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THE DISOBEDIENT PRISONER: A RACIAL COMPARISON OF THE LEVEL OF
PUNISHMENT PRESCRIBED TO INMATES FOR RULE VIOLATIONS

by

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A thesis submitted in partial fulfillment of the requirements
for the degree of Master of Arts
in the Department of Sociology
in the College of Sciences
at the University of Central Florida
Orlando, Florida

Summer Term
2015

ABSTRACT

With the various studies that point to racial disparities at different levels of the United States' criminal justice system, it is necessary to uncover all places within the system where racial disparities might exist. Understanding that Black inmates are disproportionately represented within the prison system led to the hypothesis that Black inmates receive harsher punishments than White inmates when they violate a rule while in prison. A cross-sectional study, "Survey of Inmates in State and Federal Correctional Facilities, 2004," which was available through ICPSR, was used in order to test the hypothesis. The data were collected from October 2003 through May 2004. For the current study, only inmates who had committed armed robbery, aggravated assault, or murder were in the sample. After the modification of the variables comprised of race, rule violations, and punishment type, the sample size was 652. First, an OLS regression was used in three models, which showed that major rule violations had a significant effect on the type of punishment an inmate received, but race did not. Second, age groups were employed to run an OLS regression within each of the four age groups. This revealed that major rule violations had a significant effect on the type of punishment an inmate received in four of the age groups, but race was not significant in any of the models. Implications and possible explanations regarding these findings are discussed.

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CHAPTER ONE: INTRODUCTION

The United States' criminal justice system has been a popular topic of discussion, especially regarding the enormous incarceration rate over the last several decades (Pfaff 2012). Researchers have studied the possible root cause of the prisoner increase, but have reported conflicting reasons: "Policy choices, demographics, economics, ideology, crime, and systemic variables" (Sorensen and Stemen 2002:457). The existence of racial disparities within incarceration is one of the most controversial issues facing the United States' criminal justice system; however, the disparities disproportionately affect Black men and women. According to the Bureau of Justice Statistics (Carson 2013), Black male inmates make up the largest racial demographic in male state or federal prisons at 37 percent, while White male inmates make up 32 percent and Hispanic male inmates make up 22 percent of the prison population. While White female inmates make up the largest racial demographic for female state or federal prisons at 49 percent (Black female inmates at 22 percent), Black females have an incarceration rate twice as high as the rate for White females. It is an interesting statistic considering that the United States has the highest prison population (2.2 million) even surpassing China (1.7 million) (International Centre for Prison Studies 2014). The way the U.S. goes about incarcerating criminals not only affects the individual, but various parts of the society, such as the inmates' families and their communities (Clear 2007).

In recognizing that there are racial disparities, it is important to look into the different types. There are racial disparities that exist, which are noticed, such as disparities within the incarceration rate; but it is important to understand the disparities that exist that might go unnoticed, such as those that are within the prison walls. In understanding the different areas

where racial disparities exist, one can start to identify what needs to be done to fix the problems. Knowing that Blacks are disproportionately affected by the racial disparities in the incarceration rate leads to the questioning of whether there are other areas within the system where Blacks are disproportionately affected. An important issue in looking at the level of incarceration that falls under the radar is whether Black inmates receive harsher punishments in prison when they break a rule.

It is important to recognize the role that race plays in incarceration. In order to recognize the relationship between race and incarceration, the literature review will first look at the historical changes in incarceration. This will provide an important foundation for moving to the examination of racial disparities within the criminal justice system. Lastly and accordingly, the issue of misconduct and sanctions in prison will be reviewed.

CHAPTER TWO: LITERATURE REVIEW

Incarceration in the U.S.

In order to understand the intricacies of the U.S. criminal justice system, it is necessary to be aware of its history and current status. According the Bureau of Justice Statistics (Snell 1995), the number of jailed inmates from 1980 to 1993 showed a 7.3 percent annual increase, which resulted in a numerical increase of 273,200 jailed inmates. In state and federal prisons, there were about 909,000 inmates (men and women) held in 1993. From 1980 to 1993, there was an increase of 8.4% annually, which resulted in an increase of 598,588 prisoners (Snell 1995). Since 1993, the incarcerated population only increased with it reaching 2.2 million as previously stated (International Centre for Prison Studies 2014). As of 2012, the U.S. was incarcerating 920 per 100,000 individuals (Glaze and Herberman 2013). To put this into perspective, Canada incarcerates 117 per 100,000 individuals; France incarcerates 102 per 100,000 individuals; and Germany incarcerates 81 per 100,000 individuals (International Centre of Prison Studies 2014). In a study looking for “comprehensive public safety legislation” (James et al. 2012), researchers identified the reason behind the increase in the incarceration rate in the U.S. as the policies implemented to combat crime, such as the three-strikes law and mandatory minimum sentencing.

James et al. stated, “Over the past three decades incarceration became the primary weapon to combat crime” (2012:821). This is consistent with Garland (2011) who looks to social and legal theory regarding the role of the “body” in punishment through the criminal justice system. He states that instead of inmates having to do physical labor or being deprived of physical necessities, their liberty is taken away from them (Garland 2011). These changes in the

criminal justice system that have caused the increase of the incarceration rate have led to various problems such as prison overcrowding, the rising cost of the system, and more attention to racial disparities.

Racial Disparities

Racial disparities occur when one race is overrepresented in a particular area; in the incarceration rate and prison population that race is Black. The incarceration rate for Black men is about six times the rate for that of White men. For White men in state and federal custody the incarceration rate was 678 per 100,000 White males, while the incarceration rate for Black men was 4,347 per 100,000 Black males (Drake 2013). This problem of racial disparities in the incarceration rate is well known; however, there are racial disparities that are not well known. Nicosia et al. (2013) examined if there were any racial or ethnic disparities regarding referrals to drug treatment by the court after California passed Proposition 36, which stipulated that nonviolent drug offenders (first- and second-offense) were to receive drug treatment instead of prison time. They compared Black, White, and Hispanic offenders and found that, compared to Whites, there were significant disparities in diversion to drug treatment for Blacks and Hispanics. Black offenders had a significantly higher likelihood of getting prison time instead of drug treatment (Nicosia et al. 2013). There is a question of why there are racial disparities and what needs to be done to eradicate them. There have been changes in sentencing guidelines with the intent to curbe the racial disparities within the prison system as evaluated by Gorton and Boies (1999). Through their analysis of “The Pennsylvania Sentencing Commission data” (Gorton and Boies 1999:42), they found that racial disparities existed because White offenders had a lower minimum sentence than Black offenders (Gorton and Boies 1999). The intent of their study was to understand the effects that guidelines had on racial disparities in sentencing.

They found that in the first year of the sentencing guidelines, there was no change regarding the typical offender's race and sentence length for a felony. The decrease in racial disparities came in 1992, but with an increase in sentence lengths (Gorton and Boies 1999).

The issue of capital punishment is one that stirs much debate. There have been several relevant studies regarding offender race and the death penalty. Sorensen and Wallace (1995) analyzed capital punishment in Missouri and found that the race of the victim makes a difference for the outcome, especially if the defendant is Black and the victim is White. Sorensen and Wallace (1995) concluded that this was caused by the prosecutor decisions in charging. Another study (Keil and Vito 1995), which looked at murder trials in Kentucky from 1976 through 1991, reported similar findings regarding race and the death penalty when re-examining their original study (Vito and Keil 1988). The findings showed that Black defendants who had been incriminated for killing a White individual were 33 percent more likely to face capital crime charges and then face the death penalty than other homicide suspects (Keil and Vito 1995). None of the White defendants who were charged with killing a Black individual were given a death sentence, while 12 percent of 57 Black defendants who were charged with killing a White individual received a death sentence (Keil and Vito 1995). The previous studies by Keil and Vito (1995) and Sorensen and Wallace (1995) need to be referenced in order to show the history of racial disparities within this area of the criminal justice system, which leads to more recent investigations of the issue.

Holcomb et al. (2004) investigated the effect the victim's gender and race had on prosecutorial responses in homicide cases. They hypothesized that "defendants convicted of killing White females are significantly more likely to receive death sentences than killers of victims with other race-gender characteristics" (Holcomb et al. 2004:877). After controlling for

important legal aspects, their hypothesis was supported. These results were explored further by Stauffer et al. (2006) investigating whether it would apply to cases of homicide in North Carolina. The data came from the review of “capital murder trials” (Stauffer et al. 2006) that were available on LexisNexis. Their findings initially supported Williams and Holcomb (2004) with a death sentence being imposed for cases with a White female victim, but their findings showed more of the effect of gender than the effect of race. Results showed that a death sentence was imposed in cases that involved Black female victims more often than in cases that involved White male victims (Stauffer et al. 2006). When using a logistic regression to control for other variables, the race effect and the gender effect were not supported regarding the recommendation of capital punishment (Stauffer 2006).

Similar research by Paternoster and Brame (2008) investigated capital cases in Maryland. They went back to their prior research (Paternoster et al. 2003) in order to analyze it differently after questions were raised by Berk et al. (2005) regarding their results. They found that when the victim was White and the defendant was Black, there was a higher chance of the defendant being charged with a capital punishment crime by the prosecutor than other victim-defendant racial categories (Paternoster and Brame 2008). More recently, Jennings et al. (2014) investigated the link between a defendant’s race and victim’s race regarding capital punishment. Analyzing data from the North Carolina Capital Sentencing Project from 1977 to 2009, they initially found support for the “White victim effect” on capital sentencing. However, when analyzing “50 legal and extralegal confounder through the application of propensity score matching” (Jennings et al. 2014:392), their difference in cases involving Non-White victims and those involving White victims were not significant in predicting a death sentence (Jennings et al. 2014).

When inmates enter into the prison system they are expected to receive medical care. Researchers have studied this part of the system to see if there were any racial disparities regarding health. Binswanger et al. (2012) sought to understand what is known about the correlation between the continuous health disparities regarding race and ethnicity and the criminal justice system. People who have been a part of the criminal justice system have an increased chance for having poor health. They stated that this correlation has not been examined by researchers who study health disparities in the larger populations. An important aspect of this correlation is the effect it has on Blacks and Hispanics because they are overrepresented in the criminal justice system (Binswanger et al. 2012).

Looking into a specific health condition, Wang and Green (2010) studied the correlation between race and ethnicity, chronic health conditions, and incarceration in New York City. The chronic condition in focus was asthma, which they found an individual was more likely to have with a history of being incarcerated (Wang and Green 2010). They found two possible explanations for why there are racial disparities regarding asthma: (1) In agreement with Binswanger et al. (2012), Black are overrepresented in prisons, therefore being affected more than other races, while considering that the effects on health caused by the criminal justice system might have the same effect among different races, and (2) The possibility that Blacks and Hispanics might have more asthma because of living conditions before incarceration and conditions during incarceration. The actual reason behind the correlation is still not known (Wang and Green 2010).

Prison Misconduct

The study of prison misconduct has covered various aspects that affect the likelihood of its occurrence. Those aspects mainly cover environmental and individual factors. Worrall and

Morris (2011) examined the importance of an inmate's custody level on prison misconduct. In looking at Texas prisons in 2008, they focused on custody levels from low to high. They found that "as much as 4% of the variation on inmate misconduct was a result of custody levels" (Worrall and Morris 2011:146). They also found that the ratio of prison staff to inmates did not have an effect on prison misconduct. Overall, it was concluded that with each increase in custody level, the likelihood of prison misconduct increases (Worrall and Morris 2011).

As stated in the previous study (Worrall and Morris 2011), Texas does not have an issue with overcrowding in its prisons and; therefore, it was not a factor in the likelihood of prison misconduct. But while Texas does not have that problem, other states do. Researchers investigated a correlation between prison overcrowding and misconduct by the inmates through meta-analysis of the studies conducted on overcrowding and misconduct in prisons (Franklin et al. 2006). Through their analysis they compared the deprivation model and administrative-control model. The deprivation model contends that prison misconduct is a consequence of the severe prison conditions. However, Franklin and colleagues (2006) did not find this model to be applicable. The administrative-control model contends that prison misconduct is a result of lack of training by guards, lack of security, and bad management in prisons. The administrative-control model was found to be more applicable. This means that prison misconduct can be explained more by how the prison is run than by just the conditions that come with being in prison. Overall, it was found that prison overcrowding did not have a strong effect on prison misconduct (Franklin et al. 2006). Continuing the investigation of predictors of inmate misconduct, other researchers investigated a link between an inmate's sentence length and misconduct, but they found that there is no correlation between sentence length and inmate

misconduct (Fernandez and Neiman 1998). Studies have continued to find predictive factors of inmate misconduct.

Taking the predictive factors down to more specific measures, the research of Gendreau et al. (1997) led to the findings that the most important predictors of prison misconduct were the personal variables related to the inmate and situational variables. Collecting data from various sources between 1940 and 1995, they looked for variables such as race, criminal history, family background, and education. Unfortunately, many of the characteristics were not provided in their data. Overall, they found that “criminal history variables and antisocial attitudes and behavior were the most powerful predictors...personal distress indexes were among the weakest” (Gendreau et al. 1997:424). While more concrete answers regarding some of the missing variables from Gendreau and colleagues (1997) were needed, Kuanliang and Sorensen (2008) developed some of those answers. They used self-report data from the 1997 Survey of Inmates in State and Federal Correctional Facilities in order to identify predictors of prison misconduct. They found a number of factors that predict inmate misconduct: prior physical abuse, drug use, history of incarceration, a family member having been incarcerated, and mental illness. The strongest predictors were past use of drugs and alcohol. An opposite view was found regarding less prison misconduct, in that inmates were less likely to commit misconduct if they were married, employed before being incarcerated, and older (Kuanliang and Sorensen 2008).

The importance of age, as found in the study by Kuanliang and Sorensen (2008), has been an important factor in the prediction of inmate misconduct. Analyzing juvenile inmates housed in adult prisons, researchers examined how often they commit rule violations or violence. They used the Florida Department of Corrections files that included the disciplinary offense and demographic characteristics of inmates during 2003. The majority of infractions for juveniles

that were described as violent were for fighting. Inmates were most likely to commit violent misconduct at the age of 15. “In comparison to adults, juvenile prisoners had more than twice the rate of total disciplinary infractions, 3 times the rate of potentially violent misconduct, 4 times the rate of assault, more than 4 times the rate of assault with injury, and almost 6 times the rate of assault with serious injury” (Kuanliang et al. 2008:1193). The effect of age on prison misconduct is also supported by a study conducted by Lahm (2009) in which data from self-reports was analyzed to find predicting factors for inmate assaults on staff. The age of the inmate and the inmate’s aggression were the strongest predictors for assault on staff. Another predictor of inmate assault on staff was if there was a larger population of inmates who were non-White in the prison (Lahm 2009).

Continuing this understanding of prison misconduct, researchers specifically looked at the race and ethnicity of the inmate and how that was connected to rule violations during incarceration. Using the 1997 Survey of Inmates in State and Federal Correctional Facilities and 1991 Survey of Inmates in State Correctional Facilities, they not only looked at the individual inmate, but the racial and ethnic makeup of inmates and the prison staff and its connection to rule violations (Steiner and Wooldredge 2009). Looking at a more serious rule violation, assault, it was revealed that inmates who were African American and those who were Hispanic had higher chances of committing assault. African American inmates had a lower chance of having drug and alcohol violations. And regarding nonviolent offenses, Hispanics were the least likely to commit violations that were nonviolent, but the race of the inmate did not have an effect. The racial and ethnic makeup of the staff and inmates did not have an effect on assault with heterogeneity among inmates and heterogeneity among staff having a negative correlation to assault (Steiner and Wooldredge 2009). Research has continued to explore the relationship

between race and ethnicity and prison misconduct, specifically prison violence. Berg and DeLisi (2006) used data on 1,005 inmates from the department of corrections' public records. Whites, African Americans, Hispanics, Asian Americans, and Native Americans were all included in the analysis. Findings showed that male inmates had more violations than female inmates regardless of race and ethnicity. An interesting area was that no Asian inmates had been written up for misconduct. The same was true for White males, Hispanic females, and Black females who were not U.S. citizens. "Hispanic males amassed two to four times as many infractions for prison violence than other male inmate groups" (Berg and DeLisi 2006:637). Overall, Hispanic males, those born outside of the United States and those born within the United States, were found to be the most violent. The most violent female inmate group was American Indian (Berg and DeLisi 2006).

Punishment

When there is inmate misconduct, punishment follows, but what happens to inmates after they are sentenced to incarceration is not frequently studied (MacDonald 1997). One of the most controversial types of punishment is solitary confinement. Solitary confinement is described as a "prison's prison" (Barak-Glantz 1983:29). Solitary confinement punishes with the purpose of acting as a deterrent to future misconduct. Barak-Glantz (1983) investigated the effectiveness of solitary confinement as a deterrent. He studied 706 inmates in Washington State Penitentiary from 1966 to 1975 and found that inmates being punished by solitary confinement were not deterred from misconduct that could again cause them to be punished with solitary confinement. Another study analyzed what happens to juvenile inmates who have violated rules. MacDonald (1997) studied what variables affect the punishment in juvenile prisons when there are rule violations. His sample included male juveniles who had been released on parole. The results of

his findings showed that younger age was significantly associated with more severe punishment, and a past of violent crime was also significantly associated with more severe punishments (MacDonald 1997). Severe punishment was considered solitary confinement while punishment that was less severe was changing programs, losing some privileges, or no punishment (MacDonald 1997).

There are various types of punishment used in order to maintain control over the correctional facility as seen by MacDonald's (1997) study, a topic that was also explored by Santos and colleagues (2012). They used data from December 2006 and July 2007 from former inmates of jails and prisons in order to analyze the use of nine informal controls by prison staff. Those informal controls were: "(1) Being forced to rush during eating, (2) Shortened access to the yard, (3) Reduced access to the yard, (4) Reduced access to the canteen, (5) Not told when to relax count, (6) Forced to remain sitting up during relax count, (7) Not having the phone on for inmate use, (8) Not allowed the full minutes of phone usage, and (9) Being yelled at" (Santos et al. 2012:495). These controls were viewed as effective by a third of the sample. Reduced access to the canteen was reported as the most effective (Santos et al. 2012). There have not been many studies that look at the relationship between the inmate's race and discipline during incarceration. Ramirez (1983) explored this issue when he used data from a federal correctional institution to explore the racial differences regarding conduct reports (shots). The data were from 1977 and 1978. He found that "Black inmates tended to be progressively overrepresented within the multiple-shot categories" (Ramirez 1983:419), while White inmates were underrepresented. There were 720 conduct reports written for Black inmates and 548 written for White inmates. However, race and the type of conduct report were not significant in affecting the shot rate (Ramirez 1983). The issue of race and punishment type during incarceration has

not been a popular topic of research; however, Olson and Nadadur (2013) conducted a more recent study looking at this relationship. They wanted to know if there was a difference in punishment severity among inmates when they break a prison rule. They used “Survey of Inmates in State and Federal Correctional Facilities, 2004” (Olson and Nadadur 2013:14) from ICPSR, including both datasets in their study. Punishment types included “write-ups, disciplinary actions, and single cell confinement” (Olson and Nadadur 2013:14). Using logistic regression, clustering, and support vector machines, they found that Black inmates were punished with single cell confinement at twice the rate of White inmates. With the limited research regarding the relationship between inmate race and disciplinary actions, it is necessary to explore this topic further.

The existing literature presents evidence that the U.S. criminal justice system has been continuously changing and remains controversial. The problems that come with the enormous prison population need to be investigated in order for solutions to be reached. Research has looked into the existence of racial disparities through sentencing, as well as health disparities. Investigations have also shed light on predictors of inmate misconduct and the sanctions that follow. This body of literature makes it clear that there is much to be investigated regarding the criminal justice system, including more specifically the prison system. With this knowledge, it is hypothesized that Black inmates receive harsher punishments than White inmates when they violate a rule while in prison.

Current Study

The purpose of this study is to focus on the role of race in prison misconduct and the type of punishment prescribed to see if there are any discrimination regarding race in how punishment is imposed. But it is also necessary to also take into account the role of age. The findings of MacDonald (1997), Kuanliang and Sorensen (2008), and Lahm (2009) show that age is strongly associated with prison misconduct and punishment type. The role of race regarding prison misconduct and type of punishment was analyzed within different age groups in order to understand any impact of race as well as to expand the previous research regarding the influence of age on prison misconduct and punishment.

CHAPTER THREE: METHODS

This study employs data from a cross-sectional survey available from ICPSR, “Survey of Inmates in State and Federal Correctional Facilities, 2004” (U.S. Department of Justice, 2004). The Bureau of the Census administered the survey for the Bureau of Justice Statistics. The data were collected from October 2003 through May 2004. In order to obtain representative samples, researchers employed a two-stage sampling design: Prisons were chosen in the first stage and inmates from those prisons were chosen in the second stage. Prisons were chosen using files from the Census of the Bureau of Justice Statistics. The prisons were chosen if they had populations larger than 6,445 for male prisons and 1,808 for female prisons. State and federal prisons each had a sampling frame with one intended for prisons that housed male inmates and one intended for prisons that housed female inmates. The data were collected through the use of computer-assisted interviews that lasted about an hour. For the interviews at state facilities, the interviewers chose inmates from a list given to them by the prison. The interviews contained random starting points as well as “a predetermined skip interval” (U.S. Department of justice, 2004:7). For the interviews at federal facilities, the research staff of the Bureau of Prisons chose participants from their own list and gave it to the prisons between five and seven days before interviews were conducted.

There were 225 men state prisons participating with 11,569 male inmates interviewed and 62 women state prisons with 2,930 female inmates interviewed; there were 31 men federal prisons participating with 2,728 male inmates interviewed and eight women federal prisons participating with 958 female inmates interviewed. The questions in the survey were close-ended and included basic demographic characteristics, offenses, sentence length, and questions

about breaking various rules and types of punishments received. The data have been condensed to contain only inmates who have committed aggravated assault, armed robbery, or murder.

Aggravated assault, armed robbery, and murder were chosen in order to include offenders who had committed a violent offense¹, which is defined by the FBI as an offense that “involves force or the threat of force” (U.S. Department of Justice, 2010). Accounting for only those offenses leaves a sample of 2,615 accounting for all racial and ethnic groups with 426 females and 2,184 males.

The survey question (V2549) “Which of these rule violations were you most recently found guilty of?” included the answers: (1) Drug violation, (2) Alcohol violation, (3) Possession of a weapon, (4) Stolen property, (5) Other unauthorized item, substance, or contraband, (6) Verbal assault on staff, (7) Physical assault on staff, (8) Verbal assault on inmate, (9) Physical assault on inmate, (10) Escape or attempted escape, (11) Being out of place, (12) Disobeying orders, (13) other minor violations, and (14) other major violations. This variable was made into a dichotomous variable including minor violations and major violations. The 14 violations were categorized as minor or major violations according to the example provided in the codebook of the dataset. A minor violation was considered “abusive language, horseplay, failing to follow sanitary regulations, etc.” (U.S. Department of Justice 2004:1097). Minor violations included: Being out of place, verbal assault on staff, verbal assault on inmate, disobeying orders, other substance contraband, stolen property, and other minor violation. A major violation was considered “work slowdowns, food strikes, setting fires, rioting, etc.” (U.S. Department of Justice 2004:1097). Major violations included: Weapon possession, alcohol violation, drug

¹Sexual assault was not included.

violation, physical assault on inmate, physical assault on staff, escape or attempted escape, and other major violations.

Dependent Variable

The dependent variables used came from the question asking what disciplinary action took place regarding the rule violation, which included: (V2551) Solitary confinement, (V2552) Confinement to own cell or quarters, (V2553) Higher custody level within facility, (V2554) Transferred to another facility, (V2555) Loss of “good/gain” time/”bad time”, (V2556) Received a new sentence, (V2557) Given extra work, (V2558) Loss or change work assignment, (V2559) Loss of privileges (including commissary and visiting privileges), (V2560) other actions, (V2561) Received formal reprimand only, and (V2562) Received no punishment/punishment suspended. The variables (V2553) Higher custody level within facility, (V2554) Transferred to another facility, (V2558) Loss or change of work assignment, and (V2560) Other actions were not be used because of the ambiguity of the questions regarding the level of punishment.

To analyze the data, the dependent variable was measured at the ordinal level. The variables was categorized by the level of harshness with seven being the harshest and 0 being the least harsh: (0) Received no punishment/punishment suspended, (1) Received formal reprimand only, (2) Given extra work, (3) Loss of privileges (including commissary and visiting privileges), (4) Confinement to own cell or quarters, (5) Solitary confinement or segregation, (6) Loss of “good/gain” time/”bad time,” and (7) Received a new sentence. The variables were then added together to create a new variable “PunishType.” The creation of the new variable caused the sample size of 2,615 to decrease to 1,399. This was due to the elimination of multiple punishments as well as the elimination of variables V2553 (higher custody level within the

facility), V2554 (transferred to another facility), V2558 (loss or change work assignment), and V2560 (other actions).

Independent Variable

The independent variable is race. The survey included (V2982) “Race and Hispanic Origin of Inmate,” which included the answers: (1) White non-Hispanic; (2) Black non-Hispanic; (3) Hispanic; (4) American Indian, Alaska Native non-Hispanic; (5) Asian, Pacific Islander, Native Hawaiian non-Hispanic; and (6) multiple races reported, non-Hispanic. However, for this study race was a binary variable measured at the nominal level: (1) White non-Hispanic and (2) Black non-Hispanic. This caused the sample to decrease to 652. It was measured as a nominal variable. All other racial and ethnic groups were excluded from the sample.

Control Variables

In order to account for the effect of other variables on the type of punishment received after a rule violation, several variables are used in the analysis. The variables that were controlled for are: Sex (V0004), Age (V0013), Sentence length (V1666-V1669), and Rule Violations (RuleViolation). Sex included male and female where 1=male and 0=female, which is measured at the nominal level; Age which ranged from 16-78, which is measured at the ratio level. Age was converted into age groups: Group 1 (16-19)¹, Group 2 (20-29), Group 3 (30-39), Group 4 (40-49), Group 5 (50-59), Group 6 (60-69)². There number of inmates that would have been in the 70 to 78 age group was too low to include in the analysis. Sentence Length was also controlled for, which included days, months, years, and life sentence. Death sentences were omitted due to a difficulty in converting into a number. All of the sentence lengths were

¹ Group1 was omitted upon further analysis due to a low sample size.

² Group6 was omitted upon further analysis due to a low sample size.

converted into days, including life sentences, which converted to 40 years first. The variables were then measured at the ratio level. The final control variable was rule violations (RuleViolation) and 967 inmates reported rule violations, which are fewer than the number of punishments reported. This might have been caused because inmates who reported no violations might have skipped “none” and answered S10Q15a (punishment type), which they were supposed to skip if a violation did not take place. Another possible reason might have been that the inmates reported a punishment they received for not violating a rule.

CHAPTER FOUR: ANALYSIS

In order to examine the relationship between race and punishment type, a multiple ordinary least squares regression (OLS) was used. This regression was used to examine the independent variable of race on the dependent variable of punishment type using three models. The control variables sex, age, sentence length, and other major and/or minor rule violations were employed within the different models. Six other models were used to account for the effect of age. Each of the six regressions were analyzed within one of six age groups.

CHAPTER FIVE: RESULTS

Table 1 shows the means of the variables, the standard deviations, and total number of inmates in the sample. The sample size was 652. The mean for punishment type was 4.27, which shows that the mean punishment type was confinement to own cell. The mean for age was 33.88. The mean for sentence length was 4,534.53, which equals to about 12.42 years.

The analysis used OLS regression with three models. The first model includes the dependent variable “Punishment type” and the independent variable “Race.” There was no significance for the effect of race on the type of punishment an inmate receives when a rule is violated. The second model includes the dependent variable “Punishment type” with “Race” and “Rule violation.” There was significance for the effect of rule violation on the type of punishment an inmate receives at the .000 alpha level. There was no significant effect of race on the type of punishment received when controlling for rule violation. The third model includes the dependent variable “Punishment type,” the independent variable “Race,” as well as control variables “Rule violation,” “Sex,” “Age,” and “Sentence length.” There was a significance for the effect of rule violation on the type of punishment an inmate receives at the .000 alpha level. There was no significant effect of race on the dependent variable. In this model, 12.9% of the variation was explained with the given variables.

There was only a significant effect of major or minor rule violation on what type of punishment an inmate received. The major rule violations resulted in more severe types of punishment. For the second model, violations that were considered major resulted in a 1.167 higher score in punishment type compared with inmates who committed minor rule violations. For the third model, violations that were considered major resulted in a 1.174 higher score in

punishment type compared with inmates who committed minor rule violations. There was no significant effect of the control variables on the type of punishment an inmate receives for a rule violation. Although each model did not yield expected results in accordance with the posed hypothesis, each model was significant at the .000 level.

The analysis included an OLS regression with six models. Before running the regression, each group from the “AgeGroup” variable was selected individually in order to analyze the effect of age groups with the dependent variable and the independent and control variables.

Table 3 shows the means of the variables, the standard deviations, and the total number of inmates in the sample within the age group 20 to 29 years. The sample size was 257. The mean for the punishment was 4.23, which shows that the mean punishment type for this age group was confinement to one’s own cell. The mean for sentence length was 3266.85, which equals to about 8.95 years.

Table 4 shows the means of the variables, the standard deviations, and the total number of inmates in the sample within the age group 30 to 39 years. The sample size was 211. The mean for the punishment type was 4.26, which shows that the mean punishment type was confinement to one’s own cell. The mean for sentence length was 4603.87, which equals to about 12.61 years.

Table 5 shows the means of the variables, the standard deviations, and the total number of inmates in the sample within the age group 40 to 49 years. The sample size was 118. The mean for the punishment type was 4.18, which shows that the mean punishment type was confinement to one’s own cell. The mean for sentence length was 5542.53, which equals to about 15.19 years.

Table 6 shows the means of the variables, the standard deviations, and the total number of inmates in the sample within the age group 50 to 59 years. The sample size was 47. The mean for the punishment type was 4.17, which shows that the mean punishment type was confinement to one's own cell. The mean for sentence length was 8856.40, which equals to about 24.26 years.

The fourth model includes "Group2" (20-29), which showed no significant effect of race on the dependent variable. There was a significance of .000 for the effect of "RuleViolation" on the dependent variable. Violations that were considered major resulted in a 1.088 higher score in punishment type compared with inmates who committed minor rule violations. There was no significant effect for any of the other control variables on the dependent variable. The fifth model includes "Group3" (30-39), which showed no significant effect of race on the dependent variable. There was a significance of .000 for the effect of "RuleViolation" on the dependent variable. Violations that were considered major resulted in a 1.180 higher score in punishment type compared with inmates who committed minor rule violations. There was no significant effect for any of the other control variables on the dependent variable. The sixth model includes "Group4" (40-49), which showed no significant effect of race on the dependent variable. There was a significance of .000 for the effect of "RuleViolation" on the dependent variable. Violations that were considered major resulted in a 1.287 higher score in punishment type compared with inmates who committed minor rule violations. There was no significant effect for any of the other control variables on the dependent variable. The seventh model includes "Group5" (50-59), which showed no significant effect of race on the dependent variable. There was a significance of .001 for the effect of "RuleViolation" on the dependent variable. Violations that were considered major resulted in a 1.596 higher score in punishment type

compared with inmates who committed minor rule violations. There was no significant effect for any of the other control variables on the dependent variable.

CHAPTER SIX: CONCLUSION

The previous literature presented in this study showed the racial disparities that are present within the United States' criminal justice system. The literature also shows the issues of misconduct and punishment within the prison system. This led to the hypothesis that Black inmates receive harsher punishments than White inmates when they violate a rule while in prison. However, the study's findings do not support the hypothesis. The results show that only one variable had a significant effect in any of the models, "RuleViolation," which was expected due to the relationship between that variable and the variable for punishment type within the survey. However, there was no information that outlined how punishments are decided when a rule violation takes place. The findings also suggest that sex and sentence length have no effect on the type of punishment an inmate receives. Overall, these findings suggest that Black inmates are punished no more severely than White inmates when they violate a rule.

Among the few studies that have factored in race and punishment for prison misconduct, there have been inconsistencies regarding the findings. As previously mentioned, Olson and Nadadur (2013) found that there were racial disparities for prescribed punishment types. Black inmates received harsher punishments. MacDonald's (1997) study on juvenile misconduct found that race did not show to be a significant factor in determining if a juvenile inmate received solitary confinement for a rule violation or prison misconduct. Ramirez's (1983) research shows that there is a difference regarding the number of conduct reports written between White inmates and Black inmates; however, it does not explain any difference in the type of punishment that was received for those reports.

Prior research suggests that age might be a more influential factor regarding prison misconduct and punishment types. Kuanliang and colleagues (2008) as well as Lahm (2009) found that the younger an inmate is, the more likely he or she is to commit assault during incarceration. MacDonald (1997) found that there was a strong correlation between age and punishment type; younger inmates received harsher punishment types.

With the previous research making the connection among age, prison misconduct, and punishment type, it is still important to understand the role of race regarding those variables, specifically punishment type. There lie key differences regarding the findings of the current study and the study by Olson and Nadadur (2013). One key difference is the sample size used in their study. The current study only used the data set of state correctional facilities and, within that, only analyzed inmates who had committed murder, armed robbery, or aggravated assault. This significantly narrowed the sample size. Another key difference between the two studies was the method used. Olson and Nadadur's (2013) study used decision tree/clustering and support vector machines, which this study did not.

Limitations and Recommendations

This study included numerous limitations that likely limited the scope of the study. After accounting for race, offense type, rule violation, and punishment type, the sample size decreased to 652 inmates. After the creation of the "PunishType" variable, cases were missing due to omitting inmates who had received multiple punishments. Cases also went missing between rule violations and the type of punishment received for those violations, with more punishment types being reported than rule violations.

Another area of limitation was the inability to connect specific rule violations with the punishment type prescribed for the specific violation. This was due to the information coming

from secondary data. It caused a broader analysis within this study, which did not allow for any details regarding the circumstances of the rule violations and subsequent punishment. Being able to do so might have resulted in a more meaningful picture of the relationship among prison misconduct, punishment type, and race. It might have shown more similar results to what Olson and Nadadur (2013) found. Due to the data set being a self-report survey, the reliability of responses is questionable (Bosick 2009)

Future research that focuses on the punishment types within prisons should include a combination of qualitative and quantitative methods. This would allow for a clearer picture from the position of prison inmates and prison staff. When using self-reported data, it would be helpful to understand the policies and framework used in each institution in order to understand what is taken into account in regards to the punishment of an inmate.

Due to the lack of transparency within the United States' correctional facilities, it is necessary to focus research in those areas, especially because it consists of a vulnerable population. Because of the differing results of research that has been done on this topic, there is still much to be learned. Achieving a better understanding of how not only correctional institutions are supposed to implement punishment for rule violations, but how correctional institutions actually implement punishments, will help in understanding the implications it has on the facility, the correctional staff, and the inmates. It will allow for the creation of improvements, if necessary, to better serve the institution, which can have a positive impact on the inmates, many of whom will be returning to society at some point in their lives.

APPENDIX: TABLES

Table 1: Means, Standard Deviations, and Proportions for Punishment Type, Race, Sex, Age, Sentence Length, and Rule Violations.

	Mean	Std. Dev.	N
Punishment Type	4.23	1.49	652
Race	.63	--	652
Sex	.85	--	652
Age	33.88	9.93	652
Sentence length (days)	4534.53	6655.55	652
Rule Violation	.31	.46	652

Table 2: Multiple Regression Results: The effect of race, rule violation, sex, age, and sentence length on the type of punishment received during incarceration.

Independent Variable	Model I	Model II	Model III
Race	.034/.011 (.092)	.023/.007 (.113)	-.008/-.003 (.116)
Rule Violations		1.167/.363** (.118)	1.174/.365** (.119)
Sex			.057/.014 (.153)
Age			-.007/-.048 (.006)
Sentence Length (days)			-.683/-.030 (.000)
Intercept	4.175	3.852	4.097
N	652	652	652
R Square	.000	.132	.136
Adjusted R Square	-.001	.129	.129

Note: Cell entries are given as unstandardized regression coefficient/standardized (beta) coefficient with standard error given in parentheses.

*p < .05, ** p < .01

Table 3: (Group2) Means, Standard Deviations, and Proportions for Punishment Type, Race, Sex, Sentence Length, and Rule Violations for Ages 20 to 29.

	Mean	Std. Dev.	N
Punishment Type	4.23	1.46	257
Race	.71	--	257
Sex	.81	--	257
Sentence length (days)	3266.85	5631.52	257
Rule Violation	.25	.43	257

Table 4: (Group3) Means, Standard Deviations, and Proportions for Punishment Type, Race, Sex, Sentence Length, and Rule Violations for Ages 30 to 39.

	Mean	Std. Dev.	N
Punishment Type	4.26	1.51	211
Race	.64	--	211
Sex	.87	--	211
Sentence length (days)	4603.87	6650.42	211
Rule Violation	.36	.48	211

Table 5: (Group4) Means, Standard Deviations, and Proportions for Punishment Type, Race, Sex, Sentence Length, and Rule Violations for Ages 40 to 49.

	Mean	Std. Dev.	N
Punishment Type	4.18	1.50	118
Race	.48	--	118
Sex	.88	--	118
Sentence length (days)	5542.53	7295.86	118
Rule Violation	.36	.48	118

Table 6: (Group5) Means, Standard Deviations, and Proportions for Punishment Type, Race, Sex, Sentence Length, and Rule Violations for Ages 50 to 59.

	Mean	Std. Dev.	N
Punishment Type	4.17	1.63	47
Race	.55	--	47
Sex	.91	--	47
Sentence length (days)	8856.40	8229.35	47
Rule Violation	.36	.49	47

Table 7: Multiple Regression Results: The effect of race, rule violation, sex, and sentence length on the type of punishment received during incarceration with six age groups.

Independent Variable	Model IV	Model V	Model VI	Model VII
Race	-.248/-.077 (.195)	-.017/-.005 (.203)	.309/.103 (.253)	.200/.062 (.450)
Rule Violation	1.088/.320** (.202)	1.180/.376** (.205)	1.287/.413** (.267)	1.596/.475** (.449)
Sex	.189/.051 (.223)	-.141/-.031 (.295)	.193/.042 (.397)	.641/.111 (.794)
Sentence Length (days)	-7.201/-.028 (.000)	9.128/.040 (.000)	-1.390/.413 (.000)	-2.870/-.145 (.000)
Intercept	4.006	3.923	3.477	3.150
N	257	211	118	47
R Square	.115	.140	.194	.278
Adjusted R Square	.101	.124	.166	.210

Note: Cell entries are given as unstandardized regression coefficient/standardized (beta) coefficient with standard error given in parentheses.

*p < .05, ** p < .01

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