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## ANALYSIS OF PRISON DISCIPLINARY PROBLEMS

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The following article is a revision of a paper which the author read before the Section for Criminology in the December, 1957, meeting of A.A.A.S. in Indianapolis.—EDITOR.

Nearly two thirds (63-65 percent) of the inmates entering American prisons each year have been in prison before.<sup>1</sup> An even higher proportion, approximately four out of five (80 percent) of the prisoners who are sent to solitary confinement—the jail within the prison—it has been estimated by prison administrators, have been in solitary confinement or punishment status before.<sup>2</sup> This high proportion of failure indicates that the problem of inducing conforming behavior from persons exposed to our punishment programs remains unsolved. It is difficult to solve because of conflicting needs on the part of administrative personnel and on the part of the non-conforming personality. On the one hand, the authority of society must be maintained and, on the other, the permissive therapeutic atmosphere is necessary to effect spontaneous and genuine personality changes. This interdependent major dilemma in handling prison disciplinary problems renders their analysis most difficult. The analysis of prison disciplinary problems must include the non-conforming behavior of the individual as well as the countering behavior of the prison administration which cures, intensifies, or fails to affect the objectionable behavior of the individual.

The disciplinary problems in a prison constitute the manifest culmination of all the problems faced by the inmates and the administration of the institution. Disciplinary problems constitute a threat to an administration because they disrupt the order, tranquillity, and security of the institution. In many prisons, the reaction to this threat is

immediate and drastic. In the majority of adult penal institutions in the United States, psychological and social treatment ceases when rules are violated, and the offenders are placed in solitary confinement or in other punishment status. Upon violation of rules, then, prisons are faced with a policy dilemma in their withdrawing treatment facilities from those who, by their behavior, have demonstrated that they need treatment most.

Many prison personnel and even parole boards have displayed a tendency to evaluate the prospects of successful adjustment outside the prison on the basis of an inmate's lack of misconduct reports in the prison. Many wardens regard the institution as a small community which gives practice to prisoners in getting along with others, the effect of which can be transferred to the larger community. There is, too frequently, no suspicion that the ability to adjust to institutional controls is little assurance that adjustment can be made as easily when those institutional controls are removed. That discipline is necessary for the treatment process, however, is obvious.<sup>3</sup> The problem is in determining how much, how little, and how the best discipline is achieved to accomplish optimum results.

The analysis of prison disciplinary problems, then, is a highly significant project, but it is most controversial. The practical implications of such an analysis may threaten and question many practices that are customary, almost traditional, in present American penology.

### PRISON DISCIPLINE

The term, "discipline", has frequently been confused with some of the techniques by which it is

<sup>3</sup> J. G. WILSON AND M. J. PESCOR; *PROBLEMS IN PRISON PSYCHIATRY*, Caldwell, Idaho, 1939, p. 34-35.

<sup>1</sup> Unpublished survey of 48 States by the author in 1953 and in 1957. Also, see *FEDERAL PRISONS—1955*, U. S. Department of Justice, 1956, p. 48.

<sup>2</sup> Unpublished survey of 48 States by the author in 1953. Observation in State Prison of Southern Michigan, 1950-51.

achieved. "Discipline" is group order. Traditionally, the prison is characterized by exaggerated discipline.<sup>4</sup> There are many techniques by which group order may be achieved. Practices vary widely from institution to institution, from philosophy to philosophy, and from administrator to administrator.<sup>5</sup> Punishment is the technique most frequently resorted to in many institutions, without much understanding as to how best to use it. Punishment techniques have a constructive function in prison discipline, but they have to be applied in a carefully diagnostic and well-chosen manner or they can cause more damage than they ameliorate.<sup>6</sup> The most desirable motivation for group order lies in good morale, good food, a challenging and interesting program, and excellent spontaneous communication and relations between all individuals and sub-groups of which the total group is comprised. When communication, morale, and other relationships break down, some type of force is administered by the administration to maintain group cohesion. The types of force most frequently used in the prison are, in decreasing order of their incidence:

1. Solitary confinement, frequently with dietary restrictions.
2. Locking-in own cell with loss of yard privileges.
3. Loss of visiting, correspondence, canteen, and/or other privileges.
4. Transfer to another institution.
5. Assignment to a "discipline squad" for menial labor.
6. Down-grading in a grading system and/or forfeiture of earned good time.
7. Corporal punishment, formal in some southern prisons, informal in several others.

The introduction of drastic measures into the maintenance of group order creates conflict and generates anxieties which have distracting overtones on total group cohesiveness. As soon as any force needs be used, then, group order must suffer. Because all prisons resort to some sort of force in order to cope with deviant behavior among in-

mates, even if this force is only to transfer the inmate to another institution, the beginning of the analysis of prison disciplinary problems becomes one of determining the level at which group order is to be maintained by good communications, program, and relationships, and at what points force must be employed.

#### LEVEL OF CUSTODIAL CONTROL

The problem faced by many custodial departments in American prisons is the level at which custodial control can be established. In 1957, there were wide variations in American prisons in the ratio of officers and employees to inmates, but the average was about one officer to six inmates. In those few institutions with almost a one-to-one relationship between officers and inmates, a high level of custodial control can be achieved because there are enough officers to enforce whatever regulations are made. In institutions where the ratio of officers to inmates is about one officer to twelve, fifteen, or more inmates, however, the officers have to "get along" with the inmates. In such prisons, many officers have developed convenient blindness unless inmate behavior so flagrantly violates the rules that the presence of other inmates forces him to act. Many officers in overcrowded and undermanned prisons have indicated that there was no point in giving an inmate an order which could not be enforced, anyway. As a consequence, many prisons operate with the assistance of inmates and at a low level of custodial control, thereby complicating the role of the custodial officer. At the same time, the professional personnel who agree with the inmates that imprisonment, in and of itself, is enough punishment, constitute another position that complicates further the already complicated officer-inmate relationship.<sup>7</sup>

While extreme examples of inmate participation in custodial control can be observed in two or three Southern states in which trusted inmates carry rifles and shotguns to guard other inmates, the type of inmate control is generally informal and with the approval and periodic check of the administration. This informal control usually takes the form of the deputy warden's appointment of certain capable inmates to clerical jobs in his office, the cell block officer having a "run-

<sup>4</sup> See *Prison Systems* in VERNON C. BRANHAM AND SAMUEL B. KUTASH; *ENCYCLOPEDIA OF CRIMINOLOGY*, New York, 1949, p. 383.

<sup>5</sup> NEGLEY K. TEETERS; "A Limited Survey of Some Prison Practices and Policies," *PRISON WORLD*, May-June, 1952, pp. 5-8, 29.

<sup>6</sup> ROBERT P. KNIGHT; *The Meaning of Punishment*, ROBERT M. LINDNER AND ROBERT V. SELIGER, in *HANDBOOK OF CORRECTIONAL PSYCHOLOGY*, New York, 1947, pp. 667-677.

<sup>7</sup> See M. J. Pescor, "Interpersonal Relationships Among Inmates and Personnel," in Robert M. Lindner and Robert V. Seliger; *ENCYCLOPEDIA OF CORRECTIONAL PSYCHOLOGY*, New York, 1947, pp. 440-451.

ner", "bolter", and clerk selected from the inmate body. Most work supervisors and other responsible personnel in the prison will have also selected inmate clerks. By default and disuse, some of the routine responsibilities of prison administrators at different levels come to be performed routinely by the selected inmate clerks. Consequently, much of the group order or "discipline" in most prisons is accomplished by an informal type of self-government among the inmates, themselves.

Whether this type of informal control is effective or impeding to the primary treatment objectives of the prison is dependent upon how the inmates are selected and how they are used. There is some evidence to support the contention that group living is therapeutic, but it has to be in a therapeutic milieu.<sup>8</sup> In a small institution, this type of system can be beneficial to the administration and to the inmates, alike, but the risk increases as the prison grows in size to a large, cumbersome, complex institution in which administrative control is practically impossible.

An informal type of self-government by inmates can reduce the number of disciplinary problems brought to the attention of the administration. The effect of this type of inmate control, however, may be quite undesirable and harmful to the less capable inmates who are "being controlled" and, perhaps, "exploited" by the other more capable inmates who have a vested interest in the *status quo*. Therefore, another problem in the analysis of prison disciplinary situations is what the type of custodial control is doing to the inmates who are subjected to it.

#### QUALITY OF CUSTODIAL CONTROL

Custodial control can be conveniently divided into the social sanctions by which it is achieved. Custodial control can be motivated by (1) guards, (2) the institutional program, and (3) the inmates, themselves. The guards are generally interested in the enforcement of prison regulations that are designed to foster discipline. The program, including athletic events, psychological services, food, religion, school, industry, farms, radio and TV, library, recreation, and other facilities are all designed to achieve total group order. The informal type of self-government that appears in all insti-

tutions to some degree is geared toward the maintenance of discipline. Whether the desire for discipline among inmates results from an effort to maintain the *status quo*, to avoid anxiety and seek tranquility, or to avoid administrative reprisals does not alter the fact that inmate sanctions are toward self-discipline.

The proportion of disciplinary problems to total prison population is roughly dependent upon the level of custodial control and its oppressiveness. A strong custodial force can be discreet in its handling of inmates or it can be oppressive. The most oppressive custodial situations, however, can result in the driving inward of aggression so that, rather than expressing aggression overtly, inmates may modify the aggression and break their own legs, cut their heel tendons, go on sit-down and slow-down strikes, or other means to thwart their captors without running as great a personal risk as open rebellion. On the other hand, a more permissive or free custodial atmosphere may permit whatever aggression is generated to be expressed outwardly.

Students of human behavior, particularly those engaged in therapy, are vitally concerned as to whether the aggressions generated by anxiety are driven inward by strong external forces or are permitted some sort of expression. Herein lies the crux of the institutional disciplinary program in a prison. Essentially, the achievement of group order is always at balance between the guards, the program, and the inmates. When this balance permits channelling of aggressions outwardly through sports events, drama, or, of necessity, overt misconduct in a less exaggerated disciplinary milieu, the chances of a therapeutic program being successful are greater than when the balance is in the direction of custodial control so oppressive that resentments and hostilities have to be internalized.

#### INDIVIDUAL MISCONDUCT

Controlled movement of inmates and segregation procedures are the two broad classifications of techniques used by custody to maintain order in an institution. Moving lines of prisoners, gate control, and the pass system constitute the controlled movement of prisoners. Segregation includes the prisoners in solitary confinement; in the mental ward, hospital, and other special facilities; and those prisoners held away from the general population because of chronic incorrigibility

<sup>8</sup> VERNON FOX; *The Frustration—Aggression Hypothesis in Corrections*, THE QUARTERLY JOURNAL OF THE FLORIDA ACADEMY OF SCIENCES, Vol. 17, No. 3, September, 1954, pp. 140-146.

or safe-keeping. The persons in solitary confinement are those who have been found guilty of violation of the prison rules. It is this group and this relationship, then, to which many people refer as "disciplinary procedures". It is this relationship which is the ultimate manifestation of the general levels and quality of the custodial relationship. Consequently, any analysis of prison disciplinary problems must include an analysis of the specific violations of institutional rules and regulations and how they are handled.

Rules and regulations are drawn by custody in order to set standards of behavior and to define to inmates and to officers the kinds of behavior for which an officer should arrest and report an inmate. The rules are fairly standard in most prisons, although some rule books are thicker than others. The offenses most frequently reported in custodial summary courts are:

- Fighting
- Gambling
- Homosexual Practices
- Stealing (from cells, kitchen, library, work assignments, and "high-jacking")
- Smuggling in contraband or possession of contraband
- Skating (being in an unauthorized area without a pass)
- Disobedience
- Refusal to work
- Making alcoholic beverages (spud-juice, cane-buck, raisin-jack, etc.)
- Bartering with other inmates without permission
- Escapes, planned escapes, or attempted escapes
- Miscellaneous

These offenses appear fairly frequently in all institutions. The types of offenses committed by each individual may be psychiatrically diagnosed according to the area in which the individual finds conformity most difficult. The specific nature of the offenses committed by each individual is partially dependent upon the personality structure of the offender.<sup>9</sup> There is a tendency for each offender, outside prisons and within prisons, to repeat the same types of offenses, some to a greater extent than others.

The motivation for misconduct appears to lie within the personality, since the sanctions in society and prison culture from guards, adminis-

tration, and inmate colleagues, are to "get along" with a minimum of friction. Further, a relatively small percentage of the inmate body has a record of misconduct reports. The average prison in 1957 had approximately one inmate in punishment status per one hundred prisoners.<sup>10</sup>

Approximately three percent of the inmate population is involved in misconduct reports in any given year. This means that there is a high incidence of repeating, an indication which is confirmed by the observation of experienced prison personnel and an examination of the records of inmates who have accumulated misconduct reports.

The three most common major disciplinary problems in prison are gambling, sex, and fighting. The fighting frequently results from the gambling and sex problems. Inability to pay a gambling debt or disagreement as to the quality and quantity of the debt may lead to fighting, as may also the "eternal triangle" in a homosexual relationship. Consequently, many prison people hold that gambling, fighting, and sex are the three major disciplinary problems.

The causes for individual misconduct would of necessity be in the province of a psychiatric or psychological diagnosis. Many psychiatrists and clinical psychologists have indicated the possibility of social and emotional maturation influencing the type of offense an individual would commit.<sup>11</sup> In this problem of emotional maturation, one of the difficulties is for the maturing personality to move from operating on the pleasure principle to operating on the reality principle, or the movement from the simple avoiding of pain and seeking pleasure type of functioning to the more mature postponement of immediate gratification for future reward. Many offenses are committed when immediate gratification cannot be postponed.

The psychopath, a concept well known to the penologist but hard to define, has caused considerable difficulty in diagnosis and attempted treatment. It has been called by the term, "psychopath", "sociopath", and has been termed "neurotic" by many writers and even "psychotic". Whatever it is, the clinical group does exist. The American Psychiatric Association has a place for him in their classifications. He has a tendency to verbalize

<sup>10</sup> Unpublished survey by the author in 1957.

<sup>11</sup> L. J. SAUL; *EMOTIONAL MATURITY*, New York, 1941. RALPH S. BANAY; *Immaturity and Crime*, AMER. JOUR. OF PSYCHIATRY, September, 1943. WALTER BROMBERG; *CRIME AND THE MIND*, Philadelphia, 1948.

<sup>9</sup> VERNON FOX, *The Influence of Personality on Social Non-Conformity*, JOUR. OF CRIM. L., CRIMINOL., AND POL. SCI., Vol. 42, No. 6, March-April, 1952.

without understanding and will indicate, "I'm crazy as hell, Doc", without the statement having much meaning to him. His superficial transformations and verbalized intentions have frustrated many a prison administrator trying to maintain discipline. The problem of insufficient or delayed maturation has been suggested here, as well as in many other behavioral aberrations.

#### THE RECIDIVISM CYCLE

The dynamics of the repeated misconduct appears to be related to the concept of social maturation, the psychopathic condition as it is suspected, and shows some dynamics similar to that of the development of a chronic neurosis. In the first place, the reality principle does not operate. Further, the individual does not "learn by experience" nor is he able to develop "insight" other than superficial verbalizations. Alexander and Ross have indicated the following phases in the development of a chronic neurosis:<sup>12</sup> (1) circumstances that precipitate a situation with which the patient cannot cope, (2) failure in solution of actual problem after unsuccessful attempt, (3) replacement of realistic measures by substitute regressive fantasies or behavior, (4) reactivation of old conflicts in regression, (5) efforts to resolve old conflicts revived by evading actual situations, (6) secondary results of the chronic neurotic state.

Somewhat the same dynamics occur in recidivism, setting up a recidivism cycle. The progression begins with (1) the situation in the institution with which the prisoner cannot cope, (2) failure to solve the problem, followed by (3) replacement of realistic efforts by substitute regressive behavior, (4) an intensification of the original problem by failure of substitute methods, (5) repeatedly grasping for an answer, some answer, any answer and, finally (6) the compulsive repetition of the one answer he has found, whether it works or not. The various combinations of immature, psychopathic, and neurotic dynamics in behavior offer possibilities for an explanation of repeating misconduct in and out of prisons that has more meaning for this writer than have several other similarly hypothetical explanations. Herein, too, lies the crux of the analysis of prison disciplinary problems as far as the individual is concerned.

<sup>12</sup> FRANZ ALEXANDER AND HELEN ROSS, *DYNAMIC PSYCHIATRY*, Chicago, 1952, p. 121.

#### HANDLING DISCIPLINARY PROBLEMS

It is obvious that individual misconduct in prison is, from the psychological and psychiatric viewpoint, a very complex problem. Because of the traditional absence of psychiatric and psychological help in most prisons, however, a simplified procedure for gaining discipline had to be found. Since the conditioning process in a mature individual who operates on the reality principle appears to function well, it would seem logical to assume that it would work with anybody. That the reality principle did not function for the persons who are in prison, and certainly not for those who have accrued misconduct reports after they have been sentenced, has not seemed to deter the traditional prison administrator from this customary and logical course. It is obvious to the student of human behavior, however, that social and emotional maturation has not taken place in the prisoner and, particularly, the incorrigible prisoner. Yet, the traditional prison summary court, which places prisoners in solitary confinement for misconduct, operates on the assumption that the offender is a free moral agent who chooses to violate rules and can be "conditioned" to behave otherwise. For the psychologist and psychiatrist, this position is not defensible.

The pattern of custodial routine in handling misconduct cases begins with an original demand for compliance and is followed by deprivation or punishment to reinforce the original demand.<sup>13</sup> The increased demand on the emotionally immature individual or the psychopath actually intensifies his problem, setting up the recidivism cycle and resulting in repeated misconduct of the same general type without the ability to appraise himself. The handling of difficult disciplinary cases is a psychological and psychiatric problem which requires more than routine custodial attention. There is no lessening of antagonisms and no helpful results from a demonstration of force without any judicial understanding of the problem. The problem is to understand the prisoner's reason for his resistance to authority and to help him move from infantile emotional positions to a mature status in which he can function normally.

Several states have moved away from the

<sup>13</sup> WALTER BROMBERG; *Antagonism to Authority Among Young Offenders* in ROBERT M. LINDNER AND ROBERT V. SELIGER; *HANDBOOK OF CORRECTIONAL PSYCHOLOGY*, New York, 1947, pp. 452-462.

routine custodial handling of misconduct and toward a treatment-orientated approach to discipline. The custodial personnel at Folsom and San Quentin, for instance, have said that they experienced some pleasant surprise at the benefits gained by the prison system from this movement in terms of shorter periods of time in the "adjustment centers" for the inmates and less repeating of misconduct within the institutions.<sup>14</sup> Throughout the country, there is a steady movement away from the old solitary confinement with bread and water toward a type of segregation with concentrated treatment facilities for those found guilty of misconduct within the institution.

#### ANALYSIS

Correctional systems face a dilemma in the handling of misconduct within the institutions. Society needs a system of rewards and punishment to promote normal emotional maturation, so that the majority of persons will still learn to postpone immediate gratification for future reward. A system of rewards and punishments is necessary to maintain the *status quo* as far as society's value system is concerned. To accept this system of rewards and punishments and develop the capacity to postpone immediate gratification for future reward, each individual has to have the ability to respond to the punishment-reward system in an acceptable way. A minority of individuals do not have that capacity. This is why punishment is not an effective deterrent. For those people, there is need for a moratorium on the system of rewards and punishments to permit emotional maturation to occur in a controlled environment. This is what the ideal prison attempts to do.

The problem the prison administrator faces is that of knowing when to shift from the pattern of rewards and punishments, which can be used with emotionally mature personalities, to the "moratorium" status of treatment. Within the system of rewards and punishments, the prison administrator must maintain a treatment center or adjustment center, which is a "therapeutic community" without the sanctions of reward and punishment which the incorrigible offenders have already demonstrated by their incorrigibility that they are not prepared to take. This is a difficult

concept to accept because, first, it takes more understanding of human behavior than is normally obtained in the work-a-day world, and, secondly, it affords no emotional release of aggression for the prison administrator who considers himself and social authority offended by the offender. Consequently, the custodial personnel who attempt to maintain discipline in a prison must be prepared to understand human behavior, rather than trying to judge the amount of pressure necessary to keep a man in line.

#### SUMMARY

In summary, the analysis of prison disciplinary problems needs to take into account the sanctions within the prison for conformity as held by the guards, the total prison program, and the inmates, themselves. Variations in the balance of quality and quantity of sanctions in the interrelationships between these three conceptual units will cause to vary widely the level of custodial control extant in any given institution. Further, the individual offender who builds up a series of misconduct reports within the prison is a seriously disturbed individual with complex mental dynamics that seem to combine elements of emotional immaturity, some types of behavior observed in the psychopath, and seems to develop the repetitive compulsion in much the same manner in which a chronic neurosis seems to develop. Yet, for this complex individual, the pattern of custodial routine is an original demand for compliance and subsequent deprivation and punishment to reinforce the original demand, which intensifies the problems by imposing more pressures upon already existing pressures without providing any solution to the original problem.

It is obvious that the handling of disciplinary cases is a psychological and psychiatric problem requiring more than routine custodial attention. Recognition that prison disciplinary problems are in need of more judicious attention than that ordinarily found in a traditional reward-punishment system is demonstrated by the fact that several prison systems have already moved from the traditional solitary confinement idea toward the "therapeutic community" and "adjustment center" idea. Several of these facilities are already in operation and the trend in American penology is definitely in the treatment direction.

<sup>14</sup> Conversations with correctional officers during the author's visit there in 1956.