

Ethics: The Code of Silence



2016
Oklahoma
Department of Corrections
Online Learning

Course Information:

Course Title: *Code of Silence*

ELM Code: DOC 511

CLEET: 15-1771

Course Length: 1 hour (including reading of course link material)

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Data Sources:

OP-110215, "Rules Concerning the Individual Conduct of Employees"

OP-110110, "Employee Oath"

Loyalty Oath (51 O.S., 36.2A)

1. "Ethics in Corrections," ODOC Pre-Service Curriculum, January 2007
2. "Police Code of Silence," speech by Neal Troutman at the 2000 Annual Conference, National Association of Chiefs of Police
3. "*Breaking the Code of Silence: Correctional Officers' Handbook on Identifying and Addressing Sexual Misconduct*," Brenda Smith and Jaime Yarussi, National Institute of Corrections, 2007.

Course Objectives:

After completing this course, employees will be able to:

- Determine how morals and ethics can lead to an ethical dilemma.
- Describe how each of the nine rules in the employee "Code of Conduct" promotes moral and ethical conduct of correctional staff members.
- Explain how the practice of a "Code of Silence" harms the agency and its employees.

Introduction

Our agency has made great progress through the years in educating the public, media and lawmakers about the demands and expectations of being corrections professionals.

As professionals, we cannot hold offenders accountable for their actions if we do not hold ourselves accountable. Our professionalism requires us to maintain the highest standards.



Code of Silence: Morals and Ethics

Morals and Ethics

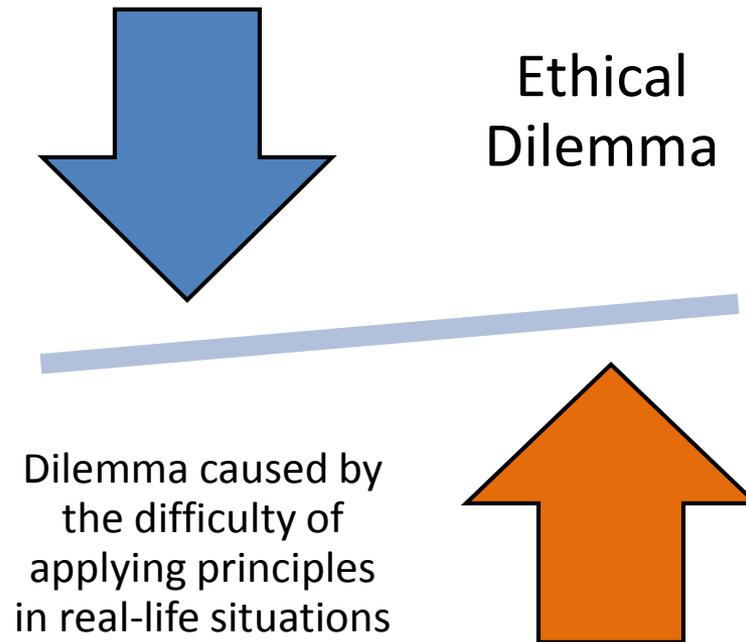
The three main forms of ethics:



1. Rule ethics (duty ethics): Doing what is right for it's own sake.
2. Consequence ethics (utilitarianism): Choosing the action that maximizes good consequences.
3. Virtue ethics emphasizes the role of one's character and the virtues that one's character embodies for determining or evaluating ethical behavior.

Morals and Ethics

- We use our ethics when we take personal responsibility for doing good or avoiding harm to others.
- Sometimes the distinction between right and wrong is clear, and sometimes it is not. When it is not, we may experience an ethical dilemma.



Morals and Ethics

An ethical dilemma is characterized by a situation where a person is forced to choose between conflicting actions, none of which seem to be the "right" ethical solution.



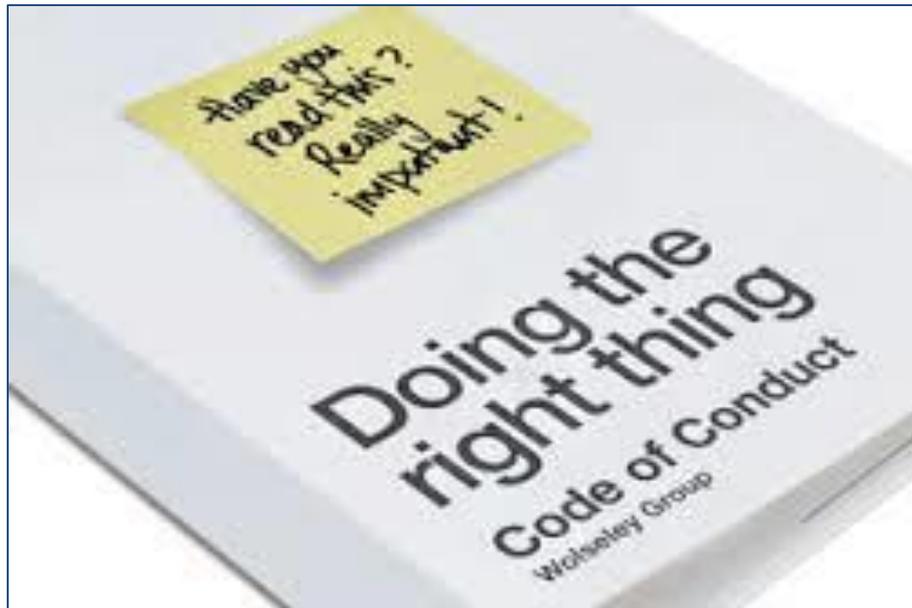
Dilemma:

Correctional Officer Ben Jones has worked for one year in a medium-security housing unit in a state prison and has gotten on friendly terms with an offender, Stevens. Known to have been violent, manipulative, and associating with a similarly rough crowd while on the outside, now Stevens appears to be a model offender; in fact, Officer Jones relies heavily on Stevens to keep him informed of the goings-on in the unit as well as to maintain its overall cleanliness and general appearance. Over time, the two address each other on a first-name basis and increasingly discuss personal matters; Jones occasionally allows Stevens to get by with minor infractions of prison rules (e.g., being in an unauthorized area or entering another inmate's cell). Today Stevens mentions that he is having problems with his fiancé—specifically, that he has received a “Dear John” letter from her, stating that she is dating other men and is “moving on.” Upon arriving home from work that evening, Jones finds a case of wine on his porch. There is no card left on the case of wine, but at work the next morning Stevens winks at Jones and asks if he “ventured into the vineyard last night.”

Ask Yourself:

1. Should Officer Jones report the incident?
2. Has Jones's behavior thus far violated any standards of ethics for correctional officers? If so, what form of punishment (if any) would be appropriate?
3. What should be the relationship between Jones and Stevens in the future?
4. What could Jones have done differently, if anything?

Policy and Procedure



Employee Conduct

As a corrections professional, you will face ethical dilemmas. Our agency recognizes this, and provides guidance by offering training, mentoring, and applicable policies.

One such policy is OP-110215, "Rules Concerning the Individual Conduct of Employees", which includes an 9-point "Code of Conduct." This section states:

"Employees of the department shall, at all times, conduct themselves in a manner befitting the office or position the employee holds. Employees shall uphold the public's trust and the correctional employee oath and will reflect the highest ethical standards."



Employee Code of Conduct

The nine points of the employee Code of Conduct:

1. Devote full time, attention and effort to their duties during assigned hours of duty.
2. Engage in conduct which affords respect and courtesy to, and preserves the dignity of, others.
3. Refrain from conduct which is corrupt or illegal or serves to denigrate, demean, or disregard the welfare of others.
4. Promote and model exemplary, law abiding behavior.
5. Avoid any conduct, interest, or relationship which is in conflict with, or detrimental to, the proper and effective discharge of official duties.



Employee Code of Conduct

6. Be efficient and effective managers of public resources.
7. Conduct work in a manner which contributes to, and supports, a safe and healthful work environment.
8. Promptly and truthfully report any improper actions which violate department policies and procedures, endanger others, or undermine the principles contained herein.
9. Refrain from conduct which constitutes violation of the agency's sexual abuse/sexual harassment policy.



Loyalty Oath:

This Oath becomes a part of every state employees personnel file:

“I do solemnly swear (or affirm) that I will support the Constitution and the laws of the United States of America and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, the duties of my office or employment during such time as I am an employee of the Oklahoma Department of Corrections”



Correctional Employee Oath

Upon graduation from academy every officer takes this oath:

“I do hereby solemnly affirm to support the Constitution and the laws of the United States of America and abide by the Constitution and the laws of the State of Oklahoma, as well as the policies and procedures of the Oklahoma Department of Corrections. I will treat all employees and offenders with respect and dignity. I will obey the lawful orders of those appointed over me. I will conduct myself in such a manner to enhance and establish a positive tradition of excellence for the Oklahoma Department of Corrections.”



Policy vs. The Code

ODOC Code of Conduct

“Employees will promptly and truthfully report any improper actions which violate department policies and procedures, endanger others, or undermine the principles contained herein.”

The Blue Code of Silence



Code of Silence

The policy point is clear – employees are expected to report improper actions. You might wonder why such a statement is necessary. Why would employees intentionally fail to report improper actions?

One reason is the unofficial "**Code of Silence.**"

Code of Silence

The “Us Versus Them” mindset can lead to a practice known as the **Code of Silence**.



“The Code of Silence has been defined as the unwillingness of staff and/or management to talk openly about other staff or incidences of an illegal, unethical or questionable nature. While there is disagreement about the power and pervasiveness of the code of silence, it does exist within most correctional environments. These unspoken rules often result in irreparable damage to the profession.”

(NIC, 2007)

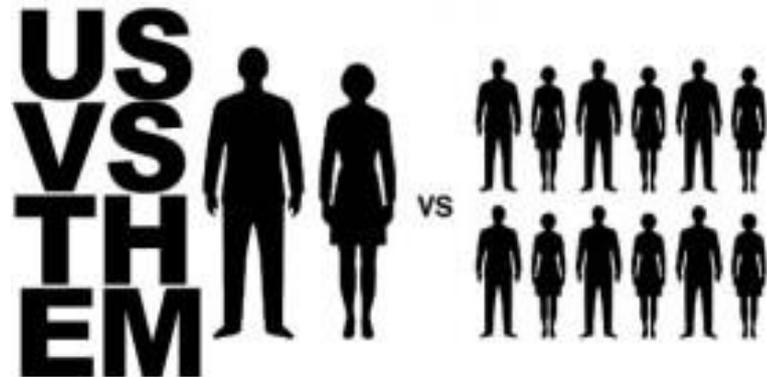
Code of Silence: Why?

Law Enforcement / Correctional Culture and Alienation

Law enforcement and correctional personnel often form an adversarial perspective regarding the public at large. They may come to believe that those who do not perform law enforcement jobs do not understand and are unfairly critical. This distorted, inaccurate view can alienate correctional and law enforcement personnel from the they are sworn to protect. If unchecked, it may continue to grow in severity to the point that it is used to justify committing unethical or illegal violations of policy.

“US vs. THEM” Mentality

Law enforcement professionals can sometimes adopt an "us versus them" mindset, as if the officers were in one family and the rest of the world was the enemy.



Code of Silence: Why?

Why would correctional employees turn a blind eye, a deaf ear and a mute tongue to unethical, immoral or improper actions on the part of others?



Code of Silence: Why?

We have to go deeper than "us versus them" to explain motivation for the Code of Silence. It may also exist because staff members:

- Compromise their values in order to fit into an agency and to avoid feeling like an outsider.
- Feel it is easier to ignore poor conduct than to try and do something about it.
- Fear retaliation from the accused or other employees for violating the code of silence.
- Misunderstand internal investigations or regard them as a search for wrongdoing, as opposed to determining facts when wrongdoings are alleged.
- Believe offenders deserve what they get.
- Observe supervisors exhibiting unethical behavior and believe that they can not report this without a negative impact to their careers.

Code of Silence

How pervasive is the Code of Silence?

During a presentation made at the International Association Of Chiefs of Police conference, Neal Troutman discussed the results of a confidential survey given to 3,714 law enforcement officers and academy recruits from 42 different states.

Their responses may surprise you.

Survey Results

79% of the survey takers said that a law enforcement Code of Silence exists and is fairly common throughout the nation.

52% of the survey takers said that the fact a Code of Silence exists does not bother them.

"Describe the first time you witnessed misconduct by another employee but took no action."

46 % percent of the survey takers stated they witnessed misconduct by another employee, but took no action.

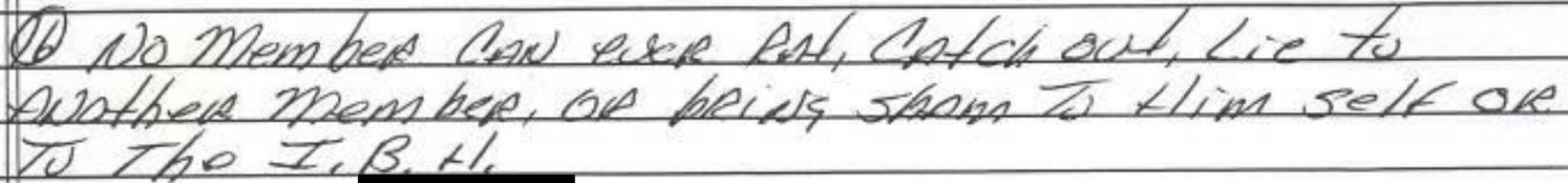


Code of Silence: Offenders

Code of Silence: Offenders

Offenders also have a "Code of Silence."

They are well aware that a label of "informer" or "snitch" can invite bodily harm or even death.

A photograph of a handwritten note on lined paper. The text is written in cursive and reads: "No member can ever rat, catch out, lie to another member, or bring shame to him self or to the I. B. H." There is a black redaction box covering the name of the organization at the end of the sentence.

No member can ever rat, catch out, lie to another member, or bring shame to him self or to the I. B. H.

Example: The rule shown above is part of the by-laws from an Oklahoma prison gang.

"No member can ever rat, catch out, lie to another member, or bring shame to himself or to the (name censored)."

Code of Silence: Offenders

Offenders many times have turned informant in an effort to gain preferential treatment from employees. They are well aware of the "Code of Silence" and may try to use it to their advantage.

During routine shakedowns, correctional officers have found drawings by offenders depicting employees who have used excessive force and then joked about hiding their actions.

Officers have also found lists of information about staff that offenders have gained by overhearing conversations, and the offenders are retaining that information until it is useful to them.

Code of Silence: Offenders

What do offenders have to gain by keeping “secrets” *from* or *for* a staff member?

- Coercion
- Intimidation
- Power
- Influence
- Control
- Distraction



Code of Silence

When a team works well together, good things can happen. They may develop a sense of *esprit de corps*, which is defined as a common spirit of comradeship and enthusiasm among the members of the group. This common spirit is a positive force, enhancing the workplace. Unfortunately, these feelings of pride and belonging can be taken too far, and team members rationalize using a code of silence as a way of being “loyal” to their team or co-workers. This distorted view of loyalty can corrupt an entire group or agency.

Breaking the Code of Silence

**Did you make the
right choice?**



✓ Check the code.

Many employees would feel conflicted about reporting another employee's wrongdoing. That is understandable.

However, illegal acts, mistreatment of offenders, sexual misconduct /harassing behavior by staff members must be addressed. Failure to report such actions detracts from the agency's ability to fulfill its mission, and damages the credibility of every employee.

Other less obvious acts may require you to use your judgment about whether or not to report the action. When in doubt, discuss it with your supervisor.

Code of Silence: Scenarios

Code Of Silence

The next group of slides contain sample scenarios.

You may have observed, or heard about similar situations during your career, or you may experience them in the future.

Read the scenarios and actions, then think about the Employee Code of Conduct and the practice of the "code of silence." See if you can identify the most appropriate action that will not violate the Employee Code of Conduct and lead to a code of silence incident.

Scenario #1

A father and his son both work at the same prison. The son and his father have had a rocky relationship in the past, but have established a positive and friendly working relationship for the past six months. While performing a compound check during the midnight shift, the father observes his son sleeping on duty.

What should the father do?

- A. Continue the compound check and ignore his son's actions.
- B. Wake his son up, warn him to stay awake, then continue the compound check.
- C. Wake his son up, then report the sleeping incident to the shift supervisor.

Scenario #2

You notice a co-worker in your office routinely using the state telephone to place personal long-distance phone calls to her family and friends out-of-state. This woman is an excellent employee in other ways and always gets her work done.

What should you do?

- A. Address your concerns with the co-worker and stress the obligation we have as State employees to act ethically.
- B. Address the action formally through your chain-of-command.
- C. Mind your own business. This person is a good employee.

Scenario #3

A group of officers are working a double shift. They're required to perform a unit security check every 15 minutes. The highest ranking officer suggests that they split the checks among themselves. The newest officer performs the first check, then notices the others are logging their checks, but are not performing them.

What should the officer do?

- A. Continue to make his/her own checks and not worry about the others.
- B. Immediately report the issue to the shift supervisor.
- C. Start making all the security checks personally, logging and signing each security check.

Scenario #4

You have noticed that a co-worker has been visiting frequently with an offender during the last few weeks. You think they are acting in an inappropriate and overly familiar manner, but have not observed anything against policy.

What should you do?

- A. Ignore your concerns until you see something obviously inappropriate.
- B. Talk to your co-worker and suggest he/she spend less time with the offender.
- C. Talk to your supervisor about your concerns.
- D. File an official report with the chain of command, stating that your co-worker is acting inappropriately with an offender.

Scenario #5

While on your day off, you go to a local casino. You see your immediate supervisor pull up in a state vehicle, park, and enter the casino. You enter the casino and see the supervisor playing a slot machine. It is 2:00 pm on a normal work day for your supervisor.

What, if anything, should you do?

- A. Leave the casino and do not mention the incident to anyone.
- B. Snap your supervisor's picture with your cell phone, making sure to include the slot machine in the picture, print it out, then pin it to the bulletin board at work.
- C. Report the incident to the next highest person in your chain of command.

Code of Silence: Consequences

As ethical employees, we must also make sure that those who report wrong-doing are not subject to discrimination, hostility, or retaliation. When a person stands up for ethical behavior, that person is entitled to respect, not abuse.



Code of Silence: Conclusion

The great majority of our agency's employees strive to uphold ethics, honor, and our policy. We expect all of our staff to make this ethical behavior universal throughout our agency.



Code of Silence: Conclusion

It has been said:

“Participation in a code of silence becomes an ethical issue. In the Department of Corrections we are one family / one team who are dedicated to assisting the disenfranchised and producing a better Oklahoma for the next generation. This task through our official mission of Protecting the Public, Employees and Offenders cannot be accomplished when employees adhere to a code of silence.”

*Watch your thoughts, for they become words.
Watch your words, for they become actions.
Watch your actions, for they become habits.
Watch your habits, for they become character.
Watch your character, for it becomes your destiny.*

—Unknown



The Code of Silence Documentary



Highlight and copy/paste the following links into your browser to watch a documentary detailing the effects of the code of silence in a prison in California:

- <https://www.youtube.com/watch?v=qc-BoOZv-lQ&feature=youtu.be>
- <https://www.youtube.com/watch?v=SIQeQd1jDJw>
- <https://www.youtube.com/watch?v=T3wLSRRvsg8>
- <https://www.youtube.com/watch?v=BLRulCw4jFM>

Code of Silence: Links of Interest



Would you like to read more about the code of silence?

Here are some relevant links:

<http://www.aele.org/loscode2000.html> (Article issued by National Institute of Ethics)

<http://www.nicic.org/Library/022473> (Downloadable article issued by the National Institute of Corrections)