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Ray L. Huff

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THE DISCIPLINARY PHASE

Ray L. Huff¹

An adequate report on Disciplinary problems would include data from practically every source available. The record of disciplinary actions is essentially a portion of the record of the effectiveness of the program. It is a record which tells of a social action, i.e., one in which more than one person is involved. It reveals the application of certain standards of conduct and methods of treatment to a single or a series of actions.

The report of the disciplinary phase of prison work is actually of supplementary rather than primary value, in that it reflects a possible measure of the inadequacy of other elements. It is unlikely that it would properly contain a measure of its own success.

Discipline is actually a plural concept. If we attempt to portray it in a single act with a single concept we confuse the picture. It would then appear to be a simple rather than a complex thing; a discrete rather than a form of continuous measure.

Restricted Application

Recognizing this danger, and for the purpose of discussion to assume that the disciplinary phase of prison work can be segregated in a substantial part, we are required to list a series of acts which are proscribed within the Institution, and list the means taken to

counteract such actions. For this to be meaningful we would have to show the nature of the persons who did the forbidden things. More than this, we would have to show the nature of the persons who were the instruments through which the offending persons were to be made into conforming persons. This seems to be a complex thing—and it is. I suggest that a simple narration of acts prohibited with acts to correct them actually presents an erroneous picture of disciplinary work, which definition and interpretation should correct.

Requires a Dynamic Concept

The nature of this complex problem is expressed effectively only when we recognize and express the educational effects of disciplinary control. Educational effects are dynamic, that is, they move within the flux of the elements of the teaching situation and within the learner. The result of an affective situation is not merely additive, but rather each application changes the substance and effectiveness of both learner and teaching situation. While this complicated process can be evaluated when the time factor is prolonged, at any given interval of time an attempt to measure the values of these actions may give an erroneous picture.

¹ General Superintendent, D. C. Penal Institutions, P. O. Box 25, Lorton, Va.

Effects Continuous

If we assume that the eventual end result of applying disciplinary measures is good, it does not follow that a succession of measures will indicate a regular progression from bad to good. Rather, the curve of such change will probably follow the saw tooth line of the more elementary educational measures of learning.

In a word the disciplinary phase of prison work is educational in its purpose and nature. It is more complicated than a measure of achievement in arithmetic because its elements involve the whole organization of the particular learner. The teaching situation is more complicated than in arithmetic, because it involves the entire organization of the prison program, and personnel, and inmate body.

Discipline Defined

I have suggested some of the difficulties before us to recite just what the problems of Discipline are. In one sense discipline refers to all the activities which affect habit control and development. In a restricted sense, Discipline refers to the control of specific acts which are prohibited which rise at the moment and must have some other specific act taken in the interest of internal prison control.

It is with this more restricted meaning that I continue the discussion.

Difficulties with This Definition

We can give names to specific actions requiring discipline. There is no assurance that these names will be interpreted uniformly. Such universal

names as sodomy and murder and mayhem are probably exceptions. Even if the names can be made meaningful, the policy with respect to reporting offenses will affect the report as made.

In an institution where the policy is rigid many reports will be made. If the personnel are schooled in writing reports and are otherwise competent, the picture will be clear. In other institutions the policy adopted may present a report which would not reveal conditions in a manner comparable with the first. Someone has said that the true history of prisons has never been written—and to this statement most of us can agree.

In terms of our restricted definition of discipline there are certain variations of conduct which are probably always proscribed:

1. Always proscribed

(a) Acts against personal security.

These are acts which attack the existence of the institution and its purpose. Among these are escape, riot, insubordination. We could consider escape and connivance to escape similar to treason; riot could be called a form of mutiny; insubordination acts against the basic security of the entire organization and belongs in this same category. (As a practical matter, insubordination spreads over a wide range of importance.)

These three names, or classifications, would normally be proscribed in any institution, whether an individual or a group offended.

(b) Acts against personal security.

Murder, arson, mayhem, rape, assault, constitute a series of acts which

normally would always call for a controlling action. To these can be added the entire larceny group.

(c) More personal acts which incite to disorder among the group are likewise normally proscribed. These would include the various forms of exhibitionism and the various rules of the institution.

Normally we would find that any action which is proscribed by the law is proscribed in prison, plus the various acts in violation of the added rules of the institution.

Just as in the outside community we will find that policy, and practical considerations will affect the nature and kind of recognition given any of these actions. Frequently certain actions which may receive little attention outside will receive more attention inside a prison—both in terms of immediate control and the rehabilitative nature of the program. As before the Court, considerations of policy or personnel attitude and training may modify the term used to describe it.

Offenses: Possible Classification

Murder is usually murder. Arson may be destruction of property. Mayhem may be assault.

Escape is usually a definite thing. Riot and insubordination, however, may be interpreted very differently. One example: In an institution one prisoner struck an officer. In keeping with the policy the officer did not retaliate in kind but rather a force of officers assembled and removed the offender to a control cell. Not knowing how far the excitement had extended the entire

population was inspected and every suspicious person was removed. Then the offending group was actually four. However, the news accounts reported a riot. It was a case of insubordination and assault for which the offender was tried in the courts and sentenced. Probably the policy of using a group of officers made a display which an uninitiated observer interpreted as a riot. (As a matter of fact a real riot is easy to recognize.)

One officer may be faced with a recalcitrant inmate. He may write him up for insubordination. Another officer with the same set of circumstances may resolve the difficulty by his methods so that no report is indicated.

Classification terminology needs to be valid; expressed in terms acceptable to the reading group.

The technical language of the criminal code suggests itself as a means of classifying offenses. However, such a simple classification would be open to serious difficulties in interpretation. There should be added to this terminology one which is more functional in character, with more than the usual number of subdivisions if the classification of offense is to become meaningful in terms of treatment, and resolution into causative factors.

While it is true that the reading public has some knowledge of the names of the usual crimes and that this knowledge argues for using these as the classification of offenses, any such name used would need to be accepted critically if we would avoid the lack of distinction which we find in the cases coming into the prisons. The general

reading public is not aware of the technical distinctions.

The difficulty, at present before us, in expressing an offense with definition will cause us to consider the possible selection of reading publics for one or another form of report. It may be that the regular annual report would contain generalized classifications—as offenses against the person, against property, against authority—rather than the detail which the student would need for study. The general report might break down the offenses against the usual census data, whereas, the detailed report should penetrate more deeply into any elements which could be determined.

At this stage of development, it is quite unlikely that personnel, equipment, or funds would give the prison, by itself, much opportunity to do more than scratch the surface. Here and there are cases of great value even now.

Offender—Classification— Considerations

As a social project, there is more than an inmate involved in practically any discipline case.

In a social sense one person alone never committed an offense. Causative factors outside as well as inside himself were included. In a prison one officer will have no trouble with an inmate; another officer will have serious trouble. An inmate in one housing situation will get along, but if placed in another situation he will have trouble. The same is true with the work he does, the schooling or recreation, or

visits or correspondence or any other part of his environmental situation.

The report, at least for the student, should include these elements. Obviously this involves interpretation. The policy, the expression of personnel attitudes and learnings, the more obscure affecting conditions need to be found and recited in the report if essential validity is to be secured. We cannot omit the family situation and other external exciters or depressors on the makeup of his situation. In brief, the great detail that the extended case work techniques can develop are needed to bring even the single variant act into true perspective, if the material of the report is to be meaningful. Anything less is subject to misinterpretation and confusion. This is especially true with regard to the analysis of causes, or the effects of treatment.

Treatment Considerations

As a practical matter, we should recognize that some persons are tractable and useful in prison who are not so outside. Some require even mechanical forms of restraint to be able to release themselves; an example:

In our open institution, recently, an inmate cursed and shrieked, "Take me out of this place, put me behind a wall and bars—I want to be treated like a convict."

In an unfinished study we find reasons to believe that the aptitude of the personnel seriously conditions the variations of inmate conduct. Also, we have some basis to believe that the policy of control has definite effect on response to discipline. Except for acute

conditions we have practically abandoned the "lock up," the traditional bread and water. As a general observation, it appears the most effective punitive form of control is deprivation of privileges.

We have some reason to believe that groups homogenous in mental ages may be more harmonious than non-segregated groups.

What may be necessary "treatment" in terms of the group which is to approve it may vary widely. The group effect needs to be considered as well as the effect on the individual. There is a certain acceptance by the group of actions which are alike for like offenses. Such actions are, or may be, quite unlike in value to the individuals concerned. It is still quite difficult to demonstrate that the evidence of equal treatment lies in the degree of the inequality of that treatment. Actually fair treatment is not like treatment, but is rather unlike treatment. Unlike treatment may be considered arbitrary. Treatment or control measured by the act is quite different than when measured by the individual.

One inmate created a slight disturbance in the mess hall. As to the act it was relatively harmless, but potentially dangerous. As to the inmate it was one of a series of the same kind of exhibitions that induced his own euphoria. He was with us the third time, had been in and out of the institutions for 15 years. Instead of the reprimand for this act, and on the basis of his entire record, all (about 2 years) of good time was taken away. For a month he cursed any who came near, for another

two months he was "up and down," he then began to hide in the corner—but he did finally come to face his condition, became party to a constructive plan and now has nine months of constructive work behind him. Looking backward, in the light of the inmate the action was good. At the time, in the light of the offense, it was arbitrary by equalitarian standards.

These are some of the practical problems which affect reporting which challenge validity and the interpretation of reports, even when we assume a reader who is objective and not emotional.

I have attached a table which shows the number of conduct reports by the month, and age, and type of offense.

The high peak in August seems to be related with studies of seasons. The April recession may refer to the elimination of five constitutional perverts.

Volume: A record of this kind indicates volume of reports.

Age: The age record shows the median of offenses to be in the 25-30 age group which is one step above the average age of the total population.

Kind of Offense: The crude classification was developed from the obvious language of the complaint.

Disciplinary Actions

We do know that in practice certain acts are used with offenses. The most common of these are:

1. Admonition
2. Deprivation of Privileges
3. Segregation in Cells
4. Forfeiture of good time credits.

Inmates should pay for property he destroys as a matter of course, rather than a disciplinary act.

If the policy is one to construct self respect we would eliminate whippings and demeaning punishments. Some of these are found frequently as follows:

1. Wearing debasing clothing
2. Ball and Chain
3. Dunce Cap variations
4. Floggings
5. Demeaning work (purposeful)
6. Ridicule
7. Catharsis
8. Stocks—
and others within the imagination of the jailor.

Classification data re Inmate.

At present, the following data could be secured sufficiently to develop a study of form:

Age	liquor
race	perversions
crime	mental condition
solo worker	normal
gangster	epilepsy
mental age	impulsive
physical condition	melancholic
normal	Other
drugs	

Treatment Classification.

The following data could probably be secured on a sufficiently wide sampling to lay the foundation for further study.

1. Admonition
2. Deprivation of privileges
3. Segregation
4. Reduced ration
5. Forfeiture of good time
6. Program adjustments
7. Others

This suggestion seems to be extremely elementary. So is even the attitude toward reporting Disciplinary acts. A few participating prisons could try this out for a year and test the results in a report of facts and findings. This would be more effective and of more general value to a general program than a more elaborate beginning. Two or three could cooperate in a more extensive study.

Perhaps the problem, like many others, waits merely for further definition—and for some to venture if others are to begin.

Oscar Wilde once wrote:

“The vilest deeds like poison weeds
Bloom well in prison air;
It is only what is good in man
That wastes and withers there.”

A report on prison disciplinary actions may support or reject the thesis Wilde presents. If it could do this it would be a valuable addition to the subject matter of prison reports.

DISCIPLINARY REPORT

.....
Institution

Description present offense

Name

No.

Age	This offense	Previous	Action: Present	Previous
Race	Escape		Admonition	
Crime	Riot		Dep. Priv.	
Solo Worker	Insubordination		Seg. Cell	
Gangster	Homicide		Forfeiture time	
M. A.	Larceny		Program	
Phy. Cond.	Sex		Other	

Normal
 Drugs Assign
 Liquor
 Pervert
 Other Housing Assign.
 Mental Condition
 Normal Interpretation and Disposition
 Epilepsy
 Impulsive
 Melancholic
 Other
 Religion:
 Frequency of Offenses
 In Yr. Mo.
 Same
 Different

D. C. REFORMATORY

REPORT OF INSTITUTION CONDUCT VIOLATIONS

From December 1, 1938 to December 1, 1939

Number of violations per month	Ages of Violators		Recidivism	Work assignment of violators		Race
December, 1938	89	17-20 107	1st 769	Industrial	317	White 238
January, 1939	99	20-25 419	2nd 479	Non-Industrial ...	1003	Colored ...1082
February, 1939	109	25-30 453	3rd 52			
March, 1939	111	30-35 159	4th up... 20			
April, 1939	138	35-40 90				
May, 1939	122	40-50 79				
June, 1939	112	50 up 23				
July, 1939	128					
August, 1939	144					
September, 1939	103					
October, 1939	90					
November, 1939	75					
<hr/>						
TOTAL	1320					

*** December.

* Includes more than one offense of each of the following; Stealing, Destroying Government property, Wasting Food, Disorderly Conduct, Lying and Forgery, etc.

** Includes Recreation Field, Rest Hall, Auditorium, Bath House, etc.

*** The reports for December were 69. These reports include every referred case.

Kind of Violation	Place where violation occurred
Violation of Inst. Rules.....	559 In Dormitory
Gaming	131 At Work
Shirking Work	102 Other Places**
Refusing to Work.....	54
Fighting	169
Assault	26
Insolence	131
Contraband	70
Sex	18
Others*	60