

This is an APA 7th edition formatted paper

Sexual Relationships and Boundary Violations in Correctional Facilities

Name

University

CJ498: Criminal Justice Capstone

Professor's Name

Date

Sexual Relationships and Boundary Violations in Correctional Facilities

Hook: Ethical dilemmas in correctional facilities often go unnoticed, yet they shape the core of criminal justice ethics. Among these, sexual relationships and boundary violations between inmates and correctional officers (COs) present a profound ethical quandary.

Background Information: This exploration delves into the complex interactions within prisons, spotlighting the delicate balance COs must maintain between professional duties and personal ethics. These situations challenge the very principles of justice and care that underpin ethical decision-making in corrections.

Thesis Statement: This paper argues that ethical decision-making models, specifically deontological and teleological theories, are crucial for navigating the moral complexities of inmate-CO relationships, highlighting the importance of strict adherence to legal and ethical standards to mitigate boundary violations.

Recommendations Applied in Writing

Criminal justice officials must constantly deal with situations that raise ethical dilemmas. Various issues (both ethical and legal) occur when the officers feel that applying the law or performing their duty may not necessarily be moral while still pursuing their actions. As a general rule, officers must always rely on ethical decision-making models and ethical analysis techniques to make a prudent decision. Accordingly, there is a pressing need to discuss some of the ethical dilemmas that correctional officers (COs) face and how they can make ethical decisions. Depending on the context of the ethical dilemmas, officers can either rely on deontological or teleological ethical models. Specifically, the paper focuses on boundary violations and intimate relationships between inmates and COs, analyzing the ways in which ethical decisions must still be made amidst such challenges.

Body Paragraph: Ethical Decision-Making

Topic Sentence: Understanding the nuances of ethical decision-making is foundational to addressing the ethical dilemmas COs face.

Evidence: Pollock (2019) outlines deontological and teleological systems, emphasizing actions and outcomes, respectively.

Analysis: These ethical frameworks offer COs guiding principles, suggesting that ethical conduct in corrections transcends mere rule-following, requiring a deeper engagement with the consequences of one's actions.

Transition: While ethical theories provide a framework, real-life applications reveal the complexities of their implementation.

Recommendations Applied in Writing

Pollock (2019) argues that ethics entails determining what constitutes good or bad as well as what is moral or immoral. For example, hurting a child or stealing from a religious institution is universally seen as immoral. Nevertheless, determining what is moral or just is largely relative. For example, people have different moral stances on issues such as abortion, euthanasia, substance use, and animal rights. The differences in people's ethical standpoints on issue are informed by ethical systems that define their reasoning – consciously or unknowingly (Pollock, 2019).

Principally, the author explains, ethical systems can be divided into deontological and teleological systems. The deontological system of ethics solely focuses on the acts, not the consequences. It posits that, at the minimum, certain actions are a moral duty notwithstanding their outcome. One example of deontological ethics is ethical formalism. It theorizes that a moral judgment is fundamentally based on the inherent nature of the act and universal prescriptions.

The central idea driving ethical formalism is categorical imperative, pioneered by Immanuel Kant (Pollock, 2019). The philosopher described categorical imperatives as the universal laws that people must obey regardless of extenuating factors or desire. In Kant's view, people should only act the way they would expect everyone to act toward them. In ethical formalism, if an act is wrong, it is wrong at all times and vice versa is true (Johnson & Cureton, 2022). For example, if killing is immoral then all acts that cause death such as euthanasia, abortion, and capital punishment are equally wrong. Therefore, a deontological proponent would argue that the killing of Abu Bakr al-Baghdadi, the former leader of ISIS, was inherently immoral. While this approach provides a straightforward and consistent way of making ethical decisions, it has various limitations by overlooking extreme circumstances. As such, people who use the categorical imperative concept to make decisions in situations involving emergency would be seen as evil and immoral. Johnson and Cureton (2022) also argue that categorical imperative limits morality to duty; for example, a person may face difficulty in making an ethical decision where there are two conflicting duties. Furthermore, duty cannot be the only consideration when deciding as often it is important to also consider the outcome of an action.

On the other hand, the teleological ethical system defines morality based on the consequences of an action (Pollock, 2019). The main approaches under teleological ethics include ethical egoism, eudaemonism, and utilitarianism. Ethical egoism posits that an action is deemed moral if it results in maximum self-interest. Conversely, eudaemonism holds that an action is considered moral if results in happiness and personal wellbeing. For example, apprehending a burglar is moral because it results in the happiness, safety, and wellbeing of the community.

Regarding utilitarianism, it defines morality based on the degree of satisfaction it induces for the maximum number of people. In other words, an action is considered ethical if results in maximum happiness for the maximum number of people (Pollock, 2019). The scholar explains that under utilitarianism (and teleological approaches in general) the end justifies the means. For example, if abortion results in the maximum happiness for the largest population of parents, then it qualifies as an ethical act. The same applies to capital punishment. Notably, like deontological ethics, teleological ethics also has its merits and demerits. It considers the happiness of society: it is flexible in that an action can be moral and immoral depending on the extenuating factors and its consequences. Nevertheless, all pleasures are not equal, with the theory also disregarding the inherent rights of an individual as long as majority of the society is satisfied (Pollock, 2019). Utilitarianism is ineffective where the outcome of an action cannot be predicted. Theoretically, one can theorize that killing a murderer would make a community safer. However, in real life, one cannot know the actual consequences of punishing the criminal in attempt to keep a community safe (e.g., Malcolm X turned into an influential thinker while serving time in prison). Notably, one must apply proper ethical analysis when dealing with an ethical issue or dilemma. It is essential to consider the parties involved, the ethical issues, and relevant information available. In addition, one has to formulate actions, compare alternatives, and choose the best course of action.

New Body Paragraph: Ethical Dilemma in Corrections

Topic Sentence: The intimate dynamics within correctional facilities often lead to ethical dilemmas, particularly concerning boundary violations.

Evidence: Professional boundaries are frequently crossed, resulting in personal and sexual relationships between COs and inmates (Worley & Worley, 2016).

Analysis: These relationships challenge ethical standards, presenting COs with the difficult choice between maintaining professional boundaries and leveraging relationships for operational efficiency.

Transition: The legal and policy framework offers a structured approach to these ethical challenges.

Recommendations Applied in Writing

COs have a duty to maintain law and order in correctional institutions by ensuring that inmates abide by the laws governing the prison. They must monitor inmate activities and search inmates for contraband (Worley & Worley, 2016). In executing their duties, COs are expected to maintain high professional standards when interacting with inmates. At the same time, they are expected to maintain good rapport with the prisoners and act as good role models. Nevertheless, the violation of boundaries has become common occurrences in prisons. The constant interaction between officers and inmates in the closed environment may increase the likelihood of boundary violations. Boundary violations take the form of personal relationships, sexual relationships, and sexual abuse (Worley, et al., 2010).

The scholars argue that professional boundary violations raise ethical dilemmas and issues. In this regard, ethical dilemmas refer to situations whereby it is difficult to make a decision because the right course of action may lead to a negative outcome or is unclear (Pollock, 2019). For example, let's consider a hypothetical situation with a male CO by the name Oman working in a women's prison. The officer constantly interacts with the inmates in their facilities. He has particularly developed good relationship with one of inmates by the name Jane who starts trusting and feels emotional secure with Oman. She openly shares some of her fears and concerns including her life before and inside the prison. Jane also readily shares valuable

information relating to infractions in the prison, including inmates possessing contrabands and engaging in unlawful activities. Some of the information Jane recently shared with Oman helped in uncovering and mopping up contrabands in the facility. In one of their recent conversations, the woman confessed that she had feelings for him, and that she would like to have secret romantic relationship with him. Oman, startled, promised to respond later. The officer knows that the relationship has helped him to obtain valuable information that also aided in dealing with troublesome inmates and maintaining order in the facility. In addition, Oman is perfectly aware that, despite being unethical and illegal, turning her down will not only hurt Jane, but also create an antagonistic relationship with her. He has a dilemma of whether he should accept or turn the female inmate down.

New Body Paragraph: Law and Policy Governing Relationship between COs and Inmates

Topic Sentence: Legal statutes and policies strictly prohibit intimate relationships between COs and inmates, reinforcing professional boundaries.

Evidence: The Prison Rape Elimination Act (PREA) of 2003 exemplifies legislative efforts to curb such misconduct.

Analysis: These laws underscore the power dynamics at play, stressing the inability of inmates to consent and the ethical obligation of COs to uphold justice and professionalism.

Transition: Decision-making in this context demands careful ethical consideration.

Recommendations Applied in Writing

The law requires COs to maintain the highest standards of professional boundaries with inmates. The law prohibits officers from developing any personal relationships with incarcerated individuals. The Prison Rape Elimination Act (PREA) of 2003 prohibits any intimate or sexual relationship between correctional officers and inmates as the latter cannot legally give consent.

The Act established the National Prison Rape Elimination Commission to investigate the causes and effect of rape in correctional facilities. The investigations uncovered prevalence of sexual abuse in prisons. As a result, departments of corrections have developed zero-tolerance policies on sexual misconduct. The Department of Justice has published the National Standards to Prevent, Detect, and Respond to Prison Rape to reiterate the government zero-tolerance towards inmate-officer relationships in prisons. Any officer found guilty of engaging in sexual misconduct can face disciplinary action which may include dismissal (Jones, 2015).

New Body Paragraph: Decision Making Process

Topic Sentence: The decision-making process in facing an ethical dilemma involves a thorough evaluation of both ethical principles and situational specifics.

Evidence: The hypothetical scenario of CO Oman and inmate Jane illustrates the conflict between law, ethical theories, and personal relations.

Analysis: This case study exemplifies how ethical formalism and utilitarianism can lead to different conclusions, highlighting the need for a balanced and law-abiding approach to decision-making.

Transition: The resolution of such dilemmas underscores the broader implications for criminal justice ethics.

Recommendations Applied in Writing

In making the decision, the officer will first have to consider the overall ethical issue. In Oman's case, the ethical issue is conducting a sexual relationship with an inmate; he is a correctional officer and he is violating the law. The second consideration for Oman to make is the facts surrounding the issue. In this case, the officer has had a good relationship with Jane and the efficiency of his work has been boosted by his close interaction with her. However, Jane's

proposal to Oman creates an ethical dilemma, which can be explored using two different ethical models. Under ethical formalism, ethics are defined by strict application of the law, thus making any action taken in contravention of the law unethical. The law prohibits sexual relationships between correctional staff and inmates (Kowalski et al., 2020). As such, regardless of any situational considerations, ethical formalism renders Oman's potential relationship with Joey unethical.

Conversely, utilitarianism measures how ethical a decision is based on the degree of good or harm that it brings (Pollock, 2019). Joey had been supplying Oman with valuable information which helped maintain order in the facility, and a relationship would continue the flow of information. Additionally, refusing Joey's proposal would hurt her feelings and strain their relationship. Despite being against the law, the advantages of the relationship seem to outweigh the disadvantages, especially because it was proposed by Joey reducing the chances that she has been coerced into it. On weighing the options, Oman should decline entering a relationship with Joey because it is against the law, and therefore unethical. The rationale behind this law is that the power dynamics between an inmate and a correctional officer take away the former ability to give consent, increasing the chances of sexual abuse (Cooke et al., 2019). Additionally, sexual relationships have been used in correctional facilities as gateways to facilitate break outs and illegal transactions in prisons facilitated by correctional officers (Blackburn, Fowler, Mullings & Marquart, 2011).

Conclusion

Restate Thesis: The ethical quandaries faced by COs, particularly in the context of sexual relationships and boundary violations, necessitate a rigorous application of ethical decision-making models to navigate these complex situations effectively.

Summary of Main Points: This examination has elucidated the pivotal role of deontological and teleological ethics in guiding COs through the moral complexities inherent in their profession, emphasizing the necessity of adhering to legal and ethical standards.

Closing Thought: The integrity of the criminal justice system hinges on the ethical conduct of its officers. As such, fostering an environment of ethical vigilance and accountability is paramount in maintaining justice and professionalism within correctional facilities.

Applied in Writing

Like other criminal justice officers, COs face various ethical dilemmas when administering their duties. This paper focused on boundary violations and sexual relationships as one ethical dilemma that the officers encounter. It is an innate feeling to desire love and care. Nevertheless, inmates are likely to take advantage of such feelings and develop inappropriate relationships with correctional officers in return for particular. In addition, such relationships have contributed to sexual abuse of inmates in prisons. The use of ethical decision-making models can help officers deal with this dilemma among other ethical issues and ethical dilemmas that criminal justice officers experience.

References

- Blackburn, A. G., Fowler, S. K., Mullings, J. L., & Marquart, J. W. (2011). When boundaries are broken: Inmate perceptions of correctional staff boundary violations. *Deviant Behavior*, 32(4), 351-378. <https://doi.org/10.1080/01639621003748837>
- Cooke, B. K., Hall, R. C., Friedman, S. H., Jain, A., & Wagoner, R. (2019). Professional boundaries in corrections. *Journal of the American Academy of Psychiatry*, 47(1), 1-7. DOI: 10.29158/JAAPL.003825-19
- Johnson, R., & Cureton, A. (2022). Kant's moral philosophy. *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/kant-moral/>
- Jones, S. J. (2015). Recommendations for correctional leaders to reduce boundary violations: Female correctional employees and male inmates. *Women & Criminal Justice*, 25(5), 360-378. DOI:10.1080/08974454.2014.989301
- Kowalski, M. A., Mei, X., Turner, J. R., Stohr, M. K., & Hemmens, C. (2020). An analysis of statutes criminalizing correctional officer sexual misconduct with inmates. *The Prison Journal*, 100(1), 126-148. DOI: 10.1177/0032885519882611
- Pollock, J. M. (2019). *Ethical dilemmas and decisions in criminal justice* (10th ed.). Cengage learning
- Worley, R. M., Tewksbury, R., & Frantzen, D. (2010) Preventing fatal attractions: lessons learned from inmate boundary violators in a southern penitentiary system *Criminal Justice Studies*, 23(4), 347-360. DOI: 10.1080/1478601X.2010.516532
- Worley, R. M., & Worley, V. B. (2016). The economics of "crossing over": Examining the link between correctional officer pay and guard-inmate boundary violations. *Deviant Behavior*, 37(1), 16-29. DOI: 10.1080/01639625.2014.982781