

1949

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Recommended Citation

Alfred C. Schnur, Prison Conduct and Recidivism, 40 J. Crim. L. & Criminology 36 (1949-1950)

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PRISON CONDUCT AND RECIDIVISM

Alfred C. Schnur

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Professor Schnur's research upon which the present article is based was supported by a grant from the Special Research Fund of the University of Wisconsin.—EDITOR.

Prison conduct has been repeatedly identified as one of the factors that separates the good risks and the poor risks for release from prison. This is a study of the association between prison conduct and other factors indicative of success or failure after release from prison. The purpose is to assist in (1) explaining the already discovered association of prison conduct with recidivism, (2) determining if the independent discriminating power yielded by classification according to prison conduct is great enough to warrant inclusion in an instrument for selecting treatment and determining fitness for release, and (3) revealing factors which a prison classification committee could use in anticipating the prison conduct of a man upon arrival.

Men who were released from the Wisconsin State Prison between January 1, 1936, and December 31, 1941 numbered 1,762. They were classified according to various factors. The chi square test was used to discover whether or not some significant association other than chance determined the arrangements of the individuals observed when they were classified first according to each of the factors and subsequently classified according to post-release recidivism or conduct in prison. Those factors that passed the five per cent test are given in Table I and discussed in this paper. Although passage of the five per cent test means that, in some cases, we have one chance in twenty of being wrong in what we say; in others, it means, besides, that we have nineteen chances in twenty of being right. In some additional cases we have but one chance in a thousand of being in error. In still others there is less than one chance in ten thousand of being in error. A measure of the strength of the association observed for each factor with recidivism and with conduct is stated in the columns of Table I. Although the measure used, the coefficient of contingency, does not have exactly the same meaning as a correlation coefficient, it does indicate association in much the same way.¹ The closer the tabled measure is to *one*, the stronger the

¹ The tabled numbers are *corrected coefficients of contingency*. The correction enables us to compare the coefficients with one another to determine their relative strengths of association.

association is. Accuracy in anticipating post-release recidivism or prison conduct from knowledge of a man's classification on one

TABLE I

VARIOUS FACTORS TESTED FOR ASSOCIATION WITH RECIDIVISM AND CONDUCT IN PRISON

| Factor | Measure of association with recidivism | Measure of association with conduct in prison |
|---|--|---|
| 1. Previous criminal record..... | .35 | .21 |
| 2. Total time spent under legal supervision from birth up to admission to the Wisconsin state prison for offense under study..... | .34 | .18 |
| 3. Type of crime for which committed during period of study | .27 | .31 |
| 4. Age at first arrest..... | .25 | .33 |
| 5. Total time spent under legal supervision since birth. | .25 | .47 |
| 6. Age at leaving school..... | .15 | .17 |
| 7. Age upon admission to Wisconsin state prison..... | .15 | .38 |
| 8. Age when released from W. state prison..... | .15 | .25 |
| 9. Marital status upon admission to Wisconsin state prison | .14 | .27 |
| 10. Number of commitments to solitary confinement... | .13 | .50 |
| 11. Length of time served in W. state prison for offense under study | .12 | .59 |
| 12. Race and birthplace of parents..... | .10 | |
| 13. Race and birthplace of inmates..... | .09 | |
| 14. Venereal infection | .08 | .15 |
| 15. Accomplices | .08 | .39 |

of these factors increases as the number expressing the association increases in size. The associations are all low, but the chi square test used in this research has demonstrated that chance could serve as the explanation for the revealed association less than five times in one hundred.

Post-release recidivism is defined as arrest and conviction for an offense committed within two years after release, which resulted in a sentence of six months or more on probation, or to an institution. The number of times a man is cited for violation of prison rules is the index of prison conduct.

A corrected contingency coefficient of .17 expresses the association between prison conduct and recidivism. As the number of misconduct citations increases the probabilities of becoming a recidivist increase. Five of the factors investigated have greater relationships to subsequent criminal behavior than conduct in prison. These are the factors numbered one through five in Table I. Fifteen had less. The ten of these which passed the five per cent test are numbered six through fifteen in Table I. The five which failed to pass the test are not tabled or discussed in this paper.

The five factors that exceed prison conduct as indicators of post-release recidivism are discussed below according to decreasing amount of relationship. (1) As the seriousness and frequency of previous criminal offenses increase, the proportion of men leading lawful lives after release decreases. (2) As the amount of time that a man spends under legal supervision from birth up to admission to Wisconsin state prison for the offense under study increases, the probabilities that he will continue in crime after release increase. (3) Better than average chances of not committing new crimes are observed for men convicted of certain crimes. The later the type of crime appears in the following list the closer the man's chances are to average chances. These crimes are adultery, bigamy, murder without property as the motive, embezzlement, rape, fornication, carnal knowledge and abuse, indecent liberties, sodomy, assault with no intent to rob, and murder with property as the motive. Less than average chances of not committing new crimes are observed for men convicted of certain other crimes. The later the type of crime appears in the following list, the less chance a man has of not committing a new crime. These crimes are abandonment, non-support, desertion, arson, breaking and entering, burglary, larceny, assault with intent to rob, robbery, operating an automobile without the owner's consent, drunkenness, vagrancy, forgery, false pretences, and confidence game. (4) The older a man is when he is first arrested the lower the probability that he will recidivate. (5) The more time a man spends under legal supervision from birth to release from this offense, the more likely he is to commit a new crime.

The ten factors that have less relationship to subsequent criminal behavior than prison conduct are discussed below also in the decreasing order of relationship. (6) The older a man is when he quits going to school, the greater the probability is that he will commit another crime.² (7) The older a man is when he comes to the Wisconsin state prison, the greater are the chances he will not continue in crime. (8) The older a man is when he leaves the Wisconsin state prison, the more likely it is that he will avoid crime after release. (9) Widowed, separated, and married men have better than average chances of succeeding. Single and divorced men have less than average chances. (10) As the number of commitments to solitary confinement increases, subsequent lawful behavior decreases. (11) The longer a man

² This relationship may be explained as follows: A school is operated at the Wisconsin state prison. It is observed that the less education a man has when he comes to the prison, the more likely he is to go to school. Men who make use of the prison school have better than average chances of leading lawful lives.

serves in the Wisconsin state prison, the greater chance he has of committing additional crimes. (12) Children of Negroes as well as of foreign-born whites have better than average chances of succeeding. Those born of native whites or Indians have less than average chances. (13) Negroes and foreign-born whites have better than average chances. Native born whites and Indians are more likely to commit new crimes. (14) Venereally infected men have less chance of avoiding legal difficulty than men who are not so infected. (15) Those men who have accomplices in crime are better risks than those who do not.

With the exception of the race and nativity of the inmates and their parents, all of the above factors that are related to recidivism are also related to the conduct of men in prison. An attempt will be made to indicate how discriminating prison conduct is in predicting recidivism by considering these relationships in decreasing degrees of relationship. Note will be made of how the amount of subsequent criminal activity varies as the number of misconduct citations is varied within each of the categories of the factors with which prison conduct is significantly associated.

(1) The number of misconduct citations is most closely related to the length of time served in the Wisconsin state prison for the offense under study. The longer a man is in prison the more frequently he will be in trouble in prison. When men are classified according to both length of time in prison and number of misconduct citations, it is observed that the proportion of men who commit new crimes increases as the number of misconduct citations increases within each time period. Little order in the adjustment of men after release is revealed when the length of sentence is varied within each conduct classification.

(2) Prison conduct as measured by misconduct citations is, as is to be expected, closely associated with another index of prison conduct—the number of times committed to solitary confinement. This latter index was not used as the index for the study since only 199 of the 1,762 men studied ever went to solitary confinement. There were too few cases remaining in the cells following the multiple classification of men according to time served, number of misconduct citations, and number of commitments to solitary to warrant the drawing of conclusions on this multiple basis. When the length of sentence, however, is removed from the classification it is observed that subsequent criminal activity increases as these two indices of misconduct in prison increase together.

(3) The total time under legal supervision from birth up to release from the Wisconsin state prison for this offense is related to conduct in prison. This relationship may be partially explained by the inclusion in this index of the time served in prison for this offense. Also, this relationship is partially explained by the inclusion in this index of the total time spent under legal supervision up to admission for this offense. Since the coefficients expressing the relationship to prison conduct of previous criminal record and of total time served up to this offense are less than the coefficient expressing the relationship between time served for this offense and prison conduct, the relationship of total time served for the current offense is more explanatory of the relationship between prison conduct and total time under legal supervision from birth to current release than factors reflecting previous criminal activity. Subsequent criminal activity increases as misconduct is increased within each of the time periods.

(4) Men who have accomplices are more likely to misbehave in prison than those without accomplices. The proportion of subsequent criminal activity increases as misconduct is increased in both those with and those without accomplices. Within each conduct classification those with accomplices were responsible for less subsequent crime. This relationship may be partially due to the type of crime committed since accomplices are not as likely to be present in some crimes as they are in others.

(5) The older a man is when he comes to the Wisconsin state prison, the less likely he is to misbehave in prison and to get into trouble after leaving prison. The older a man is when he arrives at prison and the less trouble he gets into in prison, the less trouble he will get into after release. Conduct discriminates here in all age classifications.

(6) The same statements can be made for the age at which arrested for the first crime.

(7) The type of crime for which a man is sent to prison is associated with conduct in prison. Men who are admitted for abandonment, non-support, desertion, embezzlement, and forgery behave best in prison. Behavior is a little worse among men admitted for adultery, bigamy, assault with no intent to rob, drunkenness, vagrancy, rape, fornication, carnal knowledge and abuse, indecent liberties, and sodomy. Still worse behavior is found among men committed for arson, breaking and entering, burglary, larceny, assault with intent to rob, robbery, and operating automobile without owner's consent. Although mur-

derers have the worst conduct records, this is probably due to length of time served. Since their sentences are so long it would be remarkable for them not to be in some trouble before release. There are not enough cases to classify the men according to both type of crime and length of time served and to observe the relationship between conduct and success.

The good behavior of the forger and the confidence men who have longer previous and subsequent criminal records than those convicted for any other type of crime might offer some support for the frequent assertion that men become prison-wise by being in one or more prisons before a given commitment. By avoidance of trouble in prison they render prison conduct a poor index of subsequent criminal behavior. There are several observations which suggest serious questioning of such assertions. First, property offenders who have comparable previous criminal and institutional experiences are over-represented among the prison's troublemakers. Second, embezzlers, abandonment, non-support, and desertion cases who are essentially one time offenders avoid trouble in prison. Third, a positive correlation is observed between previous criminal activity and misbehavior in prison in all of the indices of previous criminal activity. Fourth, in all crime classifications, except murder with property as the motivation, subsequent criminal activity increases as misconduct increases.

(8) Divorced and widowed men are in little trouble in prison; married men in more. Single men are the most troublesome. Irrespective of marital status those who misbehave are poorer risks upon release from prison than those who do not misbehave.

(9) The older a man is when he leaves prison the less trouble he is likely to have had in prison. The better behaved he has been in prison, the better his chances are of avoiding trouble after release.

(10) The more serious a man's criminal activity before coming to prison the more often he is cited for misconduct. As misconduct increases within each previous record classification, the probabilities of staying away from crime after release decline.

(11) The older a man is when he quits attending school, the more trouble he causes in prison. The proportion of men who engage in further criminal activity increases the more a man misbehaves in prison no matter what his age.

(12) Men who have been venereally infected are more likely to misbehave in prison than men who have not been infected.

Chances of lawful adjustment are reduced when either the infected or uninfected misbehave.

Since the number of misconduct citations has been repeatedly observed in the foregoing analysis as a factor that discriminates between those who engage in subsequent criminal behavior and those who do not, it seems quite probable that the power of discrimination yielded by conduct in prison is sufficient to warrant its inclusion as a useful factor in predicting the subsequent criminal behavior of men upon release from prison. This conclusion would, of course, be challenged if misconduct should fail to discriminate between successes and failures in any unanalyzed factor that is related to both conduct and recidivism.