ETHICAL AND SOCIAL JUSTICE ISSUES: THE CASE OF CORRECTIONAL INSTITUTIONS

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ABSTRACT

Correctional organizations often face with ethical issues, and the role of administrator in addressing these issues remains a great challenge. Ethics and social justice are the main emphasized factors in this study, where various abuses may constitute in human rights violation, violation of a code of ethics, the corruption inside prisons and also other forms of misbehaviors. The purpose of this study was to bridge gaps in knowledge about the administrator's decision-making process, political influences, external and internal controls, and conflict of interests. The theoretical frameworks for this study were McNeal's organizational culture, and Cooper's principles of the responsible administrator, and O'Leary's guerrilla government theory. The qualitative phenomenological study design was employed using a case study of Corcoran State Prison, in California. Secondary data were included and categorized for thematic analysis and comparisons. Results indicated the lack of implementation of ethical principles in practice not only on a piece of paper, could lead to serious problems inside of corrections. To implement recommendations that bring positive changes, the administrators face very difficult challenges. Some of the problems are the financial issues and burden, deep reforms in the justice system and also the promotion of diversity and reduction of gender disparities.

Keywords: Corrections, Abuses, Brutality, Inmates, Decision-Making.

INTRODUCTION

Public access to correctional centers is limited, thus people outside of these institutions do not have enough information about challenges and issues administrators face. Ethical issues are some of the main challenges inside prisons today. In this study, Corcoran State Prison, in California is analyzed. The setting, the inmate population, the organization and its ethical and social justice issues; a description of the ethical issues facing the organization and also public administrators within the organization, are analyzed through ethical lenses. From the security level, this correctional facility consists of medium and high-security facilities for serious offenders serving their time (Population Projections, 2018). In this correctional facility, even though the staff and, inmates work together in the rehabilitation process, various problems may appear due to the overcrowding issues. According to Schmaller and Smykla (2007), contemporary issues include questions about the purposes and appropriateness of punishment and the acceptability of capital punishment in particular; the use of alternative or nontraditional sanctions; the privatization of correctional facilities; and the rights and overall treatment of prisoners. The administration of corrections faces with many issues and ethical dilemmas such as prison riots, escapes, death row, and capital punishment, the black market inside correctional facilities, and many other crimes inside the institution. Addressing and implementation of the code of ethics in each correctional service is key for administrators to avoid ethical issues and ethical dilemmas. Various abuses, from people in uniform led to scandals in the past. One of the
scandals and violation of ethics was the case of fight stage inside correctional facility. In 1988, according to Cornwell (1996), violent inmates at Corcoran State Prison were paired off in stage fights as watching prison guard’s bet on the outcome. Based on official records about prison incidents from 1988 more than 50 inmates have been shot by guards for fighting (Wisely, 1997). This kind of organizational culture was embodied in later years also. In 1994, officer Caruso, seeing frequent shootings of prisoners being forced into fight scenes, and then covered up by guards at Corcoran prison’s security Housing Unit, decided to gather evidence of the abuse and arranged to pass it to the FBI (Wisely, 1997). In this case Officer Caruso was threatened by Assistant Director of Department of Corrections, with the justification that there was violation of prison policy about display of information to third party.

The Ethical Issues Related to Philosophical Theories

One of the main aforementioned ethical issues related to corrections is also the organizational culture. Since the nature of correctional facilities is very specific and is oriented toward the rehabilitation of inmates, the organizational culture consists of strong discipline, educational and recreational traits. To understand the organizational culture at its core, it is important to have a look at analyses of not internal sets of regulations but also the external elements that may have an impact in shaping the organizational culture. According to McNeal (2009), organizational culture reflects more than rules and structure within an organization, but “rather represent deeper values, practices, and ways of thinking”. Ethical issues may occur for a variety of reasons; in some case, the correctional officers may act illegally and commit crimes inside the institution they work in. It all depends on the size of the correctional institution, the circumstances and the situation. In some cases, wardens and administrators make wrong decisions about particular issues. In such cases where administrators make wrong or unethical decisions, they may face the guerilla government. Guerrilla government according to O'Leary (2014) is a term for the actions taken by career public servants who work against the wishes—either implicitly or explicitly communicated—of their superiors. Civil servants in some cases are not happy with the decisions of their superiors. Therefore, they act through various channels to oppose their superiors' decision. In case of Corcoran prison scandal, two prison officers Caruso and Rigg, complained to the warden of prison in 1993 about unnecessary use of force against inmates (Wisely, 1997). However, their complaint was shut down by warden pressuring not to complain. Seeing that their reporting were ineffective, both officers turned to FBI and media.

Guerilla government is not only about public servants dissatisfied by their superiors, but also the civil servants who may be disappointed by the organization regulations and administrative laws. O'Leary (2014) concluded that guerilla government is a form of dissent carried by those who are dissatisfied with the actions of public organizations, programs, or people but who typically choose strategically not to go public with their concerns in whole or in part. In some cases, the dissents become whistleblowers by making public the unethical organizational behavior, or wrong decisions taken by their superiors.

In case of the Corcoran State Prison, the brutality of officers toward inmates in “gladiator style and betting practices by correctional officers, pushed officer Caruso and Rigg to report this case to media” (Dryburgh, 2009). According to Dryburgh (2009), Rigg and Caruso's actions were the sources of significant changes in policy regarding the conduct of corrections officers toward inmates not only in Corcoran but all of California's prisons. Exposing the prison brutality gives the public an insight into unethical behaviors in a closed environment where not
so many people have access to it. Another issue today with the administration of prisons is also the overcrowding. According to Schmalleger and Smykla (2007), even though by mid-2004, only 94 percent of jail capacity was occupied, overcrowding is the most crucial problem in large urban jails. There are many causes of overcrowding; however many critics think that privatization of prisons might contribute to overcrowding because a private sector seeks profit, therefore is in a lookout for more imprisonments, and provide programs to keep inmates longer in jails. Another contributing factor that might play a role in overcrowding is the political philosophy of "get tough" on crime, implemented by politicians. According to Schmalleger and Smykla (2007):

"Crowded jails have severe health and safety consequences for staff and inmates, including decreased quality of life; overloaded educational, vocational, and recreational programs; insufficient medical services and supplies; increased discipline problems; the spread of disease; and staff and inmate assaults."

**METHODOLOGY**

Qualitative methodology through case study of Corcoran Prison is used. In this study, case study analyzing organizational culture of Corcoran Prison by taking under consideration of O’Leary’s guerilla government philosophy. Ethical decisions and challenges for prison leadership are taken under consideration in analyzing case study of Corcoran Prison scandal during 90s. Secondary data from past research are also used in this analysis.

**A Summary of the Major Ethical Challenges and Conflicts of Responsibility**

The primary ethical challenges and conflicts of responsibility are the implementation of the code of ethics, and the maintenance of discipline within the organizational members. Administrators must be careful in establishing and implementing strategies to prevent abuses. It is apparent that not all administrators understand the seriousness of the issue inside their organization. According to Cooper (2012), the limitation of this perspective for use in organizational ethics is that it oversimplifies the principal-agent, relationship, and focuses on the single value of efficiency and fails to deal with the ethical dimensions. Inmates have their rights inside of correctional institutions based on Constitution which protects them from any kind of abuse, and cruel punishment. Psychological abuses, torture and other forms of abuses may constitute the human rights violation. According to Twiss (2011), human rights, are more than moral-cross-cultural or otherwise-as is clear from the fact that they not only are bound up with politics, diplomacy, and economics but also constitute a legal regime that has been developing ever since the post-World War II Nuremberg tribunals. Human rights norms are institutionalized as legal obligations, and they have been legally codified (Twiss, 2011). Every institution must apply human rights principles, and perhaps they should integrate human rights principles into the code of conduct and ethics. In this aspect correctional centers are more vulnerable to the violation of human rights due to the fact, that there is a restriction of media and the general public to such institutions. Institutional culture of correctional organizations sometimes deviates from its core values. Beside inmate rights implications that derive from abuses, another issue is the unethical staff behaviors toward female offenders, such as sex offenses and favors.

Furthermore, human rights organization Stop Prison Rights investigated prison abuses,
"This investigation resulted in 33 staff members in the state prison system being terminated for engaging in inappropriate sexual activity with prisoners" (De-Amicis, 2005).

A combination of many abuses, seem to be embodied within organizational culture. One may ask where the responsible administrators who allowed these abuses were. This is a very complicated issue because not everything depends on the administrator's decision making. Considering also political influences, the pressure from political elements, administrators may have their hands full of problems and issues. According to De-Amicis (2005):

“Prison/jail administrators have a formidable task ahead of them when running a facility”.

De-Amicis (2005) elaborated that administrators have to deal with budgetary constraints, and these limits impact how they balance between operations, treatment and administration, not to even mention the problems they have when dealing with the media and the courts. Each has a role and responsibility, and each task must comply with rules and regulations. When the individuals within organization do not fulfill their role and obligation, then there will be an issue. Apparently correctional staff do not have discretions like police officers have, thus not applying their strict regulations can result in violation of human rights inside corrections. The rules and regulations derived from ethics, and thus they should be essential. Sometimes in some case, there are conflicts between correction officers and inmates thus resulting in violence and other forms of abuses by officers. For this reason, prison administration must consider creating organizational culture that promotes professionalism and cooperation between staff and inmates. Correction management or administrators often face with complex situation and multiple role applications in their work. Because the administrative function is only one among many other roles, the possibility of role conflict is most of the time present inside the organization (Cooper, 2012). Administrators are between the role of maintaining ethical values and high moral, and also they have to face with programs that are designed to rehabilitate and treat inmates. According to Cooper (2012), because the role of the public administrator is sometimes in tension with the citizenship role, there is the potential for recurring conflict between these two roles in particular. As for correctional officers, there might be conflicts of roles. Also, this is because they have to supervise inmates, but at the same time, they must satisfy the orders from their superiors. Cooper (2012) elaborated that the fiduciary character of public service employment, involving responsibility to act on behalf of the citizenry, and the fact that it occurs within organizational settings, establish the possibility of two types of conflict: conflict among interests (personal interests, organizational interests, and public interests) and conflict among various sources of authority (organizational superiors, political officials and laws).

Administrators face very complex issues in correctional facilities and the reasons may vary from one place to the other, from one situation to the other. A question of gifting and corruption inside prisons has become endemic; the abuse of drugs and other forms of illegal activities is present even today. According to Schultz (2010), gifts also are given of free will, are not without their strings and expectations that they will be reciprocated. Accepting gifts from inmates, money and other forms of services violate ethical codes of each correctional institution. Sometimes the officers get aggressive when not accepting gifts thus use violence against inmates. Perhaps this issue will only be reduced because it is almost impossible for administrators and wardens to eradicate this phenomenon. Analyzing cases of crime and corruption inside corrections institution reflects the seriousness of this phenomenon that has become very common. In Maryland’s largest city, in April of 2013, at least 25 people were
charged in the court of law for drug deals, prostitution, and violence inside the correctional facility (Lane, 2014). According to Lane (2014):

“Thirteen of the accused were guards, who conspired with a violent prison gang to smuggle in contraband, ranging from cell phones to prescription pain pills.”

Furthermore, Lane (2014) described this case, as one of the most shocking facts in recent years. Female correctional officers took payoffs to have sex with gang members, including gang leader, including Tavon White, who fathered children with four guards (Lane, 2014). This is a very serious issue, and a gang leader may have great influence in decision making, the implementation of strategies and also influence in organizational operations.

**A Summary of the Strategies that the Organization Uses to Maintain Responsible Conduct**

The responsible administrator must enforce and maintain the responsible conduct of organizational members. Administrators of correctional centers should develop and implement strategies that apply the code of ethics, code of conduct and also promote continuous training for officers in the field. According to Cooper (2012), designing and managing an organizational environment that is supportive of ethical conduct is a central ethical obligation of managers, one that becomes increasingly important as they move up the organizational hierarchy. Administration and the management of each correctional center must solve issues and problems in the best way possible by implementing and enforcing ethical values within the organization. Cooper (2012) elaborated that conflicts of responsibility that people experience within public organizations should not be resolved in an idiosyncratic fashion. As a result of this, administrators of law enforcement agencies must create and establish policies that enforce public service values.

According to Cooper (2012), organizational characteristics such as the consequences associated with certain actions, the costs of a given action, normative structure of the organization, the presence of examples or good behavior, and overall characteristics of the work present a complicated set of moderators that serve to influence the decision-making process of individuals within an organization. A strategy that would embody the ethical responsibilities and obligations is a key to succeeding in maintaining the responsible conduct by officers. Another critical point in this approach is the implementation of Waldo's map of the ethical responsibilities of a public servant. According to O'Leary (2014), Waldo offered a plan of the ethical obligations of public servants, with special reference to the United States that is especially acceptable to the issue of guerrilla government. According to Waldo (2017) the following obligations are the main elements that may be implemented:

1. Obligation to the Constitution;
2. Obligation to law;
3. Obligation to nation or country;
4. Obligation to democracy;
5. Obligation to organizational/bureaucratic norms;
6. Obligation to public interest/general welfare.

Of course, there are other obligations in this map, but these six are the main that fit and are most important for correctional centers.
The implementation of Waldo’s ethical map would serve not only the institution but also the inmates and society. This map will contribute to avoiding conflicts, abuses, and corruption inside correctional institutions. Building organizational culture that would promote ethical values could significantly reduce violations and any other form of misbehavior. From an organizational perspective:

"The organization need not admit that any wrongdoing has occurred but only agree to discontinue activity along the same lines as the whistle-blower's allegations" (Dryburgh, 2009).

Recommendations for Addressing the Issues, Rationales and Guerilla Government

To address the issues such as abuses, corruption and other forms of misconduct, administrators must establish internal and external controls. According to Cooper (2012), most law enforcement organizations have internal controls, and these controls consist of values, beliefs, concepts, knowledge, and ethical standards cultivated in each public servant and are intended to encourage ethical conduct even in the absence of rules and monitoring systems. On the other hand, an external control such as political accountability plays a significant role in maintaining the organization under ethical guidelines. The implementation of discipline, professional conduct and high motivation for employing moral standards is one of the recommendations that correctional centers must consider. The best way to solve issues is through strategies that promote professional conduct, and also continuous training of staff. Administrators must collaborate with the staff, listen to their concerns and worries and implement the suggestions and recommendations from experts. However, in some cases when the interior solution is missing, employees may seek out external sources to leak information and make the issue public. In some instances, career employees are motivated to use guerilla tactics as a solution despite the risks to their careers, because in some cases they are appointed politically in the first place for such a mission. According to O'Leary (2014):

“The alternatives from which politicians and political appointees choose a particular action usually are drawn up by career public servants, who will naturally build in their own professional biases and desires.”

Everything that is politically motivated not only in the Department of Corrections but also in any government organization may have a negative impact on carrying ethical guidelines. This is because administrators appointed by political influence may have to protect the political goals of politicians. Conflict of interest may come into question in many cases. According to O'Leary (2014), the government guerillas, like most public servants, have many masters, competing for ethical obligations, and multiple directions of accountability. Civil servants should embody ethical guidelines even if such instructions are against self. Enforcing the code of ethics, encouraging employees to report abuses, and any form of corruption might have a positive impact in preventing issues inside correctional centers.

According to Alexander and Richmond (2005), good government is accomplished by experts whose scientific knowledge is directed to the efficient achievement of politically defined ends. Mandatory ethical training, the investment in moral culture within the organization, and also rewarding officers that act professionally and comply with ethical guidelines can reflect positive changes. Deep reforms and policy changes about correctional philosophy might be useful because the correctional centers must be places to rehabilitate and improve inmates, not
the place where officers become criminals. The philosophy of punishment also must change. Therefore inmates must be accepted as members of society with limited liberties, and such liberties are designed to rehabilitate and improve them for their past behaviors.

An Analysis and Decision-making Model

To implement recommendations such as Waldo's six ethical obligations, and also strong discipline inside correctional institutions there must be political will for such improvements. Deep reforms for correctional institutions could serve the public and administration of prison very good. Reforms should include fair hiring practices for members of the organization. Education and honesty must also be taken into consideration. According to Azemi (2014), recruiters are the first line of corruption prevention, and through the fair hiring processes, they can significantly prevent misconduct. Hiring the most qualified and those with a strong educational background is essential (Azemi, 2014). On the other hand, discouraging and enforcing gifting policies that would restrict officers to accept or exchange gifts, can have an impact in reducing corruption and unethical behaviors inside institutions. According to Schultz (2010), the issue is not the real value of the gift, although its size and timing may lead to serious questions about its intent and whether its offering or solicitation is a bribe or extortion. In many cases, gifting is seen as a form of bribe, because behind the gifting phenomenon, there is hidden a return-of-favor philosophy. Many gifts given to public servants have behind some kind of agendas; many gift-givers expect some services or favors in return. Schultz (2010) elaborated that gifting in a professional setting implies problems of conflict of interest, bias, and perhaps misuse of judgments that can color or affect the workplace. Regardless of the value of a gift, or the size of it, gift giver in most of the cases expects something in return.

The budgeting and financial issues might affect the implementation of continuous training for members of corrections. Due to financial difficulties, administrators must have political support, and lawmakers have to approve the budget. To approve the financial support from the government commercial department, the political subjects may have great influence in correction institutions. On the other hand, administrators in some cases lobbying for their political favorites, and this may be judged as favor-for-favor philosophy. Favor-for-favor is a philosophy similar to gift giving but of a greater magnitude. According to Schultz (2010), the problem of the lobbyist or special-interest gifts to government official’s raises concern that illicit influence is affecting the outcome of the policy-making process regarding bills heard or quashed, favors returned, and earmarks allocated.

The Outcome of Recommendations

The positive outcome would reflect better performances, the higher motivation of correction officers, and also fewer problems and conflicts between inmates and officers. When organizational members employ and embody the ethical values, adding up a virtue also to enforce morals, would significantly reflect positive changes. Ethics at its core will enable administrators to make the right decisions, and also to solve problems; their organization may face. By implementing strong discipline, promotion of whistle-blowing practices in case there are wrongdoings and unethical behaviors, could not only reduce issues but also might have a better impact on the re-socialization process of inmates. The productivity of inmates, the work labor, and other benefits could be used to improve programs and for recreational sessions. According to Azemi (2014), on the one hand, correctional officers face convicted criminals
every day, on the other hand, the prison personnel has the authority and power to keep them under control. In between these two lines, in some cases, there is a gap, and that gap is called the "situation" where abuses can occur (Azemi, 2014). Administrators must at all time conduct internal inspections inspect prison personnel's task and try to close all the doors of opportunities for the guards to abuse. According to Cooper (2012), administrators must be able to explain their conduct to the citizenry as consistent with either the wishes of the citizenry or the larger public interests. If administrators hide corrupt practices inside their organization and do not implement ethical conduct and recommendations, such practices can lead to scandals. According to Cooper (2012), public administrators who ultimately choose to uphold their obligations as administrators in the face of organizational corruption and irresponsible conduct may seriously jeopardize their livelihood, career, and reputation.

**Issues Related to Human Rights, Equality, Liberty and Justice**

The issues of human rights violation consisting of the use of brutality inside the institution, equality, liberty, and justice are the most serious issues. The brutality and abuses of officers toward inmates, just like the mentioned case in Maryland Correction, where officers sexually abused female inmates, is a serious issue. Administrators must try to find a balance between human rights and develop policies that would prevent human rights abuses, but at the same time, there is a pressure that inmates "deserve" abuses, because they are criminals. This might put administrators into a tough position, because on the one hand they must protect human rights and reduce violations, and if possible eradicate abuses. However, on the other hand, the pressure from correctional staff and also perhaps from political figures on getting "tough" on crime can impact their decision-making. To add more to this complex situation, equality also is at stake, because some inmates are treated differently from others. For instance, inmates that have a great income from their families are treated better. Another equality aspect that must be considered is also the diversity within the organization. The percentage of minority groups working as correctional officers is very small comparing the percentage of minority groups living in Florida, not to mention the inmate population that most likely originates from minority groups. Human rights and the administrator's perception in this regard are very complex. Being under pressure, administrators sometimes shift from their neutral attitude and create policies that might damage particular social group in a community. According to Goonesekere (1998), human rights not only create entitlements for rights-holders, but they also create duties for States. Furthermore, Goonesekere (1998) elaborated that States are required to ensure the fulfillment of human rights by acting in a way that enables rights-holders to enjoy the rights to which they are entitled. The deep knowledge about human rights has positive implications because as a public administrator, one must take into consideration basic human rights before making unilateral decisions on the particular issue in society. Second, as a public administrator, one must continually monitor and measure the violation of human rights. Third, public administrators must be cautious, think critically about their decision-making process, policy-making process and all other behaviors that might have an impact positive or negative in human rights dilemmas. De-Schutter (2010), regarding the role of human rights, concluded that:

"It is not enough to mitigate the negative impacts of fragmentation; however, move toward improved convergence".
Treating everyone with respect and dignity should be a culture of the correctional organization.

It is apparent that in many correctional centers, employees and inmates also are not treated equally. Responsible administrators must create a policy to offer equality to everyone inside corrections. In this aspect, implementing equal treatment, equal compensation for the same tasks would contribute to reducing inequality issues. In case administrators fail to act when they should act to solving issues such as human rights or equality, liberties, and justice, they risk paying a heavy price, because once the issues become public by whistle-blowers or from other means, they risk their career.

LIMITATION

Even though the main theories are analyzed, further research is needed. The case study used in this article does not cover the wide scope of corrections. Due to limited sources, and the nature of this analysis, the findings cannot be generalized. Further research is needed for understanding ethical issues regarding correctional centers.

CONCLUSION

Today correctional centers face various forms of abuses such as corruption, brutality, sexual violations among guards and prisoners, drug deals between guards and inmates and many other pressing issues. Some of these issues such as brutality and harsh living conditions inside correctional facility may constitute in human rights violation. The main contribution for brutality and human rights violations inside corrections partly may be connected with organizational culture. Therefore, administrators must be very cautious and monitor the situation, conduct inspection in these areas and make sure there are no such violations. Finally, responsible administrators should implement Waldo’s ethical map of obligation, because in this map every public servant can find their way of doing the right thing and supporting justice. Further research is needed in future about brutality and other misconduct behaviors in corrections. This paper brought attention to more social justice order, and full implementation of ethical guidelines within correctional centers.

REFERENCES


