy, and energize the class.

**Time:** 40 minutes

**Materials:** Participant Manual.

### Training Tips:

- \$ Ask the class to turn to the quiz. Give the class approximately a few minutes to answer the questions. No need to wait until everyone has completed the exercise.
- \$ When the majority of participants appear to have completed the exercise, begin asking the questions.
- \$ Go over the questions asking for volunteers to tell how they answered the question and why. Ask for other responses. Use the discussion to preview the training and to identify issues.
- \$ Remember that not all responses are True or False - many are *maybe* or "depending" on the agency's policies, procedures, or state law. This is the point of this exercise.
- \$ Ask participants *what change in circumstance, if any, would change your response?* (e.g., notifying supervisor, signed confidentiality agreements, transfer of case or *under no circumstance*)?
- \$ Remember, this is an introduction to the issue and its vocabulary, so the answers at this point are not important. These questions are designed as a road map to lead you through the different aspects of the issues you want to make sure to cover.
- \$ Use a flip chart marked "parking lot" for any issues that can't be addressed at this time.

## Test Your Knowledge!

An understanding of what constitutes staff sexual misconduct is essential to prevention. More than just sex between employees and offenders/clients, sexual misconduct encompasses a broad range of conduct including acts, attempted acts, words, gestures, innuendo and demeanor. What exactly is sexual misconduct? Here are some statements involving sexual misconduct. Which are true and which are false?

\_\_\_\_\_ 1. Sexual misconduct is an issue only affecting women offenders.

- \$ Staff sexual Misconduct (SSM) is by no means Aa woman=s issue@
- \$ SSM crosses all gender lines.
- \$ SSM also impacts an agency=s ability to achieve its mission.
- \$ SSM jeopardizes public safety.
- \$ SSM diminishes public and legislative support.

\_\_\_\_\_ 2. Telling a Adirty joke@ in front of an offender or client may constitute sexual misconduct.

- \$ It depends on what is in the agency=s policies and procedures.
- \$ Contributes to a sexualized or unhealthy work environment.
- \$ Behavior crosses the line of acceptable professional conduct.

\_\_\_\_\_ 3. A female employee who falls in Alove@ with a male offender who is on the caseload of a colleague, and agrees to marry him after his supervision ends, is guilty of misconduct.

- \$ What is the agency=s direction to employees?
- \$ How do employees learn of the policy?
- \$ Is the distinction important about whose caseload the offender is on?
- \$ How do employees find out what=s right and wrong in these types of situations?
- \$ How would your officers answer this question?



Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

- \_\_\_\_\_ 4. A male officer seen wearing shorts and a golf shirt as he makes home visits is guilty of misconduct.
- § Depends on agency=s policies, procedures and practices.
  - § What are the standards in your organization?
  - § How do employees learn with is appropriate professional dress?
  - § What are the supervisor=s responsibilities?
  - § Are rules enforced?
- \_\_\_\_\_ 5. An employee going through a bitter divorce who talks about his legal troubles with an offender or client, may be guilty of misconduct.
- § Depends on agency=s policies and procedures.
  - § How do employees learn what are acceptable topics of conversations with offenders?
  - § What is the supervisor=s responsibility?
  - § Do employees get to Apractice@ their communication skills for managing offenders on their caseload?
- \_\_\_\_\_ 6. Offenders willingly go along with the employee and consent to a sexual relationship. In those circumstances, the employee is not guilty of sexual misconduct.
- § Depends on agency policy and state law.
  - § Can there really be Aconsent@ in this type of relationship?
  - § How do employees know what to do if an offender Acomes on@ to them?
  - § Do employees get the skills they need to defuse these situations?
  - § Do employees know whether or not they have to report these situations, to whom and in what time frame?
- \_\_\_\_\_ 7. An officer who has a relationship with an offender of the same sex is exempt from prosecution under state law.
- § What is in the state=s statute?
  - § Official misconduct isn't related to the gender of the participants.
  - § Is agency leadership comfortable talking about or addressing same sex relationships?
  - § Do employees view same sex misconduct differently from relationships between opposite sexes?

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

§

\_\_\_\_\_ 8. An officer has an occasional dating relationship with the sister of an offender who has just been assigned to the office for supervision. The officer doesn't have to disclose his relationship because it isn't serious and the offender hasn't been assigned to his caseload.

§ What are the agency=s rules?

§ Do employees feel comfortable asking their supervisors questions about situations that may not be directly addressed in written policies?

§ What would happen if the officer found out 4 months later about the offender=s assignment to supervision? Would that involve any counseling or discipline for the employee?

\_\_\_\_\_ 9. An offender who routinely comes to the office wearing sexually suggestive clothing is not a concern because no one has filed a complaint.

§ What is the offender dress code?

§ How do offenders know the rules?

§ What happens to offenders who fail to follow the rules?

§ Are employees given the skills they need to manage such a situation?

\_\_\_\_\_ 10. An agency may impose higher standards on its employees than those contained in the state=s criminal statutes.

§ Absolutely, provided the standards are reasonably linked to agency mission and employee job description.

§ Do employees know this?

§ What standards does your agency now impose that are more than your state=s statutes?

\_\_\_\_\_ 11. Allegations of sexual misconduct are a criminal, not a civil issue.

§ Criminal, civil, personal liability

§ Vicarious liability - Known or should have known@

§ What about personal liability if there is deliberate indifference?

§ What is the agency leadership=s responsibility to protect potentially vulnerable victims fro predator employees?

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

- \_\_\_\_\_ 12. After attending choir practice, a probation office volunteer goes for coffee with someone under the agency=s supervision; but isn't guilty of misconduct because she and the offender are long time members of the choir.
- \$ What are the rules?
  - \$ When are rules too restrictive?
  - \$ Can we expect employees and volunteers to use Acommon sense@ in these types of situations?
- \_\_\_\_\_ 13. An employee from one local office who dates a misdemeanant probationer from a different local jurisdiction is not guilty of sexual misconduct.
- \$ What are the agency=s rules?
  - \$ What happens if the employee finds out after the relationship has developed that the person is under supervision?
  - \$ Do employees know what to do?
  - \$ Will they be disciplined for the relationship?
- \_\_\_\_\_ 14. Good policies, procedures and training on staff sexual misconduct ensure no incidents in your agency.
- \$ Unfortunately, this isn't the case!
  - \$ Good policies, procedures and training can protect agency=s, but not always prevent.
  - \$ Consider, however, what are the alternatives for failing to address these issues.

## Burning Issues

### Activity Description:

This exercise is designed to break the ice and get people talking in front of the group. It should also encourage and allow participants to identify the concerns they have about addressing, preventing, and investigating allegations of staff sexual misconduct in their agencies. The exercise is intended to identify for the trainers the most compelling participant issues.

**Time:** 10 minutes

**Tools:** Flip chart, markers, tape

### Training Tips:

- § Think of this exercise as a "brain dump!"
- § It should be facilitated in such a way as to encourage participants to identify the hard issues they will confront when they return to their agencies, focus on their own issues about the subject, and clarify what the participants need to take away from the training.
- § The more specific, the better. Ask questions to get to the heart of the issue.
- § Recognize those who are not talking, and be sure to bring them into the discussion.
- § At the start of each half-day, review the list and seek participants' approval to cross off subjects that they feel have been addressed.
- § Encourage addition of other issues that may come up in the course of the discussions, and on breaks.

## The Leadership Challenge

**Activity Description:** This activity is designed to focus the participants' attention on their very important leadership role in preventing and addressing staff sexual misconduct in their organization.

**Time:** 20 minutes

**Tools:** Participant Manual, flip chart, markers, tape

**Question:** What are the leadership challenges associated with preventing and addressing staff sexual misconduct in community corrections? How do leaders succeed or fail when they try to address this issue?

### Training Tips:

§ Divide the class into small groups. Have each group identify their top five leadership challenges. Each group reports out findings. Trainer makes notes on the flip chart as each group reports out.

§ Encourage discussion and identify the top leadership challenges. Record on the flip chart.

§ Examples of responses:

|   |  |   |   |
|---|--|---|---|
| T | Clear direction                                    | T | Provide means to report without fear of retaliation |
| T | Training/awareness                                 |   |   |
| T | Fair and consistent investigations                 | T | Policies  |
|   |  | T | Define issues                                       |
| T | Support from administration                        | T | Identify promising practices                        |
| T | Annual audits                                      | T | Promote professionalism                             |
| T | Develop a coherent and legal policy with sanctions |   |   |

## **Critical Issues in Investigating Staff Sexual Misconduct** (Alternative Exercise)

**Activity Description:** Investigations of allegations of staff sexual misconduct are unique, and different from "free world" sex crime investigations. This exercise is designed to focus participants on why these investigations are different and begin the group thinking process of how to address these issues.

**Time:** Open discussion - 10 minutes

**Question/Topic:** Identify the critical issues surrounding investigating allegations of staff sexual misconduct. How are these investigations different from "free world" sex crime investigation? What do offenders and/or clients gain and lose by cooperating with investigators?

**Tools:** Flip chart, markers, tape.

### **Training Tips:**

- \* Use this exercise to follow the introduction of the national scope and impact of staff sexual misconduct. Allow time for participants to identify their personal, and/or their agency=s critical issues in investigations.
- \* Record all concerns on flip charts.
- \* Check back with participants during the training to see if any participants wish to identify and include other critical issues.
- \* Keep the charts posted throughout the training; refer back often to the lists to assure that the training is addressing critical issues.
- \* Prior to the close of the training, review the list and seek concurrence of participants that issues have been addressed to their satisfaction.

## The Ethics Test: Is it Ethical?

**Activity Description:** Use as an introduction to Module 2. As with *Test Your Knowledge*, this exercise is designed to generate discussion. There might be no *right* or *wrong* answers to these questions *B* but they should prompt debate and *what ifs*.

**Time:** 30 minutes

**Tools:** Flip chart, markers, tape

### Training Tips:

- \$ There are no *right* or *wrong* answers to many of these questions.
- \$ The goal of this exercise is to stimulate discussion about what are shared ethics in the workplace and help participants identify how and why employees get into trouble on issues that are not just BLACK AND WHITE.
- \$ Participants may express frustration that there isn't enough information for them to make a decision. Reinforce that this is the case with most issues that come to them each day.
- \$ Ask participants:
  - \$ Why are ethics important in community corrections or any other organization?
  - \$ How can you determine the shared ethics in your organization?
  - \$ Why do some employees fail to act ethically?
  - \$ Do employees and supervisors have difficulty confronting unethical behavior by their peers or subordinates?
  - \$ Can *ethics* be taught?
  - \$ How can we create an ethical workplace?

### Is it Ethical or Unethical?

Place an “E” in the space provided if you believe the behavior is ethical for criminal justice professionals. Place a “U” in the space provided if you believe the behavior is Unethical.

- \_\_\_\_\_ 1. Accepting a reduced price law enforcement courtesy meal from a local diner.
- \_\_\_\_\_ 2. Accepting a ride from a member of an offender’s family when your car is in for service.
- \_\_\_\_\_ 3. Covering for a colleague with his supervisor because your colleague is experiencing some personal problems at home.
- \_\_\_\_\_ 4. Overlooking a close friend’s violation of a petty department rule.
- \_\_\_\_\_ 5. Periodically taking a mental health day or sick day when you aren’t ill.
- \_\_\_\_\_ 6. Telling a colleague about an offender’s sexual history.
- \_\_\_\_\_ 7. Having your car serviced at a garage where you know an offender works.
- \_\_\_\_\_ 8. Curtailing field visits because there is a budget crunch, especially in reimbursements for gas.
- \_\_\_\_\_ 9. Asking to use the bathroom at an offender’s home.
- \_\_\_\_\_ 10. Failing to tell a supervisor when you think you see a colleague having dinner with an offender on your caseload.
- \_\_\_\_\_ 11. Telling a little white lie to protect a peer or colleague.
- \_\_\_\_\_ 12. Treating offenders differently than the general public.
- \_\_\_\_\_ 13. At the last minute, asking a court clerk whom you work with all the time to re-schedule a hearing that interferes with personal plans.
- \_\_\_\_\_ 14. Finding ways around departmental policies and procedures that get in the way of your doing your job.



## Identifying Your Agency=s Culture

**Activity Description:** Understanding the concept of agency culture is an essential element in efforts to address and prevent staff sexual misconduct. This exercise asks participants to honestly appraise their internal agency culture. The debriefing questions in the exercise ask participants to relate how their culture will impact their efforts to prevent and address staff sexual misconduct.

**Time:** 40 minutes

**Tools:** Participant Manual, flip chart, markers, 3 x 5 cards

### Training Tips:

- § Ask each person take about 15 minutes to review the elements in the Checklist and rate their own workplace. **Note that no one will be asking individuals to reveal their individual scores.**
- § Be sure to review the directions and how the scores of the individual blocks are transferred to the final scoring matrix, and added.
- § Walk around and be sure that each participant is completing the exercise correctly.
- § While the participants are working, prepare a flip chart that will record the scores:

| Range of Scores | Number of Person who Rated their Workplace in this Range |
|-----------------|--|
| 0 - 88          |  |
| 89 - 147        |  |
| 148+            |  |

- § As participants complete the exercise, ask them to anonymously note their score on a 5 car and pass it to the front of the room.
- § Record the scores in the box and tally the number who rated their workplace in the three categories.

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

§ **Note: the scores may be quite different if there are different organizations/agencies participating in the training.**

§ In debriefing this exercise, ask participants:

§ What new insights did they gain about their organization as they completed this exercise?

§ Would a cross section of employees rate the organization/workplace the same B in other words, does the leadership, managers and line employees view the organization the same way? Why or why not?

§ What do these results mean to preventing and addressing staff sexual misconduct in their agency/workplace?

§ What part of the culture may need to be specifically addressed as part of the initiative, or before the initiative is undertaken?

## Tug of War: Impact of Culture

**Activity Description:** This exercise is to focus participants on how their organization's culture will help them or hinder them in an initiative to prevent and address misconduct.

**Time:** 15 minutes

**Tools:** Participant Manual, flip chart, markers.

### Training Tips:

- § This exercise may be done in small groups or as an entire class.
- § Ask participants to think about what they have learned about the culture in their workplace.
- § What parts of their organization's culture will be an **asset** to them as they work on the initiative regarding preventing and addressing misconduct?
- § What elements of their culture will be **barriers or deterrents** to their efforts.
- § Ask the participants to begin to think about how they will overcome these barriers and capitalize on the assets.

| Aspects of your agency=s culture that will help you: | Aspects of your agency=s culture that may hinder you: |
|--|---|
|  |   |
|  |   |
|  |   |
|  |   |
|  |   |

## Red Flags

**Activity Description:** This purpose of this exercise is to stimulate the participants' thinking about possible indicators of staff sexual misconduct and the break-down of professional boundaries.

**Time:** 10 minutes

**Tools:** Flip chart, markers.

### Training Tips:

- § At a time in the training when participants appear to grasp the implications of sexual misconduct, ask the class to think about what "red flags" might indicate a problem or concern.
- § Write on the flip chart all responses, clarifying the participant's answers as necessary.
- § Encourage participants to use the "red flags" as an exercise to stimulate thought and discussion in their agency. Caution: Avoid just giving training participants a list of "red flags." Be sure that they contribute to the list of flags identified in class, and encourage them to think of others.
- § The success of the exercise is allowing the participants to develop and discuss what are, or are not, red flags.

### **Red Flags**

1. Horseplay, overly familiar interaction between employees and offender.
2. Unusual caseload activity (transfers to or from the caseload, early terminations, unlikely violations of conditions, etc.)
3. Ignoring violations or being blind to a particular offender's actions.
4. Unusual amount of office visits by an offender.
5. Unusual amount of field visits to a particular offender.
6. Employee isolation from other employees.
7. Over-identifying with an offender.
8. Employee in personal crisis (financial, divorce, ill health, death in family, etc.)
9. Granting special favors or requests for an offender.
10. Employee consistently working more overtime than anyone else.
11. Employee being overly concerned about a particular offender.
12. Employee cannot account for their time.
13. Employee always volunteering for extra work or overtime.
14. Employee intervening or helping with offender's personal life, legal affairs, etc.
15. Conversations between an employee and offender, or between employees that are sexualized in nature, or refer to physical attributes or appearance.
16. Employee discussing personal information with offender.
17. Drastic behavior change on the part of an offender or employee.
18. Rumors about a particular offender or employee.
19. Frequent absences or illnesses of particular employees.
20. Employee accessing files, computer data banks, logbooks, etc. when not related to their own cases, or an excessive amount of this kind of activity.
21. Frequent problems with particular employee concerning off-duty activities.
22. Employee having more than the necessary knowledge of an offender's personal life.
  
23. Employee being involved with offender's family.

## The Envelope, Please

**Activity Description:** Working in groups, participants brainstorm issues and identify best strategies to handle a variety of situations.

**Time:** 30 minutes

**Materials:** Business size envelopes, 3 x 5 cards, flip charts, markers. **Trainers need to prepare the envelopes prior to the start of the training.**

### Training Tips:

\$ Divide participants into 4 - 6 groups, try to have no more than four in one group, fewer is better.

\$ Pasted or taped on the front of the business-size envelopes is a question, concern or issue (see below).

\$ Give each team one envelope.

\$ Each team is given 3 minutes to consider their best strategy to address the issue. Then they write their response on a 3 x 5 card, and place it inside the envelope.

\$ At the direction of a trainer, the groups exchange envelopes. The groups are instructed not to look at the cards inside the envelope. The process starts again, until each group has considered ALL BUT ONE ENVELOPE.

\$ The teams are instructed to open the final envelope (which they have not yet seen), review the cards and select what they consider to be the best strategy. The group may come up with their own strategy if they reject those in the envelope.

\$ A spokesperson for each team then presents the issue, their best strategy and responds to the following questions as asked by a trainer:

\$ How did your group arrive at this one best strategy?

\$ Were the other strategies realistic?

\$ Have you experienced this in your agency?

\$ Debrief the exercise, focusing on how we can brainstorm solutions, perhaps outside our usual comfort zone, and how there might not be one perfect solution or way to address an issue.

**Note: Trainers are encouraged to develop their own questions, scenarios, etc. for this exercise.**

**Suggested topics: [Please edit or add to these topics based on red flags and burning issues.]**

- \$ How do you begin the process of identifying culture?
- \$ How do you begin the process of identifying client culture?
- \$ How do you know if you have a sexualized work environment?
- \$ You have identified a sexualized work environment in your agency. How do you begin to address it?
- \$ Your supervisors are opposed to the new policy to orient offenders/clients to your agency=s new policy on staff sexual misconduct. How do you address their opposition?
- \$ How do you begin to break down the code of silence in your organization?
- \$ How do you know if you have a problem with over-familiarity between employees and offenders?
- \$ How do you get your supervisors to begin to identify red flags?
- \$ How do you determine the professional ethics shared by those working in your organization?
- \$ What can you do to help employees identify their professional boundaries?
- \$ You have no state law addressing staff sexual misconduct in community corrections. How do you go about changing this?
- \$ How do you maintain trust and assist employees in identifying their own red flags or boundary violations?
- \$ How can you get the prosecutor’s buy-in to prosecute criminal violations of sexual misconduct statutes?

## **Defining Ethics (Alternative Exercise)**

**Activity Description:** This activity is designed to introduce the concepts of ethical decision-making. Use this exercise if the participants appear to want further exploration of ethical decision-making. This activity can also be used in the Module 6, exploring possible training strategies for community corrections agency personnel.

**Time:** 20 - 40 minutes, depending on the participants' interest

**Tools:** Participant Manual.

### **Training Tips:**

- § If this exercise is used, make copies of the scenarios before the program begins.
- § Review the steps in the ethical decision making process included in the Participant Manual.
- § Gain consensus that this is a good process.
- § Distribute copies of the scenarios & walk participants through use of the decision making model.
- § Gather any other input or ethical dilemmas that have faced them as administrators.

NOTE: May be used in Module 6 as part of the training strategies.



## **Case Studies in Ethics**

**Scenario # 1:** Susie, a probation officer, is the cousin of one of the offenders on Jim's caseload. The offender is required to pay restitution to the victim of his crime. Susie frequently asks if her cousin is up-to-date on restitution. If Jim says he is delinquent, Susie gives Jim a money order on behalf of her cousin.

- Using the steps for ethical decision-making, is this ethical?
- Who is wrong, if anyone, and why? (Answer this question for all three involved parties)
- If you believe that this is unethical, how would you remedy the situation, and/or what would you do differently?

**Scenario # 2:** An offender who has been on your caseload for at least two years has been a model probationer. He has an excellent and steady job, and is an expert automotive mechanic. One day at the end of the workday, you go to the parking lot and your car won't start. You think about the offender who works less than a mile away. You call the offender and ask if he can come to the office parking lot to check out your car.

- Using the steps for ethical decision-making, is this ethical?
- Who is wrong, if anyone, and why? (Answer this question for both involved parties)
- If you believe no one is wrong, explain why?
- How would others perceive this situation? (Co-workers, the public?)
- If you believe that this is unethical, what would you do to remedy the situation, and/or what would you do differently?

**Scenario # 3:** Your co-worker has a party at her house and you are invited to attend. When you arrive, there are three or four people (not employed by your agency/organization) who are in one of the bedrooms using cocaine. You tell this to your co-worker, and she says that it is her sister and friends, and that although she doesn't really like it, she doesn't want to ask her sister to leave. You decide to ignore the sister and friends, and simply stay outdoors with other partygoers.

- What would you do in this situation?
- Using the steps for ethical decision-making, is this ethical?
- Who is wrong, if anyone, and why?
- If you believe that this is unethical, what would you do to remedy the situation, and/or what would you do differently?

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

**Scenario # 4:** It is a well-known fact that your supervisor sells cosmetics as a sideline. In her office there are stacks of boxes of these cosmetics ready to be distributed. Your supervisor often remains late after hours, dividing these cosmetics into individual bags that she will distribute over the weekend.

- Using the steps for ethical decision-making, is this ethical?
- Who is wrong, if anyone, and why?
- If you believe no one is wrong, explain why.
- If you believe that this is unethical, what would you do to remedy the situation, if anything? If you choose to do nothing, why did you make this decision?

**Scenario # 5:** An offender on Mark's caseload comes to the office on Monday morning, and tells Mark that she got a traffic ticket over the weekend. However, the ticket was issued in another state, and Mark had not given the offender prior permission to travel out of state. The offender begs Mark not to violate her for the failure to obtain prior permission to travel. All community corrections officers are required to notify the judge of any traffic violation, and agency policy requires Mark to file a violation report submitted to his supervisor. It is standard procedure to require that the written permission for travel be attached to the violation report. There is a possibility that the judge will follow Mark's recommendation NOT to violate, but there is as much chance that he will go against that recommendation and issue an arrest warrant or violation summons. The traffic ticket is minor, for having one taillight burned out, and that alone would not result in a violation. But coupled with the failure to obtain travel permission, the two together would appear more serious. Mark decides to issue the written travel permit, and pre-date it to Friday. He prepares the report, and attaches the permit to travel.

- Using the steps for ethical decision-making, is this ethical?
- Who is wrong, if anyone, and why? (Answer this question for all involved parties)
- If you believe no one is wrong, explain why.
- If you believe that this is unethical, what would you do to remedy the situation, if anything? If you choose to do nothing, why did you make this decision?

## Putting Pen to Paper: Outlining Critical Policies

**Activity Description:** This is an introductory exercise to prompt participants to consider what their agency needs to.

**Time:** 30 minutes

**Tools:** Participant Manual, flip chart, markers, tape

### Training Tips:

- § Divide the group into as many small groups as you wish to address specific policy topic areas.
- § Select the policy topic areas based on the issues which seem to be of the most importance to the participants as revealed in Burning Issues and other discussions. Among topics are:
  - § Employee Ethics/Code of Conduct
  - § Volunteers Responsibilities
  - § Contract Management/Contractors Responsibilities
  - § Employee Reporting of Allegations/Suspicious of Misconduct
  - § Release of Information about Current/Former Employees
  - § Confidentiality of Data/Information
- § Assign a topic to each team. Ask them to develop the table of contents which includes any essential elements for the policy area assigned to them.
- § Ask each team to flip chart their outline and designate a spokesperson.
- § In debriefing this exercise, ask participants what areas might be added that the teams didn't include? Ask what insights they gained as each team worked on the table of contents? Ask who is responsible for policy development in their organization? How will the information from this training program get to that person(s)?

## Why Should I Care? Getting Employee Buy-In

**Activity Description:** Administrators may face significant resistance from employees as they initiate efforts to address staff sexual misconduct. This exercise is to allow participants to begin to identify how their employees may react to the announcement of their new initiative, and how they can overcome some of the potentially negative reactions.

**Time:** 20 minutes

**Tools:** Flip chart, markers

### Training Tips:

- \$ This activity can be done in small groups or with the class as a whole.
- \$ Create a flip chart divided down the middle [see Participant Manual].
- \$ Ask the class - when you return to work and announce to the employees that the organization will now be focusing on the issue of preventing and addressing staff sexual misconduct with offenders - what will be the reaction? Will employees embrace this decision, or not?
- \$ What do you expect your employees to say? In front of you and when you aren't around?
- \$ List the challenges that employees may articulate - and then work out how you will overcome these challenges.
- \$ If there are positives that you expect employees to bring - note them as well.
- \$ In debriefing this exercise - refer back to agency culture [Module Two].
- \$ Ask the participants to review why it is important that the employees' reactions are noted and addressed.

## You Are the Investigator

**Activity Description:** As an introduction to Module Four, Investigations, participants are asked to think about what they know about their own investigative process. What they know, or don't know, is important even if another entity is responsible for investigations.

**Materials:** Participant Manual

**Time:** 30 minutes

### Training Tips:

- § Ask participants to take a few minutes and respond to the questions.
- § As you review the questions, reinforce why, as agency leaders, they need to know this information. Refer participants to Blueprinting to record what they need to do when they return to the office.

## You Are the Investigator - Key

As you think of your organization's investigative process, answer the following:

1. The total number of investigations into allegations of staff sexual misconduct in the last three years are \_\_\_\_\_.

What were the outcomes of these investigations? Sustained?  
Unfounded? What percentage of investigations were closed as inconclusive?

§ Why don't you know of the number of investigations? Refer to myths if there have been no investigations.

§ Who is keeping this information?

§ How could this information be used in the initiative to prevent and address misconduct?

2. The statutory authority for your agency to conduct investigations is \_\_\_\_\_?

§ Is there a state administrative regulation giving your organization the authority to investigate?

§ Who has the authority to investigate?

§ What are their internal protocols governing investigations?

3. The specific training provided to those assigned to investigate allegations of sexual misconduct is:

Have all investigators been trained? When and where?

§ Why is this important?

§ Is credibility of investigators important?

§ Do sexual misconduct investigators require any special skills or training?

§ Do most investigations result in findings of sexual misconduct begin as investigations of misconduct? How do these allegations surface?

§ What about the training?

§ Is there a job description for investigators?

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

4. What are the time requirements to complete an investigation?
  - § Are these time limits set by statute or administrative regulation or both?
  - § What is the impact of time requirements in investigations?
  - § What triggers the start date/time?
  
5. How are offenders informed about filing a complaint regarding allegations of sexual misconduct? How are offenders' families informed?
  - § What do offenders know what constitutes misconduct?
  - § How do offenders or their families know how to file a complaint?
  - § What are barriers to their filing a complaint?
  - § What about retaliation?
  - § How would you encourage offenders and their families to report?
  - § How would staff view your efforts to get offenders to know how to report allegations of misconduct? How would you address this?
  
6. How do supervisors know what to do if they suspect sexual misconduct?
  - § How are supervisors informed of red flags and what to do when they suspect misconduct?
  - § Do supervisors understand their role in assuring the investigation is not tainted? Do supervisors understand Garrity and Miranda warnings and what they mean to an investigation?
  
7. Are investigations completed when the subject employee resigns during the investigation?
  - § Does state law, administrative regulations, work rules, or collective bargaining agreements dictate what happens when a subject employee resigns before an investigation is completed?
  - § Has the agency ever pursued criminal action when evidence supports such action even after the employee has resigned?
  - § What is the impact of not pursuing investigations after a resignation to the victim, the organization? What would be the public's perception?

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

8. What percentage of the line staff would agree that the investigative process is fair and impartial?
  - § What is the perception of the internal investigation process?
  - § Why is this an important issue?
  - § Why do employees feel the way they do about internal investigations?
  
9. Can anyone who is conducting an investigation impose Garrity warnings and compel an employee to answer questions?
  - § Why is this a critical issue in investigations?
  - § How can Garrity warnings be misused in investigations?
  
10. How and when are employees informed of their workplace privacy rights?
  - § Do employees know whether their desks, computers, telephone calls, and other official actions are subject to monitoring and search?
  - § How do they know?
  - § Can cars of employee in your agency's parking lot be searched? How and under what circumstances?
  - § Do employees have an absolute right to privacy in their workplace?
  
11. If covert surveillance is needed as part of an investigation, how is that initiated? Who has to approve it?
  - § Is there a protocol governing surveillance?
  - § How would you get covert surveillance equipment?
  - § What are the rules about how far surveillance can go before someone intercedes?
  - § Why are these issues important?
  
12. What percentage of employees could accurately describe the internal investigative process?
  - § Why is this critical?
  - § Can you describe the process?



## **Mapping The Path of the Investigative Process (Alternative Exercise)**

**Activity Description:** Working in small teams, participants are asked to map their agency's investigative process, from the time a complaint is received, to the conclusion of the investigation. Each team is asked to identify issues or gaps in the process. Each team will report on their process and the gaps or issues they have identified.

**Materials:** Flip chart, paper, markers, tape.

**Time:** 35 minutes

**Question:** What is the process from the time a complaint (allegation) is received from the public, media, offender, offender's family, employee, etc. until it is resolved? If another organization is responsible for conducting investigations, map what your agency does before and after that organization is notified. Use flip chart paper to map the flow.

### **Training Tips:**

- § Manage the reporting out time to insure that each group has a chance to speak.
- § Help track the gaps and issues. If the agency is not in charge of investigations, what protocols need to be established and with what other organizations?
- § Encourage all participants to ask questions about the process as it is being described.
- § Record the major findings and what appears to be new information for the participants.
- § Ask participants how they can use this exercise when they return to their agency to delve more into the investigative process.

## Investigative Scenarios

**Activity Description:** This exercise provides participants with an opportunity to work on investigative scenarios that will give insight into their own agencies= investigative operations and reinforce learning in Module 4 - Investigations.

**Materials:** Copy of each investigative scenario that will be used.

**Be sure to exclude the Trainer's Notes from the participants' copies.**

**Time:** 30 minutes

### Training Tips:

- \$ Use the scenarios presented below or others that you may develop. As in most all investigations, all the information is not known when the allegations first surface. Some ambiguity in the exercise helps participants learn and remember that the issues in investigations are rarely clear cut and/or promptly solved.
- \$ Divide the participants into working groups.
- \$ Distribute an investigative scenario to each team. Instruct them to review the issues presented and prepare their response/action steps.
- \$ Ask each team to designate a spokesperson.
- \$ Ask each team to read the scenario it was given, and respond. Invite responses from other team.
- \$ Reinforce the elements of Module 4 - Investigations.

### **Case Scenario # 1**

Offender Jones, released from prison two months ago after serving a two-year sentence for distribution of cocaine, is being supervised by Parole Officer Smith. The town in which they both live has a population of 20,000.

Jones and Smith both graduated from the same high school, same class, 10 years ago. It was common knowledge that Jones not only used marijuana on and off school grounds, but also sold it to other students. Smith attended some of the same parties as Jones during high school, and even smoked marijuana a few times with Jones and others.

One day, P.O. Smith receives a telephone call from offender Jones= mother. Mrs. Jones asks P.O. Smith if she can say something in confidence because she does not want to get her son in trouble, but she is worried. Jones has not been home for a couple of weeks, and Jones mother suspects that Jones is with some of the Aold gang@, and that Jones is using drugs again. Could P.O. Smith look up some of the Aold gang@ and try to locate Jones and convince Jones to come home and get back into the weekly treatment meetings?

What should Smith do?

#### Trainer's Notes:

1. Should P.O. Smith do as Mrs. Jones requests - look up some of the old school gang to see if they know where Jones is? Why or why not?
2. What should P.O. Smith do if he/she finds Jones?
3. If P.O. Smith finds Jones and obtains a promise from Jones to get right back into the weekly treatment group, is this appropriate?
4. Conditions of supervision require that Jones attend weekly treatment sessions, but P.O. Smith finds that Jones has missed the last 4 meetings. What are the appropriate actions?
5. What would you do in this situation?
6. Would it make a difference if the community had a population of 200,000 or 2,000,000?

## **Case Scenario # 2**

Probation Supervisor Sam supervises Probation Officer Joe.

During a recent case review, Sam noticed 3 or 4 cases on Joe=s caseload have been submitted for early termination requests. Two of these cases eventually received early termination, but one was denied by the judge because of outstanding restitution.

At the next case review 6 months later, Sam noticed that Joe had again submitted the rejected case for early termination. But this time Joe has included a form declaring that the offender was indigent, and that the circumstances were not likely to change in the future. Once again, the judge had denied the early termination.

Three months later, Sam overhears officers talking in the break room about a rumor that some of their peers =selling@ early termination requests. When Sam tries to get more information and asks what officers= names have come up, the other officers refuse to say any more.

What should Sam do?

### Trainer's Notes:

Should Sam:

1. Call in P.O. Joe and ask him to justify why he keeps requesting early termination for the particular offender when the Judge has denied it previously?
2. Call the offender and ask if the P.O. or the offender has asked for some kind of =favor@ or =deal@ for requesting early termination?
3. Ask other officers if they are aware of such activities taking place?
4. Immediately notify the Internal Affairs investigator of his suspicions and the rumors he has heard?
5. Or some other action?

### **Case Scenario # 3**

Susie, the fiscal clerk in the probation office, is responsible for collecting financial payments from the offenders, such as restitution, cost of supervision, treatment fees, and other supervision related monetary conditions. Recently, another secretary saw Susie in the local mall shopping with another woman who the secretary thought she recognized as an offender who reports to the office each month.

You are the office supervisor, and the secretary comes to you and tells you what she believes she saw at the mall. What do YOU do?

#### Trainer's Notes:

1. Call in Susie and ask her if she is socializing with an offender under supervision?
2. Follow Susie for a few days to see if she has contact with any offender under supervision?
3. Nothing, since it isn't against policy for clerical staff to have relationships with offenders?
4. What should the secretary do?
  - a. Inform the office supervisor of what she saw?
  - b. Because she couldn't be absolutely sure that the other person was an offender under supervision, should she approach Susie directly and ask her what she was doing with this person?
  - c. Wait a month or two to see if the person she saw with Susie reports to the office, thereby verifying that the person is an offender under supervision?
5. What other issues do you think are important in this situation?
6. As a manager, what kind of action do you think should be taken?

### **Case Scenario # 4**

You are the regional director for the county probation services, which includes five different reporting locations. You receive an anonymous note in the inter-office mail complaining that one of the office supervisors is carrying a small caseload of offenders while she expects those whom she supervises to work their tails off. You know that most supervisors try to share the heavy caseload, but some may have smaller caseload than

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

others. This particular office supervisor named in the note worked with you many years ago in the same office. You have never known this supervisor to be anything other than trustworthy and competent.

You trusted your instincts about this office supervisor and chose to do nothing at the time of the anonymous complaint. Two months later, you get a call from an offender=s brother who asks why this supervisor has to see his brother so many times during each month. The brother was on supervision a few years ago, and he only got a visit from an officer once every two months. Why is it different for his brother? He wants to file a harassment report.

You go to the supervisor=s office early one morning, and look for the case file, but find that the supervisor=s desk is locked. You can=t find the file anywhere else, and assume that the file must be in the desk.

Trainer's Notes:

Do you:

1. Wait for the supervisor to arrive and ask for the file?
2. Find some way to break in to the desk to get the file?
3. Go back to your office and try to figure out some other way to see the file?
4. Ask the offender under supervision to report to your office?
5. Contact whoever does investigations for your agency, and turn it over to them?

Explain your choice of action.

**Case Scenario # 5**

Officer Jim is supervising an offender on his sex offender caseload. The offender calls Jim and asks him to come see him as there is something he has to talk about in private. Jim goes to see the offender who tells him that he wants to be transferred to another program. When Jim asks why, the offender says that he has a *Aproblem@* with the psychologist he meets with three times a week. This psychologist is a contractor to the department. After much questioning and prodding, Jim finally determines that the psychologist has been having intercourse with the offender.

Jim immediately goes to his supervisor to report this. The supervisor immediately contacts the director. The director assigns this investigation to one of the supervisors in the agency. During the investigation, three other offenders admit to having sexual relations with the psychologist, but they do NOT want to complain, and they refuse to give any further statements.

The Director immediately issues a directive to all staff that they are not to refer any offenders to this psychologist. The psychologist learns this directive, and files suit against the agency for breach of contract and defamation.

Trainer's Notes:

1. What actions can you take as a manager at this point?
2. What actions are you precluded from taking?
3. What can you do to prevent this problem in the future?

**Case Scenario # 6**

You are the immediate supervisor of Officers Able and Brown. Officer Able comes to you and says that he thinks there is something strange going on with Officer Brown. Officer Brown has been separated from her husband for a year, but is apparently pregnant, though she has not made a formal announcement. Officer Able didn't think much of this until he overheard two other officers talking about seeing Officer Brown in the local mall one night with a person on probation. Officer Able thinks it might be one of his probationers seen with Brown, because he saw Officer Brown talking to the probationer one day in the parking lot. Officer Able doesn't want to gossip, but he is uncomfortable about this situation.

Trainers' Notes:

1. What steps do you take next? Explain your reasons for each step?
2. Do you call in Officer A first, or do you talk to the probationer first, or do you try some other tactic to get information?
3. Do you have the authority to ask for a DNA test? When would you ask for this, if at all? Are there restrictions about doing this?

**Case Scenario# 7**

There is a wedding invitation pinned to the bulletin board in the break room. It is a general invitation to all employees. The bride is a former employee who just left the agency's employment last month. The groom is currently under supervision. The invitation is the talk of the office.

What do you do?

Trainer's Notes:

1. What questions should be asked:
  - Was the groom on the bride=s caseload?
  - Who else was on the bride=s caseload?
  - Did the bride violate agency policy by having a relationship with the groom before she resigned?
2. What about the gossip around the office?

**Case Scenario # 8**

You are the office supervisor. The local jail calls to report that an offender, under the supervision of your agency, is being held on a new charge. You recognize the offender as being on the caseload of PO Bill Lockemup, who is currently on annual leave for five more days. You ask PO Tom Snoops to go to PO Lockemup's office, retrieve the offender's file and complete the necessary paperwork to keep the offender in jail pending a hearing.

While looking for the offender's file in Lockemup's office, Snoops finds several photographs of a female Snoops knows to be a parolee under Lockemup's supervision. The photos were in an unmarked envelope in the center drawer of Lockemup's desk. The photos are sexually explicit and one has the words "For Bill" written on it.

Is there a need to investigate this situation? If so, what steps would be included in your investigative plan?

Trainer's Notes:

1. What are possible explanations?
2. Is it possible Lockemup was keeping evidence he was going to turn over?
3. Was Snoops going beyond what he needed to do to fulfill his supervisor's direction?
4. Can this evidence be legally used in a criminal or in an administrative investigation?
5. Does Lockemup have an expectation of privacy of things in his desk?



### **Case Scenario # 9**

You are the manager of a halfway house. Sally Stilluses is a female offender living in a halfway house. CO Mary Law is an officer assigned to the halfway house and is frequently detailed to supervise obtaining the urine samples from the female residents. Sally Stilluses comes to your office and tells you CO Law just tried to “come on to her” her while Sally was providing a urine sample. Sally is upset and asserts she has never been comfortable with CO Law supervising these collections as Sally knows CO Law is a lesbian. Sally says she is essentially being asked to provide a urine sample in the presence of someone of the opposite gender. Sally is threatening to go to the newspapers and file a lawsuit if CO Law isn't immediately reassigned or fired.

You don't know much about CO Law except that she lives with another female and rarely socializes with other staff.

Is there a need to investigate this allegation? If so, what steps would be included in your investigative plan?

#### Trainer's Notes:

1. What is the profile of Sally Stilluses?
2. What is the employment history of CO Law?
3. What other complaints have surfaced?
4. What do you do with CO Law during the investigation, should you choose to begin one? What about Ms. Stilluses?

### **Case Scenario # 10**

You are the manager of a 50-bed substance abuse treatment center operated by your agency. The offenders in the center are all males and are getting ready to be released to community supervision. Jane Caresalot is a counselor at the center. She and two other counselors regularly conduct small group counseling sessions with the offenders, but Jane's sessions are always very popular.

You just received a letter from an offender's mother commending Jane for being so committed to her son's rehabilitation. You want to share that letter with Jane.

As you approach the 15 offenders waiting to enter the counseling session with Jane, you notice an unusual level of excitement among them. This group is much more up-beat than the group which met earlier in the day with one of the other counselors. As you watch, you notice several of them are wearing the same watch, a model which is not available in the canteen/commissary. There is the faint odor of aftershave among them and they are all well groomed. As Jane opens the door to the room, the men immediately enter and take their seats.

Is there a need to investigate this situation? If so, what steps would be included in your investigative plan?

#### Trainer's Notes:

1. What is the employment history of Jane?
2. What is the quality of her sessions versus other counselors?
3. Have there been any other complaints?
4. Is there an explanation for the watches?

### **Case Scenario # 11**

You are the manager of a parole/probation office. You have a contract with a Doug Fixem to provide sex offender treatment to male offenders under community supervision. Offender Johnny Cantbefixed comes to you with a concern. He tells you that he is committed to changing his ways but Doug is holding back his progress.

Johnny tells you Doug's group counseling sessions are humiliating as the

Preventing and Addressing Staff Sexual  
Misconduct in Community Corrections

offenders must talk about their offense in the presence of others. Since Johnny's believes that his conviction was wrong, and that his intentions with that little girl were misinterpreted, this is very difficult for Johnny and the group sessions aren't helping him at all. Further, the individual counseling sessions wherein Doug wants to inspect Johnny's "privates" are offensive but he can put up with that because it's not in front of the group.

Is there a need to investigate this situation? If so, what steps would be included in your investigative plan?

Trainer's Notes:

1. What is Doug's employment history? Have there been any other complaints?
2. Are procedures in place to prevent abuse – what about this viewing of Johnny's "privates."
3. How do you protect the employee from false allegations and protect the offenders from a possible sexual predator on staff?

## Value Added to Agency from Investigations (Alternative Exercise)

**Activity Description:** Often agencies file completed internal investigations, without assessing how the information gained can improve, or add value, to the agency. This exercise is designed to focus participants on how to use information to address and improve operations.

**Format:** Participants divide into four groups.

**Time:** 20 minutes (10 minutes in groups, 10 minutes open discussion)

**Questions:** What can be learned about your agency operations from the findings of staff sexual misconduct internal investigations?

§ How could operations be modified based on the results?

§ What administrative changes might come from investigative findings?

§ What leadership issues may be uncovered?

§ What could investigative findings reveal about supervisory roles?

§ Does your agency administration use investigative results to improve policies, procedures, operations?

## **Demystify the Investigative Process (Alternative Exercise)**

**Activity Description:** A common theme from agencies is that distrust of the internal investigation process is a barrier to effective investigations. Agencies who have improved investigations have started with demystifying the investigative process. Allow a few minutes of reflection by participants on the questions. Open discussion.

**Time:** 10 minutes for discussion

### **Questions:**

- § What benefits can be gained from demystifying the investigative process?
- § What is the reputation of your agency's internal investigation unit and/or investigators? Or of the entity that completes investigations for your agency?
- § In what ways can an agency demystify the investigative process?
- § What are effective measures to break the code of silence?
- § What can be done to achieve cooperation from the union or bargaining unit?

## Triage State Law

**Activity Description:** An exercise be done in small groups. After reviewing the state's statute, how does it contribute to, or detract from, the agency's response? What is included in the statute, what is not? What are the implications for the agency?

**Time:** 30 minutes

**Tools:** Participant Manual, flip chart, markers, tape

### Training Tips:

- § Ask participants to review the questions in the Participant Manual regarding their state=s law.
- § After notes have been made, engage the participants about what is fact and/or fiction about their state law. Track information on a flip chart.
- § If a state law doesn't exist, what would be essential elements of a new law?
- § If a state law doesn't exist, what administrative and/or other avenues exist for administrators?
  - § Other statutes - rape, sexual contact, official misconduct
  - § State administrative regulations
  - § Licensing and professional standards
  - § Agency policies and procedures

## **Prosecutors: Getting Support and Buy-In (Alternative Exercise)**

**Activity Description:** Agencies report that the cooperation and support of the prosecutor is essential to successful prosecution of criminal allegations. Yet many agencies find that the prosecutor is uninterested in these cases.

**Time:** 15 minutes

**Tools:** Flip chart, markers, tape

**Question:** Ask each group to come up with five strategies to achieve buy-in and support from the prosecutor. What are agency options if a prosecutor is unwilling to cooperate after all the overtures are completed?

### **Training Tips:**

- § Divide participants into four groups.
- § When charting responses, encourage discussion about what participants have seen that works well.
- § What can administrators do to help the process? (Their responses may include involving the prosecutor's office in employees training, training of investigators, coordination on investigative policy and procedure development, consultation from the time an allegation is received, etc.)
- § Encourage non-traditional thinking and problem solving.

## Who Wants to Be The Boss?

Activity Description: Overcoming employees' objections about the agency's policies to orient offenders and their families about the agency's zero tolerance policy and reporting methods will be a challenge for administrators. This exercise, which is highly interactive, is to develop strategic responses to objections from

Time: 20 minutes

Tools: Flip chart and markers

### Training Tips:

- \$ Use the exercise to highlight how to overcome barriers about employees' issues regarding policy, training employees and orienting offenders.
- \$ Divide participants into six groups.
- \$ Ask each group to come up with their top three objections from the perspective of a line employee's objections about orienting offenders.
- \$ The trainers select a group to begin the activity. This group is then asked to select another of the participant groups, and ask them to overcome their top objection. This second group confers, and responds to the issue raised. This continues until all groups have had a chance to launch an objection and respond to an objection. Keep the discussion moving, making sure that each group has time to present their solutions.
- \$ The trainers chart the objections and the responses.
- \$ Encourage groups to develop strategies to overcome objections with other than "because I am the boss and I say so" type responses.
- \$ Be animated, have fun. This is a good exercise to use play money or award fun prizes, for the best solutions. Give the class time to vote for what they think is the best solution, and give that group the prize.



## Training Design

**Activity Description:** Providing effective training and education for agency personnel, volunteers, contractors and vendors is a very important strategy in assuring compliance with zero tolerance and reporting allegations. Training related to staff sexual misconduct can be highly sensitive and even controversial in some agencies. This exercise is designed to focus participants on what elements are important to training.

**Time:** 30 minutes

**Tools:** Flip chart, markers, tape

**Question:** Each group is to develop a training outline to address one of the following groups regarding the agency=s policies and procedures on staff sexual misconduct:

- \$ Newly hired employees
- \$ Current employees
- \$ Volunteers
- \$ Contractors and vendors

### Training Tips:

\$ Divide the participants into four groups. Assign each group a target audience (see above). Ask them each to outline in 10 minutes the topics that they would address in training aimed at their target audience. Flip chart their outline.

\$ During reporting out and debriefing, ask participants:

- How they will know if their training is effective?
- What resources, existing or new, will agencies need to conduct this training?
- How many hours/days does each group think will be needed for this effort?
- How often will training need to be refreshed?
- What materials will have the most impact if provided to trainees? -  
What are the biggest challenges facing an agency that wants to begin this training ASAP?

Focus on the need to have policies/procedures in place before training.

## Ten Top Prevention Strategies

- Activity Description:** As the program is closed out, participants need to have a clear picture of what they can do to prevent misconduct, and how they can implement these strategies.
- Time:** 30 minutes
- Tools:** Flip chart, markers, colored dots, tape.
- Question:** What can I do in my organization to work on prevention? **Be specific.**

### Training Tips:

- \$ Assign groups (either small or large) and ask each group to flip chart their top five to ten prevention ideas. One person in the group can record their responses on a flip chart.
- \$ **Cross off duplicate responses on the groups' flip charts.**
- \$ Have the groups give a brief report to the whole class.
- \$ After these lists are reviewed and debriefed, ask participants to prioritize all of the responses, coming up with their top ten prevention strategies. You may give each participant three colored dots, or a marker, and ask them to place a dot next to what they think are the top three prevention ideas.
- \$ Agree on the top ten based on the participant-input.