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Missouri's prisons have a pattern of sex harassment, ex-workers say

By Virginia Young
 Post-Dispatch Jefferson City Bureau
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JEFFERSON CITY - The sexual harassment began as soon as she started working as a prison guard in northwestern Missouri, Alysia Dale says.

As she walked through the housing unit, a supervisor smacked her on the buttocks. In the office area, she says, shift commanders "would be making bets on who could get you in bed first."

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Over the next four years, Dale says, it got worse: Male peers passed around pornography and made crude comments about female body parts. Her supervisor rubbed up against her and said, "Let's fall in love."

Dale eventually sued and received \$82,500 from the state in a settlement in October. Hers is one of four sexual harassment cases settled by the Missouri Department of Corrections in the last 18 months.

The cases are drawing attention because they seem to show a pattern of harassment. A state human resources

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officer testified in a deposition in Dale's case that the problem of male supervisors soliciting sex from female subordinates was a "systemic issue throughout the entire department."

Prison systems in other states have faced similar allegations. Female guards in Connecticut complained for years about sexual harassment from male co-workers before the state finally settled a federal suit filed by more than a dozen women. In California, four female guards settled their sexual harassment suit in 2002 for \$400,000. And four years ago in Hawaii, five female guards sued the state for sexual harassment that they said had gone on for more than 10 years.

The Missouri claims that were settled involved four separate prisons - in Cameron, Chillicothe, Jefferson City and Fulton. In Dale's case, six women were prepared to testify about what the suits called a "hostile work environment."

Attorneys who represent the women say the agency's culture and policies encourage the harassment. They cite a "code of silence" among prison guards, smear campaigns against women who complain and an inadequate grievance procedure.

Gary Kempker, director of the Department of Corrections, disagrees. He says that although the male-dominated, paramilitary organization faces a "special challenge" in battling sexual harassment, problems are handled aggressively and involve a tiny percentage of the agency's 11,300 employees.

"It's unfortunate when one or two people can give us all a black eye," he said.

A common ring

Prison work used to be a male-only domain. The first female corrections officers were hired just 30 years ago, at the main penitentiary in Jefferson City.

Today, women make up about a third of the 5,764 officers in the 21 prisons and two release centers.

Most of the women work in the entry-level job classification, where salaries start at \$23,520 a year. Women hold only about 16 percent of the supervisory jobs - sergeants and lieutenants.

The court documents paint a disturbing picture, with numerous accounts of women enduring pornography, sexually explicit jokes, unwelcome sexual advances and retaliation if they don't play along.

Carroll Franklin, a caseworker who has worked 24 years at the Chillicothe Correctional Center, sued after she was denied a promotion in 2001. She said that for four years she had rejected the sexual advances of then-Superintendent James Washington.

Franklin, 56, said in an interview that Washington frequently talked about his sexual "needs" and made comments such as, "Come on, ask me, you might get lucky."

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When she sought the promotion, "he wanted to know what was in it for him," Franklin said. "I tried to laugh it off. I said, 'I might get you a bottle of cognac.' He said, 'That's not what I meant.'"

The state settled Franklin's case for \$75,000. As part of the agreement, the state admitted no wrongdoing. Washington has since retired. He could not be reached for comment.

According to documents provided by the attorney general's office, other recent sexual harassment cases involve:

Buffy Smith, a former guard at the Jefferson City Correctional Center. Smith, who worked for the department for two years, said she rejected sexual advances from a captain and a sergeant and got poor performance reviews as a result. The state settled the case for \$10,000.

Stephanie Thomas Woodruff, who worked at the Fulton Reception and Diagnostic Center. Woodruff, a six-year department employee, said she was transferred from the day shift to the third shift after she rejected a lieutenant's advances. The state settled the case for \$10,000.

Patricia Garrett of Mountain Grove, Mo., who worked as a counselor for Behavioral Health Concepts Inc. and the Department of Corrections. She said her supervisor read sexually explicit letters from prisoners to her and accused her of encouraging inmates' advances. The case is pending.

Shelly Walker of Audrain County, who took a clerical job at the Fulton prison and says the department did nothing to stop sexual harassment by an inmate who worked as a porter in her office. The case is pending.

Policy is criticized

Kempker, the department's director, says he cannot discuss specific cases. But he says the department takes all complaints seriously.

"I will tell you, one case is too many," he says. "It only takes one or two to give us a bad image."

Kempker says all employees undergo basic training that includes guidance about sexual harassment.

The agency also conducts refresher courses and recently distributed a training video on sexual harassment, "to get the point across that it's absolutely unacceptable and if it occurs, we're going to take action," he says. "I think we have a good record."

From 2000 to last year, the department says, 20 employees have been disciplined for sexual harassment. Three were dismissed and one was reprimanded. The rest were suspended without pay for periods ranging from three to 10 days.

The department's policy says employees should report any harassment, and it charges supervisors with taking corrective action.

"Not only do we want you to come forward, but you have a responsibility to come forward," Kempker says.

But Franklin's attorney, Kristi Kingston of Kansas City, says the policy is flawed. Instead of barring retaliation against women who report harassment, the policy threatens discipline - including termination - for those who file false complaints.

"It does seem the department does everything to deter the complaints rather than correct the misconduct," Kingston says.

Current and former female employees interviewed by the Post-Dispatch said that although the department's rulebook tells them to report sexual harassment, they are ostracized when they do so.

"They tell you to do it in the academy," says former corrections officer Bobbie Adkins, 27, who worked at the Crossroads Correctional Center in Cameron. "But after I did it, I felt crappy because everybody treated me differently. They thought I was just trying to cause trouble."

Adkins complained in 2001 that two male employees talked graphically about their sex lives, asked about hers and called her "big tits." She said the male officers seized pornography from inmates and brought it back to the command module, where they would make sexual comments.

"All of it was degrading," she says. "You're not supposed to tolerate that. I had to tell."

Though complaints are supposed to be confidential, the day after Adkins reported the problem, the two men she had targeted called her a liar. She says she was never told how her complaint was resolved.

Alysia Dale, 33, also worked at Crossroads. She says the prison had a "blue code" - that you don't snitch on other officers. Those who did complain risked a bad job assignment, such as working on "spitters' row."

Dale says maximum-security inmates there - "the bad of the bad" - would spit, throw feces and ejaculate on the guards when they opened cell "chuckholes" to deliver lunch trays.

"You had to wear a spit suit and a face shield," she says.

"A systemic issue"

Dale alleged in her suit that her supervisor, Sgt. Wayne Hurley, frequently rubbed up against her, talked about sex and asked her out. She said he pressured her into having sex twice and refused to leave her alone when she tried to end the relationship.

According to court depositions, Hurley admitted during the investigation that he had asked out four prison guards besides Dale. Court documents allege that Hurley pursued five additional female subordinates after the investigation.

Through a department spokesman, Hurley declined to comment.

William D. Johnson Sr., a human relations officer for the department, investigated Dale's complaint. He concluded that Hurley should not have become involved with a subordinate.

Johnson recommended that the department measure Hurley's "actions and professional competency as a supervisor against the department's performance expectations."

Hurley remains in his supervisory position at the Crossroads prison. His discipline was a five-day suspension without pay. According to court documents, Hurley received stiffer punishment for breaking a copy machine earlier in his career - he was demoted for that.

According to court documents, Johnson had no authority to recommend specific discipline. Such decisions are made at the central office in Jefferson City by George Lombardi, director of the division of adult institutions. Lombardi declined to be interviewed.

Johnson told Dale's attorney, Brendan Donelon of Kansas City, that he had investigated five allegations of sexual harassment by supervisors at Crossroads since 2001 and substantiated four of the five.

According to a transcript, Donelon asked Johnson: "Do you have any opinion about there being a systemic problem at the Crossroads facility of supervisory male personnel attempting to solicit personal and sexual relationships with subordinate females, a systemic issue?"

Johnson replied: "I would say it's a systemic issue throughout the entire department, not just at Crossroads. Because, like I say, it's a male-dominated culture. It's been that way for years, you know, back when the superintendents were wardens, they ran that place like a little city." Johnson declined to comment through a prison spokesman.

"Enough is enough"

In a more recent suit, two substance abuse counselors at the Jefferson City Correctional Center filed a federal suit this month alleging sexual discrimination by the state.

The women, Wendy Webber and Page Nichols, say they have faced unwarranted investigations into their relationships with inmates.

Corrections department investigators changed the locks on the counselors' offices and seized their computers but never told them what they were accused of doing. Several inmates in the drug treatment program were placed in administrative segregation, leading to rumors linking them with the counselors.

"A prison camp - it's the gossip mill of the universe," Webber says. "Once you get a 'jacket' - a reputation - they're relentless."

The counselors say they have been barred from meeting one-on-one in their offices with inmates, while male caseworkers can conduct such meetings.

The women also have been told they cannot wear clothing such as overalls or shirts with buttons, because they offer "easy access." They aren't allowed to work in the prison past 5 p.m. or attend after-hours graduation ceremonies for inmates in the drug treatment program.

"I am treated like a 3-year-old," Webber says. "I'm a professional. I'm a grown woman."

Attorney Tina Crow Halcomb represents the counselors. A former assistant attorney general, Halcomb defended the Department of Corrections against sexual harassment claims for seven years before going into private practice.

She says that the agency's top officials don't intend to discriminate against women but that that directive is not getting through to old-style superintendents and lower-echelon supervisors.

"Each institution has its own little boys club," Halcomb said. "I would say, they tell 'tittie' jokes and find them funny."




Dale, the former guard in Cameron, says she hopes publicizing the problem will give other women the courage to report harassment.


"If enough women come forward, eventually they're going to say, 'Enough is enough,'" she says. "Eventually they'll get tired of getting lawsuits and decide to do something about it."

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