Personal and Policy Implications of Whistle-Blowing
The Case of Corcoran State Prison

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Abstract

Studies that highlight how whistle-blowers in civil service draw attention to corrupt activities enable investigators to learn about the ethical dilemmas faced by organization members. This article examines the definitions of whistle-blowing in the literature, identifies changes in the cultural climate that have made dissent more possible, proposes insights into the motivations of whistle-blowers, and considers the ways whistle-blowers affect public policy. Specifically, it examines the case of Richard Caruso and Steve Rigg, guards who blew the whistle on brutality toward inmates at California’s Corcoran State Prison. The conclusion ties the case to current issues in public administration.

In April 1994, Preston Tate, a twenty-five-year-old gang member and inmate in California’s Corcoran State Prison, was shot and fatally wounded by a corrections officer after Tate and his cellmate fought against two rival Hispanic gang members. Tate’s death at the hands of a prison guard prompted two whistle-blowers to approach the Federal Bureau of Investigation (FBI) with tales of abuse and brutality toward inmates by corrections officers. The Corcoran case provides insight into how power can be abused when civil servants have authority over incarcerated citizens.

Examples of whistle-blowing behavior can be found in popular media outlets (Breen 2007; Padgett and Beach 2007). One of the most shocking whistle-blowing cases to emerge from the public sector is the extreme abuse of prisoners by military personnel at Abu Ghraib prison. From Deep Throat and the Watergate scandal to Jeffrey Wigand and the congressional hearings on Big Tobacco, principled individuals have taken personal risks to expose wrongdoing in their organizations or industries.

The present article explores whistle-blowing from several different perspectives. It begins by defining whistle-blowing, then considers the environmental changes...
that have contributed to a rise in whistle-blowing and the individual and organizational motivations for whistle-blowing. The literature is explored to show just how whistle-blowers affect public policy. Finally, the case of Corcoran prison is examined in some detail.

What Is a Whistle-Blower?

Ralph Nader is credited with providing the first description of whistle-blowing behavior: “the act of a man or woman who, believing that the public interest overrides the interest of the organization he [sic] serves, publicly ‘blows the whistle’ if the organization is involved in corrupt, illegal, fraudulent or harmful activity” (Nader et al. 1972, vii). Since then, many researchers have studied whistle-blowing, and their findings are included in the rich literature that explores ethical decision-making in government (Menzel 2005).

In 1981, Alan F. Westin expanded on Nader’s definition by outlining the specific actions typically associated with whistle-blowing and how they can affect the whistle-blower’s life:

Whistle blowers, as we know, are employees who believe their organization is engaged in illegal, dangerous, or unethical conduct. Usually, they try to have such conduct corrected through inside complaint, but if it is not, the employee turns to government authorities or the media and makes the charge public. Usually, whistle blowers get fired. Sometimes they may be reinstated. Almost always their experiences are traumatic, and their careers and lives are profoundly affected. (1981, 1)

Later, Frederick Elliston et al. (1985) created a more restrictive, yet still important, definition of whistle-blowing. They asserted that whistle-blowing is an “intentional” action with four component parts:

1. An individual performs an action or series of actions intended to make information public.
2. The information is made a matter of public record.
3. The information is about possible or actual, nontrivial wrongdoing in an organization.
4. The individual who performs the action is a member or former member of the organization (1985, 15).

An important element of the definition is the fourth component, and how it relates to civil servants. Even when an employee participates in whistle-blowing behavior and is seen as disloyal to the organization and fellow employees, there is loyalty to the overall mission of the government agency (Elliston et al. 1985, 15).

In 1991, Westman added to the scholarly definition of whistle-blowing by including employees who question an agency’s improper practices through its internal hierarchy as well as those who refuse to follow illegal commands. As he pointed out, whistle-blowing can involve acts that violate codes of professional ethics and acts...
Overall, whistle-blowers can be thought of as individuals who break away from organizational ranks, often at great personal and professional risk, to expose unethical or illegal behavior to external authorities and the general public.

That are legal but nonetheless dangerous to public health and safety (Westman 1991). His definition of whistle-blowing also includes employees who make allegations directly to media outlets or other organizations not involved in law enforcement. Westman divides whistle-blowers into three categories: (1) “passive” whistle-blowers are people who appear before government authorities to provide legally requested information, as when an employee testifies before Congress; (2) “active” whistle-blowers voice concerns about their fellow employees’ practices either externally or internally; (3) “embryonic” whistle-blowers are individuals who are terminated before they can share their concerns with internal or external authorities (Westman 1991, 20).

These definitions are an all-encompassing view of who can be considered a whistle-blower. Overall, whistle-blowers can be thought of as individuals who break away from organizational ranks, often at great personal and professional risk, to expose unethical or illegal behavior to external authorities and the general public (Jos et al. 1989).

Whistle-Blowing on the Rise

Researchers cite several reasons for the rise in whistle-blowing since the 1970s. Westin (1981) attributes it to certain changes in the social, legal, and business environments. Socially, the student activists of the 1960s entered the workplace in the 1970s and brought with them “a new sense of personal responsibility for confronting unlawful or illegitimate authority” (1981, 7). Legally, state and federal laws were enacted to protect employees from discriminatory practices by employers during hiring and firing decisions. Other statutes were enacted to protect consumers from unfair business practices, such as truth-in-lending laws, the Environmental Protection Act, and the Equal Credit Opportunity Act (Westin 1981).

Glazer and Glazer (1989) agree that consumer rights regulations enacted during the 1960s and 1970s to protect consumers from unsafe products and business practices helped to drive the growth of whistle-blowing. They also point to scandals such as Watergate that engendered widespread public disillusionment with government and industry. As this feeling grew, there was more willingness to publicly identify government and corporate corruption. Miceli and Near (1992) argue that the increases in whistle-blowing reflect the way that employees who become more aware of their responsibilities to their employers and the public are now more willing to blow the whistle on behaviors that threaten the safety of other employees or the public.

Johnson also asserts that changes in the legal environment have promoted whistle-blowing by introducing mandatory ethics training in federal agencies whereby employees are instructed that “they are required to disclose waste, fraud, and abuse to appropriate authorities” (2003, 6). She adds that laws promote whistle-blowing behavior by encouraging ethical actions and protecting employees from retaliation.

As Johnson notes, organizational support for whistle-blowing has increased in recent decades. Organizations such as the Government Accountability Project (GAP)
provide whistle-blowers with legal assistance through the Adjunct Attorney Program (www.whistleblower.org/content/aap.cfm). Media outlets such as newspapers, television, and the Internet enable dissenters to tell their stories, rally support for their causes, sustain public interest in their allegations, and publicize public hearings into the issue (Johnson 2003). These changes work together not only to encourage whistle-blowers, but also to help them through the process of making allegations against a government agency.

Many recent developments have encouraged whistle-blowing. Perhaps most important are the changes in the legal system that promote whistle-blowing as a positive behavior and the new laws that protect whistle-blowers. The growing public distrust of government has also helped to make whistle-blowing more commonplace.

Whistle-Blowing and Public Service Motivation

A theory has emerged to explain why civil servants would act against their work culture to expose unethical behavior. Its proponents theorize that some people are “imbued with a unique public-service ethic that attracts them to government service and drives their subsequent job performance” (Brewer and Selden 1998, 413). This ethic may make them “act in the public interest, even when doing so runs counter to their self-interest,” and may ultimately lead them to engage in whistle-blower behavior (Brewer and Selden 1998, 413). Perry and Wise describe this driving ethic, termed public service motivation (PSM), as “an individual’s predisposition to respond to motives grounded primarily or uniquely in public institutions and organizations” (1990, 368).

The motives of such an individual can be classified as either rational, norm-based, or affective. Rational motives comprise not only the altruistic needs of public servants, but also their personal needs, such as the desire to help formulate policy, individual commitment to a program due to personal identification, and advocating for a special-interest group. Norm-based motives encompass a desire to serve the public interest and advance social equity while preserving an individual level of loyalty to the responsibilities of the position as well as a commitment to government. Finally, affective motives are a commitment to a program due to a belief in its social importance, which may lead to a spirit of sacrificing for others (Perry and Wise 1990). All of these motives can induce whistle-blowing behavior.

On the other hand, public service motivation can also create the type of negative behavior that whistle-blowers bring to light. Perry and Wise write: “Individuals motivated by public service may carry their commitment beyond reasonable boundaries. Extreme commitment could lead to fanatical behavior, suspension of individual judgment . . . termed ‘failures of socialization’” (1990, 370). Based on subsequent research, Perry (1996) modified the list of components that constitute an individual’s PSM motives by identifying the following six constructs, all of which can be used to measure PSM: “attraction to public policy making, commitment to the public interest, civic duty, social justice, self-sacrifice, and compassion” (5). A year later, Perry studied the possible antecedents to public service motivation: “parental socialization, religious socialization, professional identification, political ideology and individual demographics” (1997, 183). The various factors that strengthen or weaken an employee’s level of public service motivation can be used either to encourage whistle-blowing behavior or to discourage undesirable behavior.
Of these antecedents, professional identification is linked to “a clear-cut occupational field; specialized technical knowledge acquired from a formal educational program; ethical responsibility for the use of expertise, including making it available for the common good; and a lifetime career” (Perry 1997, 184–185). According to Perry, the professions of law, medicine, and the clergy established the norms of social justice, caring, and a belief in the common good. During the Progressive movement, these values were absorbed into public administration with the creation of public service as a profession. This professionalism can be positive or negative, with the potential drawback that civil servants can feel themselves to be outside the realm of political control (Perry 1997). However, Perry’s research finds that professional identification has a positive association with self-sacrifice and a sense of civic duty. He concludes that civil servants with professional training have a level of socialization to an ethical responsibility that should positively influence their level of PSM.

Brewer and Selden state: “Federal whistle blowers act in ways that are consistent with the theory of PSM” (1998, 413). Based on a review of the literature on PSM and archival data from the U.S. Merit Systems Protection Board, they formulated and tested hypotheses on the motives for whistle-blowing. Their research revealed that whistle-blowers are more motivated by complaint success than their non-whistle-blowing counterparts. In addition, “whistle blowers are motivated to report activities that have serious consequences for the public and that constitute a serious threat to the public interest” even if their actions will threaten their job security (Brewer and Selden 1998, 429). Overall, whistle-blowers are high performers, have high levels of job satisfaction and commitment, and work in high-performing work groups. Brewer and Selden hope that public administration scholars and public service employees will use their research to make government function more ethically so that the need for whistle-blowing is eliminated.

Whistle-Blowing and Ethical Climates

The ethical climate in which employees work is predictive of whistle-blowing behavior. Rothwell and Baldwin (2006) described two ethical climates that are germane to the discussion in this article. They designated them as the rules climate and the law-and-code climate.

Employees in a rules climate display strict obedience to the policies of the organization and use these policies to make ethical decisions and resolve problems. In contrast, employees in a law-and-code climate look to government rules or professional conventions to resolve dilemmas ethically. Public agencies generally have strong rules and law-and-code climates because their activities are so often constrained by outside sources, such as unions, federal law, executive orders, and professional associations (Rothwell and Baldwin 2006).

In addition to describing the ethical climates that surround whistle-blowing, Rothwell and Baldwin have attempted to determine whether codes of silence are more common in civilian or law enforcement entities by exploring the type of employee,
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whether civilian or law enforcement agent, more likely to participate in a code of silence. They found that law enforcement agents, including guards at corrections facilities, are less likely than civilians to adhere to codes of silence. This is because of the way law enforcement personnel are hired and trained. Many law enforcement agencies use extensive background checks as well as psychological assessments and polygraph tests prior to making hiring decisions, and they require recruits to participate in ethics classes as part of their training. Further, police agents may be required to report wrongdoing, and failure to do so could result in disciplinary actions and legal punishments. Civilians are less likely to report unethical conduct because they may not be subject to background checks before hiring, may not be required to participate in ethics training at any point during their career, and may not face severe consequences for failing to report misconduct (Rothwell and Baldwin 2006).

In a survey of public employees in Georgia, Rothwell and Baldwin found that even if an organization’s ethical climate encourages reporting of misdeeds, an employee’s sense of loyalty to co-workers could work against the ethical climate. Whistle-blowing can put an employee in the difficult position of having to choose between being loyal to fellow employees and reporting their improper behaviors. “Laws and codes that encourage whistle-blowing might be negated by competing codes that encourage silence,” such as fear of retaliation (Rothwell and Baldwin 2006, 234). Further research into ethical climates and whistle-blowing is needed to determine how government organizations can create ethical climates that encourage reporting of minor and major ethical violations and work against codes of silence.

Whistle-Blowers and Public Policy

As Moore observed in 1978, the average civil servant is expected to follow orders from superiors without question and seldom participates in changing policy. Since then, according to many scholars, the evolution of politics and government administration to include aspects of globalization, decentralization, and privatization has made it necessary to reexamine the manner in which government officials face ethical decisions. Yang and Holzer (2005) argue that administrators work in an environment of constantly changing public policy and their decisions should be examined within these competing forces.

There is, however, one constant that government employees must consider whenever they face an ethical decision: constitutional competence. Rosenbloom and Carroll (1990) define constitutional competence as an employee’s level of knowledge about how the Constitution affects administrative practice. Federal employees who lack this competence may unknowingly violate the constitutional rights of others, thereby putting themselves and their agency at risk of being sued. This is especially true in corrections institutions, because courts have strengthened the rights of prisoners against cruel and unusual punishment by taking steps to ensure that anyone who uses the power of the government to deprive another person of his constitutional rights is liable (Rosenbloom and Carroll 1990). A worker who believes that following a program or policy in the workplace will result in denying another person’s constitutional rights has the option to disobey orders, take legal action, or even become a whistle-blower.

Rosenbloom and Carroll (1990) highlight the case of Harley v. Schuykill County (1979) as an example of the courts supporting the right of a federal employee to
disobey an unconstitutional directive. John Harley, a prison guard, claimed he was fired because he refused to follow what he believed was an unconstitutional order from his superior that would have resulted in violating the constitutional rights of a prisoner. The courts upheld Harley’s right to refuse to act in a manner that would result in a violation of another person’s constitutional rights. Harley’s constitutional competence protected the prisoner from abuse. It also protected Harley from legal action by the prisoner if his rights had been violated.

Ultimately, whistle-blowers bring about positive change in the agency by ending an unwanted behavior. In Johnson’s words, whistle-blowers act as “policy entrepreneurs” because their highest “aim is to change agency policy or procedures” (2003, 53). With this goal in mind, how can public administration scholars accurately measure the impact of whistle-blowing on a government agency?

According to Miceli and Near (1992), measuring effectiveness in whistle-blower case studies is difficult because of the different ways scholars compare the outcomes of whistle-blowing incidents. Legal scholars tend to focus on the win/loss ratios of lawsuits in defining effectiveness. Unfortunately, as Miceli and Near note, many whistle-blowing incidents only involve lawsuits when the whistle-blower has suffered from retaliation. They maintain that effectiveness should be measured by looking at the “impact of the whistle-blowing on the organization, in particular whether the dominant coalition takes steps to terminate the wrongdoing, or makes other organizational changes consistent with the whistle-blower’s recommendations” (Miceli and Near 1992, 190). They carefully note that the organization need not admit that any wrongdoing has occurred but only agree to discontinue activity along the same lines as the whistle-blower’s allegations.

If a change in policy is the main goal of the whistle-blower, according to Johnson, then one must look at the “three dimensions of policy impact” in order to measure effectiveness: policy agenda, bureaucratic procedures, and substantive public policy (2003, 53). She lists a series of questions to ask in order to determine whether the whistle-blowing has affected internal or public policy (54):

1. Was there more or less attention paid to the problem? Were new policy alternatives seriously considered by significant political actors?
2. What impact did whistleblowing have on conditions in the agency itself? Were there changes in organizational resources? Were there changes in the way rules and regulations were implemented?
3. How was substantive public policy affected, as indicated, for example, by public pronouncements or by legislative efforts to formulate or adopt new policies or to clarify existing policy?

It is sometimes difficult to answer these questions, because many factors can affect the outcome of a whistle-blowing case. For example, the political environment may make it difficult to determine exactly how much a change was due to the person who blew the whistle and how much was simply an outcome of the administration in power. Similarly, the whistle-blower’s personal characteristics, such as modesty or arrogance, credibility, educational level, or standing within the organization, may affect how much the whistle-blower is credited with the organizational changes. However, through continued study of specific whistle-blowing cases, scholars can...
determine common characteristics that help to define more accurately the impact of whistle-blowing on public policy (Johnson 2003). Deciding to become a whistle-blower is not generally a choice that an employee (or former employee) of an organization makes without careful thought and consideration. Therefore, in researching whistle-blowing, scholars have considered who can be considered a whistle-blower, motivations for exposing corrupt behavior, the organizational climates in which whistle-blowers act, and how their allegations affect public policy. All such information offers insight into the reasoning behind whistle-blowing behavior in different situations. In the beginning stages of the research on whistle-blowing, case studies were used because the situations were thought to be unique or the unwanted behavior was particularly serious (Jos et al. 1989). Although scholarly research has become more methodological and sophisticated, case studies that examine particularly dangerous behavior, such as the abuse at Corcoran State Prison, can still be used to present insights into whistle-blowing behavior and add to academic research.

Gladiator Days: The Case of Corcoran State Prison

Corcoran State Prison was built in 1988 in California’s San Joaquin Valley and houses some of the most dangerous maximum-security inmates in the state, including Charles Manson (Arax 1996a). The Security Housing Unit (SHU) is the prison’s disciplinary unit for problem inmates. Prisoners are locked in cells for up to twenty-three hours a day and are allowed one hour of exercise in a small concrete recreation yard (“Return to Corcoran” 2007). It was inside the SHU recreation yard that Preston Tate was shot and killed in 1994, his violent death prompting Steve Rigg and Richard Caruso to provide information to the FBI about prisoner abuse at the facility (Arax 1996a). Caruso and Rigg’s main allegation of brutality was that corrections officers were exploiting racial tensions to stage fights between inmates for the entertainment of the prison guards (Holdings 1996). The men told of instances where rival gang members housed in the SHU were placed in the small recreation yard at the same time with the full expectation that they would engage in fistfighting. The events were called “gladiator days” and were witnessed by several corrections officers (Arax 1996a). One officer was accused of calling the fights like a sports announcer, while other guards made bets on the outcomes of the brawls (Holdings 1996).

The staged fights between inmates were often stopped by a prison guard stationed in a guard tower above the recreation yard who was armed with both a nonlethal gun that shot wooden blocks and a lethal carbine rifle. According to Rigg and Caruso, these guards discharged their weapons needlessly in order to stop the fights and sometimes hit the wrong inmate. After each shooting, the guards falsified reports in order to make the shooting seem justified (Arax 1996a). Rigg and Caruso believed that these were the circumstances surrounding the death of Preston Tate. Surveillance video in the SHU recreation yard shows Tate and his cellmate, both of whom were African-American, waiting for two rival Hispanic gang members to attack them (Holdings 1996). After a few minutes of fighting, shots are fired into the group and
Tate is hit in the head even though he was not the aggressor in the altercation ("The Corcoran Eight" 2007). Rigg then witnessed the officer who shot Tate being coached by other guards on how to write up the report to clear himself of any wrongdoing (Holdings 1996). The prison’s official report states that the guard at the time aimed his shot at one of the Hispanic inmates and Tate was hit by mistake. However, after the incident, Corcoran officials issued a press release that Tate was the aggressor and was shot “after failing to heed all warnings” to stop fighting (Arax 1996a). It was after this incident that Rigg and Caruso decided to break ranks with other corrections officers to become whistle-blowers.

From this point forward, the Corcoran case follows the pattern found in the whistle-blower literature. Richard Caruso and Steve Rigg satisfy the various definitions of whistle-blower put forth by scholars. In accordance with Nader’s (1972) description, they “went public” with allegations of illegal and harmful activity by Corcoran’s corrections officers. As Westin (1981) described, the two men turned to the FBI because they believed that the Department of Corrections was covering up the true level of violence in the prison as well as dangerous conduct by the guards. The men’s actions also fit the four components of Elliston’s definition: Caruso and Rigg decided to approach the FBI and the news media with their allegations in order to make the information part of the public record. They alleged serious prisoner abuse and possibly murder. Finally, when the allegations became public, both men were corrections officers at Corcoran.

Moreover, as Elliston et al. (1985) asserted, by coming forward with their allegations, the two prison guards were being loyal to the mission of the California Department of Corrections and Rehabilitation (CDOCR). The mission statement posits that three of the department’s core values are integrity (in professional conduct and aiming for high ethical standards), justice (treating offenders and staff with fairness), and accountability (taking responsibility for actions and consequences), which work to guide employees’ leadership and behavior (CDOCR 2007). By exposing the unethical behavior of the officers in the prison, Caruso and Rigg were seen as disloyal to their fellow officers but were loyal to the overall mission of the department.

Moreover, in accordance with the definitions of Westin (1981) and Westman (1991), both whistle-blowers tried to change the behavior of the correction officers from within before they turned to the FBI for help. Rigg and Caruso asserted that one of the reasons there were so many deaths in the prison was that there were no clear rules as to when to shoot at inmates in order to stop fights (Arax 1996a). The shooting policy stated that firearms could be used whenever “physically assaultive behavior” or other “disturbances and disorders” occurred (Arax 1996a). The non-lethal wood blocks were meant to stop fights where inmates posed “imminent great bodily harm” to each other (Arax 1996a). If the wood blocks did not stop the fight, the SHU correction officer, known as a “gunner,” was authorized to use deadly force (Arax 1996a).
However, the guards were not clear about how many or what types of injuries constituted great bodily harm. One officer reported that if a fighting inmate received “a wound that required seven or more stitches” or if one of the inmates had a weapon, regardless of its size, then the use of firearms was justified to stop the fight (Arax 1996a). Most often the inmates were fighting without weapons, just their fists, so the guards believed that the chances of serious injury were very low. Even so, many gunners were not sure what procedure to follow to stop the brawls. Consequently, each gunner had a different approach. Some may have issued verbal warnings to fighting inmates before discharging wood blocks. Others used lethal force almost immediately without a verbal warning (Arax 1996a). The different approaches to enforcement of the shooting policy put the inmates in even greater danger, because they followed gang instructions for fighting. Since they believed that the first shots fired at them would be nonlethal wood blocks, they would fight even as the blocks landed around them (Arax 1996a). The combination of gang fighting rules and the sporadic use of wood blocks almost ensured that the gunner would have to use deadly force.

The confusion about the shooting policy led to Corcoran’s becoming the nation’s deadliest prison: between 1989 and 1995, seven inmates were killed by guards trying to stop fights (Podger 2000). Caruso, once an SHU gunner, told of his confusion about the shooting policy: “I didn’t know if I was coming or going” (Arax 1996a). While one supervisor told him to let the inmates fight until they were exhausted, another supervisor threatened to reprimand him if he did not use lethal force almost immediately. In order to clarify the shooting policy, Rigg and another guard held classes to teach other officers “that serious bodily harm had to be imminent” before they could resort to lethal force to stop fights (Arax 1996a). Steve Rigg’s supervisors later reprimanded him and threatened him with termination or an undesirable transfer if he did not stop the classes (Holdings 1996).

The prison guards who staged the fights mixed rival gang members by putting them in the SHU recreation yard out of order, that is, by mixing inmates from different tiers (Holdings 1996). After inmates began to complain about this practice, the guards began “stacking” tiers, putting known enemies in adjacent cells so that they would be released into the recreation yard at the same time (Holdings 1996).

Rigg attempted to stop the prison fights by ending the practice of stacking. Unfortunately, he was not able to change the integration policy imposed on Corcoran by the Department of Corrections (Holdings 1996). The integration policy called for putting known enemies together in the SHU recreation yard in order to teach them to get along so that they could move back to the general prison population (Holdings 1996). The prison guards all held that the policy was flawed, because the general population recreation yard is so large that each gang has carved out its own territory and does not have to interact with rivals, whereas the SHU yard is half the size of a basketball court, making personal contact inevitable (Arax 1996a). The guards who staged the fights took advantage of the integration policy and stacked inmates inside SHU. Rigg issued instructions on his shifts to unstack the tiers in order to reduce violence. However, after his shift was over, he found that his orders had been disregarded and enemies were again assigned to adjoining cells with the ultimate goal of staging fights. In fact, in the weeks before his death, Tate was moved to the cell next to the Hispanic inmates he fought on his last day (Arax 1996a). By attempting to clarify the shooting policy and moving rival inmates to cells where
they would not be in the recreation yard at the same time, Rigg and Caruso tried to
effect change through the chain of command in the prison.

Using Westman’s (1991) definition, Caruso and Rigg can be considered active
whistle-blowers because they used internal and external channels to express con-
cern about the inmate abuse. Both guards approached the prison’s warden and the
Department of Corrections to ask for clarification of the shooting policy in order
to cut down on violence. In addition, they asked the warden to stop mixing known
enemies in the recreation yard. Caruso and Rigg believed that the officers who
staged the fights were exploiting inmates by using the legalities of the shooting and
integration policies in an unethical manner that violated the prisoners’ civil rights
(Holdings 1996).

The environmental changes that have led to the general rise in whistle-blowing
were also present in the Corcoran State Prison case. Richard Caruso and Steve Rigg
were part of the new breed of educated and technically trained government work-
ers. Both were former marines, and Rigg was an “FBI-certified rifle range master”
(Podger 2000). Both men had advanced knowledge of firearms and their ethical use,
and this may have been a factor in their deciding to come forward with their allega-
tions, since the abuse involved the unethical use of firearms to cause bodily injury.
Moreover, as Miceli and Near (1992) note, they may have had a greater awareness
of their job responsibilities to their employer, the general public, and inmates. This
was certainly true for Richard Caruso: After his brother was sent to a New York
prison on a drug charge, he began to view the prison population and the shooting
incidents differently (Holdings 1996).

Once he was labeled as a whistle-blower, Caruso was transferred to work in the
prison kitchen, where he was placed in the delicate and dangerous position of watch-
ing over prisoners he might have shot at during his days as a gunner (Arax 1996a).
He also had to endure death threats and harassment on the job. Eventually, he filed
a lawsuit against the Department of Corrections for failing to protect him against
retaliation. His suit was settled, and while the department did not admit wrongdo-
ing, it paid Caruso $1.7 million (Arax 1999). Today, Caruso lives comfortably on
the East Coast. Lieutenant Steve Rigg, who also suffered retaliation after becom-
ing a whistle-blower, filed a similar lawsuit, which was dismissed (Arax 2000b).
Phone interviews with Rigg’s current and former attorneys confi rm that his appeal
has been made more diffi cult by the death of one of the defendants in the case,
Warden George Smith (Leroy Lounibos, personal communication, June 11, 2007;
John Scott, personal communication, June 19, 2007).

Caruso and Rigg also benefi ted from the supportive environment created by
government organizations for whistle-blowers, as described by Johnson (2003).
Although their efforts to end abuse in Corcoran State Prison met with resistance,
the FBI took their allegations seriously and launched what became a four-year
investigation. In the end, eight guards and supervisors were indicted for civil rights
violations against inmates (Arax and Gladstone 1998).

Much as Johnson (2003) describes, effective use of the media also bolstered Rigg
and Caruso’s case. Their allegations were extensively researched and described in
the pages of the Los Angeles Times and the San Francisco Chronicle over several
years. Since the articles were also published on the Web sites of the Times and
Chronicle, people all over the world followed the case. Furthermore, the case was
presented to the general public in two cable crime documentary programs, A&E’s *American Justice* (“The Corcoran Eight” 2007) and MSNBC’s *Lockup* (“Return to Corcoran” 2007). The effective use of media helped Rigg and Caruso’s credibility. Their supervisor, Warden George Smith, described them as malcontents, “disgruntled employees,” and “children throwing rocks and then hiding behind their mother’s skirts” when interviewed by the *Los Angeles Times* (Arax 1996a). In the eyes of the media and the public, however, they were shining a light on actions in a secret world that many ordinary Americans would not have known about otherwise.

The case of the Corcoran whistle-blowers illustrates both negative and positive aspects of Perry’s public service motivation theory. Rigg and Caruso acted in the public interest even though, as active corrections officers at Corcoran, they were putting themselves in a position to be retaliated against, a decision that clearly ran against their self-interest. Their behavior had a rational motive, because they were advocating to protect the civil rights of people with limited power—prison inmates. A norm-based motive is evident in that the two men were advancing social equity and serving the public interest while being loyal to their responsibilities by upholding the standards of behavior for corrections officers. Finally, both men displayed a commitment to the corrections profession by continuing to work at other prisons even after they were labeled as whistle-blowers and other guards were openly hostile to them (Holdings 1996).

Alternatively, the guards who participated in staging fights, wagered on the outcomes of the brawls, and did not attempt to stop the violence were participating in what Perry and Wise described as a “suspension of individual judgment” in favor of displaying loyalty to their fellow corrections officers and the administration of Warden Smith (Perry and Wise 1990, 370). Several officers described the “environment of hostility” in the prison, where guards loyal to Smith intimidated others into keeping quiet about the violence inside the prison walls (Arax 1996a).

On the other hand, Rigg and Caruso displayed a high sense of “civic duty, social justice, self-sacrifice and compassion” by choosing to become whistle-blowers in such a toxic environment. In the words of Steve Rigg: “Mr. Tate was a loudmouth and very disrespectful to staff. . . But the man didn’t deserve to be murdered” (Arax 1996a). The Corcoran case provides support for many aspects of Brewer and Selden’s PSM research. Both men were motivated by complaint success, that success being the ending of violent behavior by prison staff toward inmates. Regard for the public interest was evident, because the manner in which the inmates were treated would directly affect their state of mind upon release, which, in turn, would affect the manner in which they related to the general public. And finally, Caruso and Rigg were highly committed to their jobs and had exceptional performance ratings; both men were long-time corrections officers and had unblemished records before becoming whistle-blowers (Arax 1996a).

The organizational climate surrounding the whistle-blowers shows how unethical behavior can occur even in the strictest rules or law-and-code climate. The prison was controlled by government policies, including state and federal laws. However, much as Rothwell and Baldwin (2006) found, the code of silence at the prison,
described as “the thin green line,” worked against the overall rules that were supposed to guide officers’ behavior (Arax 2000a). The code of silence was reinforced by Warden Smith, who ignored reports of prisoner abuse and encouraged a hostile work environment. Like other law enforcement agents who become whistle-blowers, Rigg and Caruso looked beyond Corcoran’s code of silence and displayed a high level of constitutional competence when they exposed how corrections officers were violating one of the basic rights afforded American inmates: the right not to suffer cruel and unusual punishments.

Implications for Public Policy

The Corcoran case adds to the public administration literature because, unlike many other whistle-blowing cases, there were specific outcomes in the California Department of Corrections that fit into Johnson’s (2003) three dimensions of policy impact: more attention was paid to the prisoner abuse problem, changes were made within the department due to the whistle-blowing, and legislative efforts adopted new policies regarding prisoner shootings. Specifically,

1. Eight Corcoran officers were indicted for civil rights abuses against inmates (Arax and Gladstone 1998).
2. A state inquiry into the shootings at Corcoran found that twenty-four of the thirty-one shootings that were classified as deadly or serious were unjustified, and the system of investigating shootings was “seriously flawed” (Gladstone and Arax 1998c).
3. Three legislative inquiries were held to probe into the abuse allegations at Corcoran prison (Gladstone and Arax 1998a).
4. State inquiries and public hearings led to policy changes at Corcoran; abuse allegations are now treated more seriously and shootings of inmates by corrections officers are scrutinized more thoroughly (Gladstone and Arax 1998b).
5. The flawed integration policy, which Caruso and Rigg believed led to violence, was abandoned (Arax 2000a).
6. The Department of Corrections increased its corrections officer training from six weeks (Gladstone and Arax 1998d) to sixteen weeks (CDOCR 2006) “to focus on the way officers use force and the ethics of being a peace officer” (Gladstone and Arax 1998d).
7. In order to reduce violence among inmates, the men no longer have their recreation time in an open courtyard. Instead, they now exercise in individual wire cages where they cannot engage in fistfights (“Return to Corcoran” 2007).
8. The Department of Corrections clarified its shooting policy: “Deadly force will be allowed only if one inmate is inflicting serious injury with a clearly visible weapon to a prison staff member or another inmate” (Arax 1996b).

In the end, all eight of the officers charged with prisoner abuse were acquitted. Their defense attorneys blamed the prisoners’ violent tendencies and the integration
policy of the Department of Corrections for the high level of violence at Corcoran (Arax 2000a). Nevertheless, as Westin (1981) described, the lives of both whistle-blowers were deeply affected by their decisions. Steve Rigg endured death threats and various forms of retaliation against him and his wife, also a corrections officer. He has lost much of his personal property, including his ranch in the Central Valley and several trucks, due to his extended legal battle against the Department of Corrections. The stress of his ordeal brought on several health problems, including four strokes (Arax 2000b). Richard Caruso was forced to retire after being labeled a “rat” by fellow prison guards (Arax 1999). Although Caruso and Rigg endured many personal tribulations, all of the positive policy changes listed above can be traced directly to the time after they became whistle-blowers.

Conclusion

The case of the Corcoran whistle-blowers is an important one because it illustrates many aspects of whistle-blowing identified in scholarly research. Caruso and Rigg fit several academic definitions of the whistle-blower. Many of the factors that have contributed to the rise in whistle-blowing can be seen during the course of the case. The motivations to become whistle-blowers, both at the individual and organizational climate level, are evident. Rigg and Caruso’s actions were the source of significant changes in policy regarding the conduct of corrections officers toward inmates not only at Corcoran, but in all of California’s prisons.

This extreme case of prison brutality is also important for more general reasons. It gives scholars and the public an insight into an environment that is not accessible to most people. It illustrates the need for more research into the specific environments where government employees act to uphold laws and are in power positions over other people. For example, future research could examine whistle-blowing behavior in the case of male corrections officers who take advantage of female inmates, or of military personnel who abuse political prisoners or suspected terrorists (as at Abu Ghraib), or of police officers who take advantage of known criminals (through physical beatings, bribery, or general harassment).

No one can deny that the situation at Corcoran State Prison was an exceptional case of prisoner abuse. However, the potential for abuse of power is a real threat when civil servants can use their positions to justify their actions. Unethical behavior that occurs under the umbrella of the law undermines the integrity of the individual organization and adds to the general skepticism regarding government. By making the decision to become whistle-blowers, Steve Rigg and Richard Caruso brought to light corrupt behavior by corrections officers against a group of men who have lost many of their civil rights due to their incarceration. This case can be used by public administrators to teach and promote ethical behavior in the corrections profession. It can also help researchers determine how to keep this kind of abuse from occurring in the future by providing sound findings based on in-depth study.

REFERENCES

Personal and Policy Implications of Whistle-Blowing


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