

Correctional Officer Discipline... Can we prevent it?

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Abstract

In recent years one can see that a rise in Correctional Officer misconduct is occurring. Correctional Officers seem to be putting their livelihood at risk more than years prior, by committing serious offenses that puts themselves and others at risk. Officer entrusted with the care of those who commit crimes, are doing this by using excessive force, committing perjury, introducing contraband, as well as conducting themselves in a manner that does not promote what they signed up for. This paper has identified what I believe is a need for relevant, up to date, in-person, training that should be required to be attended by the Criminal Justice Standards and Training Commission. This would help educate individuals on various aspects on this topic to help deter their negative actions/behaviors.

Introduction

As civilization develops and advances through times, so do professions. That of a correctional officer is no different. Prior to the 1980's there was very little to no training required/provided to be employed as a correctional officer. Over the last 30 years that has changed. This is primarily due to legislation changes, litigation, and other various aspects that come into the picture when it comes to discussing the treatment of incarcerated individuals. Today in Florida, one must complete a 420 hour academy that focuses on topics like; constitutional rights, values and ethics, legal issues, criminal and civil liabilities, communication, manipulation, as well as some high liability training in first aid, firearms, and defensive tactics. The training for this profession varies, as requirements are different in other parts of the United States.

One must note that the training discussed above does not guarantee employment by a corrections facility. Agencies have their own rigorous and thorough employment requirements that one must satisfy prior to being employed. These requirements often times include, background evaluations, psychological evaluations, polygraph assessments, physical ability tests, among other requirements.

The training material as well as the requirements for employment established are set in part to identify candidates that meet a high level of ethical standard. Being in a profession that primarily is responsible for the well-being and security of offenders comes with many risks. Often times mistakes that are made could have been prevented with proper training or screening of individuals that simply do not meet the needs to be successful in this profession. In fact, majority of the training identified both for individuals already in the corrections field and new comers, is often times related to current trends and litigation that have resulted from neglect or recent mistakes correctional officers have made.

The research presented in this paper will focus primarily on current violations correctional staff have been sustained on, whether by their agency or the authority granting their certification in this case, The Criminal Justice Standards and Training Commission (CJSTC), established by The Florida Department of Law Enforcement (FDLE). It is important to understand not only the violations being upheld, but also the circumstances surrounding how they occurred, why they occurred, and if possible how they could have been prevented. The goal for the research conducted will be to determine if we can prevent it.

In Florida, The CJSTC reviewed 440 cases during July 2020 to June 2021. Only 34 of those cases were dismissed compared to 151 cases resulting in violations that were either repeated or egregious enough to have the officer's certification revoked. The remainder of the cases resulted in discipline ranging from letters of acknowledgement to voluntary relinquishments (Summer 2021 - FDLE).

Regardless of the circumstances around the violation, it is evident that there is a rise in correctional officer misconduct. Today, searches in various internet platforms will yield countless results of correctional officer wrongdoing, often resulting in the placing of unrelated individuals at risk of being harmed. Individuals who have been successful or that take honor in this profession should be compelled to take interest in helping others in being as successful as they were. With regards to this topic, this can be partly accomplished by understanding why individuals choose to break the high ethical expectations they swore to abide by when first employed. Is it because they didn't know better? Perhaps they did not care or see it as being negligent? Or maybe even thought the reward outweighed the short term risk. Are there un-identified aspects that are not taken into consideration when determining the guilt of officers charged with violating the high ethical standards? Once these questions are answered, we must ask ourselves, are we doing what we can to prevent them from happening?

Literature Review

Prior to the early 1980's little to no formal training was provided for individuals choosing to begin a career in corrections. In conducting interviews with three individuals that started their careers in corrections during 1985 to 1990, all three agreed that once hired, they would report to work, and be given a post to report to where they would be given a count and a set of keys, no further instructions were given, and they would seek their way through shift by taking advice by the very same individuals that they were responsible for (S. Dunn, J. Watson, and B. White personal communication, November 02, 2021).

With the ever evolving changes in the corrections world, formal training was implemented as a response those changes/needs. Today in Florida, individuals seeking to gain employment as a correctional officer must successfully obtain a state level certification by successfully completing a 420 hour basic corrections academy. Training elements include topics that lessen the opportunity for neglect as well as mitigate risks involved with the profession. Once the hour requirement is met, the individual must pass a multiple choice exam administered by CJSTC.

The next step in securing employment, is by effectively meeting the requirements set by the agency desired. This can range from a simple background check to extensive psychological, polygraph, personality, and credit checks (FL Employment Requirements). The reasoning behind the requirements set are to identify and recruit individuals that have high ethical standards and values. In turn, the agency expects to have these individuals help in meeting various missions in providing quality and humane treatment of those incarcerated in their care.

In Florida, The FDLE and The CJSTC have included ethics and values training in the introduction portion of the required training academy for both law enforcement officers and corrections officers (Florida Basic Recruit training program 2021, Lesson 2) This is done to equip potential correctional officers with the tools to make ethical decisions whether on or off duty. Within the training various examples of sound ethical decisions are given to include a code of ethics they should abide by. However, like in any other profession, no matter what training, policies, or governing rules are put in place, people will deviate from them. Misconduct is defined as unacceptable or improper behavior, especially by an employee or professional person (Google search, misconduct). In this writing, an attempt will be made to identify ways and reasons misconduct occurs in hopes of determining ways to prevent it. When referring to misconduct in corrections one must note that the outcome often results injury to uninvolved parties, whether mental or physical, and/or loss of trust and credibility for those responsible of the individuals incarcerated. Examples of misconduct that occurs by today's corrections officers include (Summer 2021 - FDLE):

- Driving under the influence
- Battery
- Excessive force
- Positive drug tests
- Introduction of contraband into secure facilities
- False statements
- Petit theft

There are more serious violations that occur as well, such as sexual misconduct both with inmates and coworkers, as well as violations that have to do with firearms or weapons for example:

- March 2020- Correctional Officer Jessica Fernandez was criminally charged with sexual misconduct, money laundering, and bribery, introduction of contraband and unlawful use of a two-way communication device (Florida Department of Corrections)
- November 2018- Correctional Officer Michael Powell received a suspension and placed on probation after being sustained for receiving money/goods from fraudulent use of a credit card (Quarter stats winter 2018 - FDLE).
- June 2018- Correctional Officer Emmanuel Valdez-Ruiz voluntarily relinquished his certification after being found sustained of having an unprofessional relationship with romantic association (Quarter stats fall 2019 - FDLE).

The range of misconduct and examples does not only apply to correctional officers in Florida. Misconduct has proven to be unbiased as it also occurs in the various professions with in criminal justice. It also occurs at federal levels, where training is similar but only three (3) weeks long (Federal Bureau of Prisons). While the training period is shorter, the Federal Bureau of Prison's (FBOP) hiring requirements are far more stringent by requiring relative previous employment and imposing age limitations. In results, it offers higher pay and a lower number of years required to acquire retirement. Even with these requirements and benefits the results in misconduct trends are present. Instances involving FBOP officers include:

- May 2021- FBOP settled a law suit in which 15 female inmates alleged that they had been sexually assaulted by correctional staff (Ellenbogen, 2021).
- In 2017- FBOP sustained 63 cases of misconduct labeled- Inappropriate relationships with inmates (Office of Internal Affairs Report for Fiscal Year 2017).
- In 2017- FBOP issued 305 types of discipline ranging from written reprimand to termination (Office of Internal Affairs Report for Fiscal Year 2017).

As you can see the occurrence of misconduct by correctional officer does not differ by jurisdiction or whether public or private ran jail/prison. It also does not allow us to identify one clear way to make it go away. From higher pay and better benefits, to longer training curriculums, correctional officers are still able to be manipulated and conduct themselves in a manner opposite of what they signed up for. This in turn tarnishes the public's trust, risks the safety of both the public and everyone inside the fence, to include staff and inmates, and creates a financial burden on taxpayers. In Florida the CJSTC is always working to ensure that only the most qualified, well-trained, competent, and ethical officers are serving the citizens (Florida Basic Recruit training program 2021, Lesson 1). For this very same reason identifying additional measures in avoiding misconduct well be beneficial to all stakeholders.

Methods

The goal of my research was to identify ways to prevent the increasing rate in not only the instances of Correctional Officer discipline, but also the severity of violations.

Information was gathered primarily through a multiple choice 10 question survey that was administered in person at The Orange County Corrections Department in Orlando, FL. The survey focused on both frontline staff and front line supervisors, with 0-25 years of holding a Correctional Officer Certification in The State of Florida. Questions targeted various areas on their knowledge regarding the discipline process from inception through completion, to include whether they were aware of both the FDLE/ACA Office Code of Ethics as well as their Officer Bill of Rights.

Although administered in person, those surveyed were not required to place their name or identifying information and were allowed to submit their written responses shortly after completing it into a box, which would be collected once surveys were completed. A

weakness in the data collected was that although anonymity of the process was promoted, the lack of candor was still present, which would result in some unpredictable responses.

Results

A survey was hand issued to a total of 127 certified correctional officers, employed by The Orange County Corrections Department. A total of 77 were completed and returned, giving a response rate of 61%. The survey was intended to identify and compare the officer's demographics, i.e. years of experience/supervisory ranking vs. training and knowledge on the topic being discussed, Officer Discipline.

The first question asked the individual taking the survey to identify how long they have been a Certified Corrections Officer. The options given were 1-5 years, 6-14, years, 15-20 years, and 21+ years or more. For this question the survey yielded:

- 26 or 34% had their Corrections Officer Certification for 1-5 years.
- 33 or 43% had their Corrections Officer Certification for 6-14 years.
- 14 or 18% had their Corrections Officer Certification for 15-20 years.
- 4 or 5% had their Corrections Officer Certification for 21 or more years.

Identifying if they held a frontline supervisory position/rank, was imperative. This would illustrate if supervisory training, assisted with the amount of knowledge the respondent had regarding officer discipline and related factors. The respondents were asked to select their current rank, giving the option to select from: officer, corporal, or sergeant. These positions are normally tasked with the daily operations, frontline tasks of operating a jail environment. It should be noted that even though four (4) sergeants were given the survey, none of the completed surveys returned had "sergeant" selected as the rank for the person completing the survey. Those surveyed were identified to be:

- 68 (88%) Officer Rank
- 9 (12%) Corporal Rank

Those surveyed were asked to identify on a scale from 1 (low) to 5 (high), at what level they felt they were adequately trained on the following areas:

- Exercising authority over incarcerated individuals
 - 2 (3%) answered level 1.
 - 4 (5%) answered level 2.
 - 19 (25%) answered level 3
 - 25 (32%) answered level 4.
 - 27 (35%) answered level 5.
- When force is authorized to be utilized
 - 1 (1%) answered level 1.
 - 4 (5%) answered level 2.

- 17 (22%) answered level 3
- 30 (39%) answered level 4.
- 25 (33%) answered level 5

- Writing an effective report
 - 3 (4%) answered level 1.
 - 5 (6%) answered level 2.
 - 20 (26%) answered level 3
 - 27 (35%) answered level 4.
 - 22 (29%) answered level 5

- Ethics and Code of Conduct: On-Duty
 - 2 (3%) answered level 1.
 - 5 (6%) answered level 2.
 - 15 (19%) answered level 3
 - 32 (42%) answered level 4.
 - 23 (30%) answered level 5

- Ethics and Code of Conduct: Off- Duty
 - 5 (7%) answered level 1.
 - 5 (6%) answered level 2.
 - 21 (27%) answered level 3
 - 26 (34%) answered level 4.
 - 20 (26%) answered level 5

Question #4 asked the individual to acknowledge if they were aware that their employing agency's code of conduct also governed their off-duty conduct.

- 71 (92%) answered YES- they were aware.
- 6 (8%) answered NO- they were not aware

Question #5 asked whether or not the person being surveyed was aware that certain policy/law violations require a Criminal Justice Standards and Training Commission, regardless of the outcome of an agency hearing/investigation.

- 57 (74%) answered YES- they were aware.
- 20 (26%) answered NO- they were not aware.

When asked if they were aware that these type of hearings are able to apply additional sanctions, oftentimes more punitive than those issued by their agency:

- 56 (72%) answered YES- they were aware.
- 21 (28%) answered NO- they were not aware.

Lastly, those surveyed were asked to identify if they are familiar with the Rights provided for Law Enforcement/Corrections Officers under Florida State Statute 112- Officer Bill of Rights.

- 38 (49%) answered YES- they were aware.
- 39 (51%) answered NO- they were not aware.

Discussion

The survey yielded some interesting results. While more than half of those surveyed had 14 years or less, the awareness into the discipline arena was comparative to those individuals that had been a Corrections Officer for a longer period of time. One would think that those entrusted with care, custody, and control over other human beings would be more in touch with the skillset and knowledge required for their career.

But why is this? Do they hold the blame? Or is the employing agencies along with the organization(s) holding/issuing certifications. Clearly the opportunity for knowledge growth specifically in this area is present. Out of those surveyed, only 29% felt that they had strong skills in effective report writing. Something simple and relevant that can often times if not always, clear the officer of wrong doing on the front end.

The simple awareness of knowing that accountability is present whether on or off duty is also absent as only 30% or less were strongly aware of this expectation. An improvement was seen when those asked were presented with questions relating to the relevance that The Criminal Justice Standards and Training Commission had on discipline. While the results improved in that area. When asked if they were familiar with Florida State Statute 112- Officer Bill of Rights, 51% replied that they did not.

Again, shining light on another topic that can help improve the outcome of officer discipline. By officers familiarizing themselves with the Rights provided to them under law, the opportunity for discipline can also be mitigated.

The survey clearly reflected that ethics and conduct are areas where this profession can improve on, to include learning about various disciplinary hearings and how they can be affected by them. That would assist in persuading them to steer clear of possible offenses.

Recommendations

Initially I was unsure of what recommendations, if any could be made to improve Correctional Officer conduct. Conducting research and seeing current events on media and other sources, clearly re-affirms that this area is in need of attention. While one may think that the interest lies with the Correctional Officer. Their decisions do not solely affect them. The stakeholders include: Governments, Agency heads, and the public.

Governments whether, The Director of the Federal Bureau of Prisons, The County Sheriff, or Board of County Commissioners, are responsible for operating a safe and humane correctional setting. By employing individuals with low or no values or ethics, the opportunity for liabilities are immense.

The public whether as an incarcerated individual or family member of one, expect those incarcerated to be treated fairly, and to be held in a safe facility. By allowing staff to introduce contraband, act out of policy, or law, are not only they putting the risk of those who are serving their sentence at risk but also staff and volunteers.

The first recommendation I can make is the implementation of a relevant, up-to-date training. This training would have to be held in-person and cover topics that are currently trending in this arena. An in-person environment would be most beneficial as it would allow for open dialogue and questions and answer sessions. The training would also incorporate how officers can protect themselves from accusations by not only familiarizing with measures to protect themselves, but also simple tasks like effective report writing.

I would also recommend that this training be added to the list of trainings required by the Florida Department of Law Enforcement. Currently, Correctional Officers are only required to attend Human Diversity and Use of Force trainings periodically (FDLE). This results in the only training received on this topic occurring in the early stages in the academy as a recruit. Individual agencies can develop and implement their own training. Currently, The Orange County Corrections Department has a yearly ethics training that is computer based. Even then, the survey data resulted in unfavorable results, and often times officers from this agency being charged with ethical violations.

As you can see the benefits of providing relevant training on this topic and making those that serve aware of procedures, consequences, and techniques to help mitigate these incidents, is needed as a first step in the direction to lower the misconduct occurrences in this field. One should continue to find ways to better their skills, organizations should assist in any way possible.

Lieutenant William Valdivia started his career in Corrections working for the Florida Department of Corrections in 2005. In 2007 he relocated to the Orange County Corrections Department. Lieutenant Valdivia was promoted to Corporal in 2011, Sergeant in 2014, and Lieutenant in 2020. Lieutenant Valdivia has been assigned to various positions, in both the Security and Support Operations Divisions. Currently, Lieutenant Valdivia serves as an Administrative Lieutenant overseeing the Transportation, Court Operations, and Medical Security Teams. Lieutenant Valdivia received his Associates Degree and a Bachelor of Applied Science in Business and Organization Leadership Program both from Valencia College.

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Appendix A Survey

The purpose of this survey is to gather data related to the amount of knowledge State of Florida Certified Corrections Officers (specifically at The Orange County Jail) have in regards to Officer Discipline, in relation to the years of experience they hold. In an effort to allow you to answer confidently and honestly, please note that your name or any other identifying information **IS NOT** required.

Directions: Please circle the answer that best applies to you.

1. How long have you been a Certified Corrections Officer?
 - a. 1-5 years
 - b. 6-14 years
 - c. 15-20 years
 - d. 21+ years

2. What rank do you currently hold?
 - a. Officer
 - b. Corporal
 - c. Sergeant

3. On a scale of 1 through 5, do you believe you are adequately trained in the following: (1=Low/5High)
 - a. Exercising authority over incarcerated individuals: 1 2 3 4 5
 - b. When force is authorized to be utilized: 1 2 3 4 5
 - c. Writing an effective report: 1 2 3 4 5
 - d. Ethics and Code of Conduct- On duty: 1 2 3 4 5
 - e. Ethics and Code of Conduct- Off duty: 1 2 3 4 5

4. Are you aware that off -duty conduct is also governed by your agency's code of conduct?
 - a. Yes
 - b. NO

5. Are you aware that certain policy/law violations require a CJSTC hearing to take place, regardless of the outcome from your agency?
 - a. Yes
 - b. No

6. Are you aware that these hearing can impose additional sanctions, often more punitive than those imposed by your agency?
 - a. Yes
 - b. No

7. Are you familiar with the Rights provided for Law Enforcement/Corrections Officers under Florida State Statute 112- Officer Bill of Rights?
 - a. Yes
 - b. No

Thank you for your time and effort in taking this survey. It is very much appreciated.