



State of New Jersey

DEPARTMENT OF CORRECTIONS

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DIRECTIVE #COM.04.002

TO: All Employees

FROM: Devon Brown
Commissioner

DATE: July 14, 2004

SUBJECT: Code of Silence

In public safety agencies the term, "Code of Silence," is used to describe the unspoken rule that encourages people to lend a blind eye, a deaf ear, and a mute tongue to unethical, immoral or improper actions on the part of others. The code is an invisible barrier to the free flow of communication. It leads to an unsafe environment, injuries and lawsuits. It also costs otherwise good employees their jobs, reputations and livelihoods. With this in mind, we want to make clear the expectations for the conduct of every employee, contractor, and volunteer of the New Jersey Department of Corrections.

We recognize that it is natural for bonds of friendship and camaraderie to develop among people working together in complex environments such as we have in the department. However, some employees take those bonds too far and see loyalty to their co-workers as a valid basis for the Code of Silence. This view is both highly flawed and destructive, as the Code of Silence is in actuality a form of corruption. It is a corruption that begins with one person and spreads both in its severity and the number of people involved. The Code of Silence cannot exist where higher principles are held as the top priority. **Hence, we trust that you will place loyalty to honor, integrity, and public confidence above all else.**

The department has made great advances over the years in educating the public, media and policymakers about the challenges, demands, and expectations of our profession. Each of us shares a common pride in our profession and in fulfilling the department's mission. However, it is not possible to hold offenders accountable for their actions if we do not hold ourselves accountable. That is why, as members of the public safety community, we are held to a higher standard than others.

The Department of Corrections' (DOC) Code of Ethics makes our responsibilities clear and speaks of our core values of honesty, truthfulness, and adherence to high personal as well as professional standards. Accordingly, each of us have a responsibility in obeying the law, following the regulations of the department, and reporting dishonest or unethical conduct. When someone chooses to commit blatant acts of harassment, abuse, or other illegal activity, it becomes the obligation of those who observe or learn of such behavior to report it to the proper supervising authority. While no other profession better requires that we be our brothers' and sisters' keeper, this circumstance not only mandates that we support one another when we are right but with equal commitment, necessitates that we correct one another when we are wrong!

It may be very difficult to report a fellow staff person's wrongdoing. Nevertheless, this is a part of what it means to be a corrections professional. Your good judgment will help you decide when it is appropriate to report other employees' conduct or actions to the appropriate supervising authority. **However, matters involving illegal activity, mistreatment of inmates, sexual misconduct by staff, or harassing conduct must always be reported.**

It also is up to each of us to ensure that those who respond to their duty to report misconduct are not subject to discrimination, retaliation or a hostile work environment. When a person decides to take a stand for that which is legal, moral, ethical, and in compliance with our written directives, that person deserves our respect and admiration. This is a value and attitude we must nurture among all staff, contractors, and volunteers.

This communication stands as official notice: The DOC's Code of Ethics and a Code of Silence cannot coexist, they are unquestionably mutually exclusive. Staff who choose not to share relevant information that a reasonable person would see the need to report may be subject to disciplinary action proportional to that received by the person committing the act. Again, you must report:

- Illegal acts.
- Acts that could pose an immediate threat to the safety, security, and welfare of staff and inmates.
- Violations of post orders, rules, regulations, policies, and procedures.

How do you report? The responsibility to report is greater than the responsibility to follow the chain of command. **You always have permission to report illegal or unethical activity directly to a director, administrator, special investigator, manager, ethics liaison officer or any member of the DOC Executive Team. In addition, you may directly convey this information to the Executive Commission on Ethical Standards.**

For those who receive such reports, your obligation is to document them and take appropriate action.

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Conclusion: The Code of Silence is not a time-honored tradition. It is a hindrance to safe, sound, and secure correctional operations and it demeans each of us as corrections professionals. Pleading ignorance, lack of training or honest mistakes as excuses for unethical behavior is unacceptable.

An overwhelming majority of the department's staff is hardworking, honest, ethical, and professional. They are committed to our organizational mission. To you, this directive is nothing new or any change in the manner in which you have always conducted yourselves. We have faith that each of you will work diligently with us and with your colleagues to see that we continue to operate the department in a manner that is safe, secure and in compliance with the department's policies and with the law. In doing so, we can all take pride in knowing that our department serves as a national model, holding prominence among the criminal justice community.

DB:mm
c: APPM Unit

(First Issuance)