Sexual boundary violations between peace officer agencies and offenders

Jacqueline Lorraine Goins

Follow this and additional works at: https://scholarworks.lib.csusb.edu/etd-project

Part of the Law Enforcement and Corrections Commons, and the Social Work Commons

Recommended Citation
Goins, Jacqueline Lorraine, "Sexual boundary violations between peace officer agencies and offenders" (2002). Theses Digitization Project. 2074. https://scholarworks.lib.csusb.edu/etd-project/2074

This Project is brought to you for free and open access by the John M. Pfau Library at CSUSB ScholarWorks. It has been accepted for inclusion in Theses Digitization Project by an authorized administrator of CSUSB ScholarWorks. For more information, please contact scholarworks@csusb.edu.
SEXUAL BOUNDARY VIOLATIONS BETWEEN PEACE OFFICER AGENCIES AND OFFENDERS

A Project
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Social Work

by
Jacqueline Lorraine Goins
December 2002
SEXUAL BOUNDARY VIOLATIONS BETWEEN PEACE OFFICER AGENCIES AND OFFENDERS

A Project
Presented to the Faculty of California State University, San Bernardino

by
Jacqueline Lorraine Goins

December 2002

Approved by:
Dr. Steve Nitch, Faculty Supervisor Social Work

Dr. Rosemary McCasin, M.S.W. Research Coordinator

11-10-02
ABSTRACT

This study will consider the issues of sexual misconduct between Peace Officers and the Offenders who are confined in a control setting, and how it has become a serious problem. Such relationships have been motivated by actions and behaviors of the Peace Officer. This study into staff misconduct will examine the deviance from a variety of perspectives and theoretical and empirical approaches. This study will only be discussing the sexual misconduct between Peace Officer and Offenders because they are in a position where their complaints may be disregarded or played down.
ACKNOWLEDGMENTS

I wish to acknowledge Drs. Steve Nitch, and Rosemary McCaslin, who gave their guidance and assistance for this project.

I also wish to acknowledge my mother Odessa Foster-Goins for her support, To my God-mother Beverly Barefield for her unconditional love, To Aunt Lula and her family for guiding me through this. . . . To Dianita, Berthenia and family thanks for many hours of family support. To Kevin thanks for the encouragement to continue, To Gwen and Marilyn for introducing me to college life on campus, To my sisters Delores, Yvonne and their families thanks for being there.

Acknowledgement goes to my special friends Debbie and family, to Phyllis McNeil who push me to finish, to Celeste Debbie and Jackie T. for going back to school, You Go Girls. To Vic my office partner for putting up with me when I had the blues, to Denzel and Crystal for giving me the blues, to Dorothy for helping me through my growing years, to Margaret (Chubby) for being my anchor and confidant, who could ask for a better shoulder to lean on, and final acknowledgements to my younger sister Karen, her husband Jonathan and their family Ronay, Asjia and Jabari for being my testament that God answer prayers.
# TABLE OF CONTENTS

ABSTRACT ......................................................... iii
ACKNOWLEDGMENTS ................................................ iv
LIST OF TABLES .................................................... vii

CHAPTER ONE: INTRODUCTION

Problem Statement ............................................... 1
Purpose of the Study ............................................. 3
Significance of the Project for Social Work ............ 6

CHAPTER TWO: LITERATURE REVIEW

Introduction ...................................................... 7
Sexual Attraction ............................................... 7
Authority over Offenders ...................................... 9
Custodial Corruption ........................................... 11
Summary ......................................................... 14

CHAPTER THREE: METHODS

Introduction ...................................................... 15
Study Design ...................................................... 15
Sample .......................................................... 17
Instruments ....................................................... 18
Procedures ......................................................... 19
Data Collection .................................................. 20
Protection of Human Subjects ............................... 21
Data Analysis ...................................................... 22
Summary ........................................................ 23
CHAPTER FOUR: RESULTS

Introduction ........................................ 24
Presentation of the Findings ...................... 24
Summary ........................................... 27

CHAPTER FIVE: DISCUSSION

Introduction ........................................ 28
Discussion .......................................... 28
Limitations of the Study ......................... 30
Implications for Social Work .................... 31
Conclusions ....................................... 32

APPENDIX A: INFORMED CONSENT ................. 34
APPENDIX B: DEBRIEFING STATEMENT .......... 36
APPENDIX C: QUESTIONNAIRE ................... 38
APPENDIX D: BAR CHART HOW WIDESPREAD IS SEXUAL MISCONDUCT? ................... 44
APPENDIX E: BAR CHART MEAN AGE OF PARTICIPANTS ........ 46
REFERENCES ..................................... 48
LIST OF TABLES

Table 1. Percentages of Participants .................. 26
CHAPTER ONE
INTRODUCTION

Problem Statement

The purpose of this study will be to examine the nature of sexual boundary violations between peace officers and offenders. Crossing sexual boundaries in a confined setting has become a major epidemic. In fact, the correctional industry struggles more than any other industry in terms of sexual misconduct among its personnel. Corrections and law enforcement facilities are experiencing sexual boundary violations in record numbers with far too many of them having gone unrecorded. In response to this growing problem, corrections and law enforcement departments across this country are giving this hot issue their undivided attention.

Corrections can no longer afford to ignore that these sexual violations are occurring. It is very difficult to accurately determine actually how widespread this problem has become. From 1995 to 1998 in California, there were 117 cases of alleged sexual misconduct reported. This report (Special Issues in Corrections, 1998) states that only 19% of these cases were found to be valid. Attention to this issue is important because people can have more
faith that the problem is getting solved and that local agencies are placing high standards on professionals in law enforcement, and that their intentions are to remove personnel who cannot meet these high standards. This study will focus on how to uncover and identify unethical issues. The goal will be to find ways to hold personnel accountable for their actions, especially staff who commit these offenses. This study is needed to acknowledge that there is a problem with intimate boundaries that exists in many jails, prisons, youth facilities, work furloughs and probation/parole units. It is also needed to examine recent legislative, litigation, and current policies that offer directions to personnel so that they can address these issues. The treatment of offenders is being more scrutinized by the media, as well as through litigation proceedings in courts throughout this country. It has been found that the problem of sexual boundary violations between peace officers and offenders is more serious then previous believed. This is a widespread problem that exists across this country in many facilities. Yet, because of a lack of resources and knowledge on the subject, little attention has been devoted to preventing boundary violations.
Cal Terhume, former Director of the Department of Corrections in California (Sample, 1999), states that sexual violations between peace officers and offenders is particularly abhorrent because of the inherent problem of employees having complete authority over offenders. This is important, because the Department of Corrections will absolutely not permit this kind of behavior between a vulnerable offender and a staff person. The California Department of Corrections, as well as other enforcement agencies across this country, may want to take a serious look at the core values of other professional agencies.

The National Association of Social Workers (NASW) has a code of Ethic that serves as a guide to the everyday professional conduct of social workers. The Code of Ethic's purpose is to provide an overview of effective ways of dealing with ethical issues or dilemmas. The Social Work Code of Ethic's can help guide the Dept of Corrections as it struggles to solve the problem of sexual boundary violations.

Purpose of the Study

Peace Officers across this country have allowed a hostile environment to be created with offenders who are in their custody. An overview of the issues to be address
in this study will begin with sexual boundary violations among peace officers and offenders. This study will define sexual boundary violations as any aspect of a relationship between peace officers and offenders, such as physical intimacy and emotional commitment that meets the sexual needs of the peace officer.

Unethical intimacy leads to misguided needs being meet for the officer and not the offender. Boundary violations encourage peace officers, who are in a position of authority and trust, to engage in sexual behavior that is unwanted and inappropriate. It is important to recognize that sexual misconduct happens in both male and female institutions and with offenders on the streets as well. One of the consequences of inappropriate sexual relations is that confusion is created between personal and professional roles. If the peace officer desires to have sex with offenders, they can because of the unequal balance of power and the control they have over offenders, and therefore can force or persuade them to participate. One theory behind sexual relations is that men do things for sex, such as buying and giving women material things, and women use sex to acquire things like transportation, shelter, jewelry, clothing, jobs food and money. Offenders are often vulnerable and lonesome, and it is important to
recognize that they too play an important role in the misconduct. Offenders also capitalize on the employee's willingness to participate and, even if it is consensual, it is still viewed as unethical and possibly criminal.

The concept behind the title, "Down the slippery slope" occurs when officers/staff start off by giving small favors (e.g., extra time off the unit, money, cigarettes) to offenders and then progress to more and more serious violations eventually culminating in sexual relations. In other words, once you cross the line, you start to slide down the slippery slope.

The results of this study will contribute to the practice of social work in the area of corrections by using rational program-solving techniques that look at the conditions that contribute to this important problem. Practice will start by helping and healing the damage that has been done to both parties involved. It is also important to note that social workers not only will help those individuals who are involved, but will also talk with others who may not have been affected directly. This is important because it will help to alleviate inmate fears that the same thing could happen to them.
Significance of the Project for Social Work

Trying to prove or disprove allegations, responding to public and media scrutiny, and dealing with the impact of these allegations on department morale can challenge the most seasoned professionals (McCampbell, 2001). As department’s policies can precisely spell out prohibited behavior, or the policy can be as vague as directing staff to avoid undue familiarity with offenders (McCampbell, 2001). Small breaches of professionalism compound overtime to create a hostile work environment where the boundaries are blurred on all issues, including sex. A sexualized work environment sanctions, either formally or informally, such things as sexual harassment, jokes with sexual innuendoes, inappropriate workplace relationships among and between personnel, use of unprofessional language or street slang, and off-duty conduct that spills over into the professional work site.
CHAPTER TWO
LITERATURE REVIEW

Introduction

Sexual misconduct is the symptom of a breach of professional boundaries. When professionalism is compromised, the boundaries between peace officers and offenders can become distorted (McCampbell, 2001).

Sexual Attraction

The proposed study will consider the issue of sexual boundary violations between peace officers and offenders who are confined in a controlled setting, and how it has become a serious problem. Such relationships seem to be motivated by actions and behaviors of the peace officers. This study on staff misconduct will examine the behavior from a variety of perspective and theoretical approaches.

This study will further explore the nature of sexual misconduct between professional staff and their clients, patients and offenders whom they supervise. As America struggles with sex in the work place, one agency in particular struggles with sexual misconduct more than any other. Correctional institutions face one scandal after another. In an article titled ‘Officers having sex with inmates,” the author Margie Phelps discovered her research
subject. What she found was a subject known as the “secret sin.” In her report, there are numerous instances of forced and consensual sexual contact between peace officers and offenders. Sex with offenders is not a problem she notes; it’s an epidemic. Phelps states that “agencies are sworn to carry out society’s justice, but often end up denying or justifying reasons for the misconduct” (Phelps, 1999).

Sexual misconduct between peace officers and offenders is particularly abhorrent because of the inherent problems of staff having complete authority over offenders (Terhune, 1999). In another study, sexual exploitation by therapists and medical personnel was addressed along with a variety of issues involving criminal, civil and regulatory changes to remedy the incidence of sexual contact between therapists and their patients (Anderson, 1985). In the health professions, research has also found that patients are sexually exploited. The article by Anderson examines situations in which professional roles are used to gain sexual access to victims. This is legally defined as rape. Anderson further states that sexual exploitation occurs when an adult in an authority position uses sex to take advantage of another person with less power. The victim is used primarily for
individual gratification, profit, or other selfish reasons.

Lying, perjury, undue violence, planting evidence, verbal abuse, altering documents, manipulation of informants, falsifying evidence, intimidation, and a battery of seamy tactics are resorted to by some officers in some situations as legitimate techniques in getting the job done (Erickson, 1981). But the majority of correctional staff are honest, hard-working people who do a great job in a hostile environment. Unfortunately, few "bad apples" exist that give the profession a bad name. It is possible then to view sexual coercion as part of a spectrum of deviance designed to assist in conducting work-related duties (Manning, 1974).

Authority over Offenders

The proposed study will focus upon the sexual contact between peace officers and offenders because the latter are in a position where their complaints may be disregarded or played down. Staff can also develop an identity that actively desires taking risk and that emphasizes an ethic of masculinity, involving physical and sexual prowess, courage, profanity, and aggression toward authority. This enables the dirty employee not only to
indulge in dirty work for its own sake but also as a form of revenge against “the system” (Harris, 1973). The precise nature of the relationship is import. According to research conducted by Punch (1985), when an officer goes to bed with an offender, they may not necessarily be committing an offense, but instead have a genuine friendly and affectionate relationship with this offender. Only when elements of extortion are involved, such as sexual services under fear of arrest, does the matter become serious from a disciplinary point of view. In every encounter between the peace officer and the offender, it is the officer who holds the power.

The problem of sexual exploitation of offenders can perhaps be usefully viewed as a breakdown in a relationship already distorted by this imbalance of power. The process by which respect and integrity are lost and manipulation and abuse are introduced has its source in this structural imbalance of power. This imbalance is increasingly exaggerated in the relationship between correctional staff and incarcerated populations (Peer, 2000). If this takes place under the threat of arrest or if sexual services are rewarded with drugs, then it involves serious offences of a disciplinary and criminal nature, which would be a serious abuse of power (Punch,
1985). As allegations are made and investigated, many times the employee is terminated or allowed to resign and no criminal charges are brought against them. There is also little or no deterrent to not engage in sexual relations because all that will happen is that the employee will get fired. Employees with the California Department of Corrections are responsible for reporting all allegations, observations or information they receive regarding sexual misconduct. California also has a senate bill sponsored by Senator Polanco (SB 377) that supports broadening existing prohibitions against sexual misconduct between offenders and staff. Currently this type of misconduct is only punishable as a misdemeanor.

Custodial Corruption

When examining police deviance there are important implications for the accountability and control of an officer (Harris, 1973). This examination must focus on the social processes and the nature of the social order created by the complex interplay of power, authority, control, legitimacy, and human interaction both within a police organization and within external control agencies such as a correctional facility (Harris, 1973).
Corruption is frequently surrounded with imagery of temptation, personal failure, and individual pathology (Harris, 1973). The peace officer is an enforcer of the law and of moral standards who may routinely lie, double-cross, falsify evidence, and break the law. The occupational reality of the officer flitting between backstage behavior and formal interaction in public is that of an "unconsciously accomplished actor caught up in a schizophrenic, or even dialectical, relationship with a system that dictates bureaucratic universal standards of conduct for them that are deemed "situationally" "inappropriate" (Harris 1973). It is important for staff to understand how to avoid putting themselves in vulnerable situations. In determining how this study will be conducted, I will analyze the issues objectively, professionally, and forthrightly.

One significant limitation of this study is that it will be conducted on the campus of California State University San Bernardino with permission of the Criminal Justice Department in a classroom setting, with both male and female students. Although students will take part in the survey, no formal interviews will be conducted. This will be a convenience sample because it will be given to students who are studying and working in this environment.
Those individuals who wish to participate in this study and who are willing to answer the survey questionnaire surrounding sexual misconduct will be studied. The participants in this study will consist of students from California State University San Bernardino, Criminal Justice Department. These individuals have been chosen because they have some form of direct contact with offenders. The results of this study will be made available to the Criminal Justice students that participated to be used for their own information and to provide feedback to all participants. All material and data collected will be confidential, with no identifying information. The results of this study will be presented in terms of responses and theories resulting from the analysis of the data.

In this study, as the researcher, I will develop initial questions to be asked, develop a rapport to allow participants to share their thoughts on this subject and recognize what is important in the data and give it accurate meaning.

This is a sensitive issue when asking about sexual boundary violations, especially in the wake of recent news reports and bad publicity. A thorough review of the literature and the issues involved will allow me to better
understand the data as it is analyzed. Although it addresses a sensitive issue, this study is needed because the first step towards solving a problem is understanding all the factors involved.

Summary

The literature in this research project is important because peace officers in custody positions must take a stand and stop the increasing abuse of custodial sexual misconduct. Administrators must push for tougher legislation that will cover all forms of sexual abuse for all custodians in all confine settings.
CHAPTER THREE

METHODS

Introduction

The research method used in this study was a cross sectional survey design. This survey used students as the main source of the data collected for this study.

Study Design

The main purpose of this study was to describe the magnitude of the problem of sexual misconduct by employees working in law enforcement. This study explored the pattern of sexual dominance that people in positions of authority have over people of unequal power. It was speculated that the flaws of character and personal vulnerability were the ultimate issues. A self-administered questionnaire was handed out in a classroom setting to students enrolled in the Criminal Justice program at California State University San Bernardino. These students work in this environment with offenders where there is close contact and monitoring. One of the hypotheses was that bad morals and personal crisis were primary causes for misconduct. I also considered the unprofessional environment, which is created when you have absent or weak managers and supervisors. The specific
sample that was drawn included both genders ages 18 and above who were presently working in all areas of a confined element. The research method used for this study was both qualitative and quantitative in nature. This method was chosen because it has qualitative aspects that allowed the researcher to investigate any significant changes with law enforcement departmental procedures.

A qualitative approach also allowed the researcher to collect and use a variety of empirical data such as reviewing prior case studies and personal experience from peace officers that may have been involved in misconduct investigations. The researcher was in a position to take a closer look at this study, because of her involvement with both genders that are currently incarcerated. Qualitative research is the study of people in their national environments as they go about their daily lives. This study will hopefully help others understand how peace officers live, talk and behave after being accused of sexual misconduct. Further research will help describe the roles and responsibilities of the persons involved in this study. The activities in this study will enlighten good social work practice for the field. The best way to incorporate methodological practice is through staff participation, and observation and keeping administration
informed about studies such as these. This sample was limited to the size of the student population, because only students from the criminal justice program were included. The criminal justice program was chosen because most of the students already work in this environment with offenders.

The research question is:

Are Peace Officers agencies considered high-risk place to work, as far as sexual misconduct is concerned?

Sample

The California State University, San Bernardino Criminal Justice department is a career-bound pre-service and in-service program developed for students who currently work or who plan to work in law enforcement, probation, parole corrections and social service agencies. The participants were graduate and undergraduate students who were currently enrolled in the Criminal Justice classes during the Spring quarter of 2002. This was a convenience sample only because of the nature of their work. Potential participants were approached through a classroom setting. The sample size is relatively small due to the realistic expectations of sampling only four classes. One was an evening class to survey students who
work during the day as a peace officer; another class was surveyed during the morning to capture students who work during the early evening hours. The last two were afternoon classes that surveyed peace officers who work nights to early morning hours.

The response rate was somewhat lower than desired, because not every student enrolled in the Criminal Justice classes worked with the target population. This questionnaire was only handed out to students who worked in this field. It took each participant 10 to 15 minutes to complete the questionnaire. Those individuals who wished to participate in this study and who were willing to answer the survey questions surrounding sexual misconduct make up the sample of interest. The sample size consisted of approximately 100 to 150 students and covered a two-month period. It was made clear that participation in this study is completely voluntary. Participants received a brief explanation of the purpose and goals of this study.

Instruments

The levels of sexual involvement were assessed through a classroom survey, by asking each participant twelve questions. This was followed by a second set of
questions dealing with each participant experience regarding sexual misconduct between peace officers and offenders. And finally each participant indicated whether or not (to his or her knowledge) peace officers engaged in sexual misconduct behavior with offenders. The responses to these questions were measured on an ordinal Likert-type scale; in other words, questions representative of the levels of sexual involvement. The likely strengths of this instrument were it’s simplicity, and easy comprehension. The weakness of the instruments was that it was created solely for the purpose of this study, and the instrument was not tested or proven.

Procedures

The surveys were handed out in four different classroom settings of the Criminal Justice Department to potential respondents. At the start of each class, the surveyor addressed each class and explained the reason for the survey. Classes surveyed included two undergraduate classes and two graduate classes. This quantitative aspect of this study examined the relationship between the variables in this study. It looked at the correlation between sexual misconduct in a controlled environment where peace officers worked.
Data Collection

Procedures specific to this data collection method were initially conducted by implementing the qualitative research method. Preliminary data was collected by observing and note taking at In-Service Training classes where the issues of sexual misconduct were discussed to help acquire more participants. The questionnaire was developed to focus on sexual misconduct and sexual behavior in confined setting. Peace officers involved in this survey had a chance to have any questions answered and provide feedback to the researcher. The questions were constructed by looking at the literature and past research, especially work done by Pope.

Participants were asked to provide information about their own age, sex, and primary work setting. Other questions in the survey were designed to collect data about how well a supervisor can identify certain behaviors about their subordinate. This study represents an initial attempt to collect data from line supervisors in order to gain more insight into sexual misconduct between officers and offenders. The format of the questions on the questionnaire was designed in a “yes/no” format, fill-in-the blank and “circle one”. An example of one of the questions asked to the participants is: “what kind of
training is provided to employees regarding boundaries between staff and offenders?” All questions were written in an easy-to-understand manner (e.g., someone with a high school education could understand them).

Protection of Human Subjects

The confidentiality of the participants of this study was assured. The survey was passed out in class to each participant with instructions for informed consent, and a signature was requested on the survey to ensure they were 18 years of age or older (see Appendix A). The survey was collected after completion and placed in an envelope by the professor to assurance that the survey results were confidential and were reported in a group form only.

A debriefing statement was included with the survey as well as contact numbers made available in the event that there were any questions or concerns regarding the questionnaire (see Appendix B). The approximate date and location where the results of the survey would be made available was also disclosed. Note: You need to explain how confidentiality and anonymity of the study participants will be accomplished.
Data Analysis

The SPSS 10 computer analysis program generated statistical analysis. The independent variables were some of the factors that were used to evaluate alleged sexual misconduct. The data abstraction form consisted of 31 questions with closed ended responses (see Appendix C). This abstraction form was used to collect data from the questionnaire, providing demographic data and nominal variables such as the age, sex, ethnicity, and level of education. This information was used to generate univariate statistics. Data collection began in February of 2002 and took approximately two months to complete. The survey sought demographic information in the first section, which was generated into univariate statistics such as frequency distributions that showed the number of times a particular response was given. The questionnaire was developed from information based on literature from Pope on sexual misconduct cases with therapist and clients. Data regarding the validity, reliability, and cultural sensitivity for this particular instrument is strong. The research advisor to the research also had considerable expertise and knowledge on therapist-client sexual misconduct and was consulted regarding the validity of the instrument.
Summary

We are now looking at the beginning of a new era with offenders, where we must concern ourselves with providing them with a safe atmosphere that's free from intrusion by peace officers.
CHAPTER FOUR
RESULTS

Introduction

The survey questionnaire offered participants various work related issues on handling sexual misconduct. The survey questionnaire was returned by 139 of the 150 potential respondents, and the overall response rate was 93%.

Presentation of the Findings

Frequency and descriptive statistics were run to obtain means standard deviations and percentages on this data. Among the 139 participants who answered the survey, 90 (64.7%) were female and 49 (35.3%) were male (see Appendix D). The total for the ethnic size was 38 Hispanics, 27 African Americans, 58 Caucasians, 1 Native American, 3 Asians, 1 Pacific Islander, and 11 others. The mean age of graduate students surveyed was 21 years and for undergraduate students it was 18. The overall median age of participants was 24.18 with a range from 18 to 55 years of age (see Appendix E). Ninety-three and one-half percent of participants surveyed were criminal justice majors, while 6.5 percent were students of other majors. This survey reported that 91.4 percent of participants
surveyed were full time students and 8.6 percent were part
time students. In the capacity of participants who worked
in the criminal justice system, 5.0 percent worked in
county jails, 5.0 percent worked in youth correctional
facilities, the percentage of participants working in
probation/parole settings was 2.9 and 12.9 percent of
participants worked in other job settings. Finally, 71.9
percent of the participants were students. Slightly over
22 percent of participants who were surveyed said that
their employers provide in-service training was 22.3
percent, 4.3 percent of participates said that their
employers provided seminar training, 18.0 percent said
they received information packets, 7.9 percent said that
they received informal advice, 23.7 percent surveyed said
that they received no training at all, and 4.3 percent
surveyed said they received other forms of training.
Participants were asked, "what actions should be taken
against a peace officer who is involved in a sexual
misconduct claim"? Just over 42.4 percent surveyed said
they would file a report, 10.8 percent suggested that the
officer be suspended, 2.9 percent suggested that officers
take an administrative leave, 11.5 suggested that the
officer be terminated and 18.7 percent of the participants
did not answer the question. This may be because they do
not work in a confined setting and do not understand the consequences of being involved with offenders.

Table 1. Percentages of Participants

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Does Occur (%)</th>
<th>Doesn’t Occur (%)</th>
<th>Acceptable (%)</th>
<th>Not Acceptable (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kissing/Hugging</td>
<td>18</td>
<td>76.3</td>
<td>12.2</td>
<td>82.7</td>
</tr>
<tr>
<td>Offering Goods/Services</td>
<td>7.2</td>
<td>87.1</td>
<td>0</td>
<td>94.2</td>
</tr>
<tr>
<td>Sexual Behaviors</td>
<td>7.9</td>
<td>84.9</td>
<td>2.2</td>
<td>91.4</td>
</tr>
<tr>
<td>Address by First Name</td>
<td>47.5</td>
<td>46</td>
<td>48.9</td>
<td>44.6</td>
</tr>
<tr>
<td>File Complaint Against Staff</td>
<td>40.3</td>
<td>52.5</td>
<td>50.4</td>
<td>43.2</td>
</tr>
<tr>
<td>Misuse of Authority</td>
<td>4.3</td>
<td>88.5</td>
<td>2.9</td>
<td>89.9</td>
</tr>
<tr>
<td>Lending Money</td>
<td>9.4</td>
<td>84.2</td>
<td>9.4</td>
<td>84.2</td>
</tr>
<tr>
<td>Giving Gifts</td>
<td>19.4</td>
<td>74.1</td>
<td>18</td>
<td>75.5</td>
</tr>
<tr>
<td>Allow Neglect Work Details</td>
<td>0</td>
<td>93.5</td>
<td>0.7</td>
<td>92.8</td>
</tr>
<tr>
<td>Become Social Friends</td>
<td>25.9</td>
<td>66.9</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The second part of the questionnaire inquired about the occurrence of certain boundary violations in the workplace(s) of the participants. Participants were first asked to decide whether the behavior in question occurred and then they evaluated whether they thought it was acceptable or not. The percentages with which participants answered these questions can be seen in Table 1. As can be seen, the most frequent behavior reported to occur in correctional workplace settings was allowing offenders to
address staff by their first name. Participants also reported that sexual behaviors (e.g., intercourse) occur less than 10% of the time. For the most part, participants found most of these behaviors to be unacceptable. The only exceptions were addressing staff by first name and assisting offenders in filing a complaint against staff.

Participants were asked to estimate the severity of the problem of sexual misconduct at their respective workplace settings. They marked their answers on a Likert-type scale than ranged from "0" (not at all a problem) to "10" (extreme problem). The results can be seen in Appendix D and indicate that the modal score was zero and the mean score was 1.5. This indicates that participants did not see sexual misconduct as being a widespread problem in their workforce.

Summary

Norms of beliefs or behaviors are not the equivalent of ethical standards. In many situations, the formulation and dissemination of formal standards are intended to increase ethical awareness and to improve the behaviors of a professional association. Chapter Four reviewed the results extracted from the project.
CHAPTER FIVE

DISCUSSION

Introduction

This survey took into account a full range of factors such as age, gender, job duties, and ethical questions relating to sexual misconduct.

Discussion

It has been very difficult to accurately determine actually how widespread the problem of sexual misconduct in confined settings has become. Data was analyzed by asking participants a series of questions and their responses were recorded and compared. The goal was to find ways to hold personnel accountable for their actions, especially peace officers that commit these offenses.

There is now an 800 number (hotline) setup for offenders in the Department of Corrections in California for complaints and other known allegations for investigation. From 1995 to 1998 in California, the Department of Corrections reviewed over 117 cases of alleged sexual misconduct.

The majority of the questions (20) were closed ended, in which the participants were asked to fill in the blank and answer the correct response below. The remaining (10)
questions were basically “yes/no” and “ok/not ok” responses. These numbers were totaled to provide the answer to the research question. The results indicated that many of the participants did not have enough experience working in a confined setting. Most were criminal justice students (71.9%) and 15.7% of participants worked with offenders. The results do, however, indicate that participants were aware that some kind of training was provided to employees regarding sexual misconduct. In discussing the results from this study, one theory was viewed in order to help bring clarity and possibly understanding to these findings. The “Locus of Control” theory (Rotter, 1966) states that individual differences exist with respect to a person’s belief in the way his or her behavior will affect the control of life events. In this regard, it is important to note that the participants surveyed came from different social and economic backgrounds.

Special Agent Scott from the Office of Investigation Services states that in the past eighteen months her office has received and reviewed over 61 cases of alleged sexual misconduct statewide. She said that these cases range from being unfamiliar with what constitutes sexual misconduct. Twenty-two of these cases were unfounded and
closed, 23 were referred to the DA or sustained for violations, and 16 were not sustained. Earlier this year at the researcher’s place of employment with California Department of Corrections, there have been six cases of sexual misconduct between peace officers and offenders. Unfortunately, according to Special Agent Scott these cases are not accurately documented because the officers usually fall in love and resign before anything is done. New laws and policies governing sexual misconduct have been introduced in Senate Bill 377 by Senator Polanco that would broaden existing prohibitions against sexual relations between officers and offenders. Such relations are currently punishable as misdemeanors. The Office of Investigation Services also uncovers additional instances of illegal and inappropriate conduct between officers and offenders.

Limitations of the Study

One limitation to the study was the small sample size that may have limited the ability to generalize from the results. The sample was derived from students enrolled in the criminal justice program at California State University at San Bernardino. Perhaps a larger more diverse population would have yielded different results.
Students were the main source of data, which was another limitation. This was a cross sectional design, a one time only single measurement of this data. Using a more reliable measuring instrument may also help to yield better results. This study actually raised some important issues relating to future studies concerning sexual misconduct.

In this method, however, the participants are given limited freedom to elaborate on the questions asked, which would allow the researcher to get a good understanding of the problem being investigated. Other limitations to this research method include not being able to interview a larger number of correctional staff, which would allow further diversity of perception. As stated earlier, another limitation is that the findings cannot be generalized.

Implications for Social Work

The implications for social work practice are encouraging. The responses by participants indicate that the problem of sexual misconduct is manageable with the right attitude and precautions. Further research needs to be done in the area of what a confined setting can do to control inappropriate behavior by a peace officer.
Conclusions

The conclusions extracted from the project are speculative in nature. From the results, this author concludes that there is a need for clear and explicit correctional standards regarding any forms of sexual misconduct between peace officers and offenders that the job settings find unacceptable. There is also a need for written, operationally defined procedures for avoiding conflicts of interest in monitoring and enforcing the correctional standards regarding sexual misconduct. Departments and administrators have responsibilities and must avoid shortcuts and negligence in following formal policies and procedures to select personnel who are sensitive to ethical issues. When organizations fail to check employees applicant history of ethics, licensing, or complaints, it sends a clear message that ethical values are not taken seriously. Training facilities need to identify, through careful research, those factors that encourage ethical sensitivity and behavior in contrast with those that increase the likelihood that peace officers will act in ways that put offenders or others at risk for harm. Most of the participant’s comments explain that their answers reflected the principle “Do not exploit.” Their comments demonstrated that they recognized
how crucial it is to avoid using offenders to meet their own needs (social, sexual, professional, or financial) through sexual misconduct. These were justifiably seen as behaviors that were exploitive in nature. Participants as expressed the need to avoid discounting or justifying the process as necessary, inevitable, or helpful to offenders. It was concluded that none of the factors identified in previous research from other professions influenced the choices a peace officer makes about sexual involvement with an offender.
APPENDIX A

INFORMED CONSENT
INFORMED CONSENT

You are being asked to participate in a research study that involves Criminal Justice student's attitudes and beliefs regarding sexual misconduct in a confined setting. The following questionnaire is an anonymous survey. Please do not write your name on any part of this questionnaire. Participants of this study are asked to check a box at the bottom of this form that indicates that they understand and agree to willingly participate in this study. After completion of this survey, place the survey in the large envelope and return it to the research student.

The research of this study is a MSW student at California State University San Bernardino, Steve Nitch, Ph.D. faculty supervisor of the Department of Social Work at CSUSB, is supervising this particular study with guidance from Dr. Rosemary McCaslin Ph.D., ACSW. The Department of Social Work Sub-Committee of the Institutional Review Board of California State University, San Bernardino, has approved this study.

The following questionnaire consists of 30 questions that will explore your attitudes and beliefs pertaining to sexual misconduct in prisons, jails, probation, parole and youth facilities. The questionnaire should take only 10 to 15 minutes to complete.

Your responses will be held in the strictest of confidence by the researcher of this study. Your participation in this study is strictly voluntary in nature. Participants are free to stop at any time and are not obligated to answer questions that are deemed uncomfortable or personal in nature.

The results of this study will be available in the fall of 2002 at CSUSB Pfau Library. If you have any questions and/or concerns regarding this study please feel free to contact Steve Nitch, Ph.D. at (909) 880-5507 or Dr. McCaslin at (909) 880-5507.

☐ I have read the above statement and agree to participate in this study.
APPENDIX B

DEBRIEFING STATEMENT
DEBRIEFING STATEMENT

You have participated in a study about ways in which sexual misconduct can be a high risk factor in a confined facility. The purpose of this study is to gain a better understand of sexual boundary violations between peace officers and offenders. Thank you for your participation in the study.

If you have any questions or comments concerning the study, contact Dr. Rosemany McCaslin at California State University, San Bernardino at (909) 880-5507. Jacqueline Goins, MSW student at California State University San Bernardino, conducted this study with the criminal justice program at the campus of California State University San Bernardino.

If any of these issues brought up in the study made you feel uncomfortable, feel free to contact Jackie Goins through Dr. Rosemary McCaslin at the California State University Department of Social Work, (909) 880-5507.

The results of this study will be available at the Pfau Library at California State University, San Bernardino in the fall of 2002.
APPENDIX C

QUESTIONNAIRE
SURVEY QUESTIONNAIRE

First, I would like to ask you some questions about who you are.

1) What is your age? ______

2) What is your sex? (Please circle one).
   0) Male
   1) Female

3) What is your ethnicity?
   1) Hispanic
   2) African American
   3) Caucasian
   4) Native American
   5) Asian
   6) Pacific Islander
   7) Other __________________

4) Are you a Undergraduate or Graduate student?
   1) Graduate Student
   2) Undergraduate Student

5) What is your Undergraduate or Graduate major?
   1) __________________
   2) __________________

6) What year do you expect to receive your Degree?
   1) 2002
   2) 2003
   3) 2004
   4) 2005

7) Are you a full or part time student?
   1) Full Time
   2) Part Time
8) What capacity of work in the Criminal Justice system do you work in?
   1) Prisons
   2) County Jails
   3) Youth Authority/Facilities
   4) Work furloughs/Halfway Houses
   5) Probation/Parole Offices
   6) Other ________________________________
   7) None

9) How many years of experience do you have in your line of work?
   ________________________________

10) Are you a full time or part time employee?
    1) Full Time
    2) Part Time
    3) Not Employed

11) What is your marital status?
    1) Married
    2) Divorced
    3) Widowed
    4) Single
    5) Separated

12) Does your spouse work in Law enforcement or any other area of the Criminal Justice system?
    1) Yes
    2) No
Now I would like to ask you some questions about your employment. Some of the questions deal with your experiences regarding sexual misconduct between peace officers and offenders in the workplace. Sexual misconduct is defined, as any unwanted sexual behavior that is inappropriate in the workplace.

13) Where is your work setting located?
   1) Prison/Institution
   2) Jail
   3) Probation/Parole Office
   4) Administration Building
   5) Camp
   6) Group Homes
   7) Other __________________________
   8) Youth Facility

14) What is your job title? ________________________________

15) Do you hold a supervisor position?
   1) Yes
   2) No

16) What is your supervision rank? _________________________

17) What would you estimate the incidence of sexual misconduct between staff and offenders to be in your workplace?
   0-25% 25-50% 50-75% 75-100%

18) What kind of training is provided to employees regarding boundaries between staff and offenders?
   1) In-service training
   2) Seminars
   3) Packet of information
   4) Informal advice
   5) Other ________________________________
   6) None
19) How much of a problem is sexual misconduct at your place of employment?

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all</td>
<td>Mild</td>
<td>Moderate</td>
<td>Very</td>
<td>Much</td>
<td>Extreme</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

20) Who can these employees go to when faced with sexual misconduct allegations? ____________________________________________

For the next set of questions, please first check whether or not, to your knowledge, custody staff engages in the following types of behaviors with offenders. Next, please indicate whether you believe that it is O.K., at least in some situations.

21) Becoming involved in undue familiarity, such as kissing or hugging an offender.

   a) □ Yes  c) □ O.K.
   b) □ No  d) □ Not O.K.

22) Offering an offender goods or services in exchange for sexual services.

   a) □ Yes  c) □ O.K.
   b) □ No  d) □ Not O.K.

23) Engaging in sexual behaviors such as sexual intercourse or foreplay with an offender.

   a) □ Yes  c) □ O.K.
   b) □ No  d) □ Not O.K.

24) Having an offender address staff by their first name.

   a) □ Yes  c) □ O.K.
   b) □ No  d) □ Not O.K.

25) Helping an offender file a complaint against staff.

   a) □ Yes  c) □ O.K.
   b) □ No  d) □ Not O.K.

26) Misusing peace officer authority while involved with an offender.

   a) □ Yes  c) □ O.K.
   b) □ No  d) □ Not O.K.
27) Offering or lending money to an Offender.
   a) □ Yes    c) □ O.K.
   b) □ No     d) □ Not O.K.

28) Giving gifts to certain offenders, because they work a good program.
   a) □ Yes    c) □ O.K.
   b) □ No     d) □ Not O.K.

29) Would you allow an offender to neglect their work details in exchange for certain favors?
   a) □ Yes    c) □ O.K.
   b) □ No     d) □ Not O.K.

30) Would you become social friends with certain offenders who you feel as not being a threat?
   a) □ Yes
   b) □ No

31) What does your agency do to uncover unethical issues?
   a) File a Report
   b) Suspend the employee until an investigation is completed.
   c) Administrative Leave with pay
   d) Administrative Leave without pay
   e) Terminate the employee
   f) Other ________________________________
APPENDIX D

BAR CHART HOW WIDESPREAD IS
SEXUAL MISCONDUCT?
Figure A. How widespread is sexual misconduct in the workplace?

PROBLEM
0 = not at all, 10 = extreme
APPENDIX E

BAR CHART MEAN AGE OF
PARTICIPANTS
Figure B. Mean Age of Participants

Std. Dev = 7.12
Mean = 24.2
N = 139.00
REFERENCES


Curriden, M. (1994, March 12). Female inmates sex abuse suit rocks Georgia's prison system. The Dallas Morning Star, pp. 10A


