



U.S. Department of Justice
National Institute of Corrections

PROCEEDINGS
OF THE
LARGE JAIL NETWORK
MEETING

July 1997

National Institute of Corrections
Jails Division

Large Jail Network Meeting

July 13-15 1997
Longmont, Colorado

Table of Contents

Meeting Highlights	1
21st Century Technology and its Application to Local Jails	
Kevin Jackson, Office of Science and Technology, NIJ	3
Technology as a Solution to Administrative Problems	
Margo Frasier, Travis County, Texas.....	7
Fredrick Patrick, New York City Department of Correction	9
Benefits of Technology for Inter-Governmental Decision Making	
Michael O'Malley, Vermont Department of Corrections.....	11
Denis Dowd, Shelby County, Tennessee.....	13
Patrick Sullivan, Arapahoe County, Colorado.....	15
Joseph Norwick, Dane County, Wisconsin.....	17
Identifying and Dealing with Staff Sexual Misconduct	
Ralph W. Mitchell, El Paso County, Texas.....	19
Donald Hathaway, Caddo Parish, Louisiana.....	23
Daniel Bailey, Mecklenburg County, North Carolina.....	27
Susan McCampbell, Broward County, Florida.....	29
Certified Jail Mangers Program	
David Parrish, Hillsborough County, Florida.....	31
Training Staff on the Issue of Sexual Misconduct	
Margo Frasier, Travis County, Texas.....	33
Charles Lee, St. Louis, Missouri.....	35
Arthur Wallenstein, King County, Washington.....	37
Topics for Next Meeting.....	37
Appendixes	
List of Meeting Attendees	
Meeting Agenda	
Materials from Presenters	

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This document summarizes a meeting of NIC's Large Jail Network that was held in Longmont, Colorado, July 13-15, 1997. The meeting was attended by approximately 70 administrators of the largest jails and jail systems in the country. It focused on two topics: 1) the use of technology in the jail setting; and 2) sexual misconduct of staff. Following is a brief summary of the highlights:

- ***Opening Address: 21st Century Technology and its Application to Local Jail Information and Operational Needs.*** Kevin Jackson, Program Manager for the Office of Science and Technology at the National Institute of Justice, provided information on services offered by the National Law Enforcement and Corrections Technology Center.
- ***Innovative Technology Applications for Internal Problems.*** Margo Frazier, Sheriff of Travis County, Texas, described an innovative Integrated Justice System that will enable probation, prosecutors, the courts, and the sheriffs office to share case data, disposition data, financial data, warrant information, arrest information, and jail information. Fred Patrick of the New York City Department of Correction described that department's Security Risk Group System, a comprehensive automated information system that tracks and reports on inmates that are either affiliated with known gangs or have been identified as weapon carriers.
- ***Benefits of Technology for Inter-Governmental Decision-Making.*** Michael O'Malley from the Vermont Department of Corrections pointed to the ways in which hard data and information can drive policy decisions. Sheriff Pat Sullivan of Arapahoe County, Colorado, reported on requirements for making information available on sex offenders, including a program in California in which the state provided a CD-ROM with all registered sex offenders. Denis Dowd, Shelby County, Tennessee, described to automated systems. The Relief Factor Management System (FRMS) makes it possible to tell the number of staff needed at each post. The Jail Management System (JMS)/Justice Services System (JSS) tandem system provides a minute-by-minute location of each offender throughout the jail and court system. Joe Norwick pointed to a variety of technology uses in the Dane County, Wisconsin, system, including digitized images, video conferencing, electronic monitoring, networks, the Internet, and communications systems.

- ***Identifying and Dealing with Staff Sexual Misconduct.*** *Ralph Mitchell* of El Paso County, Texas, highlighted the usefulness of his department's policies on Conduct, Prohibited Association/Frequenting, and Misconduct Known to Department Personnel in responding to sexual misconduct. *Donald E. Hathaway*, Sheriff, Caddo Parish, Louisiana, pointed specifically to the importance of an agency administrator's leadership and an organizational philosophy that speaks of integrity, respect for co-workers, and values. *Daniel Bailey*, Mecklenburg County, North Carolina, described the uniqueness of North Carolina's situation and the importance of developing formal processes and policies even in such an unusual context. *Susan McCampbell*, Broward County, Florida, emphasized the importance of looking at staff sexual misconduct in relation to staff misconduct as a whole.
- ***Training Staff on the Issue of Sexual Misconduct.*** Sheriff *Margo Frasier*, Travis County, Texas, pointed to the need to train staff, volunteers, and supervisors on inmates' con games. *Charles Lee*, St. Louis Division of Corrections, noted that his department is searching for answers at this point, rather than providing suggestions for how to handle sexual misconduct. *Art Wallenstein*, King County, Washington, emphasized that the legal community is focused on the whole range of issues related to employment law, including hostile work environments, sexual harassment, and sexual misconduct. He summarized his agency's training program and emphasized the need for the agency head to state the agency's stance on such issues directly.
- ***Topics for the Next Large Jail Network Meeting.*** Meeting participants decided to focus next time on the issue of personnel management, with an emphasis on the first year of employment.

21st Century Technology and its Application to Local Jail Information and Operational Needs

**Kevin Jackson, Program Manager, Office of Science and Technology,
National Institute of Justice**

The National Law Enforcement and Corrections Technology Center (NLECTC) is a program of the National Institute of Justice. Designed to meet the needs of corrections and law enforcement administrators, its mission is to:

- Identify equipment and technology requirements of local, State, and Federal criminal justice practitioners.
- Find, research, develop, and field test new technologies and help to adapt existing off-the-shelf technologies to meet criminal justice requirements.
- Introduce and disseminate information on promising new technologies, including those being developed through partnerships with the U.S. Departments of Defense, Energy, and Transportation and international law enforcement agencies.
- Develop and disseminated equipment performance standards, conduct objective evaluations of products, and publish the results.

Structure of NCLECTC

NCLECTC is composed of a national center, regional centers, and special offices located throughout the country. These centers and offices provide outreach to State and local law enforcement and corrections agencies. Each center has a specialty.

- The national office performs testing of law enforcement and corrections equipment, identifies law enforcement and corrections equipment, identifies law enforcement and corrections technology requirements, and publishes test results and guides on various technologies.
- The Northeast Regional Center focuses on concealed weapons detection technologies.
- The Southeast Regional Center focuses on corrections technology.
- The Rocky Mountain Regional Center works on solutions to communication interoperability problems.
- The West Regional Center provides investigative and surveillance technology support to the criminal justice community.
- The Border Research & Technology Center addresses the development of new technology for control of border-related crime.

Local Jails: What Works

It is useful to find out what others are doing. NLECTC enables jail administrators to share technical information. In past years, the Department of Defense used to point to useful technologies, but essentially corrections administrators were at the mercy of the vendor. We cannot afford trial and error approaches to technology in our field because life and death are sometimes at stake.

The technology highlighted by NLECTC is not always the very flashy applications. The goal is to develop technology that is useful and affordable.

Product-related information includes:

- Performance specifications and features
- Safety requirements
- Price
- User Evaluations
- Product Implications Planning

What drives all the research is an interest in making sure a technology genuinely meets a need. We also recognize that needs evolve that they are not static. We rely on the field to help us identify emerging needs.

Impediments to New Technology or Applications

- Documented needs, requirements, missions
- Market development and commercial costs
- Roles of industry, government labs, legislatures, judiciary, and the community
- Product specifications

Leverage Points

- We can't afford to build new laboratories and don't have to
- There is a huge technological infrastructure in the U.S. already paid for
- Small investments can leverage large amounts of capital.

Section 1208 Surplus Property Program

Through the Section 1208 Program, corrections and law enforcement agencies can obtain surplus property from the Department of Defense. Provisions of the program include the following:

- The material, including small arms and ammunition, is suitable for use by such agencies in counter-drug activities and is excess to the needs of the Department of Defense.
- Personal property transferred under this section may be transferred without cost to the recipient agency.
- Not all such property is high-tech; it also includes vehicles and communications equipment such as radios.

The Office Law Enforcement Standards

The Office of Law Enforcement Standards (OELS) provides technical support to the NLECTC by developing minimum performance standards that NLECTC uses in its

testing program. The standards have served as performance criteria for manufacturers and as the basis for evaluating various types of equipment.

JUSTNET

The Justice Technology Information Network (JUSNET) is available via the Internet to provide information on new technologies, equipment, and other products and services. JUSTNET (<http://www.nlectc.org>) brings together the information and technical services of NLECTC's regional center and offices and provides on-line links to the best in law enforcement and criminal justice information on the Web.

Identifying Technology Needs

For the past two years, a group of about 100 corrections practitioners has been meeting in Charleston, West Virginia, to identify the technology needs of corrections. The recent recommendations of the Corrections Committee of the Law Enforcement and Corrections Technology Advisory Council noted that the most important need is for national, on-line information sharing, a system to enable administrators to talk to one another. Also needed are new technologies for contraband and weapons detection.

On the horizon are better tools for managing offenders, as we can't afford simply to build more beds. Electronic monitoring has been a tethered system up to now, but we are looking at ways to make such monitoring continuous so that we can know exactly where an offender is. Advancements in the medical field and in the interoperability of communications equipment are also on the horizon.

The Office of Science and Technology is interested in your problems and your ideas.

For additional information, contact Kevin Jackson, Program Manager, Office of Science and Technology, National Institute of Justice: P. O. Box 1160; Rockville, MD 20849-1160.

Technology as a Solution to Administrative or Operational Problems

Margo Frasier, Sheriff, Travis County, Texas

Travis County, Texas, encompasses about 1,000 square miles; the inmate population of its correctional institution is about 2400. I am the newly elected sheriff and was formerly an attorney representing law enforcement. The county is now in the process of improving its computer system, which is currently antiquated and inefficient. Each part of the justice system has had its own technology since the mid-'80s, but none of the systems communicated with each other.

The new system will be an Integrated Justice System whose mission is to “design and obtain a system that will enable inter-agency communication and interaction to improve the disposition of county-wide justice.” Probation, prosecutors, the courts, and the sheriffs office will share an inter-agency system that will include:

- Case Data
- Disposition Data
- Financial Data
- Warrant Information
- Arrest Information
- Jail Information

Previously, offenders were booked at the city jail then re-booked at the county jail. Although the sheriff took over operation of the city jail, creating one booking point, this didn't solve our problem.

Project Methodology

The first step was to gather information from all department levels, including management, supervisors, and staff. A series of Technology Awareness Presentations enabled vendors to show their wares. Subsequent design evaluation focused on operational analysis, the identification of core data, examination of similar processes, and internal and external integration design.

A Request for Proposals was jointly developed by all agencies. An evaluation of potential vendors included a proposal review, the opportunity for Austin vendors to demonstrate systems, follow-up reference calls, and on-site presentations. An inter-agency approach was used to rank and select vendors.

Benefits of the Integrated Justice System to Taxpayers

- To ensure public safety:
 - Connects Probation to Warrant Information

- Exchange of information concerning Protective Orders in County Courts and related Child Custody cases in District Courts
 - The ability to hold defendants accountable for restitution payments
 - Track crossover of cases between Civil and Criminal Courts
- Accountability
 - More complete and accurate information is available on offenders, cases, and lawsuits.
 - Management information for departments and the justice system.
 - Activity Summaries and Historical Data.
 - Systematic collection of fees and court costs, resulting in increased accountability.
 - Reduces number of docket resets, resulting in cost savings.

Benefits of the Integrated Justice System to the County

- Major Impact on Justice System:
 - Probation and programs will be more effective
 - Personal bonds will be more effective
 - Career criminals identified, as the system can track recidivism
 - Victim/witness information will be provided
 - Law enforcement investigations will be enhanced
 - Both agency and public satisfaction will be improved

How to Plan New Technology

There are 2700 inmates in three different locations in Travis County. The county is now building a new booking facility, which will be part of a new Justice Center that includes all criminal courts. Cost-cutting measures resulted in a smaller sallyport. Corrections and law enforcement want to be efficient, which means that the law enforcement officer is out in the city, not in the booking facility.

The way the new system will work is this: From a 911 center, information on the location calling is generated on a screen and an officer is dispatched to the scene. The officer identifies the person he/she is dealing with and, at the point of arrest; the jail is notified that the offender is on the way in. Information is then available at the booking area. As most are likely to be repeat offenders, information from the last booking is also pulled up on the screen, making possible questions such as, "Do you still live at..." The idea is to shorten the time the law enforcement officer is in the facility so that he/she can be back on the street as soon as possible. A side benefit of the system is that because the officer leaves quickly, the inmate is less angry.

For additional information, contact Margo Frasier, Sheriff Travis County Sheriff's Office; P. O. Box 1748; Austin, TX 78767; (512) 473-9788

Fredrick J. Patrick, Deputy Commissioner for Planning and Programs, New York City Department of Correction

Background: The New York City Department of Correction

The average daily inmate population of the New York City Department of Correction was 18,326 in FY'96. In that year, there were 106,868 admissions to the Department. Of inmates in the system, 65% were detainees, 17.6% were city detainees, and 17.4% were state inmates. Staff consists of 11,385 uniformed officers and 1,609 civilians.

The Department's population growth has paralleled the city's, with most increases being absorbed on Rikers Island, purchased by the city in 1884. Through sanitary landfill, the once 90-acre island has been enlarged to over 400 acres. Its 10 major jails have a combined capacity of more than 16,000 inmates. Among the facilities are a jail for sentenced males, another for sentenced and detainee females, and a detention center for adolescent males ages 16 to 18. Two floating detention centers are docked off the northern tip of Rikers Island; each has an inmate capacity of 162 and serves as an annex to one of the seven other jails on the Island, all housing adult male detainees.

What is the Security Risk Group (SRG) System?

The SRG System is a comprehensive automated information system that tracks and reports on inmates that are either affiliated with known gangs or have been identified as weapon carriers. The current system has been in operation since early 1996. The major goal of the SRG system is to contain and reduce inmate violence by identifying and strategically housing Security Risk Group inmates. All levels of the Department, including Staff the facilities use the system, as well as the Department's Investigation Division and the Gang Intelligence Unit.

How Does the System Work?

The SRG System is a PC-based, multi-media tracking and retrieval system. It was developed by four corrections officers in the New York City Department of Correction. It uses the Microsoft Windows Operating System, the programming language Superbase, and the Department's proprietary communications network to link the SRG computers in all the Department's facilities. The system can network across facilities and with the police department.

For each Security Risk Group inmate, data and color photos are collected and entered into SRG personal computers at the facilities. The data includes personal information, physical descriptions of tattoos, scars and other characteristics; aliases; nicknames; gang affiliates; known enemies; gang symbols; and other known intelligence regarding gang activities and structure. The digitized photos are taken by a video or digital camera and include full face, profile, and tattoos.

Through screens and reports, the system is used to identify, monitor, and control the SRG population. A special feature provides the display of photos of all SRG inmates who meet specified criteria.

How has the System Benefited the Department?

The SRG System has:

- Reduced inmate violence, by providing the Department's facilities with information needed to segregate known enemies.
- Controlled overtime expenditures by reducing trips to hospitals that occur as a result of acts of inmate violence.
- Enabled sharing SRG-related information with other law enforcement agencies, including the NYC Police Department and the FBI.
- Helped in investigating acts of inmate violence.

New VINE Program Focuses on Victims

In August, the Department will implement the Victim Information and Notification (VINE) Program. The New York City VINE Program is collaboration between The VINE Company of Louisville, Kentucky, and New York City criminal justice entities. VINE will assist victims of crime and other concerned persons in determining the custody status of an offender.

The VINE Program will also allow victims of crime to pre-register for automatic telephone notification when the offender is released, transferred, or is otherwise removed from DOC custody. It will operate 24 hours a day, 365 days year, including holidays. The VINE system will be especially useful for victims of domestic violence.

Crime victims and their advocates will be given an "800" number to contact the VINE call center in Louisville, Kentucky. Using a touch-tone phone, they will be able to determine whether a specific offender is currently in custody. They will also be able to register anonymously for notification in the event of an offender's release. The caller will be identified by a PIN number only.

If an inmate is discharged or is transferred out of DOC custody, the system will determine if any callers need to be notified. Calls will be placed by the automated system to previously registered callers every half hour for the first 24 hours and then every 6 hours for the next 72 hours. The calls will be terminated at the end of that period or when the person answering the call enters the correct PIN number.

For additional information, contact Fredrick J. Patrick, Deputy Commissioner for Planning and Programs, New York City Department of Correction; 60 Hudson St.; New York, NY 10013; (212) 266-1120. Sample screens from the Security Risk Group System are included in the appendix to this report.

Benefits of Technology for Inter-Governmental Decision Making

Michael O'Malley, Vermont Department of Corrections

The Department of Corrections in Vermont includes Probation, Parole, Prisons, and Jails all in one system. Data from the entire system is available to all officers, who can log on with a password to the Vermont web page, which provides locations of all defendants and offenders.

How the Vermont System Has Used its Information System

A good information system can enable administrators to accumulate substantial data to support policy making. The Vermont Department of Corrections has used a variety of data for various audiences and to differing ends.

1. Data on the inmate population from 1975-present allowed the Department to determine its goals and to identify the degree of success in achieving those goals.
2. The same data, which indicated an increased reliance on incarceration, convinced judges of an overcrowding problem.
3. Recent data indicated that 85% of those in prison are now violent offenders, suggesting that the Department's plan is working. Previously, only 40% of those incarcerated were violent.
4. Data indicated that the incidence of crime had not increased but the use of incarceration had; this made it clear to policy makers that it was not the crime rate that was contributing to system crowding.
5. The law in Vermont requires an impact study whenever the legislature proposes changes in sentencing. The potential effect of such decisions must be considered.
6. The Department did an extensive public survey and planned for how to address all the different publics' needs.
7. Internally, data also drives decisions. For example, the risk for offending and recidivism drives classification.

The Shift in Outcomes

- ◆ The picture in 1990:
 - The public lacks confidence in the system of justice.
 - Offenders are a tax burden.

- Sentencing is unfair and disparate.
- Corrections doesn't work.
- Inmates are idle and bitter.

◆The picture in 1997:

- The Community makes justice decisions.
- Offenders add value and repair the damage.
- The response fits the crime.
- Corrections focuses on risk management and dispute resolution.
- Offenders take responsibility for their crimes and for their personal change.

Corrections administrators can capitalize on information by determining how to use it rather than just collecting it. For example, if you present county commissioners with the concept of “managed care,” and support it with hard data, they will understand your point. Decision-makers need to be educated on how to use information. With a good Management Information system and careful sharing of information, we can all drive policy decisions.

For additional information, contact Michael O'Malley, Director, Security/Supervision, Vermont Department of Corrections, 103 South Main Street; Waterbury, VT 05671-1001; (802) 241-2316.

Denis Dowd, Shelby County, Tennessee

Background: Shelby County Government and Criminal Justice Structure

In Shelby County, the Sheriff and Mayor are both elected, as are County Commissioners. Finances are controlled by the County Commission. The Sheriff submits a budget request, which is approved or modified by the Mayor's staff, final approval is by the County Commission. Elected officials do not question how the jail is being run. A Justice System Coordinating Committee-originally a Jail Crowding Committee-meets every few weeks.

Technology Applications

- Relief Factor Management System (RFMS)-This automated staffing system makes it possible to tell the number of staff needed at each post. It requires, first, a clear management definition and justification for each post, along with the value (fixed, pull, shut-down) of each post. The RFMS system then determines staffing needs, based on regular days off, planned/scheduled leaves, and unplanned/unscheduled leaves. In addition, it provides precise, historical data to justify staffing needs, which I can take to the County Commission to explain my need for a certain number of staff.
- Jail Management System (JMS)/Justice Services System (JSS)-This tandem system provides a minute-by-minute location of each offender throughout the jail and court system, from intake through release. The system also helps us identify where there are backlogs or slow spots in the process. By next year, we may have moved entirely to a paperless system that will track offenders from arrest, through release on bond, to prison, all without a paper trail.

Observations about Technology

- Technology is never as simple as it seems or as vendors make it sound.
- There is always a group of people who run away from technology; sometimes even judges are in this group.
- On the other hand, there is always at least one true believer in technology.
- If technology or its results are too complicated, decision-makers will not believe what they are told.
- The worst combination may be ignorant decision-makers and true believers; they can make truly bad decisions.

Recommendations

- Keep it as simple as possible, especially in terms of explanations.
- Identify potential criticisms in advance. It is a good idea to hire a consultant who is not a vendor and to do a trial run that does not involve input from decision-makers.
- Eliminate potential shortcuts and detours.

- Keep true believers and crusaders out of the program.
- Remember that technology is a servant, not a master.

For additional information, contact Denis Dowd, Jail Director, Shelby County Sheriff's Office; 201 Poplar Avenue; Memphis, TN 38103; (901) 576-2414.

Pat Sullivan, Sheriff, Arapahoe County, Colorado

I wanted to call your attention to a couple of laws relating to sex offenders, which have the potential for a huge impact on large jail systems.

“Megan’s Law”

Although “Megan’s Law” requires registration of all sex offenders, in Colorado only 70 of 400 are actually registered. Most jurisdictions are required by state or federal law to register sex offenders and to make the information on the identity of sex offenders available to the public.

In Colorado, when a sex offender is admitted or released from the Department of Corrections, a sample of blood is taken for DNA analysis. However, this is not occurring during booking at the county jail level.

Lifetime Mental Health Hold on Sex Offenders

Another issue that is likely to affect jails in Colorado is the Supreme Court decision upholding the Kansas law stating that, after a sex offender completes a sentence, he *can* then be committed to a mental health facility for lifetime mental health hold. The fact is, Colorado does not have the capacity to implement such a law; the likely result would be that jails would hold these offenders.

In California, in large agencies, each patrol station has a computer. The state provided a CD-ROM with all sex offenders registered. Initially, there were technical errors with this system. Everyone who wants information on registered sex offenders may get it. The names and pictures of all offenders over the age of 18 are on the CD-ROM. Officers can retrieve the information based on zip codes.

For additional information, contact Sheriff Pat Sullivan, Arapahoe County Sheriff's Office; 5686 South Court Place; Littleton, CO 80120-1200; (303) 795-4701.

Joseph Norwick, Dane County, Wisconsin

I'm the new jail administrator in Madison, Wisconsin. When I was heading the transition team to build a new facility, my saying was, "We're going to enter the 20th century before it's over." We made it by a couple of years. However, we are going to face a Year 2000 problem. We are on a mainframe system from the early '80s and we know the system will totally crash at the turn of the century. We are now in a crunch to find a system to replace our mainframe system. We are looking for a local area network-based system that can interface with Microsoft Access. Unless you can do a \$21 million fix, you need to be able to create your own databases that incorporate some that already exist.

Following is a summary of some ways the Dane County Sheriffs Office is using technology.

Digitized Images

- Identification Cards-Digitized images are everywhere, including all our identification cards. Rather than using 35-mm film in our facility, we now use digitized inmate images on wristbands and digitized images of employees on identification cards.
- Jail Access Database-About 400-500 volunteers come in on a daily basis. A digitized database enables staff to look up anyone seeking entrance in the database and find out why they are there and what their restrictions are.
- Mug Shots-Digitized images are also used for mug shots.
- Employee Photo Database--Having grown from a small jail of about 200 to about 1,000, employees have increased to the point that it is impossible to know everyone. We collect data on when they were hired and their photos, and the information is included in Microsoft Office's Access program.
- Crime Scene Photos/Video-We created a video room for chapel services; we now see the wisdom of capturing images of crime scenes.
- Inkless Fingerprints-We are looking to tie into the state system to get instant records back.

Videoconferencing

- Video conferencing applications are limited only by your imagination. We use it to do medical triage from a distance.
- Technology is becoming standardized for videoconferencing now. PictureTel technology was available at our local university. We have a grant from the state Department of Corrections for education using technology.
- Videoconferencing could also be used for probation, public defenders; the technology may revolutionize our facilities.

Networks

- Email-We get a lot of information from other county agencies via email;
- Shared drives-A network is used for incident logs briefing and incident reports, enabling an officer to find them easily.

- Supply order form-The form is on a template; we required staff to use the form and attach it to email to order anything.
- Shared data-Everyone, including the county executive and prosecutors, can benefit if they agree to share data.

Electronic Monitoring

- Custody Alternative Monitoring Program-This is regular electronic monitoring.
- Sheriffs Telephonic Alternative Release Program-This program uses touch screen digitized images of the inmate at home.

The Internet

The Internet gives us access to the following:

- Bureau of Justice Assistance
- National Institute of Corrections
- Corrections. corn--American Corrections Association and the American Jail Association
- State Legislature--We can track pending bills
- Job-Net-We got a grant to identify on line jobs for released inmates. We will train them to apply, fill out application, and fax it t the employer. It is redefining the way we find jobs for inmates.
- Networking around the globe

Communications

- 800 Trunking Radio System
- Electronic Mail
- Voice Mail

We now no longer work as individuals. Instead, we are sharing information through these technologies. Information is now at our fingertips because of technology.

For additional information, contact Joseph Norwick, Captain, Dane County Sheriff's Office, Public Safety Building; 115 W. Doty Street; Madison, WI 53703; (608) 284-6165.

Identifying and Dealing with Staff Sexual Misconduct

Ralph W. Mitchell, El Paso County, Texas

Today's subject comes at a time when there is a great deal of debate about sexual misconduct by persons in leadership or power positions. Witness the problems we read about daily within our Armed Forces and in some of our major corporations.

As corrections administrators, we have all seen many of these same problems. We have personnel who have complete control over others and who take advantage of that control by demanding and receiving favors.

During the next few minutes I will discuss a few examples of misconduct that were discovered in the El Paso County Detention Facility and the actions taken by our sheriff to correct these situations, which all involved department personnel and inmates.

El Paso County's Policy on Sexual Misconduct

Our department's Policy on Conduct states:

No employee of the Department will engage in conduct on or off duty which adversely affects the morale or efficiency of the department, or, in the alternative engage in conduct on or off duty which has a tendency to destroy public respect for the employee and/or the Department and/or destroy confidence in the operation of the Department.

Violation of this policy is cause for suspension or termination of the employee. The department also has a Policy on Prohibited Association/Frequenting, which states:

Frequenting or associating with person(s), organizations, places with bad reputation, or inmates unless necessary for Department business, where such associating or frequenting would be detrimental to the image of the Department or the County is prohibited. To this end, personal association with persons who have been convicted of a felony within the last five years or who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for felonious activity is prohibited.

An additional Policy on Misconduct Known to Department Personnel states:

Failure to report a fellow Department member or employee's violation of a law, rule or regulation, policy or procedure, general or special order is prohibited. To this end, all such violations shall be reported in writing to a superior in the Department.

These three policies are the cornerstones of our efforts to prevent staff misconduct. The main questions generated by these policies are: 1) do they work? and 2) have they been

tested in court or in arbitration? The answer to both these questions in terms of our policies is 'yes.' Let me first offer some case histories before discussing these questions.

Case Histories

Case I-A female officer with four to five years of experience was having sexual encounters with an inmate in a storage room while she was on duty. We were made aware of this when representatives from our state system sent us copies of letters that they had intercepted. The letters were from the officer to the inmate telling the inmate how wonderful he was. The officer was fired for bringing discredit upon the Department, as a state agency had become aware of her behavior. An investigation by Internal Affairs revealed that the officer also had lied when questioned about this incident.

Case II-A male officer with five to eight years of experience was fired for having sexual contact with a male inmate. In this case, we were made aware of the incident when the inmate retained a sperm sample and gave it to investigators as part of his outcry. This particular incident made our officers aware that inmates will set them up. The evidence in this case was developed from DNA testing.

Case III-One of our male nurses with six years of experience was living with a former female inmate. The nurse was supplying the inmate with narcotics in exchange for sexual favors. This situation came to our attention when the couple had a lovers' fight that resulted in an arrest by the police department. The nurse was fired for bring discredit upon the department. Because of the dispensing of a controlled substance, the situation was also brought to the attention of the state board of nursing for disciplinary action against his nursing license.

These are but a few of the incidents involving staff misconduct that I have encountered as an administrator. I found that because we had rules that everyone was aware of we were able to take effective actions.

Consequences of Sexual Misconduct Cases

I have found that most officers who are caught in misconduct welcome the opportunity to resign quietly rather than go to court or to arbitration. In arbitration cases, we have won because of rule violations, not necessarily because of the sexual misconduct. In other cases, the employee is asked to resign with loss of unemployment benefits. We have found to our dismay, however, that the relationships are often with some of our most dangerous inmates. The officers involved in most cases cannot explain why they did what they did.

The time has come for jail administrators to determine how we got into this predicament and how we can get out of it. I submit that we got into this predicament by turning our heads and not seeing what was taking place in front of us. Many of us were taught-by example-when we got into the profession that was okay, almost expected, that we would become heavy drinkers and womanizers. Family was rarely thought of The

younger officers copied what they saw their supervisors doing. Therefore, I believe we must set an example for our officers. We must take steps to break down the protective wall of silence.

What steps can we take?

- We must realize that officers cannot have a sexual relationship with inmates without other officers knowing about it.
- Supervisors must be supervisors, not buddies, to those whom they lead.
- Commanders need to emphasize family programs, not change-of-shift drinking parties. For example, in our department, we conduct family days so that the officer's family can learn what happens behind the deep grey walls.
- We must write our policies so that we can no longer turn our heads. When we become aware of misconduct, we must take some action; otherwise, action will be taken against us for inaction.
- In our hiring practices, we must do a more thorough check of our applicants' backgrounds.
- And finally, but very importantly, we must include a thorough education program for our new officers and we must reinforce that education through additional activities throughout their employment.

As Commanders, we must understand that it is a new game, with new rules, and we are the ones who define the playing field. We must take away the opportunity for officers to commit acts of misconduct by using surveillance cameras, patrol teams, and constant supervision. In the cases cited above, a major contributing factor was "opportunity." The penalty for misconduct must be just as swift. Everyone must know that punishment will be received for misconduct; they must know that we will not simply look the other way any longer.

For additional information, contact Ralph Mitchell, Captain, El Paso County Detention Facility; 800 East Overland; El Paso, TX 79901; (915) 546-2270.

Donald E. Hathaway, Sheriff, Caddo Parish, Louisiana

Trends Related to Sexual Misconduct

Over the past **10 to 15** years, there have been some major changes in the demographics of the labor force. Perhaps the most compelling is that the percentage of women has increased dramatically, especially in the public sector, including the criminal justice system. From “Tailhook” to “Aberdeen,” the U.S. military has certainly discovered that, while the concept of the traditional male domain may be going the way of the dinosaur, it is not going quietly or without pain.

Couple this trend with problematic national trends in law enforcement. It has been reported that serious criminal misconduct among Florida law enforcement officers has soared in the past ten years. Another report focused disciplinary actions taken against a large percentage of Denver Police Department law enforcement officers. And two recent studies reported in the *Criminal Justice Management and Training Digest* indicated that 40 percent of law enforcement officers questioned admitted to committing violent acts against their spouses during marital conflict. This compares with a rate of 16% of couples in the general population.

While it may be dangerous to extrapolate anything from these two incidents, law enforcement administrators cannot afford to ignore the collective forces of gender shock, rapidly escalating behavioral problems, and relaxed sexual mores as they affect the workplace. Today’s sheriff must simply stand up and pay attention to the issue of sexual misconduct in the workplace.

Identifying and Responding to Sexual Misconduct

Since most sexual misconduct is consensual in nature, it remains largely hidden and difficult to measure. Helping keep the secret are the insular bonds of the police culture. The sheriff’s role in identifying such misconduct lies largely in the area of leadership on the one hand and the position of chief law enforcement officer on the other. This also speaks to the two extremes of the problem. On one side there is dereliction of duty while two consenting colleagues engage in some form of sexual behavior; at the other extreme, however, in a jail setting, criminal acts can occur even where consent is present.

An agency administrator’s ability to respond to such activities begins with an organizational philosophy that speaks of integrity, respect for co-workers, and values. Typically, non-criminal sexual misconduct is covered in general “code of conduct” policies. As vague as they sometimes are, they can go a long way toward settling the stage for controlling employee behavior. Secondly, open and frank discussions in staff meetings can get the issue on the table. Supervisory personnel must speak directly about zero tolerance and limits to relationships.

Third, training, as always, is an essential ingredient in the overall success of any initiative. The typical law enforcement agency probably is lacking in both formal training or orientation training that focuses on the limits of employee-to-employee relationships. On the other hand, most basic correctional or jail officer courses do speak to the issue of inmate con games that can lead to the formation of inappropriate relationships or, at the extreme, criminal misconduct.

Finally, no interdiction plan would be complete without a disciplinary component. The leadership of the organization must be willing to apply specified discipline in cases of misconduct and to initiate and carry through with criminal investigations, even it means airing the “dirty laundry” in public. When stem disciplinary measures are taken, the policy is more apt to be taken seriously.

Sexual Misconduct as a Symptom of Larger Problems

Sexual misconduct can be a symptom of a systemic disregard of

- Authority
- Supervisors
- Supervision generally
- The culture and ethical systems of the organization

Some examples of sexual misconduct involving employees are so flagrant that “ignorance of the rules” is a far-fetched defense, for example, a deputy who had sex with a willing female on the hood of his patrol car while he was in uniform. Was this deputy confused about whether his behavior was inappropriate? Hardly; he simply chose not to comply.

Suggestions for Responding to Sexual Misconduct

How to become aware:

- Set the climate-Make it clear in a written policy that there is a commitment from the top not to tolerate sexual contact of any form while an officer is on duty, in uniform, on public premises, or in any other context that would tend to bring discredit to the agency.
- In the policy, promise immediate response to allegations and inform all supervisors that allegations must be dealt with immediately. The policy should be clear as to the supervisor’s responsibilities, whether or not the incident becomes known because of a formal complaint or through some other means.
- Have clear written procedures for:
 - Reporting allegations. Every employee should have a copy of this procedure. The procedure should leave no doubt as to how to report an incident. Just as important, the policy should encourage employees to come forward. This can be accomplished, for example, by having the complaint made to a member of upper management instead of to the employee’s immediate supervisor. The policy should state specifically whose responsibility it is to decide whether to

launch an investigation into the incident. The person should be made available to the complainant, if necessary.

- Responding to allegations. The response should involve a standard process by seasoned investigators who will use a process of investigation designed to safeguard the rights of the accused as well as to address the concerns of the complainant.
- Maintain and nurture a “moral climate” within the agency.
 - There must be a reputation for fairness and integrity from the top down. Supervisors who are unable to perform with impartiality and integrity should be reassigned.
 - Law enforcement executives and command staff must model the desired behavior for their employees. Even the appearance of impropriety in upper management can render an otherwise well-developed system ineffectual. Nothing can be “winked at”; supervisors must be models of propriety.
 - In addition, the investigative unit assigned to these matters must have a reputation for fairness, integrity, and compassion. No one will bring these sensitive matters forward if they fear that the investigation might be indiscreet, heavy-handed, or biased. As in the case of victims of forcible rape, they may not come forward because they fear the system as much as they fear the perpetrator. An investigative unit’s reputation for integrity must be built up over time; it cannot come about over night.

For additional information, contact Sheriff Donald Hathaway, Caddo Parish Sheriff’s Office; 501 Texas Street, Room 101; Shreveport, LA 71101-5410; (318) 226-6509.

Daniel 'Bailey, Mecklenburg County, North Carolina

Background: North Carolina's Uniqueness

North Carolina is unique in that it has a law prohibiting unions among public employees; it is also a state allowing an employer to fire someone "at will." During a political turnover, everyone may be fired. When I first came into the sheriff's office two-and-a-half years ago, there were no written policies, no office of professional compliance, and no formal disciplinary process. Everyone simply did what the sheriff wanted them to do or they got fired.

One of our first moves was to establish some formal processes. Not only were there no unions, there were also no civil service employees in the Sheriff's Office. We established some written policies on Rules of Conduct and Discipline and Internal Investigations. The Rules of Conduct established four severity categories. An employee could be terminated for violations in the most severe category without compiling any other record of misconduct. The most severe category included insubordination, drug violations, unbecoming conduct, and sexual harassment.

Sexual Misconduct in the Jail

There was some history in the jail of sexual misconduct with inmates. In one instance, a nurse in the facility became infatuated with an inmate who was in jail for killing ten women. Although no sexual acts were apparently carried out, she constantly smuggled things into him. He was eventually convicted and sentenced to nine death penalties. The nurse stayed behind him the entire time, long after she was fired from the sheriff's office. There was not enough evidence against her to pursue criminal charges except on smuggling charges, but the sheriff at that time decided not to pursue a criminal case.

Despite this case, there have been no blatant cases of sexual misconduct with inmates in the jail. We follow up on all complaints. There is a chain-of-command-review of any violation, which gives everyone an opportunity to discuss what has occurred. Our Office of Professional Compliance documents each case systematically. In cases of a criminal nature involving sexual misconduct with inmates, we bring the police in. The Office of Professional Compliance handles other types of cases.

Sexual Harassment Policy

Mecklenburg County has had a Sexual Harassment Policy in place since March 1. We wanted to encourage anyone being sexually harassed to come forward, but we didn't want the policy to be a weapon against supervision. We also established several mechanisms to implement the policy, including the chain of command, but in addition, a new Cultural Diversity Committee, which handles any issue in which someone feels harassed or discriminated against throughout the system. The committee includes both civilian and sworn first-line supervisors and is chaired by another chief deputy. Most

cases come as anonymous complaints of harassment; the person bringing it up wants harassment dealt with as a policy issue rather than pursuing an individual complaint.

We have fired about five people for sexual harassment. In all disciplinary procedures, we list the type of offense and the disciplinary action taken in response both on a bulletin board and on line. Individual names are not listed, but this practice lets staff see the disciplinary actions that result from certain types of offenses. It makes clear that the agency will not ignore complaints.

Training on Sexual Harassment and Sexual Misconduct

To draw attention to our policies on sexual misconduct and to make sure everyone understands them, we have a training session each time we issue a new policy. Everyone must sign off in the manual indicating that they understand the policy.

Training for all law enforcement officers and deputies also includes sexual harassment in every session. The topic needs to be continually re-emphasized. Our intention is to ensure a comfortable environment, and we want everyone to know that we are serious about it.

Conclusion

Because unions do not encumber us, we can take action in cases of misconduct and can try to handle them fairly. Our system for defining and counting violations results in automatic termination after a certain number of violations. The sheriff has the ability to terminate for any violation, but most often someone is dismissed for lying rather than for the offense itself.

For additional information, contact Daniel Bailey, Chief Deputy, Mecklenburg County Sheriff's Office; 700 East Fourth St.; Charlotte, NC 28202; (704) 336-7459.

Susan McCampbell, Broward County, Florida

Sexual Misconduct in Relation to All Staff Misconduct

We often set out to solve a problem that we haven't clearly defined. I think it is important to look at staff sexual misconduct in relation to staff misconduct as a whole. The data in our study came from the Florida Criminal Justice Training and Standards Commission, of which I am a member, appointed by the governor. The Commission oversees employment and conduct of law enforcement, corrections, and probation officers in the state.

In addition to setting training standards for officers, the Commission has the authority to discipline an officer who pleads *nolo contendere*, guilty, or is convicted of a misdemeanor or felony or "fails to maintain the good moral character defined in the Florida Administrative Code." Whenever a disciplinary action is taken against a licensed officer in Florida, it must be reported to Tallahassee at the state level. Case managers look at each case to see that the agency administered discipline that was consistent with state guidelines.

There are a whole series of offenses-whether criminally prosecuted or not-for which the Commission may revoke an officer's license. Failure to maintain good moral character may include excessive force, sexual harassment, misuse of official position, engaging in sex while on duty, or having an unprofessional relationship with an inmate. Twenty-four percent of cases involve drugs or alcohol, which is particularly disturbing. A large number of our young officers have been getting involved with cocaine.

Staff sexual misconduct constitutes about 27% cases; these are broken down by a number of categories. Most involve inappropriate touching; very few involve sex acts.

One thing that always troubles us is the issue of police officers moving from jurisdiction to jurisdiction. We have the ability to query a record via computer when someone applies for employment and, if the person was previously employed elsewhere in the state, to see what kind of record he/she has, including what discipline they might have received. The International Association of Chiefs of Police and the International Association of Directors of Law Enforcement Standards and Training are establishing a national officer clearinghouse to help agencies as employers by facilitating quick and accurate brief background checks on prospective law enforcement officers who have prior law enforcement history. The database will maintain records on all officer employment; North Carolina and Arizona have now become part of this effort. Local agencies may participate on request.

Ethics

A colleague who believes that there is not a single source of information or a strong enough statement of ethical conduct has developed "Ethical Conduct for Police Officers."

adoption by the Florida Chiefs Association, and is also going to be included in our basic training curriculum. “Ethical Conduct. . .” defines clearly what is and is not ethical behavior. Along with another colleague from the Florida Department of Corrections, I now have the task of turning this into two different documents, one for corrections officers and one for corrections probation officers. If you are interested in seeing the draft for corrections officers, let me know.

Some of you may have seen in the January 24th issue of *Corrections Professional* an article, “Attacking Employee Sexual Misconduct: Devising Strategies and Revising Policies.” This is an interesting article about an NIC initiative with the Michigan Department of Corrections. One striking point the article makes is that most agencies do not have a policy specifically prohibiting staff sexual misconduct.

Why Corrections Officers are Fired

I became concerned about why we are firing corrections officers, especially why we are not picking up on problems through our hiring process. Our administrative manager looked at the past few years to see why corrections officers were fired. This report makes clear that there are usually plenty of warning signals early on, but no one notices them. We recognized that we need to make our supervisory staff aware of the signs that officers are in trouble, including drug abuse, alcohol abuse, and domestic violence, as well as staff sexual misconduct.

I also wanted to mention briefly two initiatives at Broward County that might be of interest to you. One is a program to get the chronically mentally ill out of jail and into care. The other is that we are abolishing the concept of “light duty.” If you would like information about either of these initiatives, let me know.

For additional information, contact Susan McCampbell, Director, Broward County Sheriff's Department; 2601 W. Broward Blvd; Fort Lauderdale, FL 33312; (954) 831-8916. A copy of data on staff misconduct in Broward County and a report on terminations are included in the appendix to this report.

Certified Jail Managers Program

David Parrish, Hillsborough County, Florida

The Certified Jail Managers Program is overseen by the Jail Managers Certification Commission, which includes representation from all areas of the country. The Certified Jail Mangers Program is the first step in getting recognition for jail managers as professionals in the business. It is also a means for changing public perception of the profession.

The Program is designed for those in supervisory positions or above. Both sworn and civilian personnel are eligible to apply. If one can pass the extensive background check required, they are eligible to take a test. The test is based on nationally recognized standards; its questions are designed to address standards that would be valid anywhere in the country. Those who score 70% or above on the test can be called a Certified Jail Manager.

The Program is not designed specifically for career advancement, for a better job or salary for Certified Jail Managers. However, it is very likely to be a factor in promotion and other decisions. The designation will eventually also mean something important to the rest of the world.

As a self-imposed standard within the field, the Certified Jail Mangers Program is both expensive and difficult to pass. These qualities are also what make certification worth pursuing.

For additional information, contact David Parrish, Hillsborough County Sheriff's Office, P.O. Box 3371, Tampa, FL 33601; (813) 247-8310.

Training Staff on the Issue of Sexual Misconduct

Margo Frasier, Sheriff, Travis County, Texas

The most successful training program in corrections I ever received was not at the state prison or the academy but during lunch hour at Louisiana Pacific, where I worked making plywood at night while I went to school. All my co-workers were women on work release. True to form, most of these women were in for murder and had been in prison a long time. When they learned I was majoring in criminal justice, they decided to educate me about the games people play with corrections officers. They taught me the tricks of the trade: how to get in contraband, how to play on officers' real desire to have things go easy, all sorts of things.

Teaching "Con Games"

When I found myself a jail administrator, I decided that we needed to teach officers these "con games." A lot of other facilities also have such training. We developed a curriculum that had to do with the whole psychology of "them against us." We tried to make young officers, especially, understand how inmates get them to identify with inmates rather than the administration. We pointed out that the inmates get someone to do something very small at first and then build on it. When they have some proof of an officer's offense, they hold it over his head. I believe this is the first place to deal with staff sexual misconduct. Our basic officers course addresses con games.

We also teach a basic con games course for volunteer staff, who are at even greater risk. They are in the jail on their own time for no compensation, and, because they have a desire to help these guys, they are a little more susceptible to being conned. We have told interns we get from the seminary that inmates will know they are an easy mark, but that the training they get will also benefit them when they go into the community, where parishioners may also try to con them.

Training Supervisors

In training supervisors, we also need to identify when there are problems. Often in cases of sexual misconduct, the supervisor actually had some suspicions that something was going on. One sign is an increase in disruptions in the housing unit when an officer has developed a relationship with an inmate. Such a relationship tends to break down relations with other inmates, who lose respect for the officer. Other signs include an officer leaving his post and finding ways to be alone with an inmate. We need to train supervisors to look for such behavior.

In acting as an attorney for corrections, I often found that the person involved in sexual misconduct was a loner who did not have a lot of friends on the shift. Guys like this were generally more likely to be conned by inmates. Inmates are aware of this and look for these kinds of people. An FTO program that matches a new cadet with an experienced

officer helps prevent such a situation, as does a mentoring program in which someone is assigned to look out for a new officer.

We are starting a new program for sergeants, first level supervisors. They need special training to empower them to make the transition to a new role in which the people who were their buddies are now under them. We need to work with these supervisors to let them know they need to take action early. For example, if they see an officer spending too much time with a male inmate, they need to confront it. Often a jail responds to such a situation simply by moving the officer, but this is usually not a solution, especially if the officer is in a predator mode.

Inappropriate sexual behavior at the staff level is often related to sexual misconduct with inmates. Supervisors need to understand the relationship of sexual harassment to sexual misconduct. When an officer acts inappropriately with people in their chain of command, this is confusing to a young officer who is being told not to have inappropriate relationships with those they supervise-the inmates.

Another area we need to train on is sexual orientation. Inmates are very good at figuring out which officers are questioning their sexuality. Inmates usually don't pick on officers they assume are gay, those who are comfortable with their homosexuality. Instead, they pick up on the officer who is in doubt, who is questioning himself. Inmates zero in on such officers for sexual misconduct because they know they will never go to anyone for help. You need to be direct about this in training. Let officers know they should come forward and that they will not be treated differently than if a female inmate were involved.

Investigating Sexual Misconduct

When we receive allegations of sexual misconduct, we conduct a dual investigation. An investigator within the relevant department investigates any criminal charges, and we do an internal affairs investigation within the department. The issue of conflict of interest is potentially there. To cover yourself, you can send cases out. I feel confident that my criminal investigators will be even tougher than an external investigator on officers within the department because, in a sense, such a case reflects on them. However, there are also cases in which it makes sense to call on the police department to do an investigation or to call in the Texas Rangers. My personal belief is that where criminal conduct is at stake, the case ought to be turned over to the district attorney's office.

For additional information, contact Margo Frasier, Sheriff, Travis County Sheriff's Office; P.O. Box 1748; Austin, TX 78767; (512) 473-9788.

Charles Lee, St. Louis Division of Corrections

Psychological Testing Not the Answer

In the early '60s my background was in the area of psychological testing. One thing we learned was that, based on the long form of the MMPI, the scale for antisocial behavior was also a typical profile of graduate students. The point is that, although such instruments are very valuable, we also have to recognize that psychological testing is not the whole answer to identifying what staff might later be guilty of sexual misconduct.

Staff-Staff Misconduct

I did talk with the Commissioner about the issue of sexual misconduct. What I learned was that the staff sexual misconduct problem we have dealt with was staff-staff misconduct rather than staff-inmate. St. Louis is like many other cities in that staff typically are related. They are friends, neighbors, old school buddies. This is especially likely in places where you are required to live in the city to work for the city. Almost half of our staff are female, about half of the staff are less than 40 years old, and nearly half are single parent heads of households. The result is that you get some relationships on your shifts among staff that are not desirable.

I recently observed a male officer slapping a female officer lightly on her side. I suggested to the officer that the behavior wasn't in the framework of our rules and was inappropriate. He responded that he had known the woman since she was a child. The point is that this kind of behavior goes on all the time, and we don't have a good solution for it.

Rules Are Not the Answer

I searched on the Internet, the Web, to look at this issue of sexual misconduct. I could find nothing to support any arbitration cases or any case law saying that a rule against sexual relationships with a subordinate is all that is needed. It is particularly difficult to deal with because most of the problem is with off-the-job relationships. *One* of the biggest problems these relationships cause is when they break off. Another problem is that inmates see inappropriate behavior and they don't see the difference between what staff are doing and what is required of them.

In short, in St. Louis we are looking for answers, not providing them. If you have an approach or a policy that has worked, I would appreciate knowing about it.

For additional information, contact Charles Lee, Program Manager, St. Louis Division of Corrections, Department of Public Safety; 400 So. 4th, 7th floor; St. Louis, MO 63103; (314) 552-8024.

Arthur Wallenstein, King County, Washington

Importance of Training Methodology

Training methodology is critical. King County is still developing what works. Much of the current training is focused on risk management. We are all interested in diminished liability, but we are unsure of how best to protect ourselves, although we do know that not training is significantly wrong.

Staff sexual misconduct is a hot issue today. The American Civil Liberties Union is now backing off from conditions of confinement cases. The focus in the legal community today is targeted toward the whole range of issues related to employment law, including hostile work environments, sexual harassment, and sexual misconduct.

King County provides 13 weeks of training for new corrections officers followed by 12 months of probation. Five years ago I started to deal personally with ethical issues, of which sexual misconduct is only one. We had two excellent officers who were doing a two-hour unit on sexual harassment and respect. I felt the need to make agency policy state clearly and directly our views on these issues. I also believed they needed to be stated by the head of the agency. We are teaching a curriculum that takes two hours; we have refined it based on changes in law.

Sections in the Training Curriculum

- Ethics
 - Watergate, public service, and the external environment
 - Records and computer confidentiality
 - Gifts, bribes, and gratuities
- Sexual harassment and sexual misconduct
 - Includes specific policy and specific descriptive situations. We read into the record all cases that have happened in the system, excluding names. In this way, we highlight what is absolutely not acceptable.
- Ethnic, Racial, Sexual and Linguistic Diversity
 - As we are committed to Affirmative Action hiring, some of those we hire may be highly skilled but lack fluency in English.
 - Transsexual issues. There is a large gay and lesbian community in Seattle, and about 25 inmates a year who come into the system stuck between one gender and another. We work with new staff to make them understand how to respond to gays and lesbians and to transsexuals.
- Employees' Assistance. We enumerate specifically the kinds of issues employees need to get help for. In addition, we go into sexual dysfunction issues, which the institution has no need to know about because they are not yet work-related.
- Application. We are not embarrassed as an institution to act, despite the possibility that we will read about a case in the paper.

It is important for senior management to speak out on these issues today. They constitute the focus of litigation and result in enormous judgments. Leadership must

come from the head of agency or the elected sheriff. Methodologies for training are still in development, but there are wonderful lesson plans in existence. The private sector is light years behind the public sector because of whistle blower statutes and because of the ability of women and minorities to use EEOC to confront elected officials directly.

We would be glad to send our curriculum to you.

For additional information, contact Art Wallenstein, Director, King County Department of Adult Detention; 500 5th Avenue; Seattle, WA 98104; (206) 296-1268.

Topics for Next Meeting

Meeting participants discussed a variety of possible topics to be addressed at the January 1998 meeting of the Large Jail Network. They agreed to focus on the issue of personnel management, with an emphasis on the first year of employment. Topics to be covered include pre-employment testing, Title VII, scheduling, training delivery, retention in hiring, and a profile of the "X Generation."

The focus for the entire meeting will be on recruiting, hiring decisions, training, ending probation, and identifying approaches to developing leaders in the field.

APPENDIX A

Meeting Participants

LARGE JAIL NETWORK MEETING

July 13-15, 1997

Longmont, Colorado

Raintree Plaza Conference Center

FINAL, PARTICIPANT LIST

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Milwaukee County Jail
821 West State Street, Rm 188
Milwaukee, WI 53233
(414) 226-7059 FAX: 414-226-7099

W.T. Partain, Chief Deputy

Norfolk Sheriff's Office
811 East City Hall Ave.
Norfolk, VA 23510
(757) 664-4951 FAX: 757-441-2531

Richard C. Cox, Superintendent

Milwaukee County House of Correction
1004 North 10th Street
Milwaukee, WI 53233
(414) 427-4756 FAX: 414-427-8017

Jimmy Rodriguez, Chief Deputy

Nueces County Sheriffs Office
901 Leopard - P.O. Box 1940
Corpus Christi, TX 78403
(512) 887-2221 FAX: 512-887-2276

LARGE JAIL NETWORK

Rocky Hewitt, Assistant Sheriff

Orange County Sheriff's Office
P.O. Box 449
Santa Ana, CA 92702
(714) 647-1815 FAX:

Dean Carr, Chief Deputy

Salt Lake County Sheriff's Office
2001 South State #S2700
Salt Lake City, UT 84190-1430
(801) 468-3914 FAX: 801-468-3928

Harold B. Wilber, Director

Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406
(407) 688-4410 FAX: 407-688-3027

James E. Nunn, Deputy Chief

San Bernardino Co. Sheriffs Dept.
655 East Third Street
San Bernardino, CA 92415
(909) 387-3687 FAX: 909-3 87-3402

Milton M. Crump, Deputy Director

Prince George's County
Department of Corrections
13400 Dille Drive
Upper Marlboro, MD 20772
(301) 952-7014 FAX: 301-952-4386

Scott Boies, Captain

San Diego County Sheriffs Dept.
9621 Ridgehaven Ct. - Box 429000
San Diego, CA 92123
(619) 974-2278 FAX: 619-974-2291

Albert Gardner, Warden

Rhode Island Dept. of Corrections
40 Howard Avenue
Cranston, RI 02920
(401) 464-3801 FAX: 401-464-3094

Denis Dowd, Jail Director

Shelby County Sheriff's Office
201 Poplar Avenue
Memphis, TN 38103
(901) 576-2414 FAX: 901-576-2696

Philip Murphy, Chief Deputy

Sacramento County Sheriff's Dept.
711 "G" Street
Sacramento, CA 95814
(916) 440-5686 FAX: 916-440-5332

Charles Lee, Program Manager

St. Louis Division of Corrections
Department of Public Safety
400 So. 4th 7th Floor
St. Louis, MO 63103
(314) 552-8024 FAX: 314-436-2947

LARGE JAIL NETWORK

Margo Frasier, Sheriff

Travis County Sheriffs Office
P.O. Box 1748
Austin, TX 78767
(512) 473-9788 FAX: 512-473-9722

Joseph Ponte, Director

Union County Jail
15 Elizabeth Town Plaza
Elizabeth, NJ 07207
(908) 558-2613 FAX: 908-527-4097

Richard Bryce, Undersheriff

Ventura County Sheriffs Department
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2383 FAX: 805-645-1391

Michael O'Malley, Director, Security/Suprvsn.

Vermont Department of Corrections
103 South Main Street
Waterbury, VT 05671-1001
(802) 241-2316 FAX: 802-241-2565

SUBSTITUTIONS

Fred J. Patrick, Deputy Commissioner
New York City DOC (for Michael P. Jacobson)

Jimmy Rodriguez, Chief Deputy
Nueces County, TX (for Larry Olivarez)

CANCELED

Margaret Moore, Washington DC- DOC
Daniel Vasquez, Santa Clara Co., CA
Jim Byrd, Wayne Co., MI
LaMont Flanagan, Pre-Trial, Baltimore, MD
Michael Janus, Washington, DC BOP
Mark French, Pierce Co., WA

NO SHOWS

David Gustafson, Fresno Co., CA
William Breeding, DOJS - St. Louis, MO
Joseph Stancari, Westchester Co. DOC, NY

Also attending:

Dan Richards, Chief Deputy

Travis County Sheriff's Office
P.O. Box 1748
Austin, TX 78767
(512) 473-9788

APPENDIX B

Meeting Agenda

LARGE JAIL NETWORK MEETING

Longmont, Colorado

July 13-15, 1997

Raintree Plaza Conference Center
*

Agenda



SUNDAY, July 13, 1997 6:00 PM - 8:00 PM

Informal Dinner

welcome to the NATIONAL INSTITUTE OF CORRECTIONS

Introductions and Program Overview Jim Berthold
Correctional Program Specialist, NIC Jails Division



Opening Address:

Presentation

"21st Century Technology and it's Application to Local Jail Information and Operational Needs "

.....

Kevin Jackson, Program Manager
Office of Science and Technology
National Institute of Justice

7:30 AM **BREAKFAST**

8:30 AM *Discuss innovative applications of technology that have solved administrative or operational problems in your agency or jurisdiction.*

- Margo Frasier - Travis Co., TX
- Fred J. Patrick - New York DOC

Group Discussion

10:00 AM **BREAK**

10:15 AM *From your position as an administrator, discuss your view or experience with technological applications which which designed as tools to assist local officials with inter-governmental decision making.*

- Patrick Sullivan - Arapahoe Co.,CO
- Michael O'Malley - Vermont DOC
- Joseph Norwick - Dane Co., WI
- Denis Dowd - Shelby Co., TN

Group Discussion

12:00 NOON **LUNCH**

1:15 PM *Discuss your role in identifying staff sexual misconduct and your ability to do something about it when it is identified*

- Ralph Mitchell - El Paso Co., TX
- Donald Hathaway - Caddo Co., LA
- Daniel Bailey - Mecklenberg Co., NC
- Susan McCampbell - Broward Co., FL

Group Discussion

2:45 PM BREAK

3:00 PM *Certified Jail Managers Program.*

..... David Parrish - Hillsborough Co., FL

5:00 PM ADJOURN

5:30 PM DINNER



8:30 AM *Discuss successful efforts in dealing with staff sexual misconduct including the training of staff*

..... Arthur Wallenstein - King Co., WA

..... Margo Frasier - Travis Co., TX

..... Charles Lee - St. Louis

Dept. Public Safety, MO

Group Discussion

10:30 AM Presentation of Future Meeting Issues

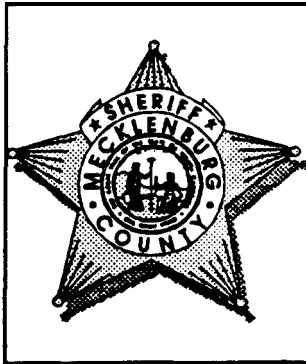
11:00 AM RECAP AND CLOSEOUT Jim Berthold



APPENDIX C

Materials from Presenters

MECKLENBURG COUNTY SHERIFF'S DEPARTMENT



General Order # 4 | EFFECTIVE DATE: March 1995

SUBJECT: **DISCIPLINE, INTERNAL INVESTIGATION AND EMPLOYEE RIGHTS**

RESCINDS:

APPROVED:  J. I. Pendergraph, SHERIFF

1. PURPOSE

The purpose of this Order is to establish the procedure to be used to correct employee misconduct in a uniform manner, to provide citizens with a fair and effective avenue for redress of their legitimate complaints against Department employees, to protect all employees from false charges, and to assure that accused employees are treated properly and uniformly. While the responsibility for conforming to the Department's rules rests on all employees, it is most easily discharged when supervisors set a positive example.

II. DISCUSSION

A. Allegations of employee misconduct will be documented on Form FA-I-S.D. Copies of Form FA-I-S.D. shall remain in the district/section files and/or be forwarded through the chain of command to the Office of Professional Compliance, as appropriate.

B. A Chain of Command Review (Form FA-I-S.D.) shall be completed and attached to all FA-I-S.D. Forms.

C. The categories of misconduct which are subject to corrective action are:

1. Category A violation is the most serious.

a. Each Category A complaint is forwarded to the Office of Professional Compliance for investigation, and the completed case file is reviewed at a Chain of Command Review Board Hearing, unless waived by the employee.

b. The final disposition will be made by the Sheriff or his designee after considering the recommendation of the

Chain of Command Review Board.

c. The first violation in Category A can result in any appropriate corrective action, including termination.

2. Category B violation is of moderate severity.

a. Each category B complaint is forwarded to the appropriate unit for investigation and the completed case file is reviewed at a bureau-level Chain of Command Review Board Hearing, unless the employee waives the hearing. The bureau commander will be responsible for the disposition of Category B violations. The completed case file will then be forwarded up the chain of command to the Chief Deputy for review.

b. Subject to (c) and (d) immediately following, any sustained Category B violation is subject to suspension for one day without pay. Except in aggravated cases, this suspension shall be suspended for one year under such conditions as the Sheriff or his designee may impose.

c. A second sustained Category B violation within 12 months of the first sustained B violation is subject to suspension for one day without pay. In addition, any suspended suspension applicable to the previous violation will be activated.

d. The third offense in Category B within any 12 month period becomes a Category A violation. Additional offenses (beyond the third) in Category B within any 12 month period are treated as Category A violations.

3. Category C violation is of minor severity.
 - a. Each Category C complaint will be investigated by the appropriate unit/section with the disposition made by the unit/section Captain. The completed case file will then be forwarded up the chain of command to the unit Major for review.
 - b. The first or second sustained violation in this category within 12 months is subject to a written reprimand with specific corrective action required. (Written reprimands are to be placed on an Inter-Office Communication Form, with one copy given to the employee concerned, one copy placed in the unit or section file, and the original forwarded with Forms FA-I-S.D. through the chain of command to the Office of Professional Compliance. Each written reprimand can be used in only one performance appraisal).
 - c. The third sustained violation in this category within 12 months becomes a Category B violation. Additional violations (beyond the third) in Category C within any 12 month period are treated as Category B violations.
4. Category D violation is the least severe.
 - a. Each Category D complaint is investigated by the appropriate supervisor and the disposition made at the appropriate supervisor level.
 - b. The first violation in this category is correctable by corrective counseling and an appropriate performance appraisal entry. The FA-I-S.D., with corrective counseling noted thereon, will remain in the unit/section files for 12 months after final disposition, at which time it will be purged.
 - c. The second violation in this category in twelve months is subject to a documented verbal reprimand on Form FA-I-S.D. (which remains in the unit/section file for 12 months after final disposition, at which time it will be purged. Each documented verbal reprimand can be used in only one performance appraisal.)
 - d. The third violation in this category within 12 months becomes a Category C violation. Additional violations (beyond the third) in Category D within any 12 month period are treated as Category C violations.
5. Any supervisor shall have the discretion to recommend alternative corrective action at any time he/she feels the corrective action called for by the applicable violation category is inappropriate. This corrective action may be more or less severe than the corrective action called for by the applicable violation category. Such recommendations shall be made in writing to the employee's chain of command.
6. An offense does not have to be a repetition of a prior offense in order to constitute a second or third violation in a given category. The offense in question need only be in the same category.
7. The documentation on all allegations of misconduct shall be forwarded through the chain of command to the Office of Professional Compliance. Copies of all written reprimands and suspensions will be forwarded from the Office of Professional Compliance to the Personnel Section where they will be placed in the affected employee's file.
8. If the Sheriff or his designee deems it necessary in an actual emergency, administrative or disciplinary action can be imposed prior to the employee's opportunity to explain or otherwise justify his conduct.
9. The Sheriff may exercise final disposition in any disciplinary matter, regardless of the violation category.
10. The Office of Professional Compliance may investigate any allegation of employee misconduct, regardless of the category, at the direction of the Sheriff.
11. Any employee who is suspended without pay for 3 days or less has the option of forfeiting accrued vacation leave for all or part of the suspension. Any employee who is suspended without pay for 4 days or more has the option of forfeiting accrued vacation leave for as much as one half of the suspension. An employee can forfeit accrued vacation leave for all or part of a

suspension only one time in any consecutive 12 month period with approval of the Sheriff or his designee.

III. PROCEDURE FOR RECEIVING AND PROCESSING ALLEGATIONS OF EMPLOYEE MISCONDUCT

- A. Complaints shall be accepted from any source, whether made in person, by mail, or over the telephone. In cases in which the complainant cannot file the report in person, Department personnel may visit the individual at his or her home, place of business, or any other location to complete the report. If possible, the complainant shall sign Form FA-I-S.D. confirming the receipt of the complaint. Before a formal investigation is concluded, the complainant should give a formal statement, if possible.
1. Every complaining party shall be referred to a supervisor or to The Office of Professional Compliance so that the complaint can be received.
 2. Without exception, every received complaint which, if true, would constitute a violation of Department rules shall be documented on Form FA-I-S.D. and an investigation initiated. The Office of Professional Compliance shall assign a complaint number to every FA-I-S.D.
- B. During the regular working hours of the Office of Professional Compliance, allegations of employee misconduct, whether made in person, by telephone, or by mail, may be referred to the Office of Professional Compliance.
- C. Any allegation of employee misconduct serious enough to require immediate action, such as suspension from duty, shall be referred promptly to the Sheriff or his designee.
- D. Each Unit and Section of the Department shall maintain in every employee's file, copies of any sustained Category C or D complaint, and a copy of any FA-I-S.D. initiated within that unit/section. (Records of Category D violations will be purged as per Section II.C.4.b. and c. of this Order.)

IV. CHAIN OF COMMAND REVIEW BOARD

- A. Disciplinary hearings shall be conducted by the Chain of Command Review Board for Category A violations.

B. For Category B violations, the hearing shall be conducted by a unit-level Chain of Command Review Board.

C. For Category C violations, an employee can request a unit-level Chain of Command Review Board.

D. Nothing in this order prohibits the Sheriff from convening a Chain of Command Review Board to review allegations of employee misconduct in circumstances where he deems it necessary, even in those cases where the employee may have waived the hearing.

V. INTERVIEW PROCEDURE (To be followed when an employee is questioned in connection with an allegation of misconduct)

- A. The interview of any Department employee shall be conducted at a reasonable hour, determined by the relative urgency of the investigation.
1. The employee being interviewed shall be informed of the name and rank of all persons present unless that information is known. Should an employee be required to leave his/her assigned duties or area of assignment, his/her supervisor shall be notified. Reasonable rest periods shall be allowed during the interview period. Administrative disciplinary action which would be identified with any individual employee shall not be released except as provided by N.C.G.S. 160A-168. This statute specifies that only the following information may be disclosed: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. The above items are public record and, upon request, must be released.
 2. The employee being interviewed shall not be subjected to any offensive or abusive language, nor threatened with dismissal or other disciplinary action. Nothing herein shall be construed to prohibit the interviewing officer from informing an employee in an administrative investigation that his/her conduct can be the subject of disciplinary action should he/she refuse to cooperate in the investigation or to truthfully

answer questions. Before the interview begins, the employee shall be informed of the nature of the allegations against him/her.

3. in an administrative investigation, the employee will not be allowed the presence and assistance of counsel during the interview. The employee, however will be allowed to have a supervisor present.
4. The employee shall truthfully answer all questions posed to him/her by the investigating officer in an administrative investigation. Prior to the interview, the employee must be advised in writing (or orally, if the interview is conducted by telephone and the conversation is recorded) that he/she has no constitutional right to refuse to answer questions relating to the investigation, because nothing he/she says in response to questions can or will be used against him/her in a criminal prosecution. The employee must also be informed that refusal to answer questions in an administrative investigation can become the basis for disciplinary action.
5. Criminal investigations directed by the Sheriff will be conducted by the Office of Professional Compliance or will be referred to the appropriate criminal investigative agency. Employees who are the subject of criminal investigations will be afforded all applicable constitutional rights.

B. Polygraph Examination: The following procedures will be used in situations involving polygraph examinations:

1. In criminal matters under investigation, the employee shall be advised of his/her right to accept or reject the polygraph examination. Should the employee waive his/her rights and consent to take the polygraph examination, he/she shall be informed that any statement or evidence derived from the examination can be used by the department in both administrative and criminal actions.
2. Employees can be required to submit to a polygraph examination in an administrative investigation. Failure to submit may result in disciplinary action.
3. An employee who is the subject of an investigation may request a polygraph examination.

- C. Desks, lockers, storage space, rooms, offices, equipment, information systems, work areas and vehicles are the property of the Mecklenburg County and are subject to inspection. They may also be searched in order to retrieve County property or to discover evidence of work related misconduct, if there is reason to suspect such evidence is there. Private property can be stored in areas mentioned above; however, employees shall not expect privacy in those areas. Only those employees who are acting in their official capacity shall be authorized to search or inspect areas assigned to other employees.
- D. Due to the very nature of the complex problems that face law enforcement and the need for accuracy in reporting, those persons using telephone lines can reasonably expect that security could take the form of monitoring and/or recording incoming or outgoing calls.
- E. The procedure outlined in this Order shall not preclude a supervisor from holding a corrective interview with any subordinate in regard to his/her conduct, work performance, efficiency, attendance, or appearance at any time the supervisor deems necessary when the employee is on duty.

VI. ADJUDICATION OF ALLEGATIONS OR EMPLOYEE MISCONDUCT

A Each allegation of employee misconduct shall be adjudicated in one of the following ways:

1. Sustained: The investigation disclosed sufficient evidence to prove clearly the allegation made in the complaint.
2. Unfounded: The allegation is false. The alleged incident never took place.
3. Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
4. Exonerated: The acts which provided the basis for the complaint or allegation occurred; however, investigation revealed that they were justified, lawful and proper.
5. Information

Pile: Allegations of employee misconduct investigated by the Office of Professional Compliance which are so lacking in merit and/or substance that the preparation of formal Departmental charges and review by a Chain of Command Review Board would serve no useful purpose shall be placed in an Information File pending receipt of additional information relevant to that particular investigation.

prior to the document being placed in the employee's personnel file.

- a. Information Piles shall be maintained in The Office of Professional Compliance.
- b. The decision to place a complaint and investigation into an Information File shall be that of The Office of Professional Compliance. The Office of Professional Compliance may consult with the Sheriff or other appropriate personnel as necessary in making this decision.
- c. The standard for determining whether a complaint shall be placed in an Information Pile is that of probable cause. Unless the complaint and investigation demonstrate that there is a fair probability (i.e., probable cause) that the employee engaged in misconduct, the Office of Professional Compliance shall place the complaint and related documents in an information File.
- d. Each Chief Deputy shall randomly review five (5) Information Piles per calendar year to ensure compliance with this and other General Orders of the Mecklenburg County Sheriff's Department.

B. The accused employee shall be notified, in writing, of the final disposition of each allegation by the individual making the decision. This notification will occur as soon as is practical after the disposition is made.

C. The employee shall have the opportunity to read and attach a reply to any adverse complaint in his/her personnel file. Also, the employee shall have the opportunity to read, sign, and date any document which contains the results and/or disposition of an investigation,

MECKLENBURG COUNTY SHERIFF'S DEPARTMENT



General Order # 2	EFFECTIVE DATE: March 1995
SUBJECT: RULES OF CONDUCT FOR EMPLOYEES	
RESCINDS:	
APPROVED: <i>J. I. Pendergraph</i> J. I. Pendergraph, SHERIFF	

LIMITATION OF LIABILITY

This Order is for the internal use of the Mecklenburg County Sheriffs Department only and in no way enlarges an employee's civil or criminal liability. This Order should not be construed to create a higher standard of care in any evidentiary sense with respect to third party claims. Proven violations of the Order shall only form the basis of a complaint by this Department in a non-judicial administrative hearing.

supervisor is responsible for that order. if the employee perceives an apparent conflict between the supervisor's order and the rules, regulations, directions, or written procedures of the Department, the employee shall seek clarification or confer with a higher authority.

A (Subject to Discretion)

RULES OF CONDUCT

Severity
Category

c 1. Knowledge of Regulations

- A. Employees shall familiarize themselves with and understand ail rules, regulations, directives, and written procedures of the Department.
- B. Employees who do not understand their duties or responsibilities shall read the relevant directives, rules, etc., and shall consult their immediate supervisor for clarification and explanation.
- C. Employees shall maintain an updated manual of Department rules, procedures, and other directives and shall consult that manual as needed.
- D. When dealing with a situation for which there are no regulations or established procedures, employees shall consult their immediate supervisor for direction.
- E. if a supervisor gives an order, the

2. Violation of Rules

Employees shall not commit any acts or make any omissions which constitute a violation of any of the rules, procedures, General Orders, or other directives of the Department.

C 3. Chain of Command

Employees shall conduct departmental business through accepted channels unless written procedures or orders from proper authority dictate otherwise.

A 4. Insubordination

- A. Employees shall promptly obey any lawful order or direction of a supervisor.
- B. Employees shall not use profane or intentionally insulting language toward any supervisor.

A 5. Unsatisfactory Performance

A. Employees shall maintain sufficient competence to properly perform their duties and assume the responsibilities of their position.

B. Employees shall perform their duties in a manner which will maintain the highest standard of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for an employee's rank, grade, or position; the neglect of duty; the display of cowardice, absence without leave, or the physical or mental inability to perform the essential functions of the position and required duties.

C. In addition to other indications of unsatisfactory performance, the following will be considered unsatisfactory performance: Repeated poor evaluations and records of repeated violations of orders, rules, procedures, or other directives of the Department.

4 6. Unbecoming Conduct

A Employees shall conduct themselves at all times, both on and off duty, in a manner which is in keeping with the highest standards of the law enforcement profession.

B. Conduct unbecoming an employee shall include that which brings the Department into disrepute, reflects unfavorably upon the employee as a member of the Department, damages or affects the reputation of any member of the Department, or impairs the operation or efficiency of the Department or any of its personnel.

C. Civilian employees of the Department are prohibited from engaging in any conduct which brings the Department into disrepute, reflects unfavorably upon the employee as a member of the Department, damages or affects the reputation of that employee or impairs the operation or efficiency of the Department or any of its personnel.

A* 7. Residence and Telephone Requirements

A. All sworn personnel shall reside in North Carolina within a 50 mile radius

of the Center Jail within six months after their date of employment. During the period of their employment with the Sheriffs Department, all sworn employees shall continue residing within the 50 mile radius.

- Any deputy found to have violated this rule will be terminated.

C B. Each employee shall have a functioning telephone in hi or her residence.

C C. Employees shall inform their supervisor and the Personnel Section of any change in their permanent address or telephone number before the end of the next business day after making such change.

D 8. Reporting for Duty

A. Employees shall report at the scheduled time for any duty assignment, including court, Grand Jury appearances, and training.

B. Employees shall be properly equipped and prepared to perform their duties.

C. Employees who are unable to report to a duty assignment shall notify the appropriate supervisor prior to the beginning of that scheduled assignment.

9. Absence from Duty

A A. Employees shall be considered absent without leave if they fail, within 2 hours after the beginning of their regularly scheduled tour of duty, to:

1. Report for duty; or,
2. Notify the appropriate supervisor of their inability to report for duty and be granted approved leave.

B B. Employees shall not be absent from secondary duty assignments such as court, Grand Jury and training without first obtaining permission from proper authority.

B C. Employees shall not feign illness or injury, falsely report themselves sick, ill or injured, or otherwise deceive or attempt to deceive any official of the

Department as to the condition of their health or that of their families.

A

12. Labor Activity

Employees shall not engage in any strike, work slowdown, unreasonable or selective enforcement of the law, or other concerted failure to report for duty for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

B

10. Neglect of Duty

A. While on duty, employees shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their assigned responsibilities.

B. Employees shall remain awake, alert, and attentive while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

C. Deputies shall take any official action required by federal or state law, by the county ordinance or by any directive of the Sheriff.

D. Employees shall not leave their assigned duty post during a tour of duty except as authorized by proper authority.

E. Civilian employees shall take any action which is required or is responsible and appropriate in connection with their performance of their assigned duties.

F. Deputies shall take appropriate action in any emergency situation or in any situation in which substantial and irreversible damage would result from the failure to take appropriate action, whether on or off duty.

G. Employees shall, whether requested or not, assist any employee involved in an emergency situation or any other situation in which additional assistance would be critical to the successful performance of a Departmental function.

H. Employees shall respond to all radio communications directed to them.

A

13. Political Activity

Employees may not engage in political activity when on duty, (other than voting and registering to vote in uniform), and shall not engage in political activity while identifying themselves as representatives of the Sheriff's Department by virtue of their uniform or otherwise.

A

14. Conformance to Laws

A. Employees shall obey all laws of the United States and of any state and local jurisdiction in which they may be present, and shall obey all administrative regulations enacted pursuant to local, state, or federal law.

B. Employees shall not obey any order which they know or should know requires them to commit an illegal act.

C. Any employee convicted of any crime must notify the Sheriff in writing within 24 hours of the conviction. The term "conviction" includes guilty pleas and pleas of nolo contendere. No notification is required on motor vehicle convictions except: Hit and Run, DWI or Death by Motor Vehicle. In addition, any suspension or revocation of an employee's motor vehicle operator's license must be reported to the Sheriff within 24 hours of this action regardless of whether the suspension or revocation is the result of a conviction.

C

11. Employment Outside the Department

Employees shall adhere to all regulations, procedures, and other directives governing off-duty employment established by the Department. (Failure to turn in the Weekly Secondary Employment Record on time is a violation of Rule of Conduct .)

B

15. Associations

Employees shall avoid associations or dealings with persons who they know, or should know, are under criminal investigation or indictment or who have a criminal record, except as necessary to the performance of official duties or where unavoidable due to family relationships. Employees shall not associate with known individuals who engage in criminal activity.

B 16. Visiting Prohibited Establishments

Employees shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of duty.

A 17. Use of Alcohol on Duty or in Uniform

A Employees shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under orders.

B. Employees shall not appear for duty, or be on duty, while under the influence of alcohol, or with the odor of an alcoholic beverage on their breath.

C. Employees shall not transport intoxicating beverages for own personal use in county owned vehicles.

A 18. Possession and Use of Drugs

A. Employees shall not possess or use any controlled substances, narcotics, hallucinogens, or prescription drugs except when prescribed by a physician or dentist.

B. When narcotics are prescribed to an employee, the employee shall notify hi or her supervisor prior to reporting for duty under the influence of such medication. When a medication other than a narcotic is prescribed and that medication could affect an employee's fitness for duty, the employee shall notify his or her supervisor prior to reporting for duty under the influence of such medication.

D 19. Personal Appearance

A. Employees on duty shall wear uniforms and other clothing and equipment in accordance with established Departmental procedure.

B. Except when acting under orders from proper authority, employees on duty shall maintain a neat, well-groomed appearance and shall style their hair according to Departmental procedures.

C 20. Use of Tobacco

Employees shall not use tobacco products while engaged in any activity that causes them to be in direct contact with the public, while engaged in traffic direction and control, when they must leave their duty assignment for the sole purpose of doing so, when the use of tobacco is prohibited by law, or when the use of tobacco would violate any written County or Department policy.

D 21. Identification

A Deputies shall carry their official Identification cards on their persons at all times, except when impractical or dangerous or harmful to the progress of a criminal investigation.

B. Deputies shall furnish their names and code numbers to any person requesting that information when they are on duty or presenting themselves as law enforcement officers, except when the withholding of such information is necessary to the performance of duties or is authorized by proper authority.

C. Employees shall display their identification cards while on duty as required by Departmental procedures.

A 22. Abuse of Position

A. Employees shall not use their official position or identification for:

1. Personal or financial gain.

2. Obtaining privileges not otherwise available to them except in the performance of their duty.

3. Avoiding the consequences of illegal acts.

B. Employees shall not lend to another person their official identification cards or badges, or permit them to be photographed or otherwise reproduced without the prior approval of the Sheriff.

C. Employees shall not permit the use of their names, photographs, or official titles which identify them as officers or as employees of the Sheriff's Department in connection with

testimonials or advertisements of any commodity or commercial enterprise without the prior approval of the Sheriff.

- D. Employees shall take no part, either directly or indirectly, in sales promotions, solicitations, fund raising campaigns, or similar activities for personal gain or benefit of commercial enterprise while representing themselves as law enforcement officers or as employees of the Sheriffs Department, or authorize others to conduct themselves in a manner as indicated above that would leave the impression they are representing the Mecklenburg County Sheriffs Department, without the prior approval of the Sheriff.
- E. Employees while on duty or acting in an official capacity shall not recommend or suggest in any manner, except in the transaction of personal business with family and close friends, the employment or procurement of a particular product, professional service, or commercial service.
- F. Employees shall not interfere with or attempt to influence the lawful business of any person.
- G. Employees shall not knowingly make false accusations or false criminal charges.

A 23. Gifts and Gratuities

- A Employees shall not use their position to solicit any form of gift, gratuity, or service for gain.
- B. Employees shall not accept from any person, business, or organization any gift if it may reasonably be inferred that the person, business, or organization:
 1. Seeks to influence an official action or to affect the performance of an official function.
 2. Has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official function.
- C. Employees may not accept any form of reward for the performance of an

official function without the prior approval of the Sheriff.

A 24. Public Statements and Appearances

- A. Employees shall treat the official business of the Department as confidential and shall disseminate information regarding departmental operations only in accordance with established Departmental procedures.
- B. Employees shall not divulge the identity of persons giving confidential information in a criminal investigation.
- C. Employees shall not publicly criticize or ridicule the Department or its personnel when such statements may interfere with the maintenance of discipline or the effective operation of the Department, or when such statements are made with reckless disregard for truth.
- D. Employees shall not disseminate any information that would violate North Carolina General Statute (NCGS 160A-168).

C 25. Courtesy

- A. Employees shall be courteous and tactful in the performance of their duties or while representing themselves as members of the Department and shall promptly respond to ail requests for assistance in accordance with Departmental procedures.
- B. in performing their duties, employee? shall not express any prejudice concerning race, religion, national origin, sex, or other personal characteristics.
- C. Employees shall not use profane or intentionally insulting language toward any other employee of the Department.
- D. Employees shall promptly (usually within 24 hours) return phone calls from citizens and should keep a record of unsuccessful efforts to return phone Calls.

E 26. Citizen Complaints

- A. Employees shall follow established procedures for processing complaints.

B. Employees may attempt to amicably resolve citizen complaints, but they shall not attempt to prevent any citizen from lodging a formal complaint against any individual employee or against the Department.

Employees shall not convert to their own use, manufacture, conceal, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other law enforcement action, except in accordance with established Departmental procedures.

A 27. Use of Weapons

Deputies shall carry and use firearms only in accordance with law and established Departmental procedures.

D 32. Use of Department Equipment

Employees shall utilize Departmental equipment, including vehicles, only for its Intended purpose in accordance with all laws and Departmental procedures and shall not abuse, damage, or, through negligence, lose Departmental equipment.

A 28. Use of Force

A. Employees shall use no more force than necessary in the performance of their duties and shall then do so only in accordance with Departmental procedures and the law.

C 33. Radio Communications

Employees shall keep available radio communications equipment turned on and operating at all times while on duty, unless ordered by proper authority to do otherwise.

B. Employees shall comply with Departmental procedures concerning the documentation and investigation of the use of physical force.

D 34. Departmental Reports

B 29. Arrest, Search, and Seizure

Deputies shall not make any arrest, search or seizure which they know, or should know, is not in accordance with the law and Departmental procedure.

A. Employees shall submit all necessary reports on time and in accordance with established Departmental procedure.

B. Reports submitted by employees shall be accurate and complete.

C 30. Intervention

A. Deputies shall not interfere with or take action in cases being handled by other deputies of the Department or by another governmental agency unless:

A 35. Participation in Administrative Investigations

A. All procedures carried out under this rule shall be specifically directed and narrowly related to a particular internal administrative investigation being conducted by the Department,

1. Ordered to intervene by a superior officer.

2. The intervening deputy believes that a manifest injustice would result from failure to take immediate action.

B. Employees who are involved in administrative investigations and who have been advised in writing (or orally, if the interview is conducted by telephone and the conversation is taped) that no statement they make can be used against them in a criminal prosecution, shall truthfully answer all questions which are specifically directed and narrowly related to their job performance and/or fitness for duty.

B. Deputies shall not undertake any investigation or other official action which is not part of their regular duties without obtaining permission from their supervisor, unless the exigencies of the situation require immediate police action. Any deputy taking such an action must notify his immediate supervisor as soon as possible after the incident occurs.

C. Upon the order of the Sheriff, the Sheriff's designee or a superior officer, an employee shall:

A 31. improper Use of Property and Evidence

1. Submit to a polygraph examination.

- 2. Submit to any medical, ballistics, chemical, or other test, photographs, or line-ups required in a particular administrative investigation being conducted by the Department, and release the results of any such tests to the Department in connection with the administrative investigation.
- 3. Submit financial disclosure statements in accordance with Departmental procedures in connection with a complaint in which this information is material to the investigation. Financial statements are to be confidentially maintained and used by the Sheriff and shall not be made available to the public.
- 4. Submit medical records that are granted by the employee and/or the employee's physician, and that relate to a condition that the employee has raised as an issue, and the condition pertains to the employee's fitness for duty or job performance.

C

36. Legal Processes Brought By Or Against Employees

Employees shall immediately report in writing directly to the Sheriff or his designee any criminal charges brought against them and any court actions brought against them as a result of the performance of duty or which involve the employee's fitness for duty. Employees shall also notify the Sheriff or hi designee in writing before filing claims for damages or entering into any legal compromise or settlement regarding events which resulted from the performance of duty.

B

37. Supervision

A Supervisors are charged with insuring compliance with all applicable laws, the Department's policies, directives, Standard Operating Procedures, and General Orders by those employees under their supervision. Supervisors are responsible for investigating and reporting all known violations to their immediate supervisor.

B. All Sheriff Department employees, sworn or civilian, who supervise any other Sheriff Department employees shall perform their duties completely, diligently, promptly professionally, and satisfactorily.

A

38. Truthfulness

A Employees are prohibited from intentionally making any materially false statement(s) in connection with their performance of official duties.

B. Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such nondisclosure is to conceal suitability or unsuitability for duty of themselves or another or to gain improper personal advantage.

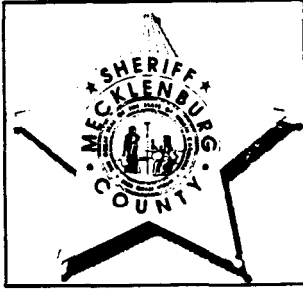
C. Any material falsification of or any intentional failure to disclose information relevant to suitability or fitness for police employment which is discovered after an individual is hired can result in the termination of that employee.

A

39. Harassment

No employee shall intentionally subject any fellow employee to any verbal or physical harassment of a sexual, ethnic, racial, disability or religious nature.

MECKLENBURG COUNTY SHERIFF'S OFFICE



General Order # 18

EFFECTIVE DATE: March 1, 1997

SUBJECT: **SEXUAL HARASSMENT AND OTHER PROHIBITED EMPLOYMENT PRACTICES**

RESCINDS:

APPROVED:

J. I. Pendergraph, SHERIFF

I. PURPOSE

The purpose of this policy is to establish a clear understanding of Departmental policies regarding sexual harassment and other employment practices prohibited by the Mecklenburg County Sheriffs Office. Also outlined in this policy are procedures which should be adhered to if you are a victim of, or a witness to, stated inappropriate behavior in the workplace.

harassment should report the incident immediately to their supervisor, a member of the Command Staff, or the Office of Professional Compliance.

Violators of this policy will be subject to appropriate disciplinary action up to and including termination.

II. LIMITATION OF LIABILITY

This General Order is for the internal use of the Mecklenburg County Sheriffs Office only and in no way enlarges an employee's (including Deputy Sheriff or Detention Officer) civil or criminal liability. This General Order should not be construed to create a higher standard of care in any third party claims. Proven violations of this Order shall only form the basis of a complaint initiated by the Sheriffs Office or an employee in a non-judicial, administrative hearing.

IV. DEFINITIONS

A. Harassment - General

Harassment is verbal or physical conduct that denigrates or demonstrates hostility or aversion towards an individual because of age, race, color, national origin, ethnic group, religion, gender, disability, or political affiliation which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

III. DISCUSSION

The Mecklenburg County Sheriffs Office is strongly and actively committed to equal opportunity employment in the workplace and will not tolerate or condone acts of harassment of any type. Departmental personnel will conduct their duties and responsibilities free from discrimination in accordance with the laws of the United States. Equal treatment will be afforded to all employees regardless of their sex, age, race, color, national origin, ethnic group, religion, gender, disability or political affiliation.

Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts that relate to age, race, color, national origin, ethnic group, religion, gender, disability, or political affiliation. Written or graphic material which denigrates or indicates hostility or aversion towards an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

The Sheriffs Office will investigate all reported complaints of harassment on a fair and impartial basis. Anyone who believes they have been a victim of, or witness to,

B. Sexual Harassment

Sexual harassment is a form of gender discrimination, and violates the 1964 Civil Rights Act, specifically, Section 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly a term or condition of continued employment; submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

In practical terms, there are two kinds of sexual harassment:

1. Quid Pro Quo

Where employment decisions or expectations (e.g., hiring decisions, promotions, salary increases, shift or work assignments, performance expectations, etc.) are based on an employee's willingness to grant or deny sexual favors. Examples include:

- a. Demanding sexual favors in exchange for a promotion or a raise.
- b. Disciplining or firing a subordinate who ends a romantic relationship.
- c. Changing performance expectations after a subordinate refuses repeated requests for a date.

2. Hostile Environment

A workplace that has become intimidating or offensive due to

conduct of employees which is threatening or uncomfortable in nature. This can include focusing on the sexuality of another person, or occurs because of the person's gender; is unwanted or unwelcome; and/or is severe or pervasive enough to affect the person's work environment. Examples may include:

- a. Off-color jokes or teasing.
- b. Comments about body parts or sex life
- c. Suggestive pictures, posters, calendars or cartoons.
- d. Leering, staring or gestures.

V. REPORTING PROCEDURES

A. Notification Responsibilities

This directive covers a wide spectrum of behavior, including casual remarks or activities which department employees may not realize are offensive. Department employees who find casual remarks or other behavior offensive are strongly encouraged to put the offending employee on notice that their activities are offensive. If the offended employee feels uncomfortable confronting the offender, he or she should contact his or her supervisor, any other supervisor or Command Staff within the Department, the Office of Professional Compliance, or Mecklenburg County's Human Resources representative.

B. Complaint Reporting Process

1. Any employee who believes he or she is being harassed or discriminated against shall report the incident or incidents to his or her supervisor or appropriate person as soon as

- possible so that steps may be taken to protect the employee from further harassment or discrimination, and so that the appropriate investigative measures can be initiated.
2. Regardless of to whom the complaint is made, the employee should be prepared to provide the following information:
 - a. His or her name, title and work assignment.
 - b. The name and title of the person(s) committing the harassment or discrimination.
 - c. The specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken as a result of the harassment or discrimination.
 - d. The names of any witnesses to the harassment or discrimination, if any
 - e. Whether the employee previously has reported such harassment or discrimination and, if so, when and to whom.
 3. If the person who receives the complaint is not someone assigned to the Office of Professional Compliance, that person must document the complaint by immediately completing and delivering to the OPC Form FA-I-S.D., Allegation of Employee Misconduct.

4. If the person receiving the complaint is the supervisor of the parties involved, that supervisor will take appropriate action, when warranted, to limit contact between the affected parties.

C. Reprisal

It is unlawful for an employer to take retaliatory action against any individual who reports employment practices that are prohibited by law and Mecklenburg County Sheriffs Office policy. For example, retaliation against persons who have filed charges, testified, assisted, or participated in any way in any proceeding, investigation or hearing under the provisions of the Age Discrimination Law, or Title VII of the Civil Rights Act, or the Americans with Disability Act is expressly prohibited. The Sheriffs Office complaint process provides every employee the right to present concerns and complaints free from interference, coercion, discrimination or reprisal. Employees who believe they have been discriminated against or harassed in violation of any of these laws will have their concerns promptly investigated by the Office of Professional Compliance.

D. Duties of the Office of Professional Compliance

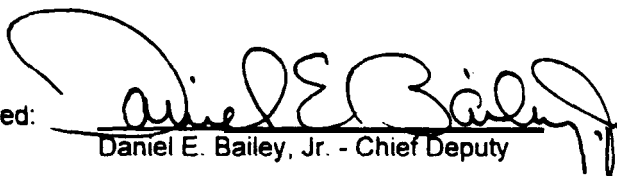
The Office of Professional Compliance will be responsible for investigating any complaint alleging harassment or discrimination. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released to anyone unless there is a specific need for that information to be released. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of the employee wrongfully charged with harassment or/ discrimination.

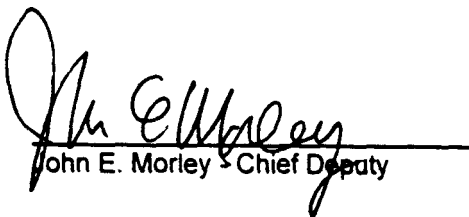
SEXUAL HARASSMENT

VI. CLOSING

This Agency **Absolutely Will Not Tolerate** sexual harassment, or harassment of any type, in any form by any employee regardless of rank or position in this organization.

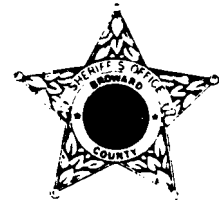
If you feel you are or have been the victim of sexual harassment, you should report it immediately to the Office of Professional Compliance at (764) 336-4095.

Concurred: 
Daniel E. Bailey, Jr. - Chief Deputy

Concurred: 
John E. Morley - Chief Deputy

Concurred: 
G. Patrick Hunter, Jr. - Attorney

Office of the
Sheriff



Broward County
Post Office Box 9507
Fort Lauderdale, Florida 33310

DATE: July 1, 1997

MEMO TO: Large Jail Network

FROM: Susan W. McCampbell, Director
Department of Corrections and Rehabilitation

SUBJECT: Presentation - Staff Sexual Misconduct

Attached is material that I will be using in my presentation concerning Staff Sexual Misconduct on July 14, 1997. I hope this information is helpful.

If I can provide any additional information, you may reach me at (954) 831-8916, or via the Internet -- smccampbell@co.broward.fl.us.

SWMcC/rk

Attachments

July, 1997 - Summary of All Cases

	On-Duty	Off-Duty	LE	Corrections		Total
				State	Local	
All Cases/July 1997	66	64	47	54	29	130
% All Cases	50.76	49.23	36	41.5	22.3	--
# Security/Contraband Cases	20			16	4	20
% of All Cases - Security/ Contraband	30.30			29.6	13.79	15.38
# Drug/Alcohol Related Cases	6	26	6	18	8	32
% of All Cases -Drug/Alcohol Related	9.09	40.62	12.8	33.3	27.59	24.61
# of Sex-Related Cases	17	18	12	16	7	35
% of All Cases - Sex Related	25.75	28.12	25.53	29.63	24.14	26.92
All Cases Corrections	40	43				83
% of All Cases - Corrections	60.60	67.18				63.85

Summary of All Cases (July 1997) - pages 2 - 6

Summary of All On-Duty - Contraband/Security Related Corrections Cases (July 1997) - page 7

Summary of All Drug/Alcohol Related Cases - pages 8 - 9

Summary of Corrections Related Misconduct - pages 10 -11

Summary of All Sex-Related Cases - pages 12-13

Code of Ethics (draft)

BSO/SOP 1.3.18 Employee Sexual Misconduct

“A Review of Certified Corrections Deputy Terminations”, February 1997, by Marie Hall

July, 1997 - Summary of All cases

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
DUI		*		*	
Cocaine		*		*	
Commission Imposed Probation Violation (cheating on state test)	*		*		
Marijuana		*			*
Commission Imposed Probation Violation (misuse of official position)	*				*
Domestic Battery		*			*
False Statement - Application	*			*	
Battery LEO	*			*	
False Statement -Application	*		*		
Child Abuse	*			*	
DUI		*			*
Cocaine		*			*
Introduction of Contraband/Improper Display of Weapon	*			*	
Grand Theft	*		*		
Prostitution		*	*		
Leaving the Scene of an Accident with Injuries		*		*	
Prostitution/Lewd/Lascivious Act on Child		*	*		
Agg. Assault/Burglary/Battery		*			*
Unprof. Relationship with Inmate/Contraband/Battery	*			*	
Agg. Assault/Reckless Display of Firearm		*			*
Lewd/Lascivious/Indecent Assault on Child		*		*	
No US Citizenship		*		*	
Unprof. Relationship with Inmate (2 counts)	*			*	
Tampering with Evidence/Petit Theft	*		*		
Unlawful compensation, Conspiracy, Introduction of Contraband, Perjury	*			*	
Smuggling Contraband, False Statement	*			*	
Battery, Possession of Illegal Firearm, False Statements		*	*		
Intro. of Contraband (2). Unprof. Relationship	*			*	

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Burglary, Battery (2) Criminal Mischief, Stalking		*	*		
Grand Theft, Fraudulent Insurance Claims, False Statements		*			*
Poss. Marijuana, Positive Test		*			*
Lewd, Lascivious, Indecent Act (3), Display of Obscenity		*	*		
Bribery		*			*
Sexual Battery - Child (3)		*	*		
False Statements, Intro. Contraband, Improper Relation.	*				*
Poss. Marijuana, Attempt intro. contraband	*			*	
Bribery	*		*		
Lewd Lascivious Act on A child		*		*	
Child Abuse; Resisting with Violence		*	*		
Poss/Intro. contraband	*			*	
Improper Exhibition of Weapon, False Statements		*			*
Solicitation of Prostitution		*			*
Unlawful Compensation, Intro. contraband	*			*	
Battery		*	*		
Sex on Duty, Unprofessional Rela. w/ Inmate	*			*	
Unprofessional Relation. With Inmate	*			*	
Grand Theft	*		*		
Petit Theft	*			*	
Unauthorized Compensation; False Statements	*			*	
Battery (3)	*			*	
Battery; Lewdness		*		*	
Intro. Contraband	*			*	
Battery	*			*	
Poss. Marijuana; Fraudulent Urine Drug Test	*				*
Intro. Contraband; False Statements	*				*
DUI		*		*	
DUI		*	*		
Unprof. Relationship w/ inmate; authorized compensation	*			*	
Positive Marijuana		*		*	

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Aggravated Child Abuse; Witness Retaliation	*				*
DUI, Poss. Marijuana		*		*	
Criminal Mischief; Trespassing		*	*		
Excessive Force	*				*
Positive Test Marijuana		*			*
Domestic Battery; Conspiracy to sell Narcotics; Perjury		*		*	
DUI		*		*	
Armed Robbery; Armed Burglary; False Statements	*		*		
Purchase Marijuana, Possession Marijuana		*		*	
Positive Test - Cocaine		*			*
Possession Marijuana		*		*	
DUI		*	*		
Grand Theft		*			*
Traffick Cocaine; Poss. Marijuana; Intro. Contraband	*			*	
Grant Theft	*				*
Conspiracy Possess/Distribute Marijuana		*	*		
Grand Theft; Poss. Cocaine; Tampering w/ evidence	*		*		
Poss. Cocaine		*		*	
Income Tax Evasion		*	*		
Poss. Marijuana; Attempt to Intro. contraband	*			*	
Agg. Battery		*		*	
DUI with Serious Bodily Injury (2)		*		*	
Poss. Cocaine(3), Sale of Cocaine (1)		*		*	
Grand Theft; Agg. Burglary		*	*		
Obstruction of Justice	*				*
Consp. To distribute controlled substance; Aiding/Abetting; Shipping Stolen Firearms		*	*		
Bribery; Solicitation to Traffick Cocaine		*	*		
False Statements; Perjury; False Report		*		*	
Unprof. Relationship w/ inmate; intro. Contraband	*			*	
Subvert exam. Process	*			*	
Grant Theft; Assault (3)		*		*	

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Contraband (2); Unprof. relation. w/ inmate	*				*
Petit Theft (2)	*				*
Sex on Duty; False Statements	*		*		
Poss. Cocaine	*			*	
Positive test Cocaine		*		*	
Excessive Force	*		*		
Domestic Battery (2); Criminal Mischief		*		*	
Prostitution; False Statemetns		*			*
Battery (2)	*		*		
Agg. Assault LEO	*		*		
Criminal Mischief; Trespass		*	*		
False Statements		*			*
Fraud	*		*		
Fraud	*		*		
Fraud	*		*		
False Statements	*		*		
Smuggle Contra. Out of Facility	*				*
Larceny of Food From Corr. Facility; Flase Statements; Domestic Violence; Resisting w/ violence	*			*	
Resisting w/o violence; flee/elude policy, battery LEO	*			*	
Sex on Duty	*		*		
Domesitc Battery		*		*	
Positive Cocaine		*			*
False Statemetns	*		*		
Sex on Duty	*		*		
Falsify Official Documents	*		*		
Unemploy. Compensation Fraud; False Statements		*	*		
Computer Offense; Grand Theft	*		*		
Criminal Mischief; Improperly Exhib. Of Firearm		*		*	
Domestic Battery		*	*		
False Statements Employment Applications	*		*		
False Statements	*		*		

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Battery; Sexual Harassment (2)	*			*	
Obscene Phone calls (4)		*	*		
Excessive Force (2)	*				*
Battery; False Statements	*		*		
Solicitation for Prostitution	*		*		
Lewd/Lascivious Assault on Minor Child		*	*		
False Statements; Misuse of Official Position	*		*		
Uttering; DUI; Battery; Trespassing; Criminal Mischief		*		*	
Battery		*		*	
Total	0	0	0	0	0
%	50.76	49.23	??	??	??

July 1997 - Contraband/ Security Related Corrections Cases

Allegation	Corrections	
	State	Local
Introduction of Contraband/Improper Display of Weapon	1	
Unprof. Relationship with Inmate/Contraband/Battery	1	
Unprof. Relationship with Inmate (2 counts)	1	
Unlawful compensation, Conspiracy, Introduction of Contraband, Perjury	1	
Smuggling Contraband, False Statement	1	
Intro. of Contraband (2), Unprof. Relationship	1	
False Statements, Intro. Contraband, Improper Relation.		1
Poss. Marijuana, Attempt intro. contraband	1	
Poss/Intro. contraband	1	
Unlawful Compensation, Intro. contraband	1	
Sex on Duty, Unprofessional Rel. w/ Inmate	1	
Unprofessional Relation. With Inmate	1	
Intro. Contraband	1	
Intro. Contraband; False Statements		1
Unprof. Relationship w/ inmate; authorized compensation	1	
Poss. Marijuana; Attempt to Intro. contraband	1	
Unprof. Relationship w/ inmate; intro. Contraband	1	
Contraband (2); Unprof. relation. w/ inmate		1
Smuggle Contra. Out of Facility		1
Larceny of Food From Corr. Facility; False Statements; Domestic Violence; Resisting w/ violence	1	
Total	16	4
%	80	20

July, 1997 - Drug/Alcohol Related Cases

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
DUI		1		1	
Cocaine		1		1	
Marijuana		1			1
DUI		1			1
Cocaine		1			1
Poss. Marijuana, Positive Test		1			1
Poss. Marijuana, Attempt intro. contraband	1			1	
Poss. Marijuana; Fraudulent Urine Drug Test	1				1
DUI		1		1	
DUI		1	1		
Positive Marijuana		1		1	
DUI, Poss. Marijuana		1		1	
Positive Test Marijuana		1			1
Domestic Battery; Conspiracy to sell Narcotics; Perjury		1		1	
DUI		1		1	
Purchase Marijuana, Possession Marijuana		1		1	
Positive Test - Cocaine		1			1
Possession Marijuana		1		1	
DUI		1	1		
Traffick Cocaine; Poss. Marijuana; Intro. Contraband	1			1	
Conspiracy Possess/Distribute Marijuana		1	1		
Grand Theft; Poss. Cocaine; Tampering w/ evidence	1		1		
Poss. Cocaine		1		1	
Poss. Marijuana; Attempt to Intro. contraband	1			1	
DUI with Serious Bodily Injury (2)		1		1	
Poss. Cocaine(3), Sale of Cocaine (1)		1		1	
Consp. To distribute controlled substance; Aiding/Abetting; Shipping Stolen Firearms		1	1		
Bribery; Solicitation to Traffick Cocaine		1	1		
Poss. Cocaine	1			1	

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Positive test Cocaine		1		1	
Positive Cocaine		1			1
Uttering; DUI; Battery; Trespassing; Criminal Mischief		1		1	
Total	6	26	6	18	8
%	18.75	81.25	19	56.3	25

July 1997 - Corrections Related Misconduct

Allegation	On-Duty	Off-Duty	Corrections	
			State	Local
DUI		1	1	
Cocaine		1	1	
Marijuana		1		1
Commission Imposed Probation Violation (misuse of official position)	1			1
Domestic Battery		1		1
False Statement - Application	1		1	
Battery LEO	1		1	
Child Abuse	1		1	
DUI		1		1
Cocaine		1		1
Introduction of Contraband/Improper Display of Weapon	1		1	
Leaving the Scene of an Accident with Injuries		1	1	
Agg. Assault/Burglary/Battery		1		1
Unprof. Relationship with Inmate/Contraband/Battery	1		1	
Agg. Assault/Reckless Display of Firearm		1		1
Lewd/Lascivious/Indecent Assault on Child		1	1	
No US Citizenship		1	1	
Unprof. Relationship with Inmate (2 counts)	1		1	
Unlawful compensation, Conspiracy, Introduction of Contraband, Perjury	1		1	
Smuggling Contraband, False Statement	1		1	
Intro. of Contraband (2), Unprof. Relationship	1		1	
Grand Theft, Fraudulent Insurance Claims, False Statements		1		1
Poss. Marijuana, Positive Test		1		1
Bribery		1		1
False Statements, Intro. Contraband, Improper Relation.	1			1
Poss. Marijuana, Attempt intro. contraband	1		1	
Lewd Lascivious Act on A child		1	1	
Poss/Intro. contraband	1		1	
Improper Exhibition of Weapon, False Statements		1		1

Allegation	On-Duty	Off-Duty	Corrections	
			State	Local
Solicitation of Prostitution		1		1
Unlawful Compensation, Intro. contraband	1		1	
Sex on Duty, Unprofessional Rela. w/ Inmate	1		1	
Unprofessional Relation. With Inmate	1		1	
Petit Theft	1		1	
Unauthorized Compensation; False Statements	1		1	
Battery (3)	1		1	
Battery; Lewdness		1	1	
Intro. Contraband	1		1	
Battery	1		1	
Poss. Marijuana; Fraudulent Urine Drug Test	1			1
Intro. Contraband; False Statements	1			1
DUI		1	1	
Unprof. Relationship w/ inmate; authorized compensation	1		1	
Positive Marijuana		1	1	
Aggravated Child Abuse; Witness Retaliation	1			1
DUI, Poss. Marijuana		1	1	
Excessive Force	1			1
Positive Test Marijuana		1		1
Domestic Battery; Conspiracy to sell Narcotics; Perjury		1	1	
DUI		1	1	
Purchase Marijuana, Possession Marijuana		1	1	
Positive Test - Cocaine		1		1
Possession Marijuana		1	1	
Grand Theft		1		1
Traffick Cocaine; Poss. Marijuana; Intro. Contraband	1		1	
Grant Theft	1			1
Poss. Cocaine		1	1	
Poss. Marijuana; Attempt to Intro. contraband	1		1	
Agg. Battery		1	1	
DUI with Serious Bodily Injury (2)		1	1	

Allegation	On-Duty	Off-Duty	Corrections	
			State	Local
Poss. Cocaine(3), Sale of Cocaine (1)		1	1	
Obstruction of Justice	1			1
False Statements; Perjury; False Report		1	1	
Unprof. Relationship w/ inmate; intro. Contraband	1		1	
Subvert exam. Process	1		1	
Grant Theft; Assault (3)		1	1	
Contraband (2); Unprof. relation. w/ inmate	1			1
Petit Theft (2)	1			1
Poss. Cocaine	1		1	
Positive test Cocaine		1	1	
Domestic Battery (2); Criminal Mischief		1	1	
Prostitution; False Statemetns		1		1
False Statements		1		1
Smuggle Contra. Out of Facility	1			1
Larceny of Food From Corr. Facility; Flase Statements; Domestic Violence; Resisting w/ violence	1		1	
Resisting w/o violence; flee/elude policy, battery LEO	1		1	
Domesitc Bettery		1	1	
Positive Cocaine		1		1
Criminal Mischief; Improperly Exhib. Of Firearm		1	1	
Battery; Sexual Harassment (2)	1		1	
Excessive Force (2)	1			1
Uttering; DUI; Battery; Trespassing; Criminal Mischief		1	1	
Battery		1	1	
Total	40	43	54	29
%	48.19	49.23	65.06	34.94

July, 1997 - On and Off Duty Sex Related Cases

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Domestic Battery		1			1
Child Abuse	1			1	
DUI		1			1
Prostitution		1	1		
Prostitution/Lewd/Lascivious Act on Child		1	1		
Unprof. Relationship with Inmate/Contraband/Battery	1			1	
Lewd/Lascivious/Indecent Assault on Child		1		1	
Unprof. Relationship with Inmate (2 counts)	1			1	
Intro. of Contraband (2), Unprof. Relationship	1			1	
Burglary, Battery (2) Criminal Mischief, Stalking		1	1		
Lewd, Lascivious, Indecent Act (3), Display of Obscenity		1	1		
Sexual Battery - Child (3)		1	1		
False Statements, Intro. Contraband, Improper Relation.	1				1
Lewd Lascivious Act on A child		1		1	
Child Abuse; Resisting with Violence		1	1		
Solicitation of Prostitution		1			1
Sex on Duty, Unprofessional Rela. w/ Inmate	1			1	
Unprofessional Relation. With Inmate	1			1	
Battery; Lewdness		1		1	
Unprof. Relationship w/ inmate; authorized compensation	1			1	
Aggravated Child Abuse; Witness Retaliation	1				1
Domestic Battery; Conspiracy to sell Narcotics; Perjury		1		1	
Unprof. Relationship w/ inmate; intro. Contraband	1			1	
Contraband (2); Unprof. relation. w/ inmate	1				1
Sex on Duty; False Statements	1		1		
Domestic Battery (2); Criminal Mischief		1		1	
Prostitution; False Statemetns		1			1
Larceny of Food From Corr. Facility; Flase Statements; Domestic Violence; Resisting w/ violence	1			1	
Sex on Duty	1		1		

Allegation	On-Duty	Off-Duty	LE	Corrections	
				State	Local
Domesitc BATTERY		1		1	
Sex on Duty	1		1		
Domestic Battery		1	1		
Battery; Sexual Harassment (2)	1			1	
Solicitation for Prostitution	1		1		
Lews/Lascivious Assault on Minor Child		1	1		
Total	17	18	12	16	7
%	48.57	51.42	34.3	45.7	20

Ethical Conduct for Police Officers

*State Chiefs have
adopted - the -
included in training*

Purpose

This policy defines conduct unbecoming a police officer. This policy supplements the ethical standards contained in the International Association of Chiefs of Police's Law Enforcement Code of Ethics, a copy of which has been included following this policy.

Policy

Law enforcement effectiveness depends upon community respect and confidence. Conduct that detracts from this respect and confidence is detrimental to the public interest and should be prohibited. The policy of this Department is to investigate circumstances suggesting an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

Scope

This policy applies to all officers of this agency engaged in official duties, whether within or outside the territorial jurisdiction of this agency. Unless otherwise noted, this policy also applies to off duty conduct as well. Conduct not mentioned under a specific rule, but which violates a general principle is prohibited. This policy is organized into eight principles governing conduct unbecoming an officer. Each principle is followed by the rationale explaining the principle and a set of rules.

PRINCIPLE ONE

Police officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Florida Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Rationale

Police officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Police officers may only act in accordance with the powers granted to them.

Rules

- 1.1 Police officers shall not knowingly exceed their authority in the enforcement of the law.
- 1.2 Police officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence.
- 1.3 Police officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Florida.
- 1.4 Police officer, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state of local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority.

*Mc Campbell
drafting me
for corrections*

PRINCIPLE TWO

Police officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

Rationale

Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The police officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

Rules

- 2.1** Police officers shall carry out their duties with integrity, fairness and impartiality.
- 2.2** Police officers shall not knowingly make false accusations of any criminal ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- 2.3** Police officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- 2.4** Police officers shall take no action knowing it will violate the constitutional rights of any person.
- 2.5** Police officers must obey lawful orders, but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

- 2.6** Police officers learning of conduct or observing conduct that is in violation of any law or policy of this Department shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the Chief of Police. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's supervisor.

PRINCIPLE THREE

Police officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

Rationale

Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Police officers must refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.

Rules

- 3.1** Police officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- 3.2** Police officers shall not express, whether by act, omission or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.
- 3.3** Police officers shall not allow their law enforcement decisions to be influenced by race, color, creed,

religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.

PRINCIPLE FOUR

Police officers shall not, whether on or off duty, exhibit any conduct that discredits them or their Department or otherwise impairs their ability or that of other officers or the Department to provide law enforcement services to the community.

Rationale

A police officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Police officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

Rules

- 4.1** Police officers shall not consume alcoholic beverages or chemical substances, while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in Rule 4.3 below.
- 4.2** Police officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A police officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- 4.3** Police officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- 4.4** Police officers, while on duty, shall not commit any act that, as defined under Florida law, constitutes sexual harassment, including but not limited to, making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- 4.5** Police officers, while off duty, shall not engage in any conduct that the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
- 4.6** Police officers shall not commit any acts that, as defined under Florida law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- 4.7** Police officers shall not commit any acts that, as defined under Florida law, constitute (1) domestic violence and/or stalking, or (2) the violation of a court order restraining the officer from committing an act of domestic violence, having contact with the petitioner, or excluding the police officer from the petitioner's home or workplace.
- 4.8** Police officers shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, showering or receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the Department.
- 4.9** Police officers shall avoid regular personal associations with persons who are known to engage in

criminal activity where such associations will undermine the public trust and confidence in the officer or Department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.

PRINCIPLE FIVE

Police officers shall treat all members of the public courteously and with respect.

R a t i o n a l e

Police officers are the most visible form of local government. Therefore, police officers must make a positive impression when interacting with the public and each other.

Rules

- 5.1 Police officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors and subordinates.
- 5.2 No police officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- 5.3 Police officers shall promptly advise any inquiring citizen of the Department's complaint procedure, and shall follow the established departmental policy for processing complaints.

PRINCIPLE SIX

Police officers shall not compromise their integrity, nor that of their Department or profession, by accepting, giving or soliciting any gratuity that could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a police officer for personal, commercial, or political gain.

Rationale

For a community to have faith in its police officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the Department.

Rules

- 6.1 Police officers shall not use their official position, identification cards or badges: (1) for personal or financial gain, for themselves or another person; (2) for obtaining privileges not otherwise available to them except in the performance of duty; and (3) for avoiding consequences of unlawful or prohibited actions.
- 6.2 Police officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the Chief of Police.
- 6.3 Police officers shall refuse favors or gratuities that could be reasonably interpreted as capable of influencing official acts or judgments.
- 6.4 Unless required for the performance of official duties, police officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually-oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of regular assigned duties.
- 6.5 Police officers shall:

- (a) not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this Department in connection with advertisements for any product, commodity or commercial enterprise;
- (b) maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
- (c) not make endorsements of political candidates, while on duty, or while wearing the Department's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity. None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens, or the rights of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

PRINCIPLE SEVEN

Police officers shall not compromise their integrity, nor that of their Department or profession, by taking or attempting to influence actions when a conflict of interest exists.

Rationale

For the public to maintain its faith in the integrity and impartiality of police officers and their Departments, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

Rules

- 7.1 Police officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other police officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- 7.2 Police officers shall, unless required by law or policy, refrain from acting or influencing official actions of other police officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- 7.3 Police officers shall not use the authority of their position as police officers, or information available to them due to their status as police officers, for any purpose of personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- 7.4 Police officers shall not engage in any off duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

PRINCIPLE EIGHT

Police officers shall observe the confidentiality of information available to them due to their status as police officers.

Rationale

Police officers are entrusted with vast amounts of private and personal information, or access thereto. Police

officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information, and to maintain public faith in the officer's and Department's commitment to preserving such confidences.

Rules

- 8.1 Police officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- 8.2 Police officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- 8.3 Police officers shall not divulge the identity of persons giving confidential information except as required by law or Department policy.

Law Enforcement Code of Ethics

AS A LA W ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

**BROWARD SHERIFF'S OFFICE
DEPARTMENT OF CORRECTIONS AND REHABILITATION
STANDARD OPERATING PROCEDURES**

06/10/97

1.3.18

1.3.18 - EMPLOYEE SEXUAL MISCONDUCT (NEW)

The following new SOP will become effective immediately.

POLICY:

The Department of Corrections and Rehabilitation will not permit sexual misconduct by employees, contractors, volunteers or visitor, of any form, This misconduct includes **sexual** harassment, in the workplace. Supervisory and management employees shall continually monitor and investigate any alleged instances of sexual misconduct.

AUTHORITY: F.F.S. 944.35, BSO PIP Chapters 2 & 9

PROCEDURE:

- A. On-duty employees will not solicit/engage in sexual activity of any kind, with any person (staff, inmate, visitor, contractor, etc.).
- B. Employees will not Solicit/engage in sexual activity with inmates in custody persons or initiate sexual activity with subjects of a criminal investigation.
- C. Sexual misconduct is not limited to physical contact and will include:
 - 1. Inappropriate statements of a sexual nature,
 - 2. Sexual activities in exchange for favors,
 - 3. Sexual activities in exchange for any items of value (money, jewelry, etc.),
 - 4. Sexual activities in exchange for any change in the condition of an inmate's confinement or privileges, any condition of an employee's employment, and/or
 - 5. Any condition of the work environment of a contractor or volunteer, and/or visitor.
- D. Complaints of suspected sexual misconduct will be reported and fully investigated.
- E. Employees found guilty of sexual misconduct will be disciplined in accordance with Policy and Procedure Manual Chapter 9 - Discipline and/or Florida State Statutes 944.35 which may result in termination and/or loss of certification.
- F. The consent of the involved individual(s) to any act of sexual misconduct shall not be raised **as** a defense to discipline/prosecution.
- G. Anyone who knowingly files a false complaint will be subject to discipline/prosecution.

AUDITS: Audits shall be conducted in accordance with the Internal Audit Schedule.

A Review of Certified Corrections Deputy Terminations

February 1997

Marie Hall, Administrative Manager
Broward Sheriffs Office
Department of Corrections and Rehabilitation

INTRODUCTION

Human Resources practices within an organization have direct implications for the future of that organization. The long term consequences of recruitment, selection, training and supervision of line staff represent an organization's investment in its future. Agencies generally recruit the supervisors and managers of tomorrow from today's rank and file line staff. Therefore, retention, training and development of qualified staff are some paramount goals of the successful organization of tomorrow.¹

Historically, recruitment in correctional agencies has involved establishing minimal requirements and accepting anyone who could meet them.² Since early 1993, the Broward Sheriffs Office Department of Corrections and Rehabilitation recruitment efforts have been directed at identifying individuals of diverse backgrounds with personal characteristics who would be most likely to successfully complete the requirements to become certified Corrections Deputies. Changes were made in the assessment process to facilitate additional choices in the selection process, and identify and hire motivated and qualified individuals with the most potential.

Nationally, high staff turnover rates have affected corrections as correctional employees leave employment for a variety of reasons. However, the long-term selective retention of good staff is essential for building an effective organization.³ To gather data to assist in planning a decision was made to track and review certified staff terminations to determine if we might discover any predictive issues. The pressure of staff vacancies was reduced in mid 1996 when all funded vacancies were filled, but staff turnover remains an issue.

During the nineteen-month period commencing January 1, 1995 through July 30, 1996, there were a total of 96 separations from BSO/DCR employment. These included 8 resignations because of relocation from the area, 36 resignations for other employment, 12 resignations for personal reasons, 1 resignation with charges pending, 1 resignation and 1 termination due to serious disability/illness, 2 terminations prior to certification, 4 deaths, 14 retirements and 2 resignations for unknown reasons. This study represents an analysis of the 15 certified Deputy terminations which occurred during the study period. This study group does not include the 2 cases of termination prior to certification, 1 termination for permanent total disability, resignations with or without charges pending, individuals who were retained with a "last-chance agreement," or individuals who were separated from BSO service by any means other than termination, such as retirement.

OVERVIEW

Initially we thought a review of the pre-employment psychological screening would provide an indication of potential job success or failure. We decided to review these documents to elucidate the helpfulness of this screening. We thought that by refining the pre-employment psychological screening, we might be able to more accurately identify individuals who would be able to successfully retain employment.

In addition, at the time of gathering the information for this study it there was a suggestion of a perceived relationship between the employee behavior resulting in termination and the overtime worked preceding the event. We decided to include this parameter in the review.

Variables including the age at hire, age at termination, sex, ethnic background marital status, education, previous discipline and other indications were reviewed to develop a “profile” of the terminated individual. This profile may allow us to develop some early indicators of job failure and structure interventions toward retaining these employees in the future.

METHODOLOGY

Corrections Deputy terminations for the 19-month period from January 1, 1995 through July 30, 1996 were analyzed to determine a profile of the “average” terminated deputy. Variables of age at hire, age at termination, sex, race, marital status, education, previous disciplinary records, and pre-employment background and psychological profiles were reviewed.

Detailed pre-employment psychological reports and profiles were not available for review in any case. Summaries of pre-employment psychological evaluations were not available in some cases as the Broward County system of archiving and retention of records provides for the destruction of records. Thus, it is presumed many psychological profile summaries were destroyed or otherwise unavailable.

We reviewed performance evaluations when available. We should note that the completion of traditional performance evaluations was ceased in 1992 and a committee has been formed to replace the evaluation system with more meaningful and relevant measurements of actual performance. During the term of this study, the only performance evaluations reviewed are those completed before 1992. Some of these evaluations were for the study participants probationary period.

Disciplinary history for the terminated employees was reviewed to detect a pattern or trend. Finally, a total review of the available file was conducted to determine if there were other indicators of potential performance failure.

DEMOGRAPHIC DATA

Table 1 Corrections Deputies Terminated January 1995 - July 1996

#	S e x	R a c e	E d u	Marital Status	Age @ Hire	Age @ Term.	Length of Service	Reason for Termination	O/T
1	M	A+	12 +	M D	24	33	9 yrs	Sexual Battery	34
2	M	H	14	M	38	41	3 yrs	Unlawful Compensation	0
3	M	A+	15	S M	23	38	15 yrs	Battery/Domestic Violence	0
4	M	W	12	S	21	25	4 yrs	DUI	2
5	F	A+	16	S	27	31	4 yrs	Contraband in Facility Solicit sexual activity	0
6	M	H	G*	M	35	43	8 yrs	Conduct Unbecoming/ Truthfulness	200
7	M	A+	12	S	22	26	4 yrs	Sexual Battery	32
8	M	A+	12	S	22	29	7 yrs	Stalking, Battery False Imprisonment	0
9	M	W	12	S M	24	34	10 yrs	Performance impairing substance, Insubordination	40
10	M	W	G*	M	43	48	5 yrs	Indecent assault/prisoner of opposite sex	40
11	M	A+	12	M	25	37	11 yrs	Battery	0
12	M	W	12	S	21	24	3 yrs	Battery	0
13	M	A+	12	S	21	25	4 yrs	Domestic Battery	224
14	M	A+	12	Sep	24	28	4 yrs	Domestic Battery	0
15	M	W	12	D	23	32	9 yrs	Battery Pregnant Female	67

N=15

* GED

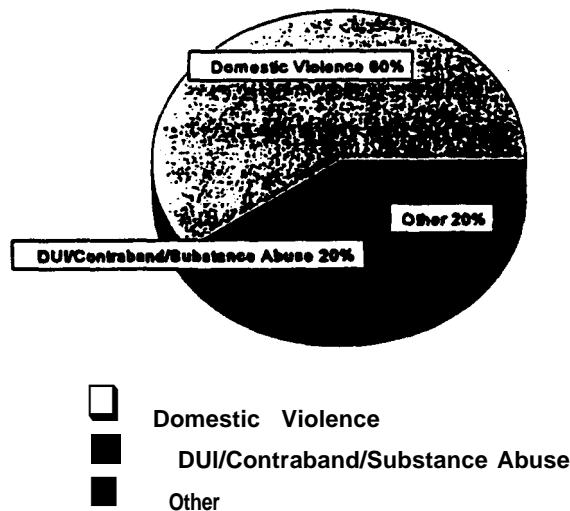
+ African American

A review of the data presented in Table 1 shows that of the 15 individuals terminated (N=15), the age range at the time of hire was 20-43 yrs with an average age of 26 years. The age at termination ranged from 24 to 48 with an average of 32.9 years of age. Of the 15 individuals terminated, 14 (93%) were male, eight (53%) were African American, five (33%) were Caucasian and two (13%) were Hispanic.

The years of service ranged from three years to 15 years with an average of 6.8 years. In no case was the length of service less than three years. Years of education range from GED to 16 years with an average educational background of slightly more than 12 years or 12.6 years. While statistically the average is more than 12 years, closer review of the distribution of education shows that only four of the 15 individuals (27%) had more than 12 years of education.

Slightly more than 50% of the subjects worked overtime within the 90 days preceding the event leading to termination. The range of overtime worked was from zero hours to 224 hours, an average of 42 hours per person. A closer review of the distribution of overtime hours shows that the vast majority of the overtime hours (200, 224) was for only two individuals. If we remove these overtime hours and cases, the average overtime in the 90 days preceding the termination falls to 16.5 hours or 2.75 hours per pay period. Almost 50% of the terminated individuals worked no overtime in the 90 days preceding the "terminal event."

Reasons for Termination



Sixty percent (60%) of the terminations involve offenses of Battery, Domestic Battery or Sexual Battery, all violent offenses involving violations of the law and committed outside the workplace. If we consider DUI, Introduction of Contraband into a Correctional Facility, and substance abuse as violations of Florida Law, fully 80% of the terminations involve activity which violates the law.

Profile

From this information we can determine that statistically the "average" corrections deputy terminated is most likely to be a 33-year-old, African American male with a high school education, who has worked for BSO for 6.8 years who has worked less than two days of overtime in the 90 days preceding the "terminal event." The probability is that the termination will involve an unlawful event outside the workplace and will most likely involve domestic violence.

PREVIOUS DISCIPLINE

A review of records of previous discipline involving the terminated individuals revealed that numbers of disciplinary incidents ranged from zero to 13, (Table 2.) This data includes only those disciplinary events sustained according to the process in place at the time. In each event, only the most serious charge was included in the study so that the chart shows events rather than numbers of charges lodged and sustained. Consequently, there were more actual disciplinary charges lodged and sustained against the individual than the data reports.

Disciplinary events are categorized as Level I if they involved the following performance related issues:

- Unsatisfactory Performance
- Meeting office Standards
- Job Dependability
- Absenteeism
- Promptness

Disciplinary events are categorized as Level II when they involved the following more serious issues:

- Treatment of Persons in Custody
- Insubordination
- Excessive Force
- Conduct Unbecoming
- Obedience to Rules and Regulations
- Distraction from Duty
- Escape from Custody
- Outside Employment

Table 2. History of Discipline

Case #	Level I Disciplinary Events	Level II Disciplinary Events	Total Disciplinary Events
1	1	2	3
2	0	0	0
3	0	3	3
4	0	1	1
5	0	0	0
6	0	0	0
7	0	0	0
8	5	7	12
9	7	6	13
10	0	1	1
11	1	0	1
12	2	1	3
13	0	3	3
14	0	1	1
15	1	4	5
Totals	17/37%	29/63%	46

A total of 63% of the sustained charges were the more serious Level II, while 37% were considered Level I.

Four individuals had no history of discipline; two individuals accounted for more than half the total disciplinary events. Five individuals, or 33% of the total, had only Level II events and no Level I events. Only one individual had no Level II events and only one Level I event. This pattern seems to suggest that the less serious Level I disciplinary events have no predictive value but a Level II disciplinary event, while not definitive, may be an indicator of future problems.

PRE-EMPLOYMENT PSYCHOLOGICAL EVALUATION

Pre-employment psychological examination reports detailing specific psychometric measures employed were not available for review in any case. Summary reports detailing the conclusions of the psychological examiner were not available for review in seven of the 15 cases, since we had sent them to the Broward County Archives for storage and appear to have been destroyed.

Of the eight summary reports available (53% of the study participants), several issues deserve comment. Four different psychologists conducted the eight evaluations and only one reported the psychometric tests administered to the applicant. Of the eight evaluations, one practitioner performed five, who only summary reported “suitable” and did not report any objective criteria that they might have met. One summary stated “The results of this evaluation meet the psychological criteria for the position in question” but did not suggest what that criteria might be. Another evaluation summary contained only “Based upon his performance, it is predicted that he does have the personality characteristics necessary for success on the job and therefore it is recommended that he be hired for the position” but did not say what those characteristics might be. Another summary statement commented “Positive; No evidence of psychological impediment to acceptable work as a deputy sheriff” and said that the psychometric testing included an interview and the administration of the Minnesota Multiphasic Personality Inventory (MMPI), Inwald Personality Inventory and the Wonderlic Personnel Test.

Because of the apparent lack of standardization of defined criteria, testing instruments and evaluators, estimating the predictive value of the pre-employment psychological evaluation is not possible with the available material. Each of the terminated individuals for whom reports was available was considered acceptable at the time of hire according to the standards used by the evaluator.

These results identify that BSO establish defined psychological criteria for hire including specific interview questions. All evaluators who administer pre-employment psychological testing would use these criteria. This might also include specifying the type of psychometric testing in these evaluations. While the establishment of criteria and specific questions for psychological evaluation is a possibility, we must remember that psychology is not an exact science and there are a variety

of tests available. Various practitioners are more comfortable with some tests than others, many psychometric tests measure the same personality and there is no one standardized test that experts in the field universally recommend. For these reasons, defined psychological criterion for employment are an elusive and unrealistic goal.

OTHER INDICATORS

The files used to collect data for this study also included information obtained during the pre-employment background investigation, an initial interview and/or performance appraisal completed as a part of the initial probationary period. While "hindsight is 20-20," it was striking to notice that in 13 of the 15 cases the personnel contained indicators that a problem might exist. One must wonder what appropriate intervention might have produced. Categorizing and commenting upon these indicators seems useful

Performance Appraisal Indicators

Performance appraisals in 13 records were reviewed and 30 indicators were identified. They included comments listed below.

1. "Problems in communication skills, anger control and stress management"
2. "Sensitivity sometimes impedes the flow of constructive criticism."
3. "Frequently late for shift," "Poor attendance," "Sick leave problem."
4. "Cursing at juveniles, bad attitude, broke up with girlfriend."
5. "Slovenly appearance, totally unconcerned with self and others."
6. "Poor work attitude, short-fuse."
7. "Needs more experience handling inmates."
8. "Little ambition, needs to mature."
9. "Impatient."

While these are actual comments noted by supervisors in performance appraisals, they clearly did not recognize these observations as possible indicators of future performance failure, and there was no indication of monitoring and/or follow up of the identified issues. This seems to suggest that the skill for identification of possible problem indicators exist, but it is not clear that the observers understand the implications of the indicators or the interventions necessary/available to intervene in a timely manner.

Other Indicators

In three cases, the file contained official letters requesting salary information regarding Child Support Enforcement issues, that in retrospect were probably indicative of personal relationship problems. All three of these individuals were eventually terminated because they committed domestic battery.

Pre-employment background investigation files were available for review in six of the cases studied and background information was available in the general file in another two cases. Only one of the six background files was completely negative for possible indicators. In one case, the result of the pre-employment oral interview was recorded as “Marginal-very poor communication skills, poor presentation.” “One word answers to questions, poor eye contact.” In another case, an applicant gave a history of seeing a marriage counselor and the results were recorded as “m&age saved.” In another case, the applicant’s drivers license had been suspended indefinitely just two months before being hired

Perhaps the most interesting issues involved the polygraph reports for three of the applicants. In one, the polygrapher says “Was been around drugs in the past six months” and in the other “Demonstrates reaction to (4a) Use of Illegal Drugs and (15a) Theft of Money from Jobs. Deferred to Personnel.” Another applicant was hired though the polygrapher reported the applicant was “marginal” and suggested that the individual be re-polygraphed six months after hire. Another applicant’s background check included derogatory information that was not verifiable and the oral interview report suggested a “concern for maturity”, but the applicant was hired. There is no indication in the files that these issues were followed up or that there was review by a supervisor.

In another case, two attempts by the employee to transfer to the Department of Crime Prevention were denied. Once because of a negative psychological profile and once because of a very poor oral interview in which the corrections deputy did not know the name of the current president of the United States. There is no indication that the negative psychological profile was reviewed further in the context of the employee’s current assignment.

In two cases previously terminated corrections deputies were returned to work. One of these cases was an arbitrator’s decision that the charge of child abuse was the result of the deputy’s own victimized childhood and an isolated event, and the reasons for the rehire decision in the other case is unclear. The “victimized” deputy was eventually terminated for battery on a pregnant female. In another case, the eventually terminated deputy had received two “last chance agreements” before the terminal event.

DISCUSSION

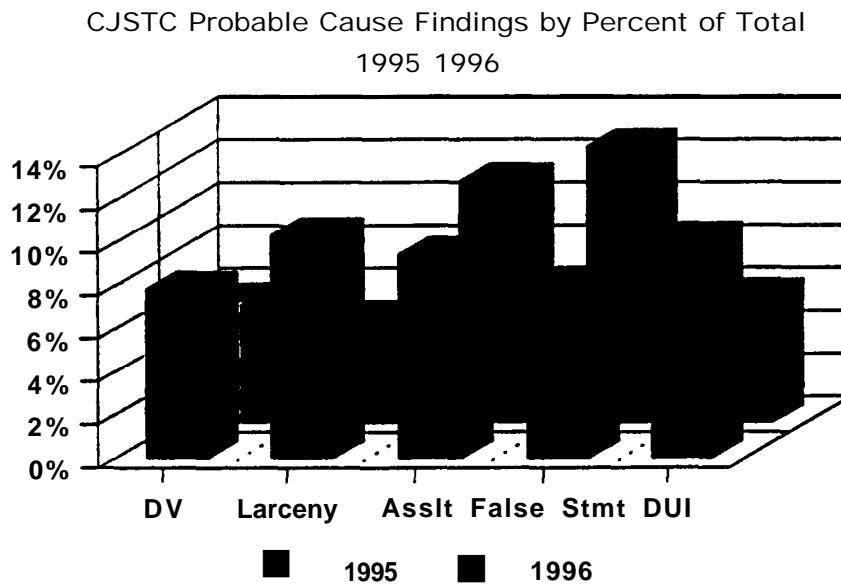
Clearly given the average length of service which has been at least three years in every case studied, and averages 6.8 years, a great investment of time and resources have been made in the terminated individuals. The eventual toll, in both financial and human cost, is enormous. It would serve the Department well and as an Agency to explore means of reducing this cost by early identification of “at risk” individuals and behaviors.

It does seem that it is possible to refine the assessment process to be more certain that we hire individuals with a greater probability of success. Some actions have been implemented in the past three years to coordinate the assessment process and cause a final administrative review of the information generated in the pre-employment phase. This prevents any negative information from

“falling through the cracks” if that is what occurred in the cases mentioned. In addition, a policy level decision has been made to operate with vacancies rather than hire marginal individuals.

Once a review of the records suggests that some documentation of problem issues is available, but in an isolated manner, overriding the possibility of an “early warning system.” Each individual who documents an issue seems unaware of the total picture presented in the record and therefore no analysis of these issues can take place. They cannot detect the potential magnitude of the problem. If an employee’s problem cannot be identified, no solution is possible.

Husband-wife violence occurs in at least one quarter of American families? One out of every eight couples admitted that at some point in the marriage there had been an act of violence that could cause serious injury.⁶ Consistent with these findings, a significant number (60%) of individuals were terminated for charges involving domestic violence, reflecting a trend that the Florida Criminal Justice Standards and Training Commission (CJSTC) has noted state wide.



Until the studies of domestic violence became widely reported, domestic violence was seen as a “private” matter. Law enforcement became involved only when there were complaints or serious injuries. The customary law enforcement procedure in these cases was to separate the partners until the situation “cooled off.” Nationwide, this was considered the appropriate response and consequently, until public advocacy resulted in the change in laws, law enforcement agencies made few domestic violence arrests. With the criminalization of domestic violence in Florida in 1994, the previous “street corner adjustment”^{*} is no longer possible for responding law enforcement officers, and accounts for the increased number of arrests made in these cases. Therefore, background arrest record checks before 1994 will not generally reveal a history of domestic battery.

While it is beyond the scope of this Study to provide a detailed and definitive discussion of domestic violence, we do know that this is largely a learned behavior, and if it is learned, it can be unlearned. We know from the literature that most individuals who become batterers were themselves victimized as children.⁷ It follows that many are unaware of the behavior as unacceptable and, since 1994 illegal in the State of Florida. There are clearly some implications for intervention in this issue that we will discuss further in the recommendations that follow.

Pre-employment

Much of the literature concerning domestic violence indicates that most of the victims will not cooperate with the police or initiate a complaint for fear of physical or economic retaliation from the abuser. Statistics show that this retaliation is extremely likely. It is reported that only 10% of victims ever involve the police.⁸ Before 1994 in Florida, most domestic violence cases required the cooperation of the victim for successful prosecution. Due to the likelihood of retaliation most victims eventually withdrew the complaint or refused to testify. Therefore until recently, standard pre-employment arrest record checks are most likely to be negative or reveal domestic violence arrests which have resulted in dismissal or no further legal action. Thus, domestic violence related charges before the change in law are likely to be difficult to pursue in a standard background investigation. Since we can develop no absolute contraindication to employment it is reasonable to believe that we have hired individuals under these circumstances.

The literature reveals that many individuals who engage in domestic violence are not aware that there is anything unusual or “wrong” with this behavior. Consequently, pre-employment questioning regarding this issue will produce false negative responses unless the questions are carefully structured. While at the BSO pre-screening interview and polygraph phases there are specific questions regarding criminal activity, many batterers do not consider their activity unlawful and, therefore, most likely do not produce a positive response to this questioning *directed at criminal activity*. The questions must be directed at *battering behavior*.

Post-employment

Obviously, since domestic violence behavior is the most frequent cause of termination of current employees, it follows that there are individuals employed who are unreported domestic batterers. There is no certain method of identifying individuals on a casual basis who engage in domestic violence. Studies of batterers show that their friends and neighbors frequently use terms such as “a nice guy” and “basically a good fella” to describe these individuals.’

As reported by Dutton, “Criminologists have known for years that arrests are just the tip of the iceberg for most crime. For every assault reported, there are several more committed. . . . in our interviews with the partners of men in our study, we found that for each arrest, there been 30 attacks.” It would be unconscionable to simply wait for each employed batterer to commit 30 batteries and wait for them to be arrested and then fired. Nevertheless, what can be done? Successful treatment is available. In 1986, Dutton conducted a follow up study in which the partners of

previously treated individuals were contacted. Eighty-four percent reported no violence after treatment. Then, he also compared a group of individuals who had completed treatment with a matched control group of individuals who had not received treatment and found that 96% of the untreated individuals refrained from violence *so long as their probation was in effect*. At the end of the probationary period, the recidivism rate jumped to 40% for the untreated group. During the same period, the treated group maintained a 4% recidivism rate.

Other studies confirm that individuals who receive treatment have a substantially reduced risk and frequency of reoffending. Police records were reviewed by Rosenfield and recidivism rates of 8% were documented for treated individuals and 24% for untreated controls.¹⁰ A ten year long study by Dutton was not so optimistic and demonstrated only a 3% difference in recidivism rates between treated and non or incompletely treated individuals. However, he also noted those recidivating non-treated individuals were arrested twice as often as treated individuals, which shows a reduction in frequency of violence if not total abstention from violence.¹¹

It seems clear that the approach to employed individuals engaging in domestic violence must be early identification and referral for treatment prior to the current termination for unlawful activity. We must address the dilemma of a currently employed Deputy who is a batterer admitting to the commission of a felony and the end of employment that will follow.

RECOMMENDATIONS

1. Post Level II discipline interview and counseling

The process of discipline that currently exists involves the documentation of the charge(s) by a supervising employee and the review of the case by the Professional Standards Committee with recommendations for discipline to the Sheriff. Unless an obvious EAP issue such as mental illness surf&ts, the discipline is carried out and never discussed again unless there is subsequent discipline. The records reviewed show that in many of the cases studied, individuals eventually terminated have received prior Level II discipline. While Professional Compliance or Human Resources should review this issue more extensively, it does seem as if Level II discipline could be considered a risk factor for further difficulties. If a DCR supervisor or manager interviewed employees who receive Level II discipline in the 30-60 days following the discipline, it might be possible to determine if there are other issues to be addressed. If a neutral party conducted the interview and the employee was informed of the statistical risk that they have acquired, a joint decision can be made to identify contributing factors. Some of these factors might involve early referral to the Employee Assistance Program for anger management, financial counseling, stress management, etc. If necessary and appropriate intervention can be taken these employees might be salvaged

2. Implementation of an acceptable Performance Appraisal system

This reviewer found the comments included in the performance appraisal immensely helpful

in understanding the bigger picture of the employee. We must implement an acceptable performance appraisal system as soon as possible to provide a systematic and regular review of the total picture presented by the employee.

3. Establish criteria for formalized review of the personnel file.

A review of the records in these cases shows that important observations by supervisors of eventually terminated employees are being made and recorded. It is not clear that the supervisors understand the significance of the observations or know what further actions to take. In addition, none of the observations refer to other documentation in the file, so it appears that the recordings are taking place in a vacuum and no action is taken to review the entire file.

This study identifies some indicators of possible problems that might be used to develop criteria for a total file review of possible "at risk" employees. This review would ideally be accomplished at the time of the annual performance evaluation.

4. Supervisor training in early intervention processes/referral/follow up.

The file review and implementation of a performance appraisal system must be accompanied by supervisor training. This training must include the objective completion of the appraisal and the possible meaning of observations made. This training should also include identification of other at-risk issues and an interpretation of the total picture with an eye toward referral of the employee if necessary. Some indicators identified by this study include:

1. Category II discipline
2. Documentation of issues like problems in communication skills, anger control issues, poor stress management, "bad or poor attitude," slovenly appearance, "short fuse," impatience and immaturity.
3. Official Child Support inquires
4. Reports of a negative psychological profile
5. Return to work because of arbitration or last chance agreement.

It appears that official child support inquiries are handled in a manner similar to salary documentation for a home loan or other financial inquiry. The information is then filed in the personnel record. These inquiries should be brought to the attention of the Employee Assistance Coordinator to schedule an interview with the employee and to provide information regarding financial counseling.

5. Include specifically designed domestic violence questions in the pre-employment pre-screen interview and polygraph examination.

The purpose of the pre-screen interview is to assist applicants in determining factors that will preclude their hiring by BSO and thus to save both the applicant and BSO" time and resources. For those applicants who successfully complete the oral interview, the pre-screen interview and the

polygraph examination provide information to the psychologist performing the pre-employment psychological examination to assist them in determining areas of particular review. Including specific domestic violence questions in the pre-screening interview would potentially identify unacceptable candidates for employment but might also raise the applicant's own awareness and promote self referral to treatment sources. Because denial is frequently an integral part of the domestic violence process, many domestic abusers do not self-identify, and therefore the behaviors must be articulated in the questions. A suggested form of question modified from the Conflicts Tactics Scale developed by Murray Straus at the University of New Hampshire that describes assaultive behavior is:

Have you ever pushed, grabbed or shoved; slapped, kicked, bit, hit with a fist or an object; beat up; threatened with a knife or gun; or used a knife or gun against a person with whom you were in an intimate relationship?

The definition of domestic abuse includes not only physical acts against the partner but also includes emotional assault by dominating or isolating, controlling their use of time and space and monitoring their expenditures.¹² Habitual batterers may verbally abuse their partners by threatening, humiliating, shaming and cursing them. Emotional and physical abuse are significantly related to one another as both are based on a need for control and domination. Incidents of physical violence may be widely spaced, while other forms of emotional abuse occur in the interim. Consequently, an additional question for the pre-screen interview and polygraph examination that addresses the issue of nonphysical abuse should be formulated. A suggested question might be:

Have you ever threatened to physically harm or verbally abused, humiliated, shamed or cursed, either in public or in private, a person with whom you were in an intimate relationship?

The inclusion of these questions in the pre-screen process would alert the applicant to the negative consequences of this behavior and may cause some applicants to decline further assessment. The responses would eventually provide additional information to the polygraph examiner and the psychologist for applicants who continue the process. Commonly, if the applicant provides a positive response to these questions, it will be accompanied by minimization of the behavior. If the applicant is successful at the oral interview, the polygraph examiner should repeat the same questions. If the responses suggest deception not accompanied by an admission, this information should be clearly communicated to the psychologist for evaluation at the psychological examination. If the applicant admits to recent or repeated criminal battering behavior, although no arrest and conviction have occurred, they should be deleted from the hiring process with a referral to a domestic violence treatment program. An administrative decision regarding re-application with documented completion of a certified treatment program must be made.

6. Include Domestic Violence Awareness training in mandatory in service training curriculums.

The efforts to reduce the risk of termination to current certified staff must be directed at both the awareness of behaviors as domestic violence behaviors and as illegal behaviors that can cause

loss of employment. The mandatory 40 hours in service should include a section where the specific behavior that constitutes domestic violence and the 1994 change in law is presented to all participants. One difficulty with presenting this information to a voluntary group is that if one suspects that domestic violence may be a problem in their life, the issues of anxiety and shame regarding who will see them attending such a presentation surface. The other problem is that the research points out that approximately 30% of individuals with this problem have no idea that they might need the information, so they would not see the need to attend a voluntary informational program. For these reasons, if the information is presented to everyone as part of a mandatory in-service process, both problems are eliminated. The training must also include specific written directions for self referral to available treatment sources that would be provided to all participants. This treatment must be confidential since attendance at a treatment program equates with the admission of a felony.

Studies show that voluntary self referral for treatment has a high probability of success. Individuals who seek and complete treatment are the most motivated to change so exposure to treatment and motivation are directly related. We cannot attribute outcomes of treatment to either cause alone, but it is clear that no forced remedy has a lasting effect.¹³

7. Conduct continuous and ongoing evaluation of the causes of termination from the Agency to determine appropriate responses and interventions.

This review included only those certified individuals terminated from the Department of Corrections and Rehabilitation during a particular study period. The reasons for termination of all BSO employees must be monitored on a continuous basis so that appropriate responses can be determined and implemented. In addition, quality management of this issue requires that the effectiveness of the interventions applied must be documented. The responsibility for conducting this regular and systematic review must be specifically vested in a specific section of the Agency.

Bibliography

- Allen, Harry E., Simonsen, Clifford E. Corrections in America. 4th ed. New York: Macmillan, 1986.
- Deltufo, Alisa, Domestic Violence for Beginners. New York: Writers and Readers Publishing, Inc. 1995.
- Dutton, Donald G., Golant, Susan K., The Batterer: A Psychological Profile. New York: Harper Collins, 1995
- Fox, Vernon B., Stinchcomb, Jeanne B. Introduction to Corrections. 4th ed. Englewood Cliffs: Prentice Hall, 1994.
- Phillips, Richard L., McConnell, Charles R. The Effective Corrections Manager: Maximizing Staff Performance in Demanding Times. Gaithersburg: Aspen, 1996.
- Straus, Murray A., Gelles, Richard J., Steinmetz, Suzanne K. Behind Closed Doors: Violence in the American Family. Garden City: Anchor, 1981.
- Walker, Lenore E., The Battered Woman. New York: Harper & Row, 1979.
- Walker, Lenore E., Terrifying Love. New York: Harper & Row, 1987.

Endnotes

1. Fox, Vernon B., Stinchcomb, Jeanne B., Introduction to Corrections. (Englewood Cliffs: Prentice Hall, 1994) 578.
2. Fox 584.
3. Fox 583.
4. A "last chance agreement" is a written contract with an employee facing discharge often agreeing to some activity on the part of the employee during a specific period of time, usually one year. Immediate termination of the employee with no possibility of appeal will result if additional undesirable behavior occurs during the period of the agreement.
5. Straus, Murray A., Gelles, Richard J., Steinmetz, Suzanne K., Behind Closed Doors (Garden City: Anchor Press/Doubleday, 1980) 18.
6. Straus 49.
7. Dutton, Donald G., Golant, Susan K., The Batterer: A Psychological Profile (New York: Harper Collins, 1995) 19-20.
8. Walker, Lenore E., The Battered Woman. (New York: Harper & Row, 1979) 26.
9. Dutton 17.
10. Dutton 175.
11. Dutton 176.
12. Dutton 23.
13. Dutton 176.

NEW YORK CITY
DEPARTMENT OF CORRECTION



SECURITY RISK GROUP SYSTEM

Sex Male Female **Active** Yes No **Nysid:** 6818566J **B/C#:** 241-96-04370

Race Black White Hispanic Asian Indian

Hair Black Blonde Brown Brunette Gray Red Bald

Eyes Blue Black Brown Green Hazel

Facial Hair Beard Mustache Both None

Complexion Light Fair Medium Dark

Build Slender Medium Large

Crimes Arson Homicide Assault Kidnapp Burglary Robbery Drugs Sex Escape Weapons

Tattoos Tattoo No Tattoo

Description Inner Left Forearm /crown
A.L.K.N./word Amor/#360

Height: 5 Ft. 11 inches **Weight:** 173 lbs. **Dob:** Jan/22/1973 **Age:** 24

Affiliation Latin Kings

Front **Side** **Tattoo**

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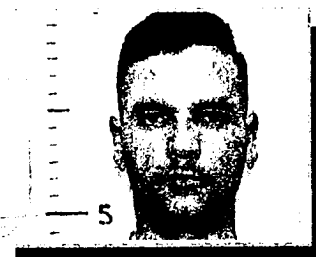
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Location Flr / Cell
Date

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24 HRS
IIS On
C.M.C. #
Classification: GPH

Last: **Bonilla** First: **Ramon**
 Nysid #: **6818566J** Sent #:
 Addr/City: **2335 Valentine Ave. Bronx**
 State/Zip: **NY 10458** Pct.
 Dob: **Jan/22/1973** B/C #: **241-96-04370**



Remarks
Weapon
Enemies

Active Yes No **Latin Kings**

Add Warrants

Date	Agency	Nature or Warrant	Docket, Indict or Warrant No.	Date Converted	Date Revoked	By Whom
1 Apr/18/1996	Nys Parole	Vop	012345			
2						

Add Charges

Arrest Date	Charge	Docket #	Indictment #	Bail	Court	Disposition
1						
2						

Name NYSID Book @ Case Separation Change Index Nysid_Num Save Pop Menu

KNOWN ENEMIES

236AR

9999999Z

Doe John

5328425L

Alicea

Ismael

Latin Kings

DISC

1

2

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5

Bonilla Ramon

A
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Alias Name
Green Eyes

Add Rank

2nd Crown

Jul/08/1996

Date Made

Active

Work Detail

Facility	Job Title	Location	Start Date	End Date	Tour	Reason

Save

Page 1

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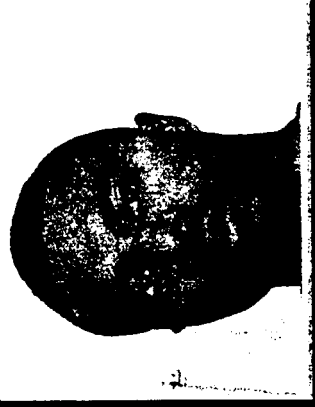
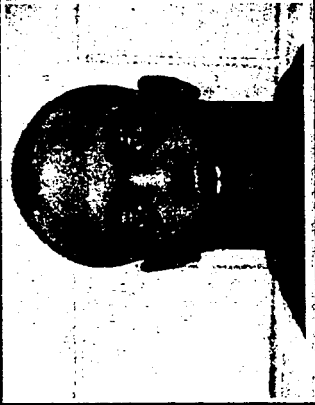
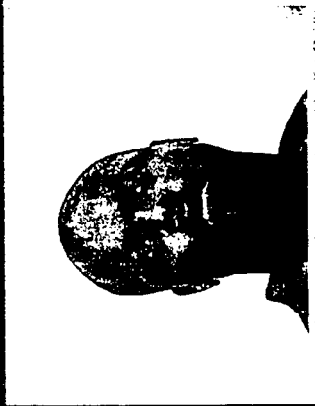
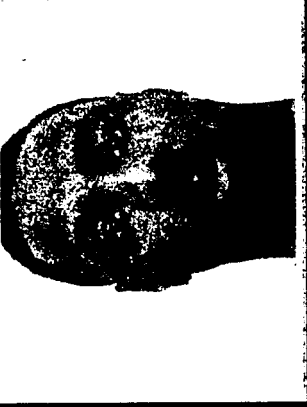
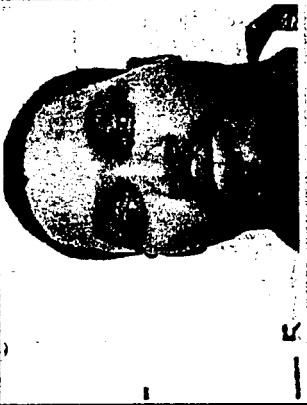
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Height [] Ft. [] inches		Age Range	[0] to [0]		
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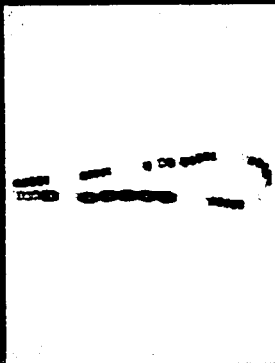


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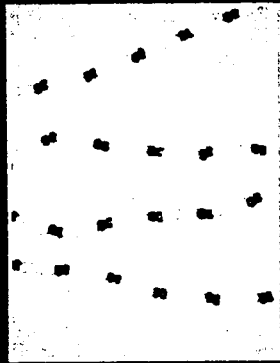
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Search / Photo Array

Latin Kings



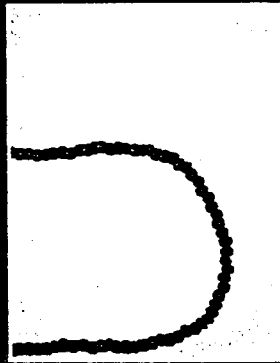
Lk Beads



Red Wht Beads



Neta



Red BIK



Lk Hand Sign



Lk Crown

Show Picture

Pop Menu

Photo Array