

STEPHEN L. PEVAR
American Civil Liberties Union Foundation
32 Grand Street
Hartford, Connecticut 06106
(860) 293-1559

15 JUL 25
CLERK
U.S. DISTRICT COURT

TIMOTHY C. KINGSTON
SHIRLEY KINGSTON
Graves, Miller & Kingston
408 W. 23rd Street, Suite One
Cheyenne, WY 82001
(307) 638-8885

ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

BRAD SKINNER, on his own behalf)
and on behalf of all other persons) Civ. No. 02-CV-033B
similarly situated,)
)
Plaintiffs,)
)
vs.) PLAINTIFFS' PROPOSED
)
)
JUDITH UPHOFF; VANCE EVERETT;) REMEDIAL PLAN
JAMES HEWITT; DAVID EBELL and)
JOHN DOES 1 THROUGH 6; all of them)
in their individual and official)
capacities,)
)
Defendants.)
)

The Court's Order Granting Plaintiff's Motion for Summary Judgment [hereinafter "Order"] of November 27, 2002, identifies three constitutional infirmities and one additional and foundational administrative inadequacy at

Skinner v. Uphoff



PC-WY-003-001

the Wyoming State Penitentiary (WSP) that must be remedied by the Defendants. These four areas of concern and inadequacy are:

1. Defendants have failed to properly investigate inmate-on-inmate assaults that resulted in a serious injury at WSP to determine whether staff error, staff misconduct, or some institutional deficiency contributed to or caused these assaults.

2. Defendants have failed to properly discipline WSP employees whose errors or misconduct contributed to or caused such assaults.

3. Defendants have enacted a policy and custom at WSP known as a "code of silence," under which they and their employees fail to document and report the staff errors, staff misconduct, and institutional deficiencies that have contributed to or caused inmate-on-inmate assaults.

4. The Court found that "a 'culture' [exists] at the prison that may make it difficult for senior administrators to properly supervise and discipline staff," and "a remedy must be developed to counter this 'culture.'" Order at 24.

The following Plan seeks to remedy each of these four areas of concern and inadequacy.

1. The Duty To Properly Investigate

On April 1, 1996, Defendant Judith Uphoff, Director of the Wyoming Department of Corrections (WDOC), enacted Administrative Regulation 7.017. This regulation sets forth a process by which WDOC is required to conduct a thorough internal investigation into each inmate-on-inmate assault that results in a "serious . . . injury." A copy of AR 7.017 is attached to and incorporated herein by reference.

Defendants have never adequately implemented AR 7.017. Therefore, neither the Court nor the Plaintiffs can know with confidence that the implementation of AR 7.017 will provide a sufficient remedy for Defendants' failure to properly investigate inmate-on-inmate assaults. However, it appears that an adequate implementation of AR 7.017 will remedy this constitutional defect.

Therefore, Defendants are ordered to adequately and properly implement AR 7.107. In the event the implementation of this regulation is insufficient to remedy the constitutional defect, or if its implementation creates some other unintended result, either party may petition the Court to reexamine this portion of the Remedial Plan.

Based on the facts in the record, though, AR 7.017 must be amended in two respects. First, the regulation

does not define the term "serious . . . injury," and this omission has created some confusion as to which inmate injuries are subject to a Serious Incident Review (S.I.R.) investigation. Given Ms. Uphoff's deposition testimony, she must amend AR 7.017 so that the term "serious injury" includes any injury requiring a hospital test, such as x-rays, or procedure, such as stitches, or hospitalization. Abrasions or scratches not accompanied by more serious injuries need not be considered a "serious injury" under the amended regulation unless Defendants define it as being inclusive.

Second, AR 7.017 states that the investigative committee should interview "relevant" witnesses but it does not expressly require that the victim of the assault be interviewed. Both Ms. Uphoff and Mr. Everett testified that normally the victim of the assault should be interviewed. AR 7.017 must be amended to state that the victim of the assault normally should be interviewed unless the victim declines or is unavailable.

If Defendants wish to amend AR 7.017 in any other fashion during the term of this Remedial Plan, they may do so provided that they first send the proposed amendment to counsel for Plaintiffs at least 30 days before the amendment will take effect. Plaintiffs may then seek

judicial review of the proposed change if the change would materially impact the effectiveness or scope of AR 7.017. In the event Plaintiffs challenge a proposed change within the 30-day review period, Defendants may not implement the change until after the Court has ruled upon Plaintiffs' challenge.

Currently, AR 7.017 permits the S.I.R. investigation to be conducted by WDOC employees. Director Uphoff admitted in her deposition, however, that it would be better to have independent investigators unconnected with WDOC to conduct these internal investigations. The WSP employee who chaired the March 2000 S.I.R. investigation into the Ellis Kennedy assault acknowledged that the S.I.R. committee "tempered" its findings and recommendations due to the fact that all three members of the committee were WSP employees.

The Court remains concerned that AR 7.017 will not be adequately implemented unless outside and independent personnel are in charge of orchestrating and performing the S.I.R. investigation. Recent events heighten this concern. Prison records show that four inmate-on-inmate assaults occurred at WSP in July 2002. Given AR 7.107, an S.I.R. committee should have investigated each of these assaults within 14 days of the incident. Yet Defendant Uphoff

waited two months before convening an S.I.R. committee. AR 7.017 also mandates that the S.I.R. committee be comprised of at least three members, each of whom must sign the Report. Yet only two members signed the most recent Report because the third member failed to participate in the investigation. Moreover, AR 7.017 mandates that each S.I.R. committee determine whether disciplinary action should be taken against any employee found to have violated prison policy. Yet this latest Report found that employees had violated prison policy but it expressly declined to make any recommendations regarding discipline. Defendants are hereby advised that, once this Remedial Plan goes into effect, similar violations of AR 7.017 may be grounds for a contempt citation and for the imposition of stricter requirements, including the requirement that outside and independent investigators administer the entire process.

The record in this case also reflects that some WSP employees have responded to prison internal investigations with disdain, disrespect, and lack of cooperation. In one such investigation, two sergeants and a lieutenant exhibited "no respect for the investigative process," the investigators reported, and had submitted to the investigative committee incomplete statements and reports. See Deposition Exhibit 89 at 8. Defendants must not

tolerate such behavior, which undermines the entire investigative process and the integrity of the prison.

Defendants Uphoff and Everett acknowledged during their depositions that upwards of 300 assaults occurred at WSP during the past six years. They also acknowledged that only three of these assaults were the subject of an internal investigation, and all three investigations found the presence of staff error. Given the possibility if not probability that staff error caused at least some of the other assaults and that, if left uncorrected, these deficiencies could cause additional assaults, the Court hereby orders the Defendants to conduct an S.I.R. investigation pursuant to AR 7.017 into each inmate-on-inmate assault that resulted in a serious injury since January 1, 1999 and in which the victim of the assault remains in Defendants' custody.

2. The Duty To Discipline

Defendants have promulgated a set of rules that inform inmates of what behavior is expected of them and what range of punishment they may receive for each type of infraction. A similar set of rules must be developed for staff. Defendants must effectively, efficiently, and consistently enforce these rules, imposing discipline as necessary to

enforce compliance with their rules and deter unauthorized conduct by staff.

The record demonstrates that many of the policies and practices created by the Defendants to protect inmates from assault were not implemented by line officers and not monitored or enforced by supervisors. Prison logs show, for example, that for weeks at a time, line officers were not performing walk-throughs ("rounds") in the housing units in accordance with prison policy, and supervisors failed to notice or abate those violations of policy. The record also shows that even after the Defendants learned of these policy violations, no disciplinary action was taken against either the line officers or the supervisors.

In order to prevent such misconduct in the future and to ensure that violations of policy by line officers will be promptly detected and abated, the Defendants are ordered to undertake the following two remedial actions. First, within thirty days of the date of this Plan, Defendants must identify and give to counsel for Plaintiffs and to the Joint Expert (whose role is discussed later) a copy of all prison policies that have as a primary purpose the protection of inmates from assault, such as the walk-through policy and the Protective Custody policy. Second, the Defendants must submit to Plaintiffs' counsel and to

the Joint Expert a monthly report signed by the Warden confirming that the Warden has reviewed reports submitted by each housing supervisor attesting that he or she personally reviewed relevant logs and conducted a sufficient investigation to know whether these policies had been properly implemented that month in the unit. If a supervisor's report discloses some area of noncompliance with policy, the Warden's report should explain what additional investigation was conducted or what remedial action was taken in order to ensure full compliance in the future. Supervisors who fail to submit timely and accurate monthly reports must be considered for appropriate discipline.

As mandated by AR 7.017, each S.I.R. committee must make a recommendation as to whether an employee found to have violated prison policy should be disciplined. In all instances in which an S.I.R. committee finds that a violation of policy has occurred in connection with an inmate-on-inmate assault, the Warden must issue a written report within 30 days detailing the disciplinary action that was taken, or explaining why no disciplinary action was taken, as the case may be. The report must set forth the facts upon which the Warden's decision was based. A

copy of the Warden's report must be placed in the S.I.R. FILE (discussed below).

As noted in the Court's Order, discipline of staff is a critical component of an effective system designed to reduce the errors and misconduct that in the past have caused or contributed to inmate-on-inmate violence at the prison. Defendants must bear in mind that a failure to appropriately discipline staff misconduct sends the wrong message regarding the importance of protecting inmates and obeying rules.

Defendants must promptly investigate and remedy all staff errors, shortcomings in policy, institutional deficiencies, or other inadequacies identified in an S.I.R. report or identified in any other report submitted by staff that may impact inmate-on-inmate violence. For instance, if an employee reports that walk-throughs are not being conducted as policy requires, or an S.I.R. investigation discloses that the policy on Protective Custody was violated, the Warden must promptly conduct any additional investigation necessary to determine the scope of the problem and take prompt action to abate it. Whenever a violation of policy has occurred, the Warden should consider whether other officers, in addition to the officer who committed the violation, need additional training, and

the Warden's written report should document the Warden's conclusion on that question and record any additional training (or other remedial action) that was ordered.

Defendants are required to maintain the following three central files, which must be complete, up-to-date, and kept in appropriate order. One file (the "S.I.R. FILE") will contain a copy of all correspondence, findings, and other documents relating to each SIR investigation. This central file, in other words, will contain a copy of everything connected with each S.I.R. investigation conducted at WSP, and each S.I.R. investigation will have its own folder(s) or bin within the S.I.R. FILE.

The second file (the "DISCIPLINARY ACTION FILE") will contain a copy of all documents related to disciplinary charges filed against a WSP employee in connection with an inmate-on-inmate assault. It will also contain the results of those charges, including appeals.

The third file (the "OTHER INVESTIGATIONS FILE") will contain a copy of all correspondence and other documents generated in connection with the reporting, the investigation, and the remedy of errors, misconduct, and institutional deficiencies respecting inmate-on-inmate assaults that are not associated with an S.I.R. investigation.

Counsel for the Plaintiffs has a right to receive copies of these three files from the Defendants free of charge. After the first year under the Plan, however, if the Joint Expert certifies that the Defendants have remained in substantial compliance with the Plan, Defendants can charge Plaintiffs for copying costs unless the request for photocopies concerns documents or incidents that the Joint Expert has called into question.

3. Eliminating The "Code Of Silence"

Defendants must issue a written policy that requires staff to document and report to a supervisor the errors, misconduct, and institutional deficiencies of which they are aware that have caused or contributed to an inmate-on-inmate assault. The policy must identify (1) the forms on which these reports are to be submitted, (2) how soon after an incident the report must be filed, and (3) the person to whom or post to which the report must be submitted. Defendants must also designate a person or post whose duty it is to investigate each such report and to submit written findings to the Warden within 14 days. The Warden must then undertake such reasonable and prompt action as is warranted, explaining in writing within 14 days after the receipt of the report the basis for each such

determination. A copy of all of these documents must be placed in the OTHER INVESTIGATIONS FILE. For instance, if an officer believes that an assault occurred because the Protective Custody policy was not followed or because an officer mistakenly opened the wrong cell door, a report should be filed containing that information. The Warden must investigate the allegation and write a report within 14 days. The failure of an employee to report and document such information, and the failure of the Warden to promptly investigate and act upon it, must be considered grounds for disciplinary action.

Within 30 days, Defendants must submit to Plaintiffs' counsel written policies implementing the above requirements. If Plaintiffs believe that these policies are inadequate, they should make their concerns known to the Defendants, and may thereafter petition the Court to review them if a dispute continues to exist.

4. Changing the Prison Culture

Defendant Uphoff testified in her deposition that senior administrators have lost their ability to properly supervise WSP employees with respect to inmate safety due to the "culture" of the prison. This loss of control represents a serious threat to inmate and staff safety.

According to Ms. Uphoff, "there's a culture in that facility that is as old as the facility that says 'We do what we think we need to do, not necessarily the policy.'" (Uphoff Deposition at 602-03.) This culture, Ms. Uphoff stated, has caused staff to believe that "we do not have to live by your rules, but what we create." (Id. at 605-06.)

As Ms. Uphoff realizes, no substantial improvements can occur regarding inmate safety "until we dig into that, find some way to break that [attitude] and rebuild it in a different paradigm." (Id. at 606.) Ms. Uphoff testified that one of the major signs of this culture is "a high level of intimidation" of younger correctional officers and on female staff to conform to certain behavioral norms. (Id. at 603-05.)

Warden Everett agreed that there is a "culture" at the prison that prevents senior staff from properly supervising the facility. (Everett Deposition at 44.) When asked to explain what changes should be made to combat this culture, he emphasized training and the imposition of discipline: "The employees have to know what they're being held accountable for, and I think that comes through training. And the second part of that is the enforcement part." (Id. at 79.)

Plaintiffs have submitted and the Court adopts the recommendations of Dr. Paul Katsampes, whose report is attached to this Plan and incorporated by reference. In particular, Defendants must implement each of the five recommendations listed in the "Summary" of the report.

Dr. Katsampes' first recommendation is that the National Institute of Corrections (NIC) conduct an assessment of WSP's organizational culture. The Court expects WSP to promptly contact NIC for this purpose, to comply with NIC's requirements for the completion of the assessment, and to implement NIC's recommendations unless relieved of such duties by the Court. In the event NIC cannot initiate the assessment within 60 days of the date of this Plan, Defendants must retain some other independent and competent agency or expert to do so, and the Defendants must then comply with the other four recommendations in the Katsampes Summary.

5. Joint Expert

Given the depth of the deficiencies and infirmities at WSP as found by the Court and their complexity and longevity, the Court has determined that a Joint Expert should be hired to ensure Defendants' compliance with this

Remedial Plan. All reasonable expenses of the Joint Expert will be borne by the Defendants.

The Joint Expert (JE) will not report to the Court nor be an arm or official of the Court. Rather, the JE will report only to the parties. However, should an issue regarding compliance with this Remedial Plan arise between the parties, either party may submit to the Court any report written by the JE and the JE may testify at any compliance hearing.

The parties may agree to have the JE perform whatever functions they deem appropriate. At a minimum the JE should (1) investigate Defendants' compliance with all aspects of the Remedial Plan, (2) conduct at least three on-site inspections of WSP a year and write a summary of findings following each inspection, and (3) allow counsel for each party, as well as allow inmates individually, to correspond confidentially with the JE, with the understanding that any information given to the JE must be disclosed to all parties and the Court if the law requires it or if the reasonable needs of the JE necessitate it. Inmates may also correspond with counsel for the Plaintiffs regarding any matter arising under the Remedial Plan, and are obligated to pursue the prison's grievance system for all matters covered by that system. Incoming and outgoing

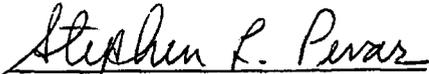
correspondence between an inmate and the JE will be considered and treated by prison staff as privileged correspondence, the same as attorney-inmate mail.

The purpose of the JE, in short, is both to monitor Defendants' compliance with, and facilitate the resolution of disputes arising under, this Remedial Plan. The JE is to be objective and impartial. If the parties are unable to agree upon a JE within 20 days after this Plan is approved by the Court, each party shall submit a maximum of two names to the Court along with a resume from each candidate and a short statement from counsel explaining why the candidate is appropriate. The Court will then pick a JE for the parties. Either party may subsequently challenge the appointment of the JE upon grounds of impartiality or other relevant basis.

Counsel for each party is entitled to submit questions, information, and concerns to the JE at any time, and the JE will then conduct such an investigation as he or she deems appropriate. To save costs, additional on-site visits to the prison should be viewed as a last resort. In the event that the JE decides that it would be less expensive to hire an assistant to help review documents, data, or inmate correspondence than for the JE to do it,

postage prepaid and sent electronically this 23rd day of
December, 2002, to:

Steven Czoschke
Office of the Attorney General
Herschler Building, First West
Cheyenne, WY 82002
email: sczosc@state.wy.us


Stephen L. Pevar
Stephen L. Pevar



STATE OF WYOMING
DEPARTMENT OF CORRECTIONS

ADMINISTRATIVE
REGULATIONS

NUMBER

7.017

PAGE NUMBER

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SUBJECT: Reporting and
Investigation of Major Incidents

I. PURPOSE:

It is the directive of the Division of Prisons that all facilities will report:

- A. Any incident or circumstance involving Division of Prisons employees, volunteers, inmate/offenders, programs or facilities that, in the opinion of the warden/superintendent or designee, is unusual to the extent of becoming a matter of significant concern or interest to the division of prisons administrator, the Director, or the general public.
- B. Any incident which constitutes an immediate threat to the life, safety or health of staff, an inmate/offender, citizen, or damage or destruction of property of the Department of Corrections or aforementioned parties.
- C. Any act(s) that constitute a major threat to the security or orderly operation of the institution or may compromise the sound management or integrity of a facility or the Division of Prisons.
- D. Any act(s) that constitute a felony or criminal act by employees, volunteers, civilians, or inmate/offenders.

II. DEFINITIONS:

- A. SIR: Serious Incident Review. A formal review by a three-member panel not associated with the facility where the incident took place.
- B. Internal Incident Review: An internal investigation. Less formal than a SIR.
- C. Major incidents are generally defined by, but not limited to, the following criteria:
 - 1. Offender Disturbances, work stoppages, or other individual or group actions which threaten the orderly and secure operation of Division of Prison facilities and offices of the department.
 - 2. Death or serious injury causing hospitalization of an offender; or the death or any injury of a staff or citizen from an incident involving an offender or occurring on state property.
 - 3. Any incident involving the use of or discharge of a firearm.
 - 4. All accidents involving state vehicles resulting in personal injury and/or property damage.

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5. Theft, destruction, loss or damage to state property.
6. The escape or attempted escape of any offender.
7. Any offender or staff connected activity requiring notification of law enforcement officials for purposes of criminal prosecution of an offender, staff, visitor, or others.
8. Any incident or condition involving materials or waste classified as hazardous, or any incident or condition which requires contact with or reporting to a regulatory agency.
9. Any use of chemical agents, taser or similar technology.
10. Any Use of Force Situation.

III. PROCEDURE:

This procedure describes the steps necessary to report major incidents to the office of the division of prison administrator. Every incident, regardless of its nature must be reported to the warden/superintendent. The incidents defined in this procedure must be reported to the division of prisons administrator. This Administrative Regulation is not meant to replace A.R. 1.004, or Director Directive 95-007.

A. Critical/Unusual Incidents.

1. Documentation:

- a. Any major incidents, as described in the definition section, will be considered critical and unusual. These incidents will be reported immediately by phone to the division of prisons administrator, or designee. A copy of the incident report form will be faxed as soon as possible to the division of prisons administrator. For any incident that does not meet the major incident criteria, fax notification as listed in subsection 'a' is required.

(1) A copy of all incident documentation will be forwarded to the division of prisons administrator, upon deactivation of the incident and no later than 10:00 a.m., the morning following the resolve and deactivation.

- (a) Emergency checklists and post orders will count as employee information reports. Any employee who does not complete his/her checklist will be required to submit an information report at the end of the incident.

(b) Should any incident not include the use of checklists, information reports will be completed by all staff having direct involvement with the incident.

- b. If a serious incident review is required, additional detailed reports from staff involved may be submitted to the warden/superintendent and division of prisons administrator.
- c. Files shall be maintained in the office of the division of prisons administrator, by category of incident, for future reference and research.

2. Reporting Procedures.

- a. All major incidents within the Division of Prison, as described in the definitions section, shall be reported to the division of prisons administrator, or designee. The division of prisons administrator, or designee will be responsible to notify the Director. The media shall be notified, as appropriate, by the department public information officer with approval of the Director.
- b. The division of prisons administrator will be responsible to disseminate information about reported incidents to appropriate locations within the department.
 - (1) The chief of prison operations will be responsible to notify other facilities and keep them apprised of any incidents.

3. Investigations:

- a. The division of prisons administrator will require an investigation for every escape, serious crime or injury in a facility and a written report to be completed.
 - (1) These investigations will be completed as outlined in the SIR section of this policy.
- b. The Director, division of prisons administrator, or warden/superintendent may authorize the convening of a serious incident review (SIR) panel as situations require.
 - (1) A SIR shall be required for, but not limited to, any of the following incidents:
 - (a) Riot or hostage situation.

- (b) Discharge of a firearm other than for training or maintenance.
 - (c) Serious injury or death of any person (with the exception of death from natural causes).
 - (d) A felonious/criminal act of any person.
- (2) A warden/superintendent may only authorize a SIR for incidents occurring in his/her facility.
- (3) The facility head may conduct an internal critical incident review at his or her discretion, for those reportable incidents that do not require a SIR or other formal investigation.
- (a) Copies of this investigation will be forwarded to the division of prisons administrator within five working days of completion.
4. Serious Incident Review Panel (SIR).
- a. The director or division of prisons administrator shall select a panel of at least three people to conduct the SIR.
- (1) The panel shall consist of at least one person from a division other than the one in which the incident occurred.
 - (2) The chairperson of the panel and at least one of the two other members, shall not be employed by the facility where the incident occurred.
 - (3) Legal services and personnel shall be contacted prior to the convening of the panel. A representative from legal services and personnel shall be a member of the panel if so required.
 - (4) The panel may consist of outside agency personnel if determined by the Director and the division of prisons administrator.
5. Serious Incident Review:
- a. The SIR panel should convene no later than fourteen days from the end of the incident.

- (1) If there is an ongoing criminal or internal investigation, the panel should not convene until the investigative results are available.
 - (2) If new information is received after the SIR panel has completed its report, a new SIR panel may be opened, or the original SIR panel may be recalled at the discretion of the division of prisons administrator or Director.
 - (3) The Director or division of prisons administrator may appoint individuals outside the department to the SIR panel, either for technical expertise or for increased independence.
- b. The panel shall review all documents and interview all people who have relevant information regarding the incident. The panel shall determine:
- (1) Whether the action taken was consistent with departmental procedure.
 - (2) Whether the incident was handled properly and whether there were better alternatives that should or could have been employed in any aspect of the incident.
 - (3) Whether any action should be taken to avoid future incidents.
 - (4) Whether any disciplinary action or recommendations for outstanding performance of duty should be made to the facility head, division of prisons administrator, or director.
 - (5) Were the departmental policy and procedures good or do they need to be reviewed.
 - (6) Other significant aspects of the incident or situation.
 - (7) Whether criminal prosecution should be followed.
- c. When the panel has reached its conclusions, the chairperson will be responsible for drafting a report summarizing their factual findings and recommendations.
- (1) The panel members shall read and sign the report within five working days of completion of the review. Panel members dissenting with some or all of the report shall so note in writing to the division of prisons administrator.

- (2) The report shall be sent to the warden/superintendent, where the incident occurred. The warden/superintendent will review the report and forward it with their written recommendations and comments to the division of prisons administrator within five working days of the completion of the investigation.
 - (3) The division of prisons administrator shall review the report and forward it, along with written comments and recommendations to the Director within an additional five working days.
 - (4) The division of prisons administrator or Director shall take such actions as are warranted after considering the report and recommendations. Those actions shall be documented in writing and attached to the original report.
 - (a) A copy of the final action shall be forwarded back to the warden/superintendent where the incident occurred, unless prosecution or confidentiality issues prohibit such dissemination.
 - (5) The final report and all attachments will be kept on file in the office of the division of prisons administrator.
- d. A copy of the final report and attachments shall be sent to legal services.
- (1) The senior assistant attorney general shall review the report and attachments to determine whether it should be classified as exempt from disclosure.
 - (2) The senior assistant attorney general's opinion concerning the disclosure of the report shall be written and filed with the original report.
- e. The final report will be considered the official document of the department. Any document reviewed by the committee, to include electronic items, will be attached or identified and referenced in the final report.
- f. In the event a SIR is not required, the warden/superintendent will

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forward any investigative report to the division of prisons administrator within five days of the incident.

Judith Uphoff
 Judith Uphoff, Director
 Wyoming Department of Corrections

4-1-76
 Effective Date

COMMENTS:

Revised:

Summary of Revision:

Dr. Paul Katsampes
Box 367
Eldorado Springs, CO 80025
303.499.9461
pkatsampes@aol.com

December 8, 2002

To: Stephen Pevar, ACLU
From: Paul Katsampes
Reference: Organizational Culture Issues and Recommendations Related to Skinner v. Uphoff, USDC of Wyoming, No. 02-CV-033B

Documents Reviewed:

1. Skinner v. Uphoff, USDC of Wyoming, No. 02-CV-033B – Plaintiff's Brief In Support of Summary Judgment
2. Skinner v. Uphoff, USDC of Wyoming, No. 02-CV-033B – Order Granting Plaintiff's Motion for Summary Judgment
3. Skinner v. Uphoff, USDC of Wyoming, No. 02-CV-033B – Exhibit 89, Investigative Report, April 30, 2001
4. Skinner v. Uphoff, USDC of Wyoming, No. 02-CV-033B – Depositions of Judith Uphoff and Vance Everett (selected pages referring to penitentiary culture)
5. Training on Assessment of Institutional Culture, National Institute of Corrections and Criminal Justice Institute, Inc., 2002.
6. Organizational Culture Course – Training Manual, Pennsylvania Department of Corrections, Carol Flaherty-Zonis, 2000.
7. Criminal Justice Organizations, 3rd Edition, Stojkovic, Kalinich, and Klofas, West/Wadsworth Publishing Company, 2002.
8. Denver Police/Fire Officer Selection Process Research, Mayor's Blue Ribbon Committee, Katsampes and Kilpatrick, 2000.

Introduction

The class action on behalf of the inmates of the Wyoming State Penitentiary requests an order requiring administrators of the WSP to take reasonable measures to ensure the safety of inmates. The class action was initiated after numerous inmates were seriously injured and one inmate died as the result of inmate-to-inmate assaults. The investigative report relating to an inmate assault revealed that staff (officers and line supervisors) was not cooperative with the investigators and that staff had ignored prison policies and procedures.

In their depositions, Judith Uphoff (Director of the Wyoming Department of Corrections) and Vance Everett (Warden of the Wyoming State Penitentiary) admitted that they had lost their ability to regulate staff behavior with respect to inmate safety - and staff behavior in general - due to the "culture" of the prison. This loss of control by senior

staff represents a serious threat to public safety as a whole, and inmate and staff safety in particular.

According to Ms. Uphoff, "there's a culture in that facility that is as old as the facility that says 'We do what we think we need to do, not necessarily the policy.'"¹ This culture, Ms. Uphoff stated, has caused staff to believe that "we do not have to live by your rules, but what we create."²

As Ms. Uphoff realizes, no substantial improvements can occur regarding inmate safety - and staff misconduct in general - "until we dig into that, find some way to break that [attitude] and rebuild it in a different paradigm."³ "We've got to get that culture within that prison that says that what we've always done is right, them folks don't know anything."⁴ Uphoff testified that one of the major signs of this culture is "a high level of intimidation" of younger correctional officers and on female staff to conform to certain behavioral norms.⁵

Everett agrees "that there certainly is a culture" at the prison that prevents senior staff from properly supervising the facility.⁶ When asked to explain what changes should be made to combat this culture, he emphasized training and the imposition of discipline: "The employees have to know what they're being held accountable for, and I think that comes through training. And the second part of that is the enforcement part."⁷

The purpose of this report is to respond to these statements by Ms. Uphoff and Mr. Everett and to fashion a remedy for the problems they identified. The report will define organizational culture, discuss the stages of how a culture develops, discuss strategies of changing a culture, and make recommendations for addressing the cultural problems of the Wyoming State Penitentiary.

Organizational Culture – What is it?

Organizational Culture⁸ can be briefly described as a set of assumptions, values and beliefs shared by members of an organization. The assumptions, values and beliefs create language, symbols and folklore and ultimately serve to direct the behaviors of the organizational members, especially in response to work related problems. Groups within the organization may develop behavioral processes, such as language, patterns of

¹ Deposition of Uphoff, pages 602-03.

² *Id.*, page 605-06.

³ *Id.*, page 606.

⁴ *Id.*, page 42.

⁵ *Id.*, page 603-05.

⁶ Deposition of Everett, page 41.

⁷ *Id.*, page 79.

⁸ Criminal Justice Organizations, 3rd Edition, Stojkovic, Kalinich, and Klofas, West/Wadsworth Publishing Company, 2002, Chapter 9.

interactions, rituals, and norms that evolve into their separate ways of completing tasks. These behavioral processes may be in conflict with the formal and stated goals of the organization. These groups are sub-cultures within the organization (or society). Dominant values espoused by an organization such as rehabilitation, crime prevention, the philosophy of the organization toward employees or clients, rules of the game for getting along in the organization's social system and the climate created in an organization all may be influenced by the values and norms of the various sub-cultures in the organization.⁹

The process of socialization in an organization serves to impose the organization's patterns of basic assumptions upon its new members. The pattern of basic assumptions - invented, discovered, or developed - by a group or sub-culture as it copes with its survival in the organization is taught to new members as the correct way to perceive, think, and feel in relation to those problems. Cultural patterns evolve to provide ready made solutions to situations group members may encounter. These may not be the best or only solutions, but they are the answers the sub-culture develops as a set of standard patterns for dealing with common problems that fit the sub-culture's values and norms.¹⁰

The more an organization or group in the organization (sub-culture) relies upon its ready-made solutions, the more deeply entrenched the culture. People in the sub-culture develop a special language to solve the problem of communicating and it becomes the framework for their culture that results in goals that are expressed as values. From the group's values evolve group norms. The norms specify what people should or shouldn't do. The norms, now, dictate the behaviors the members of the group use to complete tasks. The standard ways of doing things and strong views of right and wrong are enforced by the group. Once the organization or group has developed its values, norms and behaviors it attempts to perpetuate its culture.¹¹ The targets for an analysis of an organization's or group's culture are its displayed values, norms and behaviors.

There appears to be an obvious sub-culture development process existing in prison, jail and police organizations. The research conducted in prisons supports the conclusion that prison officers develop sub-culture values, norms and resulting behaviors that are often in conflict with the their agencies' stated values. Based on the testimony of Ms. Uphoff we know that an officer sub-culture exists in the Wyoming State Penitentiary that has conflicting values and norms compared to the values of the dominant organization.

⁹ Criminal Justice Organizations, 2nd and 3rd Editions, Instructors Guide, Paul Katsampes, 1998, Katsampes and Nees, 2002, pages 59-60.

¹⁰ Ibid.

¹¹ Ibid.

Carroll reports¹² (and summarizes the research of W.A. Farkas and others) that correction officers studied at different locations and at different periods of time display a distinct officer sub-culture. The following paragraphs describe the elements of the Penitentiary officer sub-culture:

Farkas (1997) lists the major tenets of the code (code of solidarity) as follows: always go to the aid of another officer, don't be too friendly with inmates, don't abuse your authority, don't stab a coworker in the back, cover your ass and don't admit mistakes, carry your own weight, defer to the wisdom of veteran officers, and mind your own business. In another report Farkas (2000) typologizes officers on their conformity to both organizational goals and the informal code. She finds the largest percentage of the officers (approximately 43 percent) are rule enforcers who embrace the organization's goals and values, who see their job as maintaining custody and control, who reject a human service role and see it as compromising, and who conform closely to official policies and procedures. About 14 percent of the officers are estimated to be "hard liners" who support the organization's goals, but who hold extremely negative views of inmates and resent providing services to them, who enforce rules as much to show authority as to maintain order, and who may become abusive towards inmates.

Another group who conform closely to formal policies and procedures are "loners." They accept the formal goals of the institution but feel little loyalty to fellow officers. They enforce the rules rigidly to validate their authority and to avoid making a mistake. Females and Black officers were disproportionately represented in this group.

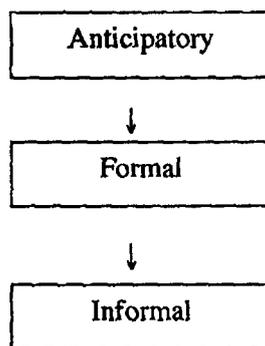
At the other extreme from the "hard liners" are the "people workers." They comprise about 22 percent of the officers, and are generally older and more experienced than the rule enforcers and "hard liners." These officers modify the militaristic values of the organization, developing a more comfortable style of working with inmates and seeking to gain compliance through communication and personalized relations. Some officers modify formal policies and procedures in the direction of personalized relations with inmates but adhere closely to formal policies and procedure. Farkas terms these employees as "synthetic officers" and estimate they comprise about 14 percent of the officer force. Finally, three other types were noted: "the lax officer", "officer friendly" and the "wishy-washy" type. These officers, who were few in number, rejected or ignored policies and procedures, allowed their authority to be compromised and themselves to be manipulated.

¹² "Organizational Culture: An Overview of Perspectives, Methods and Findings" in Training on Assessment of Institutional Culture, National Institute of Corrections and Criminal Justice Institute, Inc., Carroll, 2002, pages 5-6. Dr. Leo Carroll, a University of Rhode Island Sociology Professor, is the primary author of the NIC Prison Culture Assessment document.

Other research, however, indicates that even though they may constitute a minority, the views of the "hard-liners" may dominate the officer subculture. Using his position as a correctional officer in Texas from 1981 through 1983 to do an ethnography, Marquart (1986) found that the unofficial use of force was deeply entrenched in the officer subculture.

Organizational Culture – How it Develops

Organizational Culture is developed through a socialization process. Socialization is a process of change that includes three distinct stages: anticipatory, formal, and informal. The first stage is the anticipatory stage that begins prior to the entry of an individual into an occupation. The formal stage is the pre-service and on-the-job training conducted by the administration for the purpose of teaching the new employee the "right way" or organization's way to do the job tasks. The informal stage is how the worker group teaches the new employee the standard ways of doing things and views of right and wrong as they have been developed by the sub-culture.



In the anticipatory stage¹³, those considering a particular occupation begin to anticipate the demands and expectations of their future job. They begin to adopt attitudes and values they believe are consistent with the occupation, and they come to view themselves as members of a group. During this stage, individuals are influenced by two main reference groups. First, those tangential to the occupation such as family members, neighbors, teachers, media may transmit their views of the job. Second, members of the occupation such as persons recruiting and having other direct contact may directly transmit information about the job.

When a person joins a particular occupation, the second, or formal¹⁴, stage in socialization usually occurs. This is generally a period of formalized training that the organization creates as the time when new employees are instructed in the techniques of how to do the job. The formal training includes the mandated or agency designed pre-service training classes and/or formal on-the-job training conducted by a designated

¹³ Criminal Justice Organizations, 3rd Edition, Stojkovic, Kalinich, and Klofas, West/Wadsworth Publishing Company, 2002, Chapter 9.

¹⁴ *ibid.*

training officer. The designated training officer is usually referred to as a Field Training Officer and is considered to be an extension of the training academy.

The third and ongoing phase of socialization is the informal stage. In this stage the relevant reference group consists of peers, supervisors, and even clients to whom a worker is exposed on a daily basis. Here the routine of the job shapes the role of the worker, but most important, the influences of the worker peer group (the sub-culture) become very strong. It is at this stage that the new employee has a motivating need to be accepted into the group by his/her colleagues. This need to belong to the group is even stronger in criminal justice occupations because of the safety issues of most jobs.

In criminal justice the most often discussed problem with the socialization process is that of role conflict.¹⁵ Role conflict is the occurrence of two or more role expectations such that compliance with one makes compliance with another difficult or impossible. Conflicting expectations may come from two or more role senders or may emanate from a single role sender. This competition is expressed in the conflicting expectations of front-line workers. Correction officers need to maintain custody and control but, at the same time, do it without excessive force. (The change in title from prison guard to corrections officer was also meant to connote a different role for front-line Prison staff). Police officers are charged with controlling crime as well as meeting due process constraints. Probation and parole officers must provide surveillance of their caseload to prevent crimes and assure compliance with rules, but they must also provide a supportive atmosphere and services to assist in adjustment to the community. All human service workers are sent conflicting messages about the process of their work. Although the importance of providing custodial or helping services is stressed, these services are to be provided to large caseloads of clients.

The prison officer sub-culture may develop values, norms and behaviors that, when followed, help the officer to reduce the struggles associated with the role conflict. These role conflict ready-made answers are transmitted to the new employee, initially, during the informal stage of the socialization process.

*Strategies for Change*¹⁶

There are three basic strategies for changing the behaviors of individuals or groups. These strategies include the rational-empirical approach, the power-coercive approach, and the normative-reeducation approach. The rational-empirical approach is based on presenting information to the change target that is logical. The power-coercive approach is based on using the influence of reward/punishment. The normative-reeducation

¹⁵ Ibid.

¹⁶ The Planning of Change, Benis, Benne and Chin, 1970. This "book of change" has been presented through several editions over the years and it stands as a comprehensive and realistic compilation of change theory directed toward individuals, organizations and communities.

approach focuses on using a strategy that allows the target person or group to decide themselves to change their norms. Examples of the change strategies are as follows:

1. Logic (rational-empirical approach) - This approach or strategy is based on the concept that if information is presented that is logical, the change target will understand and change his or her behavior to the new way of doing things. Training programs, education, model programs are examples of the logical approach to change. Agency pre-service and post-service employee training programs and academies, college classes, and professional lectures are examples of logical change delivery systems designed to cause individuals or groups to complete tasks in a different manner. Training and education is based on this premise that when new information is presented, people will change if it is logical. The majority of change programs are based on the logical approach.
2. Power (power-coercive approach) - This approach or strategy is based on the concept that if information is presented with the caveat that non-compliance will result in punishment and/or compliance will result in a reward, the change target will change the behavior. Employee discipline, suspensions and terminations (punishment), and promotions, recognition (rewards) are examples of the power approach to change. "My way or the highway" is the motto of the power-coercive change strategist.
3. Norms (normative-reeducation approach) - This approach or strategy is based on the concept that when the individual or target group decides to change behaviors it is because they have developed new values or norms. People may change their values and norms when they participate in a collaborative problem-solving process that results in solutions meeting their needs and concerns. Quality Circles and Management by Objectives programs that involve employees and managers working together to set objectives and solve work-related problems are examples of the change approach that addresses worker norms. The by-line of "these are my needs, what are your needs" that results in new solutions to organizational problems is the basis of the collaborative conflict resolution process.

Recommendations

Changing the culture of the Wyoming State Penitentiary represents a formidable task that will not be accomplished in the short term or without difficulty, as Ms. Uphoff has recognized. Values of individuals that have been created over the years and that have been reinforced by group members and the nature of the job are not easily changed. The following table and narrative includes recommendations that need to be considered as a comprehensive plan. The table matrix reflects the stages of culture development (anticipatory, formal, informal) combined with the strategies of change (logic, power, norms).

Change Strategy Table – Wyoming State Penitentiary

Strategies & Stages	Logic	Power	Norms
Anticipatory	<ol style="list-style-type: none"> 1. <u>Agency Advertising – use of media, news articles, high school & college job fairs.</u> 2. <u>Use model officers in recruiting efforts</u> 	<ol style="list-style-type: none"> 1. Clearly state the <u>organization's mission, goals and policies and procedures</u> & consequences of violations in the recruiting and selection process 	<ol style="list-style-type: none"> 1. Develop <u>selection requirements</u> that emphasize professionalism and education 2. Use <u>psychological, social and value based instruments and interviewing</u> in the selection process
Formal	<ol style="list-style-type: none"> 1. Increase amount of <u>pre-service training</u> 2. Increase training emphasis on <u>ethics and professionalism</u> 3. Develop or reorganize <u>Field Training Officer</u> program 4. Implement a first line <u>supervisor training</u> program that emphasizes problem solving & accountability 	<ol style="list-style-type: none"> 1. Clarify the <u>organization's mission, goals and policies and procedures</u> & clearly state consequences of violations 2. Implement a <u>progressive disciplinary process</u> for officer infractions 3. <u>Terminate</u> repeat or serious offenders 4. <u>Terminate new officers during the FTO and probationary stage</u> who are not professional 	<ol style="list-style-type: none"> 1. <u>Promote and reward officers</u> who are productive, professional and opinion leaders 2. Reward <u>officers who recruit professional applicants</u>
Informal	<ol style="list-style-type: none"> 1. <u>Identify professional opinion leaders</u> and include them in training programs 2. <u>Identify officer safety and security issues</u> and needs 3. <u>Reduce low staffing and inmate crowding</u> 	<ol style="list-style-type: none"> 1. Management should <u>involve middle managers and first-line supervisors</u> in problem-solving and change strategy meetings. Followed by <u>termination or reduction in rank of staff who do not support or implement solutions.</u> 	<ol style="list-style-type: none"> 1. Initiate a <u>collaborative conflict resolution process</u> using small groups of officers to identify officer safety and security needs and needs of administration. 2. Create <u>officer problem-solving teams</u> to identify solutions to inmate control problems

The following is a narrative of the steps to initiate the cultural change at WSP that includes the recommendations from the change strategy table:

1. The National Institute of Corrections¹⁷ – The Prisons Division has developed technical assistance (Training on Assessment of Institutional Culture) for assessing an agency's organizational culture.¹⁸ This assessment process should be WSP's first step in the overall sub-culture change strategy. The assessment process includes looking at the six aspects of organizational culture: organizational characteristics, organizational leadership, management of employees, organizational glue, strategic emphasis, and criteria of success. Specifically, the following seven elements of Penitentiary culture are examined:
 - a. Central values and assumptions held by members throughout the organization,
 - b. Activities to ensure that the values and assumptions of organizational members are similar to the organization's core,
 - c. Practices used to foster and renew commitment among organizational members,
 - d. Recognition and rewards for compliance with core values,
 - e. Competing interests within the staff and how those competing interests are reconciled,
 - f. Disparity between espoused values and actual practice,
 - g. Cultural leadership throughout all levels of the organization.

2. The recruitment and selection of correction officers should be reviewed to ensure that the highest quality potential applicant available is contacted, screened and selected. The following are elements of the recruitment and selection process.
 - a. Recruitment - Agency advertising is the use of media, news articles, high school and college job fairs. There is a large amount of information transferred to the public depicting correction officers in a negative light through television programs and movies. This information contributes to the anticipatory stage of the socialization process. The agency should counteract the negative information with propaganda showing the officer position as being positive and professional.
 - b. Job fairs and public contact should be accomplished by using model officers as recruiters. Colleges and universities are sources of potential applicants that, research shows, are more professional in the long term.¹⁹

¹⁷ A complete description of the NIC assessment process is in Training on Assessment of Institutional Culture, National Institute of Corrections and Criminal Justice Institute, Inc., Carroll, 2002. This document is available by contacting the NIC Information Center, Longmont, Colorado. The technical assistance availability information for the prison assessment is available by contacting the NIC Prisons Division, Washington, DC.

¹⁸ The Pennsylvania Department of Corrections also has an organizational culture course and materials available through the NIC Information Center.

¹⁹ Denver Police/Fire Officer Selection Process Research, Mayor's Blue Ribbon Committee, Katsampes and Kilpatrick, 2000. This research revealed that officers with college educations were more productive, professional and ethical in the long term. They viewed their position as being a profession as opposed to a job.

The emphasis should be on presenting the occupation as a profession with officers as role models. The agency must have documentation of progressive career tracks and positions that offer opportunities for responsibility and achievement.

- c. The applicant screening steps need to include the use of psychological, social and value based instruments and interviewing in the selection process. During this process a variety of criteria, often intuitive, sometimes systematic, is used to weed out candidates. This step should be accomplished in a manner to ensure that applicants have stable values that will contribute to a positive organization climate. Research shows that job qualifications directly influence socialization. Some criminal justice organizations use assessment centers that use simulations of on-the-job performance to identify applicant responses.²⁰
3. A comprehensive training program should be developed that increases the amount of pre-service training and contact time with management. The formal stages of training provide significant opportunities to influence socialization. The process as well as the training content influence role taking.
 - a. Training is an integral part of the sequential socialization process (the connected stages of officer development)²¹ and an important time when a trainee passes through discrete stages on the way to becoming a fully accepted member of the organization. The amount of training increases the time the administration has with new officers allowing them to place an emphasis on ethics and professionalism. The Penitentiary officer training programs in the United States are often limited to two to four weeks limiting the time management has to properly develop professional officers. Canada, for example, has emphasized the professional aspects of corrections by offering correction officer training as long as six months in most provinces.
 - b. The Penitentiary should develop or reorganize (if one exists) a Field Training Officer program. A Field Training Officer program is an important part of the serial socialization process and it relies on experienced veterans to groom newcomers into the organization. The FTOs work with and observe the new recruits after the recruits have completed the pre-service training program. FTOs are an extension of the administration's training component and they are officers who possess positive professional attributes. The objective of the FTO program is to negate the effects of the sub-culture during a time when new officers are most susceptible to peer group influences.²² Socialization is more prevalent

²⁰ Criminal Justice Organizations, 2nd Edition, Instructors Guide, Katsampes, 1998, pages 62-63.

²¹ Police for example, go through a sequence of academy training, field training, and a probationary period, while corrections officers frequently begin with on-the-job training prior to entry into the academy.

²² The FTO concept was developed by Oakland Police Officers during the 1960s in an effort to reduce violence in the city between citizens and the police. Today most U.S. police department and jails have FTO programs.

during the early than the later stages of a career and recruits are more susceptible than experienced workers. FTOs become long term mentors or reference persons who new officers may consult when confronted with ethical situations.

- c. The Penitentiary should implement a first line supervisor training program that emphasizes problem solving and accountability. Evidence offered by Penitentiary officials suggests that middle managers and line supervisors are part of the officer sub-culture. These managers and supervisors are the most important component of the management system that should be directing and controlling the line-level officers. A supervisor training program should be designed to develop supervisors with skills in controlling productive employees by using problem-solving and accountability practices appropriately. A supervisor training program also gives the administration the opportunity to establish management's expectations of supervisors and the criteria by which supervisors will be evaluated.

4. A management accountability system should be established and maintained.
 - a. The organization's mission, goals, policies and procedures should be clarified through training and practice. Management should clearly state the consequences of violating agency policy. Policies and procedures are meaningless if there is no accountability for violations. Officers will continually test the boundaries of rules so management must establish the boundaries with accountability practices. The "code of silence" is a strategy of staff to resist and avoid accountability. Management should create policies that require officers to report serious violations of policies and procedures. Staff who do not report policy violations should be punished.
 - b. Management should involve middle managers and first-line supervisors in problem-solving and change strategy meetings. These meetings should be followed by termination or reduction in rank of managers and supervisors who do not support or implement the solutions agreed upon in the meetings. The "code of silence" of staff is confronted by first establishing middle managers and supervisors as positive "bridges" between top management and line level workers. Middle managers and supervisors should not be part of the officer sub-culture and they should be available to officers that want to report wrongdoing and violations. These managers and supervisors should be role models for appropriate and professional staff behavior.
 - c. The Penitentiary should implement a progressive disciplinary process for officer infractions of policy and management should terminate repeat or serious offenders. Management should also terminate new officers during the FTO and probationary stage not displaying the potential to become professional officers.

- d. A process for conducting prompt and thorough investigations of reports that appear to identify a breach of policy and of all allegations, from whatever source, of policy violations should be established and maintained as an integral part of the accountability system.
5. A strategy confronting the penitentiary officer informal socialization stage should be designed and implemented.
 - a. First, the penitentiary administration should recognize the correction officer job/profession consists of critical security and safety concerns and that those concerns may be extremely powerful motivators when compared to other administration policies. These security and safety concerns are the catalysts for officer solidarity that, in turn, creates "codes of silence" and other resistances to management interventions. These concerns are representative of officers' needs and these needs should be identified and assessed for their impact on officer productivity. The officer needs should be recognized and considered when working with officers in problem-solving groups.
 - b. The administration should create management-officer problem-solving teams to identify solutions to inmate control problems. They should initiate a collaborative conflict resolution process using small groups of officers to identify solutions to the conflict between officer safety and security needs and needs of administration. The emphasis should be on "how inmates can be controlled positively" rather than "should inmates be controlled positively". The purpose of the problem-solving teams is to gain the commitment of officers to management policies by allowing officer participation, recognizing officer needs and creating realistic solutions to difficult situations.
 - c. Identify professional oriented officers who are opinion leaders in their group and include them in the problem-solving groups and as trainers and as FTO/Mentors.²³
 - d. The administration should recognize that low staffing and inmate crowding significantly increases threats to officer safety and decreases officer control over inmate groups, the opportunity for positive officer-inmate interactions and the effect of Penitentiary programs and activities. Because these issues undermine administrative policymaking and the accountability system, the administration should make a major effort in procuring funds to increase staffing and reduce inmate crowding.

²³ "Changing Correction Officers: A Demonstration Study", International Journal Of Criminology And Penology, September, P. Katsampes, 1974. This research shows that New York State Department of Corrections officers, after the Attica inmate riot in 1971, were studied while solving problems involving potentially violent situations. After officers participated in small group sessions and they were exposed to the ideas of opinion leaders who were in their peer group, the officers changed their ideas of how to handle a violent situation from a violent response to a non-violent response. There was a statistically significant change in 8 out of 9 situations..

Summary

In their depositions, Judith Uphoff and Vance Everett admitted that they had lost their ability to regulate staff behavior with respect to inmate safety - and staff behavior in general - due to the "culture" of the Penitentiary. Changing the culture of the Wyoming State Penitentiary represents a formidable task that will not be accomplished in the short term or without difficulty. Values of individuals that have been created over the years and that have been reinforced by group members and the nature of the job are not easily changed.

The following are recommendations to change the disruptive culture at WSP:

- The National Institute of Corrections – Prisons Division has developed technical assistance (Training on Assessment of Institutional Culture) for assessing an agency's organizational culture. This assessment process should be WSP's first step in the overall sub-culture change strategy.
- The recruitment and selection of correction officers at WSP should be reviewed to ensure that the highest quality potential applicant available is contacted, screened and selected.
- A comprehensive training program should be developed that increases the amount of pre-service training and contact time with management. The formal stages of training provide significant opportunities to influence socialization. The process as well as the content of the training influences on the job behavior.
- A management accountability system should be established and maintained. The organization's mission, goals, policies and procedures should be clarified through training and practice. Management should clearly state the expectations of officers and state the consequences of violating agency policy. Management should implement a progressive disciplinary process for officer infractions. They should discipline violators and they should terminate repeat or serious offenders. Middle managers and supervisors who are part of the officer sub-culture should be removed from their positions. Managers and supervisors should be role models for appropriate and professional staff behavior.
- A strategy confronting the penitentiary officer informal socialization stage should be designed and implemented. Management should initiate a collaborative conflict resolution process using small groups of officers to identify solutions to the conflict between officer safety and security needs and needs of administration. The purpose of the problem-solving teams is to gain the commitment of officers to management policies by allowing officer participation, recognizing officer needs and creating realistic solutions to difficult situations. Professional oriented officers who are opinion leaders in their group should be included the problem-solving groups and management/officer decision-making.

The recommendations include using different change strategies at different stages of the officer development process. The strategies consist of recruiting, training, discipline and management and officer collaborative problem solving. This represents a comprehensive approach to dealing with the officer sub-culture and the "code of silence." WSP's approach to changing the behavior of correction officers should include an effective and consistently maintained process of discipline for violations of policies and procedures as mandated by management. Programs and processes designed to create change cannot be effective without management's commitment to a disciplinary system and its involvement in the accountability process.