

# Workforce Support



# Performance Objectives

- Describe the difference between Discrimination and Unlawful discrimination
- Identify 2 types of sexual harassment
- Describe the difference between impact and intent
- Explain retaliation
- Explain the reporting process
- Identify similarities/differences in pathways and theories

# Performance Objective Cont.

- Understand who is effected by PREA
- Identify 5 categories of sexual misconduct
- Explain the code of silence
- Identify roles in reporting

## Trump overrules DeVos, restores Special Olympics funding

President Trump told reporters Thursday that he has overridden a budget request by Education Secretary Betsy DeVos that would have stripped funding for the Special Olympics. "The Special Olympics will ...



## Millennials Say They Suffer More Age Discrimination Than Older People

CA attorney general vows to halt ballot measure that would legalize killing gay people

TIME  
**BLACK LIVES MATTER.**



THIS TIME THE CHARGE IS MURDER  
BY DAVID VON DREHLE



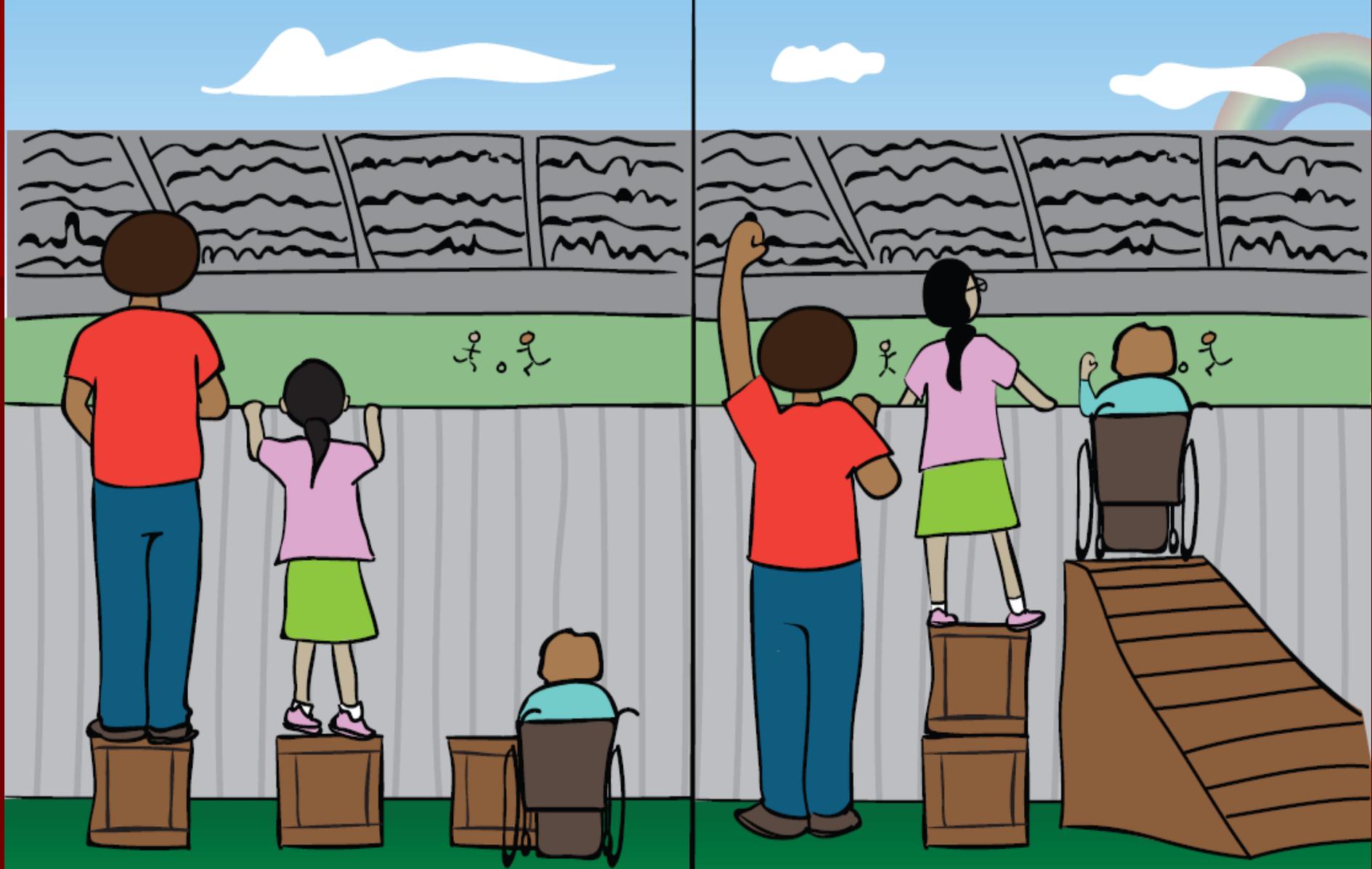
INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLES  
9 AUGUST

#MeToo

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**EQUALITY**

**EQUITY**

EQUAL RIGHTS FOR OTHERS  
DOESN'T MEAN LESS  
RIGHTS FOR YOU; IT'S NOT



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# Fair and Impartial

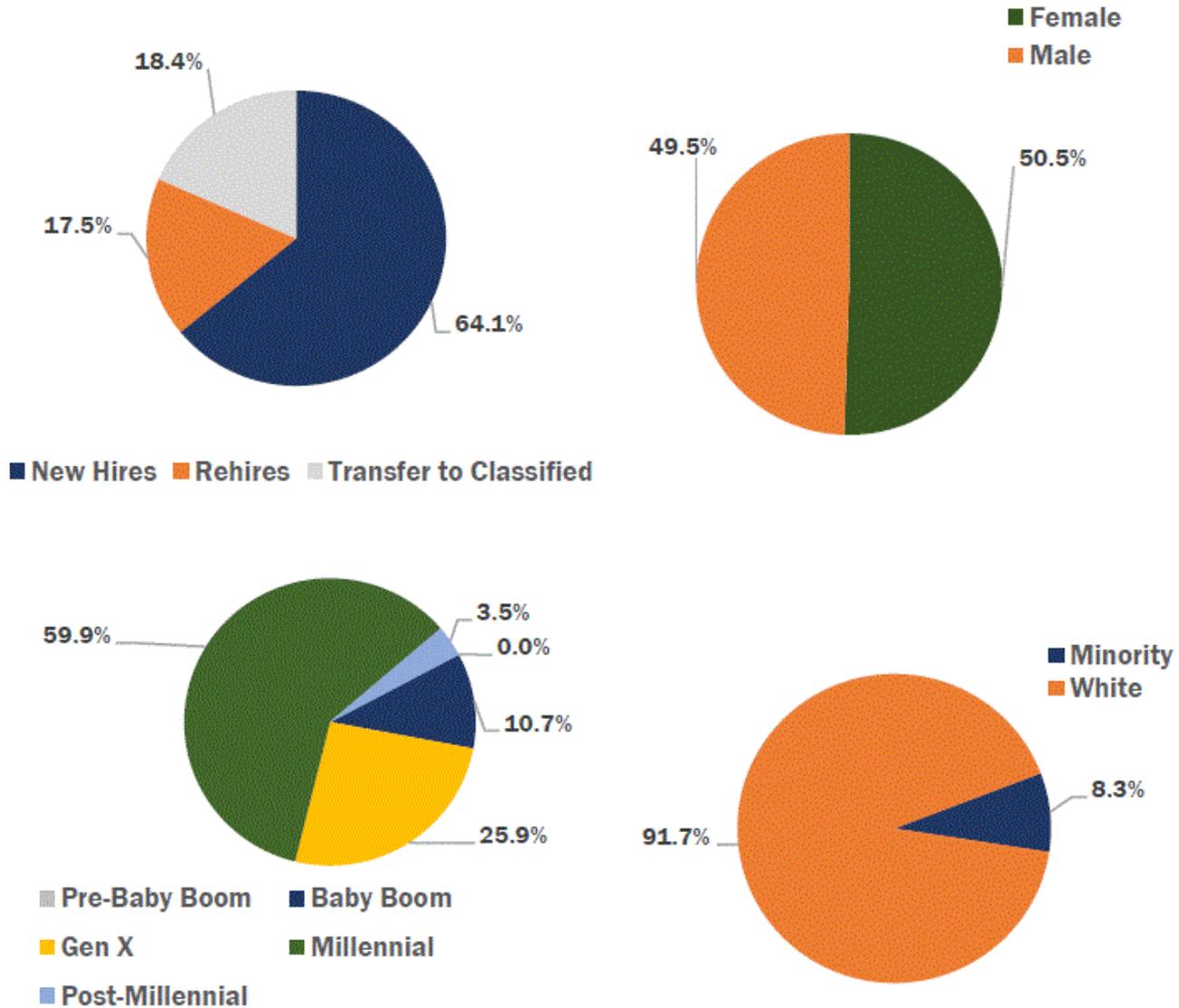
- A report by The New York Times that drew on 60,000 disciplinary cases from 2015.
- The Times's investigation revealed particularly stark disparities at the Clinton Correctional Facility in Dannemora.
- The Times's report showed black inmates were denied parole at higher rates than their white counterparts.
- Nearly three-quarters of the state's prison population is either black or Latino.

# Black/Latino/Hispanic Inmates

- punished at twice the rate of white inmates
- sent more often to solitary confinement and held longer
- nearly four times as likely as white inmates to be sent to isolation
  - held for an average of 125 days
  - white inmates held an average of 90 days.
- fewer than one in six black or Hispanic men were released after their first parole hearing.
  - one in four white men were released at their first parole hearing

# State of Vermont Workforce

**Table 27 Profile of Hires – Fiscal Year 2018**



Do YOU Discriminate?

Think about it...

# What is Implicit Bias?

- An implicit bias is any unconsciously-held set of associations about a social group. Implicit biases can result in the attribution of particular qualities to all individuals from that group, also known as stereotyping. Implicit biases are the product of learned associations and social conditioning
- Does Implicit Bias effect our daily lives?

# Discrimination

- The act of making distinctions between people or things based on the category or group that person or thing belongs to; instead of by the individual characteristics or merits of that object or person.
- Making fine distinctions
- Categorization which serves to differentiate

# Unlawful Discrimination

Decisions become a form of *unlawful* discrimination when race, creed, national origin, ethnicity, or gender cause one person to be treated differently than another. Some states have laws that also protect against discrimination on the basis of marital status or sexual orientation. These are called *protected classes*.

\*The U.S. government created protected classes through anti-discrimination laws in effort to protect groups of people of similar characteristics who tend to be targeted by unlawful discrimination.

# What are the protected classes?

- Race
- Color
- National Origin
- Religion
- Gender
- Sexual Orientation
- Familial Status
- Disability
- Veteran status
- Genetic information
- Age

# Race, Color, Ethnicity, National Origin

- **Race** is related with the biological variations of mankind
- **Color** is related to skin color complexion.
- **Ethnicity** is related with the cultural and traditional variations of mankind.
- **National origin** is related to being from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

# Religion

- It is illegal to harass a person because of their religion.
- Religious discrimination involves treating a person (an applicant or employee) unfavorably because of their religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.
- The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business.

# Gender Discrimination

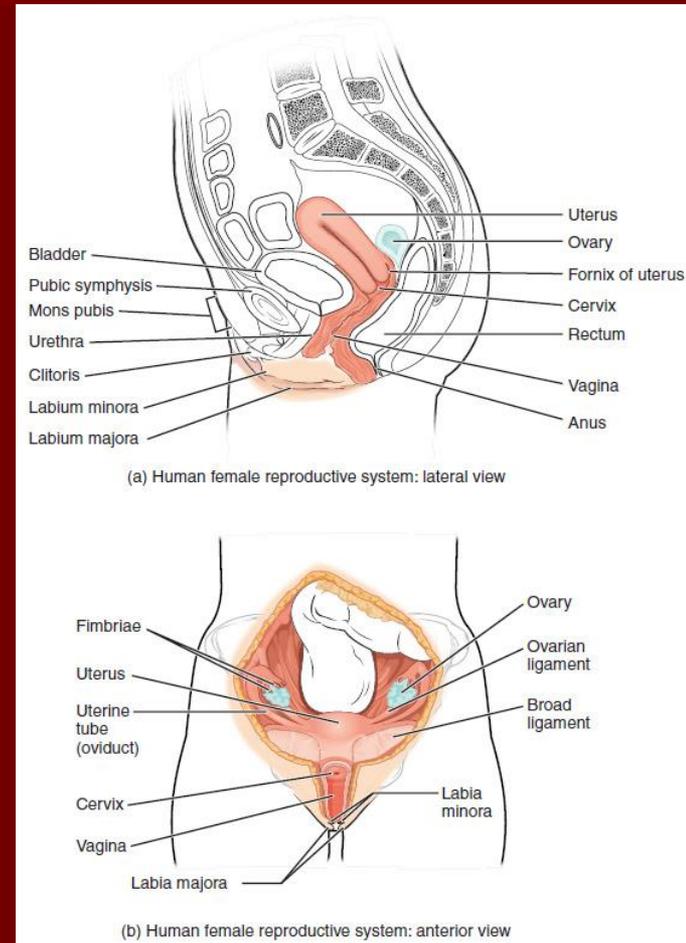
- **Sexism:** An opinion or belief that one sex is superior to the other
- **Sex Discrimination** Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.
  - An employment policy or practice that applies to everyone, regardless of sex, can be illegal if it has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.

# **Sex, Gender Identity, Gender Expression & Sexual Orientation**

# SEX

The anatomy of an individual's reproductive system, and secondary sex characteristics.

- Male
- Female
- Intersex



# Intersex

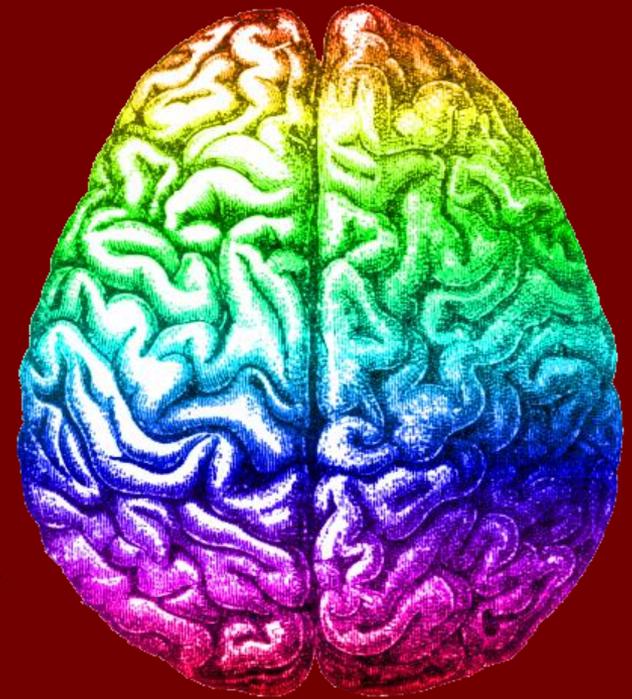
A term referring to people who have physical markers that differ from the medical definitions of male or female.

- An individual born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female.
- 4 types
  - 46, XX intersex
  - 46, XY intersex
  - True gonadal intersex
  - Complex or undetermined intersex

# GENDER

- Social roles based on the sex of the person.
  - Transgender
  - Cisgender
  - Gender Non-Conforming

**GENDER DOES NOT  
DETERMINE SEXUAL ORIENTATION  
AND VICE VERSA**



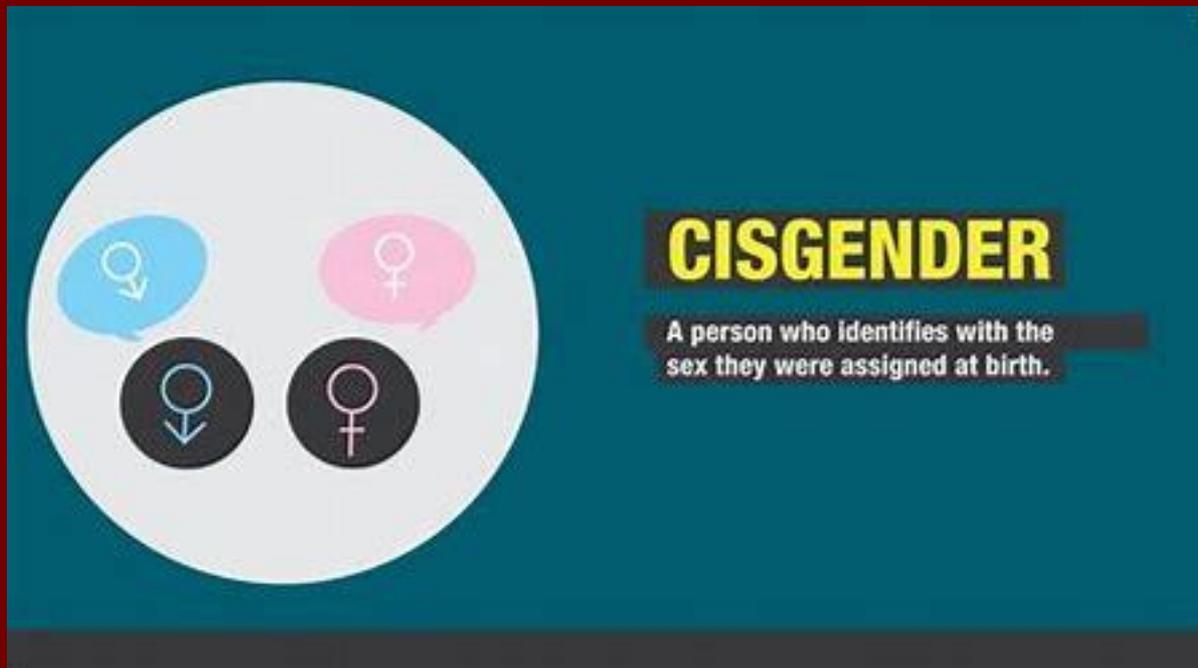
# Transgender



A person whose gender identity differs from his/her birth sex. A transgender female is a person whose birth sex is male, but who understands herself to be, and desires to live her life as a female, and vice versa.

# Cisgender

Of, relating to, or being a person whose gender identity corresponds with the sex the person had or was identified as having at birth



# Gender Non-Conforming



People who have mannerisms, dress, or behaviors that do not conform to expected common gender roles often encounter similar reactions as well – whether they are LGBTQI or not.

# SEXUAL ORIENTATION

- Lesbian
  - female-identified people who experience attraction primarily or exclusively for other female-identified people
- Gay
  - male-identified people who experience attraction primarily or exclusively for other male-identified people
- Bisexual
  - A person who is romantically or sexually attracted to more than one gender or sexual category.

**GENDER DOES NOT DETERMINE SEXUAL  
ORIENTATION AND VICE VERSA**

# GENDER & SEXUAL ORIENTATION

## ■ Queer

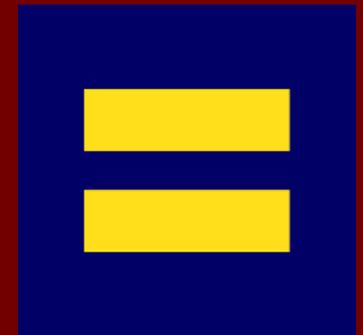
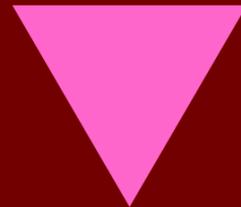
- Blurs both gender and sexual orientation and is regarded by some as more inclusive than the terms gay or lesbian, because it encompasses both sexual orientation and gender identity.
- Regarded by some as offensive and derogatory because of its historic use as a slur.

## ■ Questioning

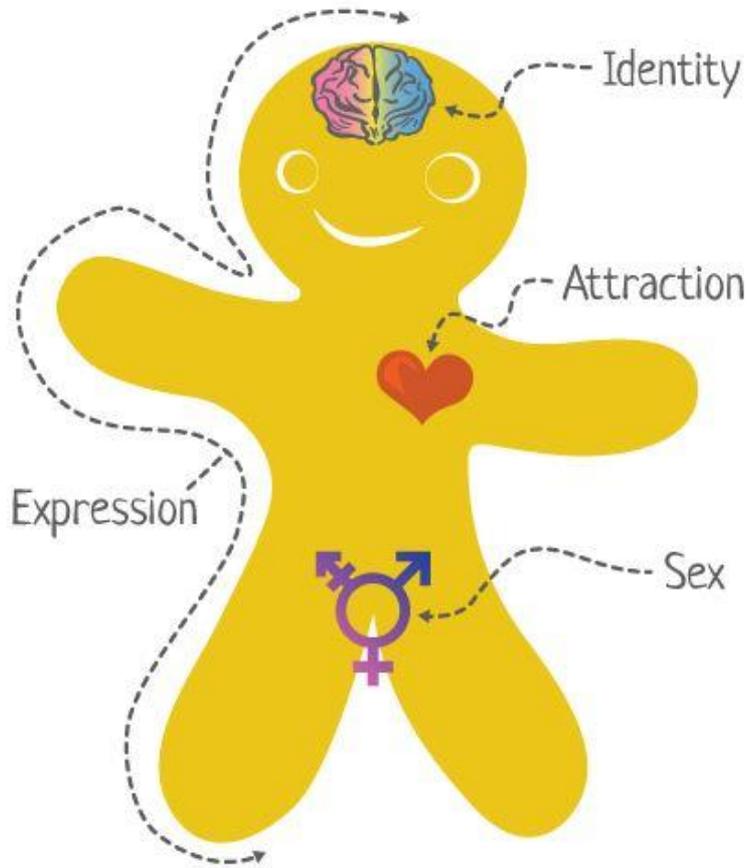
- For some, the process of exploring and discovering one's own sexual orientation, gender identity, or gender expression.

# What does L-G-B-T-Q-I stand for?

- Lesbian
- Gay
- Bisexual
- Transgender
- Queer
- Questioning
- Intersex



# The Genderbread Person v3.2 by its pronounced METROsexual.com



## ATTRACTION

- Lesbian
- Gay
- Bisexual

## IDENTITY

- Transgender

## ATTRACTION/EXPRESSION

- Queer
- Questioning

## SEX

- Intersex

# What are the protected classes?

- Race
- Color
- National Origin
- Religion
- Gender
- Sexual Orientation
- Familial Status
- Disability
- Veteran status
- Genetic information
- Age

# Familial Status

- Protects those who have a child living at home from discrimination
- Individuals who are pregnant or seeking custody of a child.

# Disability

- You are treated less well or put at a disadvantage for a reason that relates to your disability
- The treatment could be a one-off action, the application of a rule or policy or the existence of physical or communication barriers which make accessing something difficult or impossible.
- The discrimination does not have to be intentional to be unlawful.

## Veteran Status

- A form of discrimination in violation of federal and/or state law involving harassment based upon veteran status.
- When an employer treats an employee discriminately because of the employee's military veteran status.

## Genetic Information

- Misuse of genetic information.
- Protected by the law includes family health history, the results of genetic tests, the use of genetic counseling and other genetic services, and participation in genetic research.

# Age

- Treating an applicant or employee less favorably because of his or her age.
- Offensive or derogatory remarks about a person's age.
- Can occur when the victim and the person who inflicted the discrimination are both over 40.
- The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40,
- It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older.

# Corrections Professional

# Ethics and Professional Boundaries

- Boundaries – limits, which protect the space between the professional’s power and the client's vulnerability
  - Role, time, place and space, financial, gifts and service, language boundaries
  - Boundary crossing/Boundary violations
- Dual Relationships – refers to working, “out of role.”

# Performance vs. Misconduct

- Often employers will get confused between misconduct and poor performance.
- What is the difference?

# What is Poor Performance?

- Employee is not meeting the standards and expectations of their role.
- Many cases of poor performance are unintentional.
- Poor performance may appears as...?

# The most common reasons for underperformance include:

- Misunderstanding of standards and expectations for the job
- Not enough training or support
- Personal reasons or sickness
- Work-related stress
- Workplace bullying
- Low morale or job satisfaction

# What's the supervision process?

- What can we do?
  - Addressed locally
  - Feedback
  - Period of Prescriptive Remediation
  - Worksite manager oversight
  - No Agency of Human Service Investigations Unit referral

# What is Misconduct?

- Behavior in the workplace which is unacceptable and breaks the rules, policies and procedures.
- In the case of repeated misconduct, the employer must conduct a fair investigation and disciplinary process for each count of misconduct – whether the behaviour is the same or completely different.

# Common examples of misconduct include:

- Theft
- Corruption
- Repeated lateness
- Misuse of company computers and personal social media accounts
- Drug and alcohol abuse in the workplace
- Behaving inappropriately towards other employees
- Making threatening and abusive statements or gestures
- Poor personal presentation

# Staff Sexual Misconduct

# What are We Learning from the Data: Adult Prisons and Jails

According to the Bureau of Justice Statistics (BJS)

4% of state and federal prisons, and 3.2% of jails report 1 or more incidents of sexual victimization

2.4% (34,000) and 1.8% (13,200) of inmates in prisons and jails respectively report staff sexual misconduct

2.0% (29,300) and 1.6% (11,700) of inmates in prisons and jails respectively, report inmate on inmate abusive or nonconsensual sexual acts

Source: Sexual Victimization in Prisons and Jails Reported by Inmates (2011-12)  
<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4654>

# Eight Important Functions of the PREA

1. Makes prevention a top priority
2. Sets national standards for detection, prevention, reduction, prosecution and punishment
3. Increases data collection to determine prevalence of sexual abuse and develop applicable responses
4. Standardizes definitions for collecting data
5. Increases accountability of officials who fail to detect, prevent, reduce and prosecute prison sexual assault

# Eight Important Functions of the Law (continued)

6. Protects the inmates' Eighth Amendment rights
7. Established requirement for accreditation organizations to adopt accreditation standards (re: PREA)
8. Impacts health care, mental health care, disease prevention, crime prevention, investigation and prosecution; physical plant, maintenance, and operation; race relations; poverty, unemployment and homelessness

# Who does PREA apply to? Where?

- PREA mandates apply to anyone acting on behalf of the Department in an official capacity
- PREA mandates apply to all institutional placements such as VT correctional facilities, work camps, out of state facilities, etc....
- PREA mandates apply to community-based corrections where the offender has an obstructed path to make a report to law enforcement

# Vermont DOC Directive #409.09

## Prison Rape Elimination Act and Staff Sexual Misconduct

- ▣ Zero-tolerance policy is reinforced at all levels within the Vermont Department of Corrections (PREA Standards 115.11)
- ▣ Inmates have the right to be free from sexual victimization: sexual abuse & harassment
- ▣ Inmates and staff have the right to be free from retaliation for reporting sexual victimization: sexual abuse & harassment
- ▣ Inmates are never regarded as being in a position to grant consent.
- ▣ Perceived consent may not be ‘consent’ in reality; other people may exercise an influencing degree of intimidation and control.

# Coercion vs. Consent

- Abusers may use force, entrapment or blackmail (such as bribes, alcohol and drugs)
- Abusers may be coercive and sexually abusive relationships may be exchanged for protection as a survival mechanism
  - These types of relationships can be difficult to distinguish from willing relationships
  - The question to ask yourself is: Would this individual be participating in this relationship if they had free choice?

# The Department separates sexual incidents into two categories:

## 1. State Level

- a. Inmate sexualized behavior
- b. Staff misconduct

## 2. PREA Federal Mandate

- a. Inmate-on-inmate sexual victimization
- b. Staff-on-inmate sexual victimization

# What is *Inmate Sexual Victimization*?

- The use of debt, threats of physical harm, peer pressure, deceit, personal favors, or positional authority to force or cajole sexual favors from a person, including abusive sexual contacts, nonconsensual sexual acts (penetration), and/or sexual harassment.
  1. Inmate-on-Inmate Sexual Victimization
  2. Staff-on-Inmate Sexual Victimization

# Key Terms Defined: Staff-on-Inmate Sexual Harassment

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures



# Key Terms Defined: Voyeurism

An invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions

Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131



# Key Terms Defined: Indecent Exposure

The display by a staff member of his or her uncovered genitalia, buttocks, and/or breast in the presence of an inmate.



Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131

# Key Terms Defined: Abusive Sexual Contact

Contact between the mouth and any body part, or any touching by a staff member, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, that is unrelated to the official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire

Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131



# Key Terms Defined: Nonconsensual Sexual Acts

Contact between the penis and the vulva or the penis and the anus; including penetration , however slight, contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger or other object or other instrument.

Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131



# *Sexual Victimization*

## Incident Categories & Tracking in Vermont

### Inmate-on-Inmate

1. Sexual Harassment
2. Abusive Sexual Contact
3. Nonconsensual Sexual Acts (Penetration)

### Staff-on-Inmate

1. Sexual Harassment
2. Voyeurism
3. Indecent Exposure
4. Abusive Sexual Contact
5. Nonconsensual Sexual Acts (Penetration)

# Effects of Sexual Misconduct

- ❑ Jeopardizes safety and security
- ❑ Creates stress and trauma for those involved
- ❑ Undermines the public's support
- ❑ Exposes the agency and staff to liability
- ❑ Creates a hostile work environment
- ❑ Compromises professionals
- ❑ Victimizes the already vulnerable
- ❑ Diminishes legislative support for funding and reforms
- ❑ Creates mistrust within the facility
- ❑ **Violates the law**

The Vermont Statutes Online  
Title 13: Crimes and Criminal Procedure  
Chapter 72: Sexual Assault  
§ 3257. Sexual exploitation of an offender

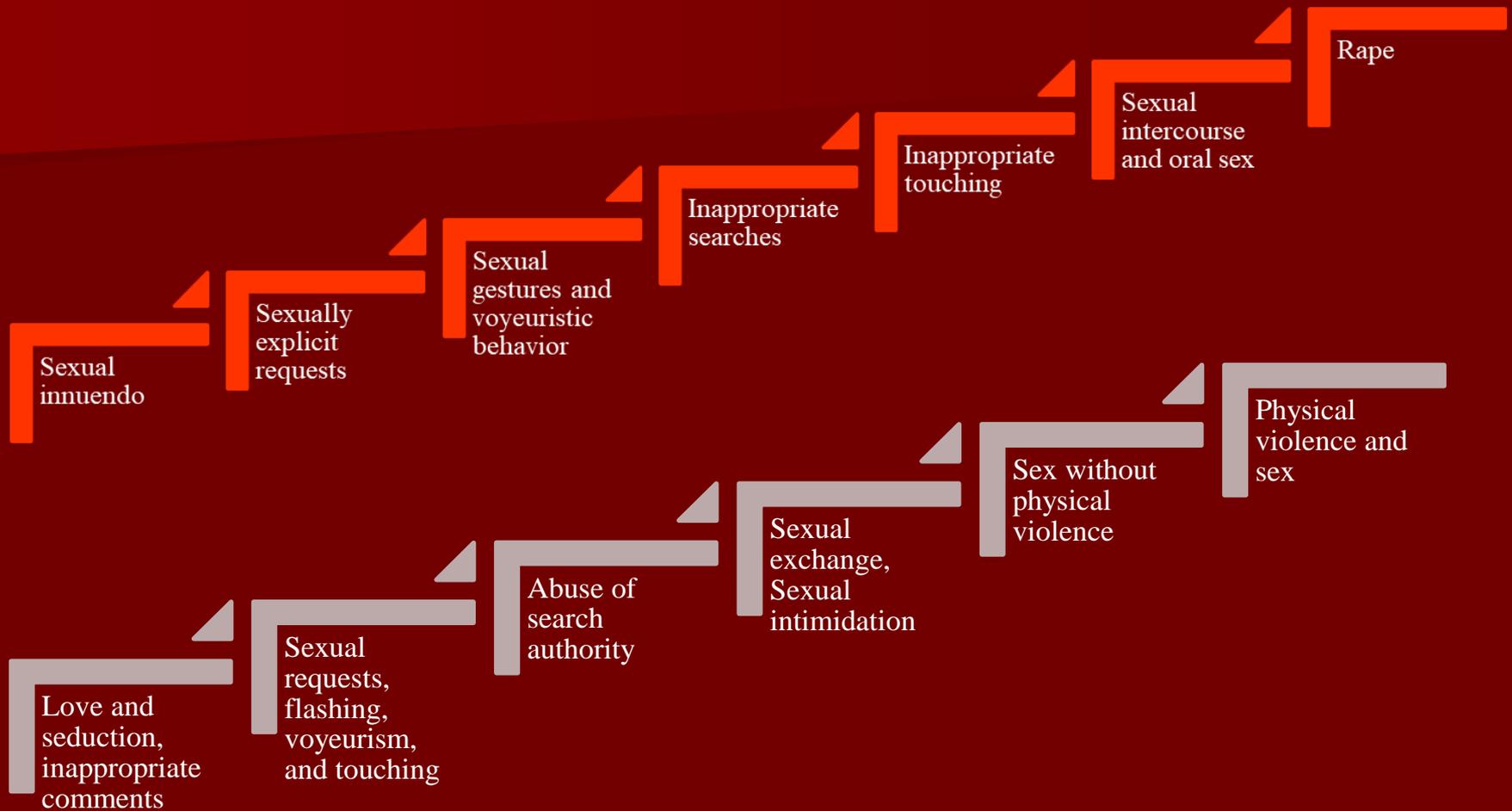
(a) No correctional employee, contractor, or other person providing services to offenders on behalf of the department of corrections or pursuant to a court order or in accordance with a condition of parole, probation, supervised community sentence, or furlough shall engage in a sexual act with a person who the employee, contractor, or other person providing services knows:

(1) is confined to a correctional facility; or

(2) is being supervised by the department of corrections while on parole, probation, supervised community sentence, or furlough, **where the employee, contractor, or other service provider is currently engaged in a direct supervisory relationship with the person being supervised. For purposes of this subdivision, a person is engaged in a direct supervisory relationship with a supervisee if the supervisee is assigned to the caseload of that person.**

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both. (Added 2005, No. 177 (Adj. Sess.), § 1.)

# Continuum of Staff Sexual Misconduct, Based on Research in Adult and Juvenile Facilities



# Continuum of Staff Sexual Misconduct, Based on Research in Women's Facilities

# Investigations

# Investigations: What Every Case Needs

- *Remember – many of the steps for administrative investigations and criminal investigations are the same!*
- PREA Standard 115.71 requires
  - Administrative/Criminal investigation:
    - Interviews
    - Evidence collection
    - Report

# Benefits of Clear Investigative Process

- Staff appreciate that the process protects them
- Dispels anger and hostility
- Changes attitude that the process is arbitrary, unfair, etc.
- Prevents anxiety and fear
- Confirms employee rights and obligations
- Demonstrates value to security and operational improvements that can be achieved
- Informs staff of penalties
- Encourages staff to cooperate

# Demystifying the Investigative Process

- **Educate**
- **Training**
- **Consistent and Timely Practices**
- **Report Results**

# Garrity: What is it?

- Clearly inform the staff that his/her answers to questions will not be used against them in a criminal prosecution.
- It is important to let the criminal case pass into the charged state before the administrative investigator begins to interview the staff suspect.



# In order for Garrity to apply...

- Subject must be informed that refusing to give a statement (or failing to give a true statement) may be grounds for immediate termination of employment.
- The two cases must not mingle after interrogation of the suspect staff with Garrity warning.

# Liability!

What can happen to the agency?

What can happen to me?

# 8th Amendment: What the Court Looks For

- Deliberate indifference to inmate vulnerability – safety or health
- Official knew of and disregarded an excessive risk to inmate safety or health
- Official must be aware of facts which would indicate a substantial risk of harm and the official drew that inference
- Do not need to know of actual harm, just risk

# Legal Framework

## ■ Types of Liability

– Official

■ This training

– Individual

■ You as the trainer

– Qualified Immunity

■ Reasonable person



What we see at the  
worksite if we don't  
address anti-social  
behavior?

What could go wrong?



**US**

**THEM**

## **THE ESSENCE OF PROPAGANDA**

Stereotypes are at the heart of all propaganda efforts.

Their purpose is to create the perception that our actions are always ethical and honorable, while those of our opponents are always unethical and dishonorable.

# What can happen at the worksite?

- Hostile Work Environment
- Harassment
- Retaliation
- Code of Silence

# Hostile Work Environment

...is speech and or conduct of a sexually discriminatory nature, which was neither welcomed nor encouraged, committed by or permitted by a superior, which would be so offensive and/or pervasive to both the individual and a reasonable person as to create an abusive work environment and/or impair job performance.

# What is Harassment

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

# Unlawful Sexual Harassment

Sexual Harassment- a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

A) Submission to the conduct is made either explicitly or implicitly a term or condition of employment; or

B) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

C) The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

# 2 Types of Harassment

## 1. Quid Pro Quo:

“ something for something”

## 2. Environmental:

Is speech and or conduct of a sexually discriminatory nature, which was neither welcomed nor encouraged, committed by or permitted by a superior, which would be so offensive and/or pervasive to both the individual and a reasonable person as to create an abusive work environment and/or impair job performance.

# Quid Pro Quo

- ‘This for that’ or ‘something for something.’ The concept of getting something of value in return for giving something of value.
  - A superior demands sexual favors from subordinate in exchange for employment benefit.
  - Comprises approximately 20% of sexual harassment incidents.

# Environmental Harassment

“...such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.”

There are 3 subcategories:

1. Verbal
2. Non-verbal
3. Physical

# Verbal

Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, unwelcome sexual flirtations, persistent requests for dates, degrading words used to describe an individual, other verbal comments of a sexual nature, and graphic commentaries about an individual's body.

## Non-Verbal

Sexually suggestive or offensive objects or pictures, written comments, e-mails, social media, suggestive or insulting sounds, leering, whistling, obscene gestures.

## Physical

Unwanted physical contact, which may include touching, pinching or brushing the body, coerced sexual intercourse, and assault.

# Explicit Vs Implicit

- Overt or subtle, sexual harassment is not allowed. Issues around sexual harassment have been the subject of serious scrutiny and most people now recognize certain behaviors are not acceptable in the workplace. There are always going to be people who ‘walk the line’ between acceptable and unacceptable. Subtle or overt, sexual harassment has a negative impact on the work environment.

# Intent vs. Impact

- Impact focuses on the receiver of the behavior.
- Intent focuses on the “doer” of a behavior.
- Good intentions or lack of bad intentions is not the issue.

# Harassing Behavior

- No 1<sup>st</sup> Amendment protection
- Supervisors can be held accountable for not reporting harassment
- If off-site behavior has an impact at the workplace, it can be categorized as harassing behavior
- Harassment not limited by gender or sexuality.



# How you can deal with sexual harassment?

- Receivers can address the perpetrator directly to stop the behavior, if they choose.
- If the receiver does not feel comfortable or chooses not to address it with the perpetrator, they can report to any person or group in which they feel comfortable.
- It is not the responsibility of the receiver to create and verbalize boundaries. It is the responsibility of all staff to adhere to established professional boundaries for a healthy work environment.
- Confidentiality will be protected to the extend possible

# Retaliation

To seek or attempt to seek any form of retribution on behalf of yourself or a coworker for any kind of disciplinary action. The complaining party must establish a connection between the behavior and the retaliatory response.



## INDIRECT

- Veiled threats
- Shunning from a group
- Sudden change in demeanor without explanation
- Invisible retaliation

## OVERT

- Slashing car tires
- Verbal or emotional abuse
- Physical assault

# Impact of Retaliation on Reporting

- Contributes to the code of silence by creating barriers to reporting through threats and intimidation
- When people perceive their safety to be at risk, they are less likely to report



# Code of Silence

An informal institutional or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy or even the criminal law. Also referred to as the "Code of Blue."



# Code of Silence, Continued

**Is it part of your agency's culture?**

**In one study, 46% of police officers witnessed misconduct, but did not report it. Why?**

- I would be ostracized
- Officer who committed misconduct would be fired
- I would be fired
- I would be "blackballed"
- Administration wouldn't do anything

Neil Trautman, National Institute of Ethics, Study of Code of Silence, 2001

What we see at the  
worksite if we have a  
healthy culture

What could go right?

# Healthy Worksite

- Positive agency culture
- Gender Responsive
- Trauma Informed
- Address the behavior directly
- Reporting culture
  - Who can you report to?
- Confidentiality

# Definition of Agency Culture

Sum of the organization's attitudes, beliefs, values, norms and prejudices that cause an organization to do what it does



Organizational culture is clear to those who work within it, although it often is not overtly defined

# Components of Agency Culture

- Norms: Shared rules, “way things are done”
  - Norms are often more powerful than formal sanctions
  - So deeply held that they aren’t even noticed unless they are violated

# Influences on Agency Culture

- History
- Hiring process
- Promotional process
- Leadership and agency ethics
- Agency policy and procedures
- Language
- Disciplinary process

# Influences on Agency Culture

## Characteristics and behaviors of staff members

- What kind of behavior is exhibited by each toward the other?

### ■ Staff-staff interactions

- Does line staff trust administration?

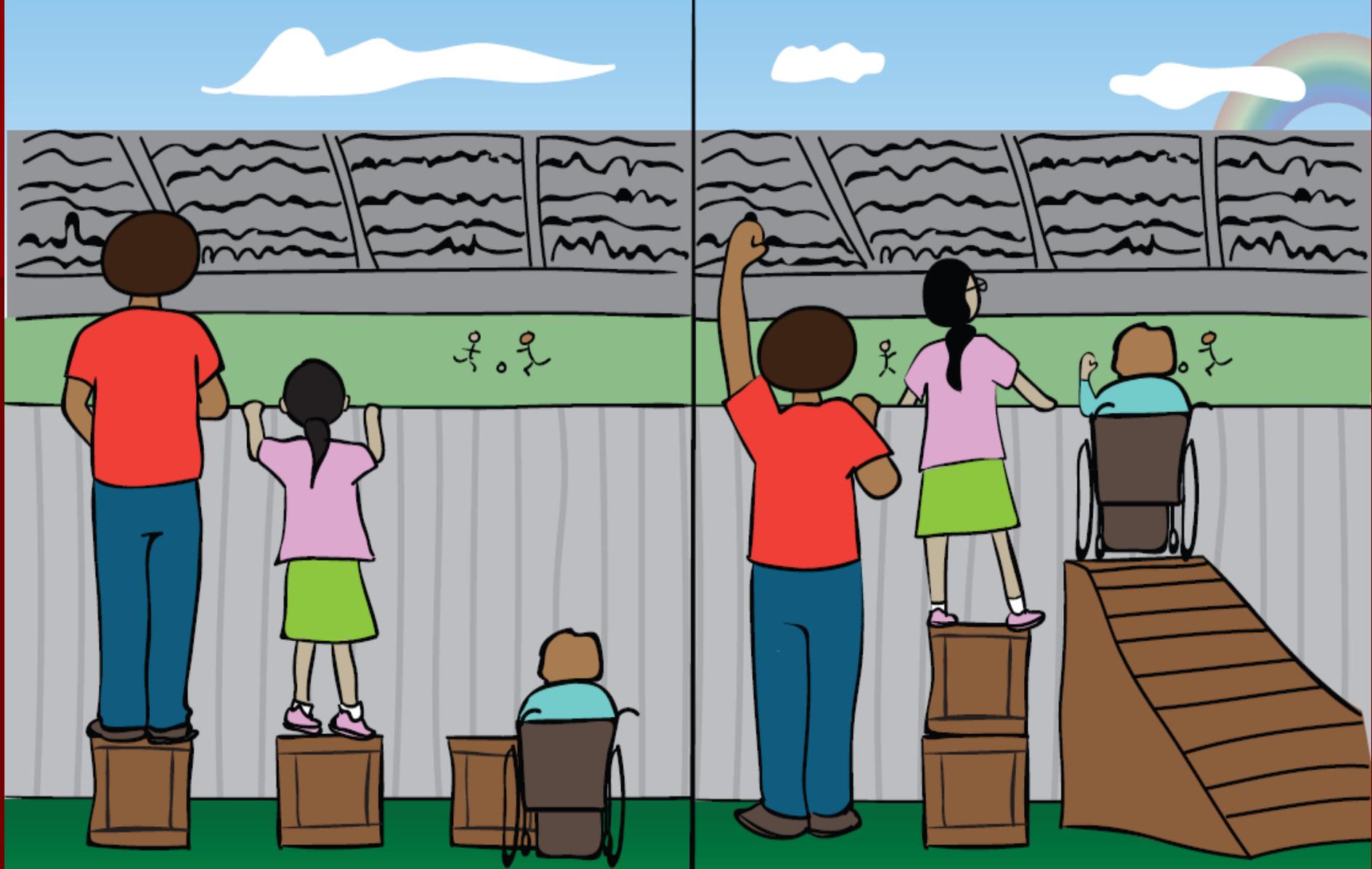
### ■ Staff-offender dynamics

- Are interactions professional?
- Are offenders talking about staff business?



# Gender Responsiveness

If we are to treat all offenders equally, why do we need to specifically talk about women offenders?



**EQUALITY**

**EQUITY**

# What is Gender Responsiveness?

“creating an environment. . . that reflects an understanding of the realities of women’s lives and addresses the issues of the women.”

# Theoretical Perspectives

**Theoretical perspectives are sets of plausible explanations for both the reasons women come to prison and the foundation for how we might address changing their behavior.**

- **Pathways Perspective**
- **Relational Theory and Female Development**
- **Trauma Theory**
- **Addiction Theory**

# The Pathways Perspective

Women come to prison through different pathways. These pathways are gender-based;

- Substance Abuse
- Education
- Medical and Mental Health
- Families/Children
- Socioeconomic/Employment

# Pathways Perspective

- **Women's crimes embedded in the conditions of their lives**
- **Examines the specific life course events that place women at risk for offending**
- **Combines structural issues & personal choice**



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# Relational Theory

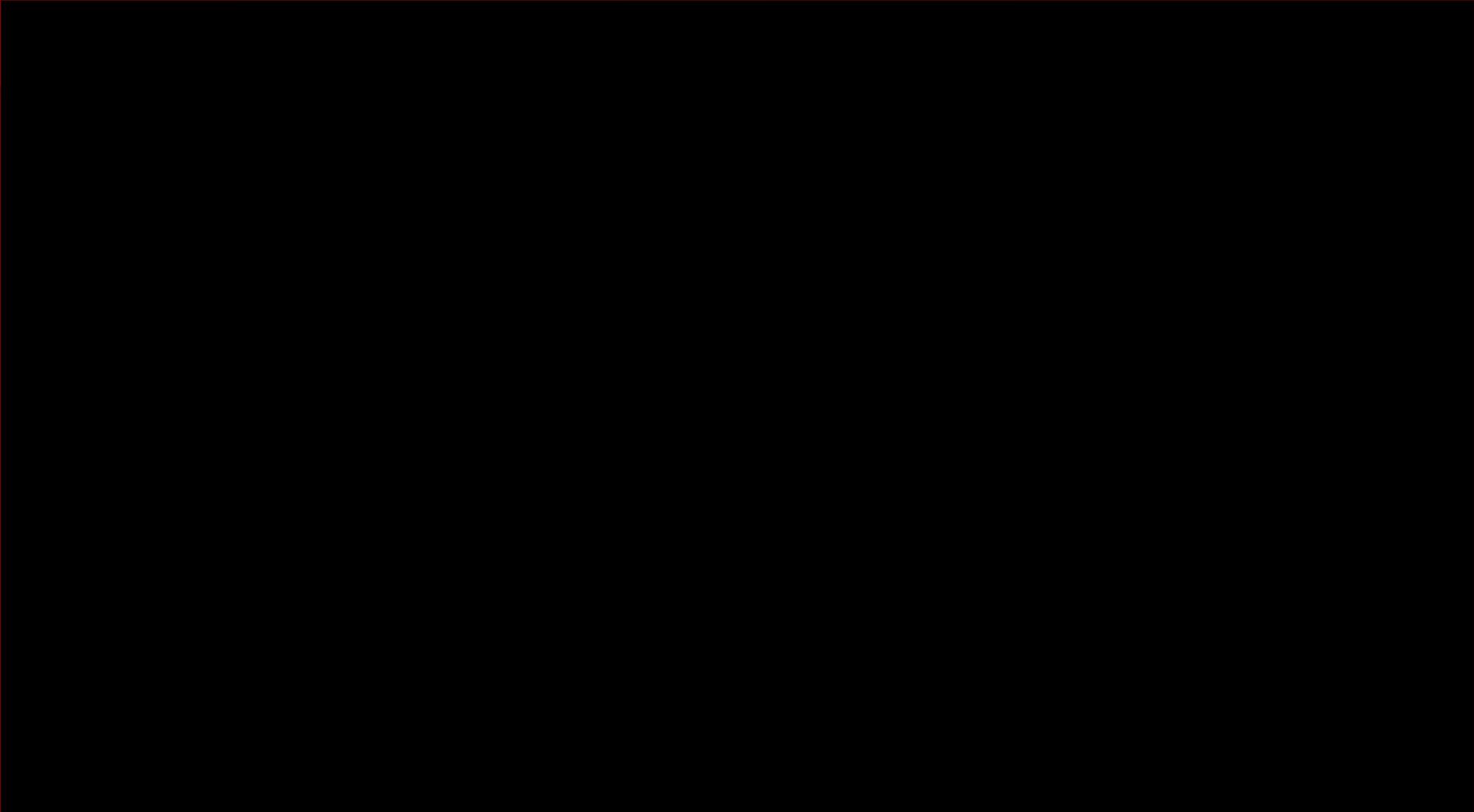
“men and women learn different ways of talking and relating right from the beginning. Boys learn to relate through activities and girls learn to relate through talk...men see life as a contest, a struggle to preserve independence and avoid failure.....women see life as a community, a struggle to preserve intimacy”

Deborah Tannen

Men Learn Through ***DIFFERENTIATION***  
Women Learn Through ***CONNECTION***

- Stone Center Relational Model: Connection with others guides growth for females
- Focus on developing & maintaining relationships
- Compromise and conciliation
- Responsibility for others
- Internalize feeling, even at own detriment

# It's Not About the Nail



# Theoretical Perspectives cntd.

## Trauma Theory

**Trauma is the injury done by violence & abuse and occurs on multiple levels requiring trauma-informed services**

## Addiction Theory

- Holistic Health model- Mind, Body, and Spirit
- Relational aspects of addiction
- Incorporation of trauma & relational theories

# The Impact of Trauma



Trauma is the experience of violence and victimization including sexual abuse, physical abuse, severe neglect, loss, domestic violence and/or the witnessing of violence, terrorism or disasters

Source: National Association of State Mental Health Program Directors, 2006.

# Neurobiology of Trauma

- Trauma has been proven to have significant and very real effects on the victims and their brain functioning
  - Disrupts the stress-hormone system that is regulated by the brain
  - Stays “stuck” in the brain’s subconscious (limbic system, brain stem, etc.) where they are inaccessible by the conscious areas (frontal lobe, etc.)
  - Can result in Post Traumatic Stress Disorder

# Triggers: What are they?

- A trigger is something that sets off an action, process, or series of events (such as fear, panic, upset, agitation) because a trauma survivor experiences a traumatic memory.
- *Why is it important to understand triggers?*
  - To better plan interactions.
  - To understand why someone may respond in a certain way to your appearance / demeanor / actions and, if possible, avoid that response.

# Trauma Informed

- What does it mean to be trauma Informed?
  - Everyone may have experienced trauma: the people we serve, those we encounter while conducting business and staff;
  - It is possible to traumatize or re-traumatize individuals through insensitive systems or interactions that violate a person's sense of safety and control;
  - Trauma-informed services are essential for people to successfully access and benefit from AHS services and supports.
  - For AHS staff to provide effective services, we also need to be supported by a trauma-informed workplace.

# Implications: How to be Trauma Informed

## ■ Demeanor:

- Corrections culture tends to encourage a “tradition of toughness” approach; recognize that certain culture and practices can be re-traumatizing.
- Stay calm and emphasize a listening role when discussing sensitive issues with survivors.

## ■ Sexual abuse victims suffer from disempowerment.

- Consider steps you can take re: your body language, tone of voice, uniform, etc. to create a more comfortable environment for the inmate.

# Implications: How to be Trauma Informed

## ■ Language:

- Emphasize collaboration rather than compliance. Trying to pressure the alleged victim into talking will only delay the investigation.
- Be aware of the implications of what you ask:
  - *What happened to you? vs. What's wrong with you?*
- Don't condescend to the victim:
  - “Nobody can hurt you now.”
  - “Trust me.”

# Principals of a trauma informed system

- This is reflected in the following RICH principles of empowering and collaborative relationships:
  - Respect
  - Information
  - Connection
  - Hope
- Critical to promote the linkage to recovery and resilience for those individuals and families impacted by trauma.
- Services and supports must be trauma-informed, build on the best evidence available and focus on consumer and family engagement, empowerment, and collaboration.

# Historical or Intergenerational Trauma

- The collective emotional and psychological wounding both over the life span and across generations, resulting from institutional racism, cultural oppression, multigenerational poverty, community violence, war, and a history of genocide, as examples.

# Vicarious Trauma



# Strategies for Changing Culture

- Training
- Zero tolerance
- Policies
- Role Model
- Assistance
- Mandated Reporting
- Multiple Reporting Mechanisms
- Discipline and Prosecution

# Indicators of a Reporting Culture

- Willingness to report suspected discrimination/abuse/harassment
- High degree of trust in the investigative process and in administrative follow-up
- Communication and interactions are generally respectful and professional
- Knowledge of how to report and the steps in the investigative process
- Confidence there will be no retaliation for reporting

# Who you can report to?

- Workforce Support Coordinator
- Supervisor/Superintendent
- Vermont State Employee Association
- Attorney General's Office
- Department of Personnel
- Equal Employment Opportunity Commission
- Vermont Human Rights Commission

# Resilience

## ■ What is resilience?

- an individual's ability to adapt or “bounce back” from adverse conditions or challenging life situations.
- a process that involves behaviors, thoughts and actions that can be learned and fostered.
- The interaction between biology and environment creates the conditions for developing resilience.

# Self Care Strategies

- EAP
- Peer Support
  - Critical incident
  - Self-referral
  - Colleague illness and death
  - Education/Staff awareness

# Conclusion