Positive Administrative Control:

A Construct for Assessing Managerial Influences

On Rates of Misconduct in Prison

by

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ABSTRACT

The most prominent theories for explaining the incidence and prevalence of misconduct in prison are deprivation (Clemmer, 1940; Sykes, 1958; Colvin, 1992), importation (Irwin and Cressey, 1962; Harer and Steffensmeier, 1996; Cao Zhao, and Van Dine, 1997), and administrative control (DiIulio, 1987; Useem and Kimball, 1989; Useem and Reisig, 1999). Administrative control does not supersede deprivation and importation theories, but rather adds to them by asserting quality management is essential for the maintenance of an orderly environment jeopardized by the effects of deprivation and importation. Even though research has supported administrative control, researchers have disagreed over which aspects of management are most effective for mitigating disorder, and have thus far only proven that poor management leads to administrative breakdowns in policies and practices that predicate disorder. This dissertation introduces the concept of positive administrative control, based on social exchange theory, as the mechanism prison administrators should use to induce staff to act in accordance with agency desires and avoid administrative breakdowns. The results show that when prison employees experience quality relationships with their supervisors, they are more likely engage with inmates in a similar fashion, which is associated with reductions in misconduct rates. At the same time, when prison employees are supported and rewarded for their good behavior, they are more likely to actively monitor inmates, which is associated with increases in misconduct rates. Additionally, the results support importation theory by demonstrating that the aggregated criminogenic characteristics of inmates in a prison are representative of cultural influences on prison misconduct.
Based on these findings, recommendations are made to restructure leadership training to emphasize relational leadership skills that positively influence staff to act in accordance with agency desires and more closely follow policy guidelines. It is also recommended that future studies consider including aggregated demographic variables in studies of misconduct in order to capture cultural/environmental influences that may otherwise be missed, and should avoid overuse of composite variables, in particular institution security level.
ACKNOWLEDGMENTS

Every scholar’s path to achieving their academic goals is different, and while my story is no different in that respect, I certainly took the scenic route to get to this point in my life. I never intended to become a scholar; my path went from dropping out of college and joining the Marine Corps to a short stint as a police officer to finally settling as a correctional officer with the Federal Bureau of Prisons, where I steadily (albeit slowly at times) rose through the ranks to my present position as an Associate Warden.

Along the way, when I was a lieutenant at the United States Penitentiary in Leavenworth, my wife encouraged me to return to school, with the idea that I would one day become a lawyer. However, fate intervened and I instead took a promotion to Chief Correctional Supervisor (Captain) in El Reno, Oklahoma. Instead of law school, I pursued a Master’s degree in Criminal Justice Administration, which led to me taking on the challenge of a doctoral program at Arizona State University when I transferred to Phoenix.

In many ways, this dissertation represents much of what I have come to believe in my career as a corrections practitioner. To paraphrase DiIulio (1987), management does matter – not only for the orderly running of a prison but also for the safety and security of staff and inmates. I have been lucky enough to experience what quality management can do for a prison. I have seen how good leaders, those that care about their employees and want the inmates to ascribe to more than just surviving prison, use their skills to build relationships and make people want to act differently. This dissertation, in many ways, is me paying homage to the great supervisors I have had in my career, even as I learned from those that were not as great.
Throughout this long and arduous journey, my wife has been steadfast beside me. She has loved me, supported me, and pushed me when I needed to be pushed. Nathalia, I love you more than I can possibly express and would not be here were it not for you. I would like to thank my children, Kathleen and Justin, for their love, support, and understanding as I repeatedly uprooted the family, moving from state to state in an attempt to get to a point where I felt like I could do some good in this world. I would also like to thank my parents, Rodger and Barbara, for their love and encouragement.

Even though I did not choose the Federal Bureau of Prisons as a career early on in my life, I did not choose it by accident – I grew up with it. My father and grandfather had long careers with the BOP. A member of my family has been in federal corrections since 1951, when my grandfather once had Machine Gun Kelley on his work detail in Leavenworth (he described him as an ornery old man). This dissertation also grew out of the many stories I listened to over the years growing up on prison reservations, as I heard about what it was like to work in corrections in the 60s and 70s.

I would like to acknowledge the team of dedicated professors at Arizona State University, who guided and mentored me as I struggled to find a way to express what I had been experiencing for so many years. To my dissertation committee, Dr. Cassia Spohn, Dr. Marie Griffin, and Dr. John Hepburn, I will be forever grateful for your guidance. To Dr. Gary Sweeten, who exercised tireless patience in teaching advanced statistical methods to someone who probably had as little working knowledge of statistics as a person can have and be in a doctoral program, I can only say thank you, and I hope your other students grasp the concepts a little easier than I did. I would also like to thank
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Chapter 1

Statement of the Problem

Inevitably, discussions of the problems of incarceration as a primary source of social control turn to questions of prison disorder. Over the years, the major theories used to explain the causes of disorder have been deprivation (Clemmer, 1940 [1958]; Sykes, 1958; Sykes and Messenger, 1960; Colvin, 1992) and importation (Irwin and Cressey, 1962; Irwin, 1980; Cao, Zhao and Van Dine, 1997). Studies that evolved from these perspectives concentrated on either the social structure of the prison environment or on how the personal qualities and life experiences of inmates conditioned their perception of/reactions to the prison environment. These two theories dominated the landscape until the introduction of administrative control theory (DiIulio, 1987) and its close partner, administrative breakdown (Useem and Kimball, 1989). Arguably the single biggest contribution administrative control theory made to the study of prisons and disorder was the postulate that, “the government of keepers, not the society of captives” (DiIulio, 1987: 47), is a primary consideration. According to DiIulio (1987), since it can be argued that deprivation and importation are present in most every prison, then the reason some prisons have less disorder than others must be attributed to their governance. “If most prisons have failed, it is because they were mismanaged, under-managed, or not managed at all” (DiIulio, 1987: 7). The idea that management mattered for the study of prison disorder was a precursor to Useem and Kimball’s (1989) contention that breakdowns in administrative control precede significant incidents. Taken together, the administrative control and administrative breakdown perspectives believe prisons have less disorder when they are managed well and have more disorder when they are not, but the
discussion was limited to what administrations did wrong that contributed to disorder - as Reisig (2002) and Boin and Rattray (2004) pointed out, scholars have yet to determine what administrations do right to mitigate disorder. Indeed, Adams (1992) admitted that academic researchers,

Know very little about how the structural aspects of prison organizations, such as the number and types of staff, programs, and inmates, relate to inmate adjustment. We also know very little about how variations in administrative policies and procedures facilitate or hinder inmate coping...(although) we might suspect that policies and procedures regarding inmate interactions with service and security staff, as well as regarding interactions among inmates, can have an influence on disruptive and violent behavior (1992: 348).

As Adams (1992) suggests, one possible explanation for this gap in the literature may be attributed to scholars not fully considering the depth of the relationship between management and inmates, management and line staff, and line staff and inmates, which has resulted in their missing two important possibilities: (1) that the constant encounters and interactions between staff and inmates inevitably lead to the development of relationships that impact both the likelihood of inmates engaging in misconduct as well as the staff response, and (2) that management, through the relationships developed with line staff and inmates, has the ability to (a) influence an inmate’s perception of the legitimacy of institutional rules and (b) influence staff adherence to security protocols as well as guide their discretion when engaging with inmates. It is possible that prison staff are a bigger part of the society of captives than popularly conceived, making thoughtful, involved management part of a dynamic and interactive process that not only impacts the rate of disorder but also its magnitude. The point is not to supplant the impact of deprivation and importation nor is it to argue that administrative breakdown is not a
contributing factor to inmate misconduct. Rather, the aim is to show that in addition to these considerations, one must also account for impact that positive relationships between inmates and prison staff and thoughtful managerial practices have on inmate misconduct.

The following example illustrates this point. It demonstrates how prison conditions and subcultural influences create situations that result in violence, how staff make mistakes that allow those situations to result in violence, and how managerial actions, based on the knowledge gained through close association with inmates, can mitigate the problem and prevent it from blossoming into a full-scale disturbance.

**An Example of an Institutional Response to Serious Disorder**

On a Tuesday morning in late December 2002, around 7:30 a.m., a homicide occurred in a high-security federal penitentiary. There was no big build-up to this event, no signs of tension or disorder, no way to predict a seminal event was about to occur. It began as an argument in the Bakery around 5:30 a.m., when a middle-aged White inmate used one of the “good” sheet pans to cook some stolen eggs in the oven, which offended an older Black inmate from the District of Columbia (DC). A fight ensued, and the older Black inmate received a bloody nose. This relatively minor skirmish was actually a serious incident in the world of convicts – not only because it involved inmates of different races, but because the inmate that started it got the upper hand. To be blunt, the DC inmate was disrespected, and that disrespect had serious ramifications for the prison.

The inmate culture is based on a conceptualization of respect that permeates virtually every aspect of their lives (Ohlin, 1956; Grosser, 1960; Sykes and Messinger, 1960; Johnson, 1975; Jacobs, 1978; Akers, Hayner, and Gruninger, 1977; Jackson and Sevin, 2011). Under these circumstances, one possible reaction of the DC inmates would
be to retaliate *en masse*; indeed, there are several documented instances where racial
tensions have led to large-scale disturbances (Useem and Kimball, 1989; Useem, Camp,
and Camp, 1996; Department of Justice, National Institute of Corrections, 2005). The
learned reality of life in a federal penitentiary, however, is that large-scale altercations
will often result in negative consequences for the entire population (Fleisher, 1989) that
may outweigh the temporary satisfaction of a disturbance; therefore, inmates tend to find
other ways to restore respect and stay within the norms and values of the inmate culture.

In federal prisons, inmates divide themselves into distinct groups that can be
based on race, security threat group affiliation, geographic area, or any combination
thereof. As a result, inmates tend to interact with each other based on the group they
belong to. For example, if an incident arises between an inmate who is part of a security
threat group such as the Vice Lords and an inmate who is not affiliated with a gang but
happens to be from Kansas City, the inmates from Kansas City will deal as a group with
the Vice Lords. In this instance, the geographic group takes on the form and function of
a gang and relates to other groups as such. When inmates divide themselves into groups,
some emerge as spokespersons or leaders, who deal with the leaders of other groups to
resolve differences (McCleery, 1961a; Zald, 1961). Federal prison staff are aware these
groups and leaders exist, but their presence is not necessarily the result of a need to share
power with inmates to maintain order, as proffered by Sykes (1958) and Colvin (1992),
nor is their existence inextricably linked to an increase in disorder, as suggested by
Useem and Kimball (1989) and Reisig (1998); instead, the existence of inmate groups
and leaders is accepted as a natural phenomenon to be managed (Grosser, 1960; Schrag,
1961), given that the inmate culture often supports the institution’s goal of reduced
disorder (McCleery, 1960). One reason inmates are inclined to avoid discontinuance of normal prison operations and appreciate order is because they want to hold on to the few creature comforts they have accumulated (DiIulio, 1987; Sparks and Bottoms, 1995; Carrabine, 2005). When serious threats to order occur, federal prison administrations respond very quickly, often with a complete lockdown of the institution. Once lockdowns begin, they are commonly accompanied by a thorough search (called a “shakedown”). During shakedowns, inmates remain secured in their cells, which disrupts their daily routines (Bottoms, 1999). Their belongings are searched, contraband is seized, and the precipitating incident is investigated. The investigation often results in the placement of the involved inmates in administration detention pending discipline. In all likelihood, several of those involved in the altercation will be transferred to other institutions, disrupting relations and disturbing power structures within and between groups. Thus, inmates in federal prisons are aware that the administration will not return to normal operations immediately upon resolving an incident but will instead take corrective actions that are viewed by the inmates as seriously disruptive to their daily routine and negatively impacts their ability to acquire and retain creature comforts.

Fortunately for inmates, the values within a culture of conflict allow for alternative methods of resolving disputes. As Simmel (1955: 17) noted, “(When) the fight is centered in a purpose outside itself, it is qualified by the fact that, in principle, every

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1 The difference between this arrangement and the corruption of authority Sykes (1958) and Colvin (1992) observed is that no special considerations, power or privileges are given to inmate leaders; indeed, they are often the first to be locked up during a disturbance. Federal prison authorities simply recognize that both they and the inmates have a mutual interest in maintaining order, so prison managers use the organization of the inmate culture to reduce violence, and the inmate culture uses the administration to manage troublesome inmates.
end can be attained by more than one means.” In other words, while the inmate culture requires that something be done to restore respect, it is not necessary to engage in a full-scale disturbance if there are other methods of achieving restoration. In federal prisons, one commonly used restorative practice is to have the leaders of the respective groups determine which inmate was in the wrong, with the offending inmate being disciplined (assaulted) by members of his own group. Depending on the group and the offense, sometimes the inmate is assaulted but allowed to remain in the general population, and sometimes he is told to request protective custody (called “checking in”). However, even if the assaulted inmate is allowed to remain in the general population, he is often discovered by staff with physical marks on his person (indicating he was involved in an altercation) and is subsequently placed in administrative detention pending further investigation. Usually the assailants are discovered (modern prisons have a plethora of cameras and there are very few secrets in prison), with the assaulting inmates receiving formal sanctions (which can include a transfer to another prison, depending on the incident). Sometimes the assaulted inmate is transferred if it is believed his release back into general population will result in him being assaulted again, and sometimes the assaulted inmate is returned to general population if the incident has been resolved. This arrangement, where the administration uses its ability to discipline and transfer inmates to maintain order, allows for inmate groups to save face with minimal disruption to prison operations.²

² The inmate groups are staying within the values of a violent subculture, but they are using the administration to remove inmates that cause problems between groups. The administration also benefits because the troublesome inmates are identified and removed before they cause bigger problems. The leaders benefit because by avoiding bigger conflicts the prison continues to run normally.
However, in the case described above, internal inmate discipline was not imposed against the White inmate that disrespected the DC inmate. Instead, the White leader in the unit proposed that the two inmates fight again, which was acceptable to the DC leader. On the surface, this appeared to be a common-sense solution to the problem, as do-over fights are often allowed when conflicts arise within groups. Besides, the White leader knew the offending inmate to be a thief and junkie, and reasoned he should have to fight his way out of his own problems.\(^3\)

So, lookouts were posted and the two inmates were directed to fight a second time in the back T.V. room of their housing unit. (This room was chosen because it was the farthest from the officer’s station and was often left dark for T.V. watching, thus minimizing the chance of staff observing.) However, it quickly became apparent that neither inmate wanted to fight again. The DC inmates, who needed this fight to restore their sense of respect, reacted by pulling their inmate from the fight and replacing him with his nephew, who was quite a bit younger but much smaller than the White inmate. The nephew did some shadow-boxing and swung a plastic chair a few times, but once again it appeared a satisfactory fight was not going to happen. It was at that time that a young DC inmate, who was guarding the door to the T.V. room, pulled a seven-inch homemade weapon (a “shank”) out of his pocket on his own volition and began brutally stabbing the White inmate (28 times total). The victim fell to his knees at first but managed to stumble out of the T.V. room as the observing inmates scattered to their cells. The sound and movement of the inmates returning to their cells alerted staff, who

\(^3\) Note that the fight began over the use of a sheet pan to cook eggs, but has since evolved to a question of restoring respect between Black and White inmates in this highly symbolic world.
sounded a general alarm when they observed the bleeding victim staggering toward the center of the unit. He died in the institution hospital a few minutes later.

Strange as it may seem, homicides do not often occur in federal prisons. There were only three murders in federal prisons in 2002 (a rate of 2.1 per 100,000 inmates), and the rate was only 4.0 per 100,000 inmates for all state prisons in 2002. (By way of comparison, the homicide rate for all U.S. citizens in 2002 was 6.0 per 100,000 citizens - BJS, 2012). While rare, when they occur they stand out as shining examples of disorder and can be used as a reliable source for testing theories of why disorder occurs in prison (Reisig, 2002).

Using theories of disorder to explain the example.

The first disorder theory that can be used to explain why the homicide occurred is deprivation (Clemmer, 1958; Sykes, 1958; Cloward, 1960; Goffman, 1961a, 1961b; Colvin, 1992). Deprivation theory posits that the collective experience of being held in a restrictive and coercive environment produces a specific set of values that dictate how inmates relate to each other and to prison staff (Clemmer, 1958; Sykes, 1958; Sykes and Messinger, 1960). Additionally, according to deprivation theory, the process of socialization into prison results in a sense of powerlessness and depersonalization that drives inmates to attempt to re-gain control of their environment through the accumulation of amenities. In fact, material possessions become so important to inmates

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4 For discussion purposes, the three major theories compared are Deprivation, Importation, and Administrative Control. A possible fourth theory, Coping and Maladaption (Toch, Adams, and Grant, 1989) is very interesting in that it focuses on how some inmates maladapt to the depriving conditions of prison, but it is not often used by researchers when comparing theories of disorder. It should be required reading for anyone studying chronic misbehavior and long-term administrative detention, but that is beyond the scope of this paper.
that “to be stripped of them is to be attacked at the deepest layers of personality” (Sykes, 1958: 69).

In the present case study, the effect of deprivation on how inmates react to each other is readily apparent: two inmates got into a fight over the use of a specific sheet pan to cook eggs, and the reaction of the inmate community resulted in an untimely death. The reason the pan in question was important enough to fight over was because the bakers only used it to make sweet rolls, which were very popular for weekend brunches (federal prisons don’t serve a full breakfast on weekends – they have a morning coffee hour followed by a “brunch” after the 10:00 a.m. count). Cooking eggs on the pan left permanent grease marks, which the Black inmate saw as extremely disrespectful. To the White inmate, having another inmate tell him he couldn’t use the pan was disrespectful. After all, it’s just a pan, and it belonged to the prison. To him, any chance to get over was worth taking, since he had no regard for anything or anyone associated with the prison (McCorkle and Korn, 1954; E. Goffman, 1961a). Deprivation theory explains why the initial fight occurred and can be used to account for the existence of cultural values that demanded the restoration of respect with a second fight. However, it cannot fully explain the homicide. For that, we need the subcultural values of the murderer.

Importation theory (Irwin and Cressy, 1962; Irwin, 1980; Leger and Barnes, 1986; Cao, Zhao, and Van Dine, 1997), counters deprivation theory by asserting it is impossible to completely separate the inmate from the experiences and social ties he had prior to entering prison. Importation does not seek to dismiss deprivation theory, but rather to show that the degree of conformity to prison values depends on prior experiences that have a dramatic effect on how inmates perceive situations. Importation
theory posits that psychological and demographic factors, such as age (Ellis, Grasmick and Gilman, 1974), race (Harer and Steffensmeier, 1996), and criminality (Toch, Adams, and Greene, 1987; Poole and Regoli, 1983; Camp, Gaes, Langan, and Saylor, 2003) condition how an inmate copes with the experiences of being in prison (Irwin, 1980). In this incident, the inmate who committed the murder was Black, and research has suggested the experiences of minorities in the criminal justice system has influenced cultural adaptations that equate violence with self-respect (Anderson, 1999). Leger and Barnes (1986) demonstrated that for Black inmates, the more contact they had with the criminal justice system the more likely they were to feel as if they were being discriminated against, which led to a stronger adherence with the inmate culture. In fact, Innes (1997) asserted that under importation theory, the same individual factors used to predict criminal behavior in general can be used to predict inmate misconduct.

Importation theory provides a very salient explanation for the homicide. While the idea of having the inmates fight a second time is consistent with early sociological observations that the inmate culture places a premium on interpersonal violence (Ohlin, 1956), importation theory helps explain the development of those values because the hyper-masculinity present in prison – where aggression, violence, and respect are all closely related – is the product of the interaction between pre-prison experiences and the inmate subculture. This is apparent in the inmate who committed the murder, a 23-year-old Black offender from the District of Columbia serving a long sentence for a violent crime. The murderer had no direct connection to the victim other than the fact that he lived in the same housing unit, was from the same geographic location as the older Black inmate involved in the original fight, and was chosen to guard the door during the second
fight. It is possible he was driven by impulsivity and low self-control (Gottfredson and Hirschi, 1990; Vazsonyi and Huang, 2010; Burt and Simons, 2013), but it can also be argued that his actions were due to being part of a pre-prison culture that (1) permitted the use of violence to gain respect (which is prized as a form of social capital - Anderson, 1999), and (2) has politicized criminal behavior as being the result of “political and economic deprivation of Black America by the Anglo-American State” (Chrisman, 1971: 45, 46).

Advocates of administrative control theory (DiIulio, 1987; Useem and Kimball, 1989; Useem, Camp, and Camp, 1996; Useem and Reisig, 1999) would counter that key factors in this homicide were not “the organization of the inmates but the disorganization of the state” (Useem and Kimball, 1989: 215). Administrative control theory proffers that the consistent and equitable application of formal rules and sanctions mitigates disorder (DiIulio, 1987), to which administrative breakdown theory adds that the absence of responsible management contributes to disorder (Useem and Kimball, 1989).\(^5\)

According to Useem and Kimball (1989: 20), there are several indicators that demonstrate “poorly managed prisons are prone to appalling lapses in security,” such as escapes, inconsistent rule enforcement, an ineffective chain of command, a weak administration (often occurring when administrators come from outside the system), conflict between administration and line staff (typically resulting in a strong union that has strong bargaining positions relative to the state), public dissent among correctional

\(^5\) There are no set definitions for disorder in the extant literature. DiIulio (1987) defines order as the absence of individual or group misconduct that threatens the safety of others. This study defines disorder as the overall amount of misconduct present, making misconduct the acts that contribute to disorder. Rates of misconduct (the dependent variable in this study) would then be a measure of institutional disorder.
actors, and the disruption of everyday routines for eating, work, and recreation. The effect of administrative breakdown is two-fold: (1) the inmates develop the impression that deprivation surpasses legitimate bounds, and (2) there is a systematic erosion of available security systems to control inmate behavior (Useem and Kimball, 1989).

A review of the incidents leading up to the homicide revealed several occurrences that support the notion that lax security protocols contributed to the chain of events culminating in the homicide. How did a fight in the bakery go unnoticed by staff? How did an inmate with a bloody nose manage to walk back to his housing unit from food service (in this prison, past three checkpoints) unnoticed? How were the inmates able to congregate outside a dark T.V. room at 7:30 a.m. without staff intervention? Why was the T.V. room routinely left dark? Why was metal available to the inmates, and how did someone manage to make a weapon without being caught? How did someone manage to smuggle a weapon inside the housing unit? All of these questions suggest a failure of leadership, what Boin and Rattray (2004: 52) called, “a continuous violation of precautionary measures which could prevent the disaster from happening.” Clearly, there were breakdowns in the administrative control of the prison that, had they not occurred, might have prevented the homicide from occurring at that time.

On the other hand, after the inter-racial homicide occurred, there was no riot. In fact, there was no retaliation at all once the institution returned to normal operations. Why not? Part of it could possibly be explained by the values of an inmate culture that allowed the second fight to occur in order to settle a disrespect issue (Simmel, 1955), but then again not retaliating after a cross-racial homicide without provocation was something else altogether. In this case, the eventual transition from crisis to normal
operations without further violence was due to how the prison reacted, which could only have been accomplished through a close working relationship between management and line staff. Once the alarm was sounded, the initial reaction followed a standard protocol. Responding staff immediately tended to the victim as other staff began securing inmates in their cells, followed by visual searches of every inmate in the unit. During the initial lockdown, one staff member noticed a blood trail leading from the back T.V. room (where the homicide occurred) to a specific cell and another staff member noticed there were water spots on the floor between that cell and an upstairs T.V. room. An officer followed the trail of water and found the rinsed-off murder weapon under a pillow on a chair. The inmate whose cell the blood trail led to was placed in administrative detention (along with a few others found with blood on their clothes). As this was occurring, the victim was rushed to the institution hospital and emergency life-saving measures were initiated. At the same time, the shift lieutenant made the decision to secure the entire institution and conduct an emergency count, which reduced the likelihood of impromptu reactions by non-involved inmates and ensured no one used the incident as an opportunity to attempt an escape.

It is important to understand that all of these activities are occurring more or less simultaneously. Prison managers and staff have learned through trial-and-error how to respond to critical incidents and minimize the possibility of continued disruption (NIC, 2005).\textsuperscript{6} When the homicide occurred, there were approximately 140 staff in the institution, ranging from correctional officers to administrators to clerical/support employees and maintenance workers. Once the general alarm was sounded they all

\textsuperscript{6} This response relates closely to the discussion of Useem and Kimball (1989) in chapter 2.
responded in some manner to resolve the incident – some intuitively and experientially knew what to do, and others were given specific tasks to accomplish by the shift lieutenant.7

After the emergency count cleared, investigative staff began processing evidence with the help of an FBI agent who was called in to assist (all crimes occurring in federal prisons are under FBI jurisdiction). As this was occurring, the warden met with his executive staff to organize the institution’s long-term response. In addition to the immediate reaction to the homicide, the warden had to account for the continued safety of staff and inmates by addressing the existence of any additional weapons, and he had to take steps to prevent the possibility of retaliatory actions once the institution was restored to normal operations. The warden decided to temporarily remove all 400 DC inmates in the institution from general population and place them in administrative detention. Under the direction of the chief correctional supervisor (the captain), once all the inmates were secured in their cells and counted to ensure no one had escaped, over the next ten hours all staff in the institution worked together to systematically lock up 400 inmates, which included opening up an unused unit, outfitting it (distributing linen and mattresses to the cells, making sure each cell had working plumbing and electricity, etc.), and thoroughly searching every inmate and his property as they were moved. After all the DC inmates were secured, the institution left the remaining inmates in lockdown and began a methodical search of every inmate, every cell, and every common area in the institution. Searching a prison with over 1800 high-security inmates takes time to accomplish, so

7 Having everyone respond to a request for assistance is part of the culture of the Federal Prison System – every employee is considered a correctional worker first and is trained in basic correctional techniques.
procedures were established to manage a protracted lock-down. Arrangements were made to feed the inmates in their cells, allow them to shop commissary, and exchange their laundry and bedding. Escort teams were set up to move them to the showers. The executive staff were highly visible throughout this process, making daily rounds throughout the institution, and additional staff were assigned to the housing units to allow for closer supervision. General staff meetings were held twice daily to make sure everyone was kept aware of what was going on. The lock-down continued until every inmate was searched and mass interviews were completed. During these interviews, investigative staff conducted targeted interviews, solicited memoranda from responding staff, and reviewed video surveillance in order to (1) determine what caused the homicide and (2) gauge how the inmates would react once the institution returned to normal operations.

After the shakedown was completed, the warden turned his attention to re-integrating the District of Columbia inmates back into general population (he knew from experience the DC inmates would accept being secured temporarily, but if it took too long to return them the move would appear punitive and they would begin to be disruptive). The strategy he used was to release the older and more respected DC inmates first, so they could re-establish a rapport with the other inmate groups. Additional DC inmates were returned to population each day, based on age and incident report history, until only a few troublesome inmates remained. Those few were administratively transferred to other prisons (even though they were not directly involved in the original incident), and when the entire institution was back together it functioned as if no homicide had occurred. The institution had been made safer because several weapons
and numerous items of contraband had been confiscated, and enough evidence was gathered to charge the offending inmate, who eventually pled guilty to voluntary manslaughter and received an additional ten-year sentence. Moreover, the warden implemented additional security procedures designed to reduce the likelihood of weapons being manufactured and smuggled into the housing units, and he eliminated the possibility of the back T.V. room being used for assaults and fights by removing a wall and making it a well-lit alcove with full staff visibility.

Beyond the physical response, there were also important actions taken by the administration that were relationship-based. Prior to letting the DC inmates back into population, the warden took the unusual step of directly addressing the DC inmate leaders in a small-group setting, listening to their concerns. He then met with the inmate leaders of the other groups and allowed them to voice their issues. He did not share power with the inmates, but he allowed them to freely express themselves while making his position known. All of this was possible because the staff had a good working knowledge of the inmates, and the additional knowledge gained during interviews about inmate associations within the DC inmates and between other groups and the DC inmates was valuable not only for the exit strategy in this case but it helped the institution respond more effectively to future instances of misconduct involving DC inmates.

Even though there were several breakdowns that contributed to the homicide taking place, the institution’s imperforate response prevented a riot (Boin and Van Duin, 1995). The response had three major components: First, clear communications were demonstrated between staff and inmates and between management and staff. A plan was developed for conducting the protracted lockdown the staff were kept fully informed of
daily progress and ensuing objectives for the next day, and inmates were routinely visited by staff, allowing them to address issues about issues such as food, laundry, commissary, and showers that reduced their stress and mitigated any disorder that may have otherwise occurred. Second, the institution was very creative in how it responded to the incident, as evidenced by the immediate large-scale lockdown, the type of shakedown undertaken, and the unique manner in which the DC inmates removed from general population then systematically re-integrated, sans a few trouble-making inmates that desired an escalation of tensions. Lastly, despite the breakdowns that contributed to the incident, the staff closely adhered to protocols that prevented it from expanding, which can be attributed to the quality of the relationships between staff and management, since staff had to be aware of how to react well before the incident occurred.

In this example, deprivation, importation, and administrative control/administrative breakdown provided valid input into the explanation for the homicide and the circumstances leading up to it. Deprivation and importation were not only supported separately, but there is evidence in this example to support the existence of a potent interaction effect between individual and institutional factors (Thomas, 1977; Poole and Regoli, 1983; Gendreau, Goggin, and Law, 1997; Jiang and Fisher-Giorlando, 2002). Taken together, deprivation can be viewed as the environmental conditions that exist inside prisons, and importation as the pre-prison experiences that influence how a given individual is likely to react with those environmental conditions under certain circumstances – similar to the manner in which researchers view the gene-environment interaction for explaining disorder in a more general sense (Moffitt, 1993; McCarten, 2007; DeLisi, Beaver, Wright, and Vaughn, 2008; Cicchetti and Toth, 2009). This
example also shows that instead of being viewed as a competing explanation, administrative control/administrative breakdown theory (DiIulio, 1987, 1991a, 1991b; Useem and Kimball, 1989; Useem and Reisig, 1999; Reisig, 2002) can be seen as complementary because it calls attention to the ability (or inability) of institution management to influence the likelihood of inmate disorder already present because of deprivation and importation. Indeed, more recent scholarship (Huebner, 2003; Steiner and Wooldredge, 2008) highlights the presence of factors that support both perspectives as well as the influence of management on inmate disorder. Finally, this example demonstrated that thoughtful, involved management, based on quality relationships with staff and inmates and a willingness to use innovative practices, had an impact on how staff reacted to the incident and assuaged the inmate response.

Although deprivation, importation and administrative control/administrative breakdown work well together to explain disorder, they treat the role of prison managers very differently. The deprivation and importation perspectives assume prison management to be distant, uninvolved, and ineffective (Ohlin, 1956; E. Goffman, 1961b; Duffee, 1974; Irwin, 1980, 1996; Poole and Regoli, 1981; Gilbert, 1997; Irwin and Owen, 2005), while administrative control theory asserts that “the quality of prison life depends mainly on how prisons are organized and managed (DiIulio, 1987: 95).

According to DiIulio (1991a), scholars have taken issue with the idea that prison administrations should be based on an autocratic system of governance with pronounced social distance between staff and inmates and limited discretion because they equated dictatorial benevolence with coercive measures and harsh treatment, such as that referenced in early sociological works on prison disorder (Clemmer, 1940; Sykes, 1958).
This is not surprising, as Dilulio’s (1987) example of successful prison governance was the Texas Department of Corrections’ system under George Beto, an enigmatic administrator who based his practices on the autocratic philosophies of Joseph Ragen, Warden of Joliet from 1936 – 1961 (Polansky, 1942; Jacobs, 1978; DiIulio, 1987). Generally, scholars have responded to Dilulio’s (1987) conclusions by calling for a more balanced approach to prison management, based on the idea that managers can mitigate the effects of deprivation and importation by avoiding administrative breakdowns without resorting to purely coercive techniques (Reisig, 1998; Steiner, 2009). However, the balanced approach proffered by Reisig (1998) and Seiner (2009) does not address how to avoid administrative breakdowns or suggest what managers can do to reduce the likelihood and severity of disorder.

Unfortunately, this is about as far as the scholarship on prison disorder goes. Contemporary studies can be broadly grouped into four categories: (1) studies that find new ways to look at importation and deprivation (Hochstetler and DeLisi, 2005; DeLisi, Trulson, Marquart, Drury, and Kosloski, 2011; Tasca, Griffin, and Rodriguez, 2010, (2) studies that underscore the importance of the individual officer and his relationship to disorder (Bottoms, 1999, Liebling, Price and Elliot, 1999; Liebling, 2000; Liebling, Price, and Shefer, 2010), (3) studies that use multi-level modeling to differentiate between individual and organizational variables that contribute to disorder (Wooldredge, Griffin, and Pratt, 2001; Lamm, 2009; Worrall and Morris, 2011), and (4) studies that test administrative control variables, often concentrating on the perceived ineffectiveness of higher security level prisons and coercive techniques for controlling disorder (Reisig, 1998, Huebner, 2003; Worrall and Morris, 2011). Although these studies continue to add
to the overall body of knowledge on inmate disorder, they may not be advancing the scholarship as much as they could because they are missing the depth of the staff-inmate relationship its effect on the likelihood of disorder. The following example may help accentuate the point.

**Another example**

In a medium-security federal prison in 2010, a routine search of a housing unit uncovered a large cache of homemade intoxicants hidden behind a shower wall (at this institution, the showers were outside the cells, thus there was common access to them by all inmates in the unit). Although it was a success for the institution to find the homemade intoxicants, administrative breakdowns had to occur in order for the inmates to accumulate the necessary items and move them to the housing unit to brew the concoction. However, rather than merely dispose of the found contraband, the institution management embarked on a comprehensive effort to resolve the issues that allowed the inmates to produce the wine. Initially, the unit was temporarily secured and every inmate received a breathalyzer test, resulting in over a dozen inmates being found to have alcohol in their system (which demonstrates what Bottoms (1999) was referring to when he said increased supervision can actually lead to a perception of increased disorder because staff are noting misbehavior). Those inmates received incident reports and were escorted to administrative detention pending further disciplinary action. An investigation was initiated, and it was discovered that staff were not pat-searching inmates coming out of the dining hall as required, so efforts to increase searches were enacted. Further investigation revealed that inmates who lived in the unit and worked in the plumbing shop had recently been working on those showers, so they were removed from the
plumbing detail and placed in administrative detention pending further investigation. It was also discovered that staff were not cutting up the milk bladders as required (which is what the wine was being brewed in), so new procedures were created to ensure bladders were rendered useless. Additionally, the Warden reduced the likelihood of citrus fruits being used to make wine by no longer allowing fruit to be removed from the dining hall and by requiring food service staff to cut fruit in half before serving. The Warden also ordered food service to only serve sugar substitute on the line, which cannot be used to make homemade wine. Finally, the Captain reviewed the institution’s commissary list and removed all bread items (yeast in bread is used to make homemade wine) and those containing raw sugar, replacing them with sugar-substitute items (such as sugar-free drink mixes, etc.)

As a result, after the initial spike in alcohol-related incidents the number of inmates found in possession of or under the influence of alcohol dropped dramatically, which made staff and inmates safer. However, the inmates soon found a way to continue to make wine. Because staff were searching inmates coming out of the dining hall, the inmates smuggled sugar, fruit, and bread in small amounts in trash bags out of the back of food service over to laundry, which was next door. Because those inmates were only randomly searched, they were moderately successful in smuggling items back to the housing units. Unfortunately for the inmates, investigative staff discovered through routine conversations with inmates about the new smuggling method, and staff received anonymous notes about the smuggling procedures. Management then used this information to disrupt the smuggling operation out of laundry, and once again the availability of homemade intoxicants was temporarily interrupted.
The key components to this second example is how management responded to a threat to disorder and how they were innovative in their reaction. It is also a good example of the communication between management and staff as well as between staff and inmates. Even though breakdowns existed that allowed the wine to be produced, because staff closely followed the new protocols the end result was a decrease in intoxicants.

**Relationships and Positive Administrative Control**

As the examples suggest, there is a constant give-and-take between staff and inmates that occurs as part of the daily operation of a prison. Proactive and reactive responses to inmate behavior, close monitoring, intelligence gathering, and consistent reactions to threats to disorder are the hallmarks of the relationship, and the quality of staff-inmate relationships in general are the key determinants of the success or failure of prison policies (Liebling, Price, and Shefer, 2010). Staff-inmate relationships can no longer be characterized as having great social distance (McCorkle and Korn, 1954; Ohlin, 1956; Clemmer, 1958; Schrag, 1961; E. Goffman, 1961b) because, as the research on individual officers suggests (Hepburn, 1985; Bottoms, 1999; Liebling, Price and Elliot, 1999; Lowenkamp, Holsinger, Robinson, and Cullen, 2012), the relationship is no longer stiff and formal – today, prison staff and inmates are constantly engaged with each other, even though staff are admonished to maintain enough of a professional social distance to provide for unbiased discretion when enforcing regulations. This last point is particularly important because the individual officer is the person primarily responsible for implementing policy (Liebling, Price, and Shefer, 2010). Indeed, it has been asserted that
the discretion exercised by prison workers, much like other civil servants, makes them *defacto* policy makers for their agency (Lipsky, 2010).

The most important lesson learned from the two examples is that effective prison management is based on a system of positive administrative control, which is characterized by: (1) open lines of communication, (2) high degrees of flexibility, or innovation and responsiveness (i.e., the ability to recognize the need for change and adjust protocols as needed), (3) a commitment to achieving and maintaining a positive working relationship with employees, and (4) a sense among staff and inmates that the administration properly exercises its legitimate authority to enact policies and procedures. This type of governance is based on the ability of management to foster relationships with staff and for staff to foster relationships with inmates based on mutual respect while maintaining the boundaries that protect against favoritism and biased rule enforcement, which contribute to legitimacy (Hepburn, 1985; Bottoms, 1999).

It is this dynamic, this setting of the tone, that has thus far escaped traditional prison scholarship. It is not that deprivation/importation theories are wrong, because they are not. Similarly, administrative control in its current state is correct that good government mitigates misconduct, and recent studies examining administrative control rightly point out the futility of purely coercive measures for maintaining effective control (McCorkle, Miethe, and Drass, 1995; Reisig, 1998; Hubner, 2003). The problem is the theories and explanations don’t go far enough. Prisons are managed as rational-legal bureaucracies (Jacobs, 1978) but they are also complex, adaptive social organizations (Buckley, 1998) that are concentrated versions of society (Cressey; in Clemmer, 1958) with highly developed cultural values, mores, and expectations for both staff and inmates.
E. Goffman (1961b) was correct when he advanced the idea that the close social distance between inmates is a significant source of stress, but he did not consider that prison staff are also in close social proximity to inmates (Shapira and Navon, 1985; Fleisher, 1989; Wright, 1994). The relationships between management, line staff, and inmates are indicative of a social exchange (Emerson, 1976) that incorporates power structures (Baldwin, 1978) as well as reciprocal relationships (Gouldner, 1960). In fact, management, line staff, and inmates could be described as interacting with each other much in the same manner as ping-pong balls in a tumbler at a bingo tournament. Any attempt to explain disorder must recognize and address the coalescing nature of the staff-inmate, management-inmate, and the management-line staff relationships or risk misspecification.

Of course, while it may be informative to assess the positive effect management has on misconduct, it can be argued that this does not represent much of an advancement of prison scholarship because there are much more important aspects of confinement that need to be addressed. Mass incarceration, draconian sentencing practices, racial disparities in arrests, convictions, and sentence length, prison rape, treatment of the mentally ill in prison, treatment of sex offenders in prison, the deleterious effects of long-term solitary confinement, and combating recidivism are just a few of the many issues that not only affect prison systems but society as a whole. There are no doubt many scholars that would agree with Irwin’s (1988) assessment that efforts to “manage the unmanageable seem futile” (1988: 335) because the problem of internal violence is serious but secondary to the larger problem that too many inmates are being sentenced for too long. While advocates have effectively called attention to these important subjects,
they continue to either (1) fail to consider the impact of prison management in their assessment of the problem or (2) assume management to be part of the problem.

Taken from another perspective, the criticisms and calls for change can be viewed as underscoring the necessity of prison management and the salience of positive administrative control. The problems identified are not going to be resolved without engaged administrations who are capable of bridging the competing needs of external pressures to enact reforms with internal pressures to maintain order so that reforms can be implemented. As DiLulio (1987) wryly pointed out, amenity and service follow order, and order cannot occur with amenity and service.

**Methodological Overview**

The purpose of this dissertation is to explore the impact positive administrative control has on inmate disorder rates. An essential first step in this determination is identifying measurable aspects of positive administrative control. Several studies have shown that employee performance is closely tied to managerial practices (Camp, Saylor, and Harer, 1997; Wright, Saylor, Giliman, and Camp, 1997; Griffin, 2001; Camp Gaes, Langan, and Saylor, 2003; Lambert, Hogan, and Griffin, 2007), and several more call attention to the importance of the line level officer in the enforcement of agency rules and regulations (Hepburn, 1985; Bottoms, 1999; Liebling, 2000; Steiner, 2009, Liebling, Price, and Shefer, 2010). Consistent with the literature on social exchange theory (Emerson, 1976; Baldwin, 1978), perceived organizational support (Eisenberger, Huntington, Hutchinson, and Sowa, 1986), the leader-member exchange (Graen and Scandura, 1987; Graen and Uhl-Bien, 1995) and relational leadership (Brower, Schoorman, and Tan, 2000, Uhl-Bien, 2006), it is posited that effective prison managers
influence line-level officers to carry out their duties more conscientiously. Since studies have shown that serious disorder is much more likely when officers do not conscientiously perform their duties (Jacobs, 1978; Useem and Kimball, 1989; Useem and Reisig, 1999, Boin and Rattray, 2004), having employees perform their jobs prudently should reduce the likelihood and severity of disorder.

This study proffers that there are four aspects to positive administrative control: effective communication, organizational innovation and responsiveness, positive working relationships, and legitimacy. To investigate this attestation, measures will be created using the Federal Bureau of Prisons’ Prison Social Climate Survey (PSCS) to test the existence of positive administrative control and its effect (if any) on misconduct. The PSCS is an annual survey of Federal Bureau of Prisons staff that measures several components of prison work, including personal safety, job satisfaction, and organizational commitment. Once the scales have been created, ordinary least squares (OLS) regression modeling will be used to analyze the influence of positive administrative control on institutional misconduct rates, which are drawn from Federal Bureau of Prisons’ databases.

While uncovering positive measures for administrative control is important for the development of managerial practices that can make prisons safer and more humane, it is important to keep in mind the potential for individual harm inherent in the practice of incarceration as a means of social control. However, as Clear (1994: 37) pointed out, it is one thing to argue, “that the practice of penal harm lacks a fully successful justification…it is quite another to argue that the practice should be abandoned.” Clear asserted that the collective acts of apprehending, accusing, and convicting a citizen are
“inherently coercive and harmful,” and “belittles the larger aims of freedom and well-being sought by the community” (1994: 157), yet he acknowledged there is no easy way out of the dilemma. As long as society views penal law as a categorical imperative (Kant, 2002 [1785]) and considers incarceration the most effective method for enforcing social order, it will be incumbent on prison administrations to manage a humane system that protects inmate rights and encourages programming that assists inmates in successfully re-entering society while at the same time instilling enough order to allow effective programming to occur. That goal is more likely to be achieved when prisons practice responsible management based on the principles of positive administrative control.
Chapter 2

Literature Review

Social scientists have studied American prisons for most of the past century, in part because observing prisons is a way to watch a society form in a petri dish (so to speak). Donald Cressey, in the introduction to the 1958 publication of Clemmer’s *The Prison Community*, noted that, “the book deals with the prison as a social microcosm in which the conditions and processes in the broader society are observable. Consequently, it is an effective casebook for sociologists” (1958, vii). From close study of the prison, parallels can be drawn about the adaptability of individuals, the formations of groups, the development of values and norms, and the reaction of individuals and groups to a coercive government. From a sociological perspective, it is no wonder that the tribulations of inmates have repeatedly been the subject of study, given that we live in a society that values individual freedoms. In fact, a better question may be, “Why isn’t there more prison disorder?” than, “Why is there prison disorder?” After all, prison is a place where someone is sent after having gone through a process of being rejected by society (McCorkle and Korn, 1954; Goffman, 1961a), and is now having to adapt to an entirely new role in an entirely new social world. In prison, all aspects of an inmate’s life are being performed in the same place and under a single authority. His daily life is being carried out in the immediate company of a large number of other people (many of whom he would not normally associate with), his individual freedoms, his access to personal property, and his sense of personal privacy are extremely curtailed, and all phases of his life become highly routinized (Clemmer, 1958; Goffman, 1961a, 1961b; Ohlin, 1956; Sykes, 1958; Akers, Hayner, and Gruninger, 1977).
Early Sociological Studies

Not surprisingly, early sociological efforts were geared toward the experiences of the inmate and how he adapted to a dark new world. Arguably the most well-known of these early studies was Donald Clemmer’s (1958) *The Prison Community*, which was the result of several years of observation while the author worked as a sociologist in the Illinois State prison system. Clemmer (1958) said that officers and inmates comprise a community wherein formal and informal cultures are fomented which encompass the habits, customs, folkways, mores, dogmas, and attitudes about virtually every aspect of prison life. According to Clemmer (1958), the development of relationships is the key to understanding prisons, in particular the influence of groups in forming an inmate’s opinions about his surroundings. In fact, Clemmer (1958) believed the two structural aspects that appeared to have the greatest influence on inmate attitudes were the cleavage between officers and inmates and the formation of primary and semi-primary groups. However, Clemmer (1958) believed inmate society was by and large without structure or adherence to common goals or objectives. The inmates were certainly in conflict with the staff, but not much more than they were in conflict with each other. Impersonalization was the rule, which was entirely understandable and natural given that officials viewed incapacitation as the essential purpose of prison, and “basic to everything is discipline” (Clemmer, 1958: 184). As a result, routinization was paramount, in part because it was believed the inmates deserved it and because it was necessary for the efficient functioning of the organization (Grosser, 1960).

The inmate society Clemmer (1958) concentrated on was strongly influenced by the bureaucratic organization of the prison. As Clemmer (1958: 72) noted, the prison’s
routine was “deadeningly monotonous,” and the guards were “the wheel-horses of the prison...while the actual physical work of the keepers is small, the constant surveillance and caution they must exercise is nerve racking and tiring.” (1958: 62).

Prisons in the middle of the 20th century maintained an emphasis on efficiency, a distinct division of labor, and limited the ability of lower staff ranks to exercise discretion, but the idea of an efficient organization with tight bureaucratic controls did not originate with prisons. It was an adaptation of the classic theory of organizations (Fayol, 1916; Taylor, 1914; Weber, 1922) that emphasized monocratic organization and a bureaucracy ordered by regulations. Known in prison as the authoritarian system (Barak-Glantz, 1981), or the control model (DiIulio, 1987; Craig, 2004), a central tenet of the system is control of communication patterns, because they serve as the functional equivalent of force in sustaining power structures. In an authoritarian prison, control, rather than justice, is the object for both staff and inmates (McCleery, 1957; 1960). Similarly, Bolman and Deal (2003), noted that the vertical coordination inherent in any structural organizational framework limits communication and discretion but ensures predictability and uniformity.

The authoritarian organization of prisons was further explicated by Goffman (1961a), who described the social arrangement of the total institution. Goffman believed bureaucratization of behavior was necessary to supervise large blocks of people.

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8 This is also known as the structural framework (Bolman and Deal, 2003), which, in an updated form, is at the heart of the rational-legal bureaucracy (Jacobs, 1978).

9 Remember, the total institution is one where the administration has complete control of the experiences of inmates and shuts out the outside world, and a key component of the autocratic system is control of communications. The total institution is a euphemism for the autocratic system of governance.
efficiently, but it caused each group to see the other in terms of narrow, hostile stereotypes: staff saw inmates as “bitter, secretive and untrustworthy”, and inmates saw staff as “condescending, high-handed, and mean” (Goffman, 1961a: 18). Consequently, considerable social distance was maintained and any communication between the groups was formal and brief. Authority was maintained by “ordering and demanding” inmate submission and obedience (Ben-David, 1992: 213). The problem with this arrangement is that although social distance and rigid communications were believed to be necessary, the products being dealt with are people. A natural conflict arises because “people-work” requires maintenance of a humane standard (Goffman, 1961b). Staff are obligated to treat inmates humanely, but the governance of an institution and the maintenance of order requires staff to treat inmates inhumanely for the sake of personal protection or equity. This is apparent when staff are forced to restrain an inmate who is trying to commit suicide or when they force-feed an inmate who refuses to eat. Compounding this problem is the difficulty of controlling human subjects in a general sense: “Correctional staff are charged with ensuring the safety and well-being of people who often have problems, personal peccadilloes and propensities that challenge the management skills of even the most adept of caregivers” (Stohr, Hemmens, Marsh, Barrier, and Palhegyi, 2000: 57). Inmates often specifically set out to thwart rules, and if staff become too close to the inmates they may take the affront personally. Additionally, staff must constantly watch out for inmates who seek secondary gain through manipulation.\footnote{Secondary gain is a psychological term meaning a person has a hidden agenda for his or her actions. Examples would include succumbing to gratifying influences (Toch, Adams, and Grant, 1989), feigning mental illness (Norris and May, 1998) and engaging in self-injurious behavior/suicide manipulation (Liebling, 2002; Lohner and Konrad, 2006).} According to
Goffman (1961b), in order for staff to reconcile the humane/inhumane contradiction, they must take the idea that an inmate’s entrance into the institution is *prima facie* evidence that he deserves the treatment he will get. A functionalist morality develops, where actions are rationalized as being necessary to achieve institution goals.

The authoritarian system, being based on classic organizational theory, tried to tightly control behavior with a disciplined sense of order that severely restricted the relationships between inmates and the staff responsible for controlling them. However, a series of riots across the United States from 1951 to 1953 led many to believe that the authoritarian system was incapable of maintaining order. The riots demonstrated there was a schism between tight administrative controls and inmate reactions to them. As Polansky (1942) noted, any penal program that intends to manage an inmate population has to take into account the reactions of the majority of its subjects, as there has to be a balance between rationalized actions and the effect they have on the governed. The extent to which an imbalance existed was the impetus behind these riots.

The perception that the authoritarian system was unable to control inmate behavior led to the assertion by some social scientists that efforts to achieve control results in increases in the likelihood of violence (Sykes, 1958; Colvin, 1980; Colvin, 1992). Arguably the most well-known of the studies that accentuate this point is Sykes’ (1958) *The Society of Captives* (Reisig, 2001). This ethnographic study outlined the deprivations that accompany imprisonment, including a loss of autonomy, the absence of creature comforts and the lack of heterosexual contact. Sykes (1958) found that social order in a prison is dependent on more than the power of the state. He showed that while inmates generally recognize the coercive ability of the administration, force alone is
insufficient to control inmates as they feel no obligation to act in accordance with institutional rules. Because the inmate social system is strongly influenced by feelings of powerlessness and depersonalization, the process of being socialized into the prison drives inmates toward deviant behavior. When inmates engage in misconduct, the traditional reaction of management is to take away privileges and further restrict behavior, which increases powerlessness and depersonalization and encourages misbehavior. Purely coercive measures, therefore, cannot be expected to control inmate behavior. Because staff cannot control by force alone, they are compelled to achieve control through other than coercive means, such as bribery, cajoling, and by overlooking smaller infractions in favor of enforcing more serious ones. For Sykes (1958), this was indicative of a structural flaw in the authoritarian system as it resulted in a transfer of some power from the administration to the inmates. Shrag (1961) countered that overlooking infractions was the result of an over-reliance on a Weberian style of organization, because it is not possible to account for every possible situation with rules and regulations. Where Sykes (1958) saw a corruption of authority, Schrag (1961) saw the development of symbiotic relationships between staff and inmates that existed outside official channels of communication, which may have been based on fundamental weaknesses but required persuasive communication and leadership skills. To Schrag (1961), the phenomenon observed by Sykes (1958) was evidence that discretion was important for the maintenance of order, even though it was not officially allowed. However, Sykes (1958) and Schrag (1961) agreed that attempts to regain control through
strenuous enforcement of regulations increased feelings of deprivation and disrupted informal controls (Ohlin, 1956; Colvin, 1982; 1992).\textsuperscript{11}

It is important to remember that Sykes’ (1958) study began in Trenton in 1954, following two riots and a mass escape disguised as a riot in 1952, which were part of the approximately 30 riots that occurred between 1951 and 1953. Truthfully, only about 5,000 of the 165,000 inmates in state and federal prisons at the time participated in those riots, and the most frequent demands were better food, more adequate medical facilities, more recreation, segregation of sex offenders, and more liberal parole practices (Flynn, 1953), which suggests that the riots were primarily a vehicle to air grievances. Even so, one common theme that emerged from the many studies and boards of inquiry that followed was that poor prison administration bore a great deal of the blame. From the excessive idleness and complete inaction of administrators in the paregoric prison described by MacCormick (1953) to the broad statement made by the American Prison Association that, “prison riots should be looked upon as costly and dramatic symptoms of faulty prison administration” (APA, 1954: 6), the general consensus was that prison administrators must be able to recognize the signs of pending disorder, take preventive steps to lessen the possibility of riots occurring, and be prepared to respond appropriately if and when a riot occurs. It was also pointed out that part of the problem was the lack of a clear mandate for what prisons are supposed to be doing (MacCormick, 1953; Flynn, 1953). Prisons had been given the dual responsibility of protecting society by securely

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\textsuperscript{\textsuperscript{11} Inmate Deprivation and the resultant Conflict theory (Sykes, 1958; McCleery, 1961a; Colvin, 1982, 1992) were hitting on a point about the reaction of inmates, but missed that the reaction is a symptom of deeper causes – poor communication and inadequate preparation by prison administrations – that exacerbated those conditions. This point would be lost in the literature until the advent of Administrative Control (DiIulio, 1987).}
holding the prisoners sent to them and protecting society by adequately preparing inmates to eventually become productive members of society (Flynn, 1953). In spite of the contradictory goals, the director of the Federal Bureau of Prisons at the time, James V. Bennett, wrote in 1952 that the idea of harsh or lax discipline as a major causative factor in the riots was overly simplistic because the core cause was the condition of prison administrations. In other words, the riots occurred because prison management had failed and it was up to prison management to make the necessary corrections. Bennett (1952) did not disagree that harsh prison conditions and inconsistent discipline were causative factors, but he believed they were symptoms of a larger problem: poorly paid and untrained staff were dealing with inmates harboring a deep sense of injustice toward the system that put them in prison. To combat this, safe custody of inmates had to come first. “It is the first duty of any prison to carry out faithfully and undeviatingly the sentence of the court” (Bennett, 1952: 6). But, once established, custody should take its place as only one element of an effective correctional program. In order for prisons to be effective there must be continuity of capable leadership, freedom from political influences, adequate housing and a diversity of manageable facilities to enable proper classification, adequately paid personnel, quality training, sufficient funding for food, medical, and training materials for inmates, a viable work program, and diagnostic and treatment programs directed toward preparing inmates to assume their obligations as law-abiding and self-respecting citizens upon release (Bennett, 1952).

The early sociological studies highlighted the problems of the authoritarian system, where tight controls on communication and restrictions on staff-inmate interactions left the system ill-prepared to meet the dynamic challenges of managing
inmates. Just as neo-classic organizational theory attempted to “save classical theory by introducing modifications based upon research findings in the behavioral sciences” (Shafritz, Ott, and Jang, 2005: 88), so too prison administrations had to learn to modify their approach in order to balance the need to securely confine the inmate while providing for his eventual successful re-entry into society.

**The Problem of Rehabilitation**

The move toward rehabilitation as a paradigm for American corrections (e.g., the medical model) had four primary influences: Progressive reformers, the American Prison Association (later the American Correctional Association), the Wickersham Commission, and the Federal Bureau of Prisons (Reichel, 2001). The basic premise of the medical model was that an offender was sick (physically, mentally, and socially) and his commission of an offense amounted to a cry for help (Task Force on Corrections, 1967; MacNamara, 1977). Because the offender was sick, his disorder(s) “can be corrected in a program of medical, psychiatric, and social rehabilitation, and a readjusted or reformed offender (can be) returned to his rightful place in society” (MacNamara, 1977: 446). In the words of President Johnson’s (1967) Commission,

> No longer was the offender regarded as a morally deficient person, to be controlled by a keeper. Instead, he became, for some purposes at least, a patient. The old rule – let the punishment fit the crime – was replaced by a new maxim – let the treatment fit the needs of the individual offender (President’s Commission on Law Enforcement, 1967: 163).

It may come as a surprise to some that rehabilitation had been a goal of prison administrations long before the medical model came into vogue. Myrl Alexander, a former director for the Federal Bureau of Prisons and professor at Southern Illinois University and the University of Florida, said that dating back to the 1930s and 1940s he,
along with mid-century notables in corrections such as Austin MacCormick and Richard McGee, were instituting a program of individualized treatment, which they called, “training/management classification” (Alexander, 1994: 177). To Alexander (1994), individualized treatment and the medical model were the same, with the idea being to classify offenders and place them in the least restrictive environment as possible in order to facilitate a treatment program tailored to their needs. But to many in the academic world, the medical model became a euphemism for a larger rehabilitative ideal (Cullen, 2005), which was characterized by wide discretion for the judiciary, broad paroling authority, and extensive commutation and pardoning powers. For the individual inmate, there should be an ample variety of treatment alternatives available (both in the institution and in the community) along with considerable social support designed to help the offender reintegrate back into society (MacNamara, 1977). After all, the goal of corrections should be to rehabilitate an offender so he can successfully transition into a productive member of society upon release (Cullen and Gilbert, 1982; Andrews, Zinger, Hoge, Bonta, Gendreau, and Cullen, 1990; Cullen and Gendreau, 2000; Cullen, 2007).

Curiously, even though the rehabilitative ideal has been presented as the proper guiding paradigm for corrections (Cullen, 2007), many scholars did not originally believe rehabilitation was possible in a correctional environment, and put a lot of the blame on the inability of prison administrations to reconcile treatment and custody (Ohlin, 1956; Cressey, 1959; Galtung, 1961; Wheeler, 1961; Zald, 1961; MacNamara, 1977). For example, Ohlin (1956) called attention to the fact that correctional agencies are charged with the dual objectives of maintaining the secure custody of offenders and treating them in order to alter their criminal propensity upon release, but the resentment and
socialization of inmates, coupled with the realities of prison administration practices, render achievement of those objectives virtually impossible. Ohlin (1956) believed the prison is largely a closed social system that absorbs new ideas but adapts them and fits them into the existing culture\textsuperscript{12} - a type of institutional isomorphism (DiMaggio and Powell, 1983). At this time, it was believed that the chief characteristic of the prison was staff-inmate conflict, but informal interactions between staff and inmates resulted in a finely balanced system of formal and informal structures, which were disrupted when professional staff with a treatment orientation were added. Treatment staff, in their attempt to change the atmosphere of prisons that were for the most part run by custody-oriented administrators, often found themselves serving as mediators between custody staff and inmates. Because they were used by administrators to assist in the smooth running of the institution, inmates often attempted to manipulate them for material gains, which made treatment almost impossible (Ohlin, 1956).

Likewise, Galtung (1961) believed it was functionally impossible to be oriented toward punishment and treatment at the same time. Institutions typically avoided this by compartmentalizing the two functions through a combination of temporal and spatial segregation, but because you can never achieve total separation effective treatment is impossible (Galtung, 1961). Another fundamental problem with prison-based treatment identified by Galtung (1961) was cognitive dissonance, because as an inmate interacts with other prisoners, he comes to see his own condition as normal and not necessarily requiring treatment.

\textsuperscript{12} See Bolman and Deal (2003) for a discussion on the tendency of organizations with a structural framework to adapt potential changes to the existing structure.
In what may have been the most eloquent reprobation of managerial inability to move away from an autocratic style of management, Cressey (1959) highlighted the contradictions and organizational problems inherent in establishing a treatment-oriented prison. He pointed out that prisons are increasingly being viewed as places to punish and rehabilitate the criminal, but punitive restrictions are by definition antagonistic to reformation and rehabilitation. Cressey (1959) offered that treatment-oriented administrators view inmates as persons whose needs were not met in society and their criminality is a result of their deprivation. Under this formula, rule violations are viewed as due to the inmate’s inability to conform and not as a result of deliberate intent; therefore, corrective action must be non-punitive and professional. This requires close informal association with inmates and the creation of a relaxed, non-regimented atmosphere, which creates significant role conflict for custodians as they struggle to maintain discipline within a system that prohibits formal reporting for all but the most serious offenses. As a result, discipline in the treatment-oriented prison still has a punitive aspect, but because it is informal and individualized it lacks consistency. Since custodians prefer universalistic relations but particularistic relations are needed in a therapeutic environment, the result is an unresolvable conflict (Cressey, 1959).

At this point in the development of custodial thought and practice, academic researchers believed prisons could be either treatment-oriented or custody-oriented, but could not be both, and that attempts to integrate them would result in significant role conflict for staff and inconsistent rule enforcement for inmates (Cressey, 1958; 1959; Hepburn and Albonetti, 1980; Gilbert, 1997). Even though the treatment-oriented prison was seen as problematic, it was still preferable to the custody-oriented prison because it
was widely believed that higher-custody prisons required the use of coercive power to maintain compliance (Leger and Stratton, 1977). Etzioni (1961: 13), for example, proffered that “highly alienated lower participants” could not be managed remuneratively or symbolically. Because coercive measures were the only options available to control inmates in custody-oriented prisons, these prisons have minimal treatment opportunities, thus increasing deprivation and contributing to a stronger anti-society subculture. Therefore, higher custody level institutions/custody-oriented prisons were viewed as criminogenic and counter-productive to society’s desire to make rehabilitation an integral part of prison operations – a belief that persists to this day (Berk, 1966; McCorkle, Miethe, and Drass, 1995; Gendreau, Goggin, and Law, 1997; Cullen and Gendreau, 2000; Huebner, 2003; Cullen, 2007; Worrall and Morris, 2011).

For the purposes of this discussion, the development of the rehabilitative ideal was important for prison management in two ways: (1) it demonstrated that prisons are subject to external pressures from stakeholders that can severely impact operations; and (2) the treatment-custody conflict highlighted the importance of the individual officer, as he or she is the person actually implementing policy and subject to the immediate reaction of the inmates. The impact of external stakeholders on prison operations is crucial to understanding the relationship between management and inmates, and deserves further explication, but that cannot occur without a better understanding of how external forces impact prison management structurally. The importance of the individual officer will be discussed in detail later in this chapter.
The Impact of External Stakeholders

The development of informal structures. To early classic organizational theorists (Taylor, 1914; Fayol, 1916; Weber, 1922) the defining characteristic of a bureaucratic organization was its structure. The idea was to create a structure that would enable consistent and efficient production. Accomplishing this involves delegating work, a clear division of labor, centralized authority, and the imposition of standardized rules (standard operating procedures, or SOPs). SOPs create consistency by ensuring predictability and leaving little room for error, but they can fail in the presence of unforeseen situations (Bolman and Deal, 2003), which can be internal or external in origin. For correctional organizations, the challenge is doubled because there are two organizational structures operating in the same space - one for staff and one for inmates. In both cases there are formal rules and procedures, but because both are geared toward human subjects, it is virtually impossible to account for every situation, making the unforeseen likely to occur.

When people are faced with problems that are not adequately addressed by the formal structure, informal ones develop in order to meet the new needs (Roethlisberger, 1941). Informal procedures become informal structures when the deviations become institutionalized and unwritten laws are established (Selznick, 1948). These unwritten laws/informal responses, what Schein (1993) called “shared responses”, are sets of procedures that have worked well enough that they are considered valid. When prolonged, learned responses are taught to new members as the proper way to perceive, think and feel, a culture is formed that provides workers with a sense of stability in the
face of changing climates (Schein, 1993).\(^\text{13}\) Lipsky (2010) came to a similar conclusion when he explained how the goal conflict inherent in social service organizations leads to the development of informal cultures. According to Lipsky (2010), individual workers are primarily concerned with delivering services and maximizing their autonomy, while management is geared toward achievement of the work unit and minimizing autonomy. Informal structures are created because the organization desires certain types of production, but that production is based on conflicting external influences, resulting in management stressing adherence to policies and procedures that often clash with the individual workers’ desire for efficiency. The resulting lack of clarity in role expectations for the individual worker causes role ambiguity. When differences arise between what the worker sees as his goals and was the organization wants, goal conflict is created. Lipsky (2010) explained that goal conflict causes strife between management and the individual worker, which makes the influence of peers particularly important because, “the greater the strain between various goal expectations...the more peer support is critical for sustaining worker morale” (2010: 47). Informal structures give the worker stability in the face of conflicting goals and procedural changes emanating from management. Since informal cultures provide stability, any external pressure on the organization is also a pressure on the culture of that organization, to which Trice and Beyer (1993: 383) offered that, “it is realistic for people to expect that any change will bring some losses as well as possible gains. Often the losses are more certain than the

\(^{13}\) It is worth noting that (Klofas and Toch (1982) doubt the existence of a guard subculture, attributing it more to the concept of pluralistic ignorance and an anti-organizational attitude prevalent in blue-collar urban settings, but this conversation is about the interplay between informal procedures, external influences, and resistance to change than cultural perceptions.
gains.” Because informal cultures tend to equate change as disequilibrating, there is a tendency to adjust without fundamentally changing behavior (Trice and Beyer, 1993; Ohlin, 1956). Selznick (1943) pointed out that when functions (orders, directives) are delegated through agents there is a tendency to bifurcate them and interpret them in terms of the agent’s personal interests, which are primarily self-preservation. According to Lipsky (2010), it is not that workers are against change, but change “threatens the existence of coping routines and orientations that serve to rationalize the work” (2010: 115).

Informal cultures rise in social service organizations because the workers at the street level have created goals for themselves (service delivery, self-preservation), that often conflict with organizational goals but serve to provide the worker with stability in the face of changing organizational goals. A paradox forms, because management is faced with having to implement changes and reinvent itself to stay relevant, but those changes lead to the development of informal structures that resist change. This paradox deserves a closer look, because the manner in which management addresses it is crucial to understanding management/staff relationships as well as staff adherence to procedures that affect institutional order.

In his discussion on the impact of external pressures on prisons, Ohlin (1956) offered that prison managers try to accommodate special interest groups in order to keep up their public image, but do so by making incremental changes designed to satisfy the external stakeholder while trying to keep the majority of the existing structure intact. They do this because traditional practices (which includes informal structures) represent solutions to past influences that have been routinized and resistant to change (Selznick,
Prison administrations are therefore faced with the dilemma of trying to incrementally introduce new changes that fit into the established structure, but when these changes conflict with established procedures schisms between line staff and management are created. “One pattern of organizational change is that by successive compromises conflicts in the external environment are built into the organization itself” (Ohlin, 1956: 126).

Two examples of external influences on prison operations. Because correctional agencies have limited coercive power over staff due to legal limitations (Jacobs, 1978), they must work to positively influence their organization’s culture when changes are introduced, even if those changes are due to political considerations. New changes must be incorporated with the older ones in mind and allowed to develop or the potential value for reform will be lost. Correctional leaders are thus locked into a never-ending exchange system with the line-level staff, and it is up to the leadership to set the tone for the exchange and provide a sense of balance – it cannot manage too loosely or it risks an overgrowth of informal structures, and it cannot manage too tightly or it risks alienating its employees.

There are two strong examples in the extant literature that illustrate the problems presented when external stakeholders exert pressures on correctional organizations. The first is McCleery’s (1961b) observations of maximum security penitentiaries in Hawaii and North Carolina from 1946 to 1957 that were moving from a purely control-oriented outlook to one that included treatment goals in its mission. McCleery (1961b) described four orienting concepts about prisons that administrators must address during times of social change: first, a stable system implies that there is a common community, shared
definitions, and a relatively continuous pattern of interaction. In the old system, the heart of control lies in regimentation and rituals. Second, the exercise of authority involves the formulation of definitions of the situation, their communication, and their acceptance. A rigid, bureaucratic system resists changes to its routine, and these routines are strongly defended by custodial staff. Further, routines are based on tradition (informal structures) more so than on written procedures. Third, there are structural, procedural and operational differences between a system of domination and a system of leadership. Authoritarian systems depend on secrecy and censorship to survive and limit low-level discretion, whereas leadership requires initiative and discretion. The more abstract a concept the more it depends on the acceptance of its premises in the decisions of individuals. Rehabilitative programs involve patterns of interaction and communication that are inconsistent with the custodial patterns of constraint. Finally, the distinctive characteristic of bureaucracy is institutionalization of rationality and value, in contrast with the internalization of those properties in the personality of individuals. Changes in the processes by which decisions are made detract from the probability of rational prediction. Without consistent leadership, organizational change can corrupt authority, generate anarchy, and produce social disorganization beyond the intent or motives of the individuals involved (McCleery, 1961b).

To illustrate his point, McCleery (1961b) described how the custodial prison is organized and how the inmates support those norms for the sake of equity and stability. In one interesting passage, McCleery (1961b) contradicted Sykes (1958) when he noted that when the institution began relying on inmate leaders to help govern the prison, it was not a corruption of authority but rather recognition that the inmate leaders were
“exponents of adjustment within an order which guaranteed their own position. They gave expression and interpretation to adaptive norms which were shared by guard and inmates alike.” (McCleery, 1961b: 163). According to McCleery, 1961b), the structure of social action in inmate society was governed by the need to achieve what custodial control denied: personal identity, meaning, and purpose for their behavior, independence from sanction, space for movement (in both the physical and psychological sense), and symbols by which integrity could be displayed. This is why older convicts who did their own time were revered, and inmates developed internal controls for aberrant behavior far more severe than those used by the administration. When the rehabilitative model was introduced, it threatened the inmate social order. New, open lines of communication to administration staff afforded all inmates the opportunity to speak directly with upper echelon administrators instead of relying on a strict chain of command. This removed the ability of the inmate order to impose informal discipline. As a result the staff had to apply justice much more often, resulting in a large spike in disciplinary reports. Other groups in the prison that were previously subdued began to flourish, and conflicts arose that caused even more disciplinary problems, including sharp rises in assaults and escape attempts. The officers resisted the change by trying to control communications and the operations of the prison. When that proved unsuccessful, they formed alliances with groups they would have never considered using before: older inmates and external forces (legislators). The pattern of custodial resistance continued until the prison administration was able to effectively communicate its intentions and put its plan into effect. McCleery (1961b) proffered that the problem was not a theoretical conflict between custody and treatment but rather one of institutional management learning how to successfully
integrate the two concepts into a workable model. The changes were helped by legislative endorsement of the treatment ideal, the retirement of older officers, and the hiring of new, younger officers who were trained in the newer modes of behavior upon being hired.

McCleery (1961b) believed that prisons exhibit problems when administrators fail to treat the prison as a social and political community. Governance depends on consent more so than coercion, so it is important to recognize the importance of the inmate society in maintaining order. When change goes too far too fast and fragments the conventional structure of social relationships, force becomes an instrument of anarchy. According to McCleery (1961b), the introduction of effective prison leadership and the rehabilitative prison must permit a degree of initiative to inmates, but it must be rationally based and constructively directed. Disorder rises when new programs fail to supplant the older custodial interests with sufficient information and a system of active leadership.

McCleery (1961b) demonstrates the value of communication and leadership when instituting instrumental change to an organization. According to Parsons (1956), it is difficult to define treatment, industry, and custody as equally important when speaking to correctional staff. The challenge for the executive of the progressive institution is to communicate the need to provide for all aspects of prison operations in a way that transcends narrow divisional lines and perspectives. In order for an organization to be successful, the leadership must take actions that take on internal relevance and must concentrate on the power relations inside the organization more than the physical achievement of professed goals.
Like any social system, the complex organization of a prison can be viewed in two ways: (1) a cultural-institutional point of view, which is based on the values of the system and their institutionalization in different functional contexts, and (2) the group or role point of view, which views the organization from the sub-organizations and the roles of the individuals (Parsons, 1956). Leaders cannot forget the role point of view.

In order to attain an organizational goal (such as moving from a control model to a treatment model) there are three key sets of decisions involved. The first is the taking of steps to achieve the goal while staying within the legitimized values of the organization. These are the policy decisions. The next set of decisions concerns implementing resources, which are allocative decisions. Allocation can be further subdivided into manpower and monetary/physical facilities. A third set of decisions involves maintaining the integration of the organization and dealing with motivation and cooperation in working toward attaining the goal (Parsons, 1956; Bernard, 1968). Bernard (1968) called the first two decisions effectiveness and the third efficiency.

The second example is Jacob’s (1978) study of Statesville Penitentiary, where the leadership did not respond well to the vexations of external pressures, and the difference in results from McCleery (1961b) is readily apparent. In Jacobs’ (1978) study, he expanded on Clemmer’s (1958) concept of a prison community by demonstrating that a prison, as a microcosm of society, is strongly affected by external influences.

Jacobs (1978) asserted that prisons change as society’s expectations change, despite the efforts of administrators. While Jacobs (1978) placed a strong emphasis on the influence of militant inmates, gang members, and reformers, he believed judicial
activism\textsuperscript{14} was the strongest influence. He said the abandonment of the hands-off doctrine was the single most important development in the prison environment, and believed “it was only when outside groups began making demands on the prison and holding the administrators accountable for their decisions that traditional authoritarian systems of institutional authority became untenable” (Jacobs, 1978: 10).

Jacobs (1978) portrayed the early history of Stateville Penitentiary in Illinois as being dominated by political appointees to the position of warden and horrific conditions for guards. Professionals such as psychologists and social workers were part of the system, but were narrowly defined and kept out of the decision-making process. As a result, they associated mainly with prisoners. Guards were poorly treated and untrained, and a status system existed among the inmates with murderers and robbers having the highest status and sex offenders having the lowest.\textsuperscript{15} According to Jacobs (1978), the arbitrary and inconsistent treatment ended with Warden Ragen, who in 1936 instituted a strict authoritarian system of governance. The authoritarian system was characterized by complete economic, political, and moral autonomy for prison administrators. There was no interference from outside forces, strict staff and inmate discipline, and a paramilitary

\textsuperscript{14} Prior to the 1960s, federal courts adopted a broad hands-off attitude toward problems of prison administration. The courts felt judicial restraint was proper because they were not prison experts and were not equipped to deal with the issues of prison administration and reform. However, under the Warren court, the judiciary believed that judicial restraints cannot encompass “failure to take cognizance of valid constitutional claims whether arising in a federal or state institution. When a prison regulation or practice offends a fundamental constitutional guarantee, federal courts will discharge their duty to protect constitutional rights” (Procunier v. Martinez, 416 U.S. 396: 406 [1974]). The courts had recognized that there will be times when they will have to decide if a prison regulation unnecessarily infringed on an inmate’s rights. One of the strongest examples Jacobs (1978) used to demonstrate the change in judicial orientation was Cooper v. Pate, 378 U.S. 546 (1964), which was directly related to Statesville prison.

\textsuperscript{15} Note the similarities to Clemmer’s (1958) elite, middle class, and hoosier characterizations.
organization. Jacobs (1978) said many inmates suffered psychologically and emotionally during this time, but they were also,

Physically safer, better fed, and provided with more programs than inmates of most other prisons of the period. In comparison with other prisons of the forties and fifties, Stateville had less violence, more industry, and less corruption. When prison riots touched almost every other major prison across the country in the early 1950s, Stateville continued to run smoothly (Jacobs, 1978: 31).16

Jacobs (1978) was very critical of Ragen’s regime, saying that although it appeared orderly on the outside, in reality “informal influence was rooted in ethnic ties, religious affiliation, and particularistic relationships” (1978: 37, 38). Jacobs (1978) reported that Warden Ragen fostered a system of informants, leading to a popular quote, “If you see three inmates talking together, two of them are mine” (Jacobs, 1978: 38). Even though uniformity was stressed, in practice certain inmates were unevenly compensated (particularly for providing information), creating an arbitrary reward structure.17

The system Ragen built unraveled upon his retirement in 1961. Increased involvement in penal administration by the courts (Fliter, 2001) and social activism made it virtually impossible for Stateville to retain an authoritarian system, but the administration resisted and minimized efforts to transition out of the autocratic system even as extrinsic expectations rose, which contributed to a marked increase in staff apathy and an overall breakdown in security that allowed for the proliferation of gangs and groups that victimized weaker inmates (Useem and Kimball, 1989).

16 This arrangement is similar to what George Beto had accomplished in the Texas DOC Control Model. Ragen was a major influence on Beto, and the Texas DOC system was very influential on Dilulio’s (1987) assessment of prison administrations.

17 See Colvin (1992) for a more detailed discussion of the perils of inmate informants.
Eventually, Statesville transformed from a patriarchal organization to one “based upon traditional authority to a rational-legal bureaucracy” (Jacobs, 1978: 73). According to Jacobs (1978), the move toward a rational-legal bureaucracy had three elements: (1) increased oversight at the state level, (2) a change in leadership toward more educated elite that did not share the homogeneity of the guard force, and (3) an increased civilianization of treatment positions. Even though the eventual move toward a rational-legal bureaucracy was the result of a concerted effort by the administration, it was not due to a desire to change as much as it was a response to legal intrusion. In Statesville the move toward a rational-legal model was driven by “the threat of lawsuits, the dislike for court appearances, the fear of personal liability, and the requirement of rational rules” (Jacobs, 1978: 107), even though the Court of Appeals for the 7th Circuit consistently showed deference to the administration.

Jacobs (1978) consistently criticized what he saw as inept governance, first in the failure of an authoritarian system to react to outside forces and then in the failure of a human resource system to manage the change in control mechanisms. He saw the rise in the influence of gangs partly as a change in how inmates viewed their experiences in incarceration but also as evidence of the failure of the human resource model to implement a strategy for “attenuating the stresses of maximum security incarceration” (Jacobs, 198: 172). It was only when a rational-legal bureaucracy took the prison back that the influence of gangs declined.

Additionally, the inability of the different administrations to deal with external pressures, coupled with inadequate responses to safety and security issues, contributed to a significant increase in union membership (Jacobs, 1978). Because there was no
consistent leadership, efforts to transform the prison were merely imposed upon the staff and no effort was made to engage them constructively. As a result, unionized staff responded by demanding a return to autocratic methods, but in place of the old rank structure they wanted to be consulted on policy matters (Barnard, 1968; Selznick, 1948; Schein, 1993; McCleery, 1961b; Trice and Beyer, 1993). Eventually, the imposition of a rational-legal bureaucracy reduced the union’s fervor in favor of more traditional, bread-and-butter issues such as pay and benefits (Jacobs, 1978).

Jacobs (1978) saw the rational-legal, or the corporate, model as the best chance for a prison administration to meet conflicting demands. He predicted that if the effort to fully bureaucratize is based on a system that is professional, detached, cost-conscious, and able to expand basic services and programming without jeopardizing due process, the result would be a leading model of prison administration.

The McCleery (1961b) and Jacobs (1978) examples demonstrate what can go right and what can go wrong when prison administrations institute fundamental change. Their experiences mirror the problems researchers noted when corrections in general moved from a coercive to a treatment-oriented model, but the lesson here is that the problems encountered were not as much about the conflict presented by rehabilitative ideals as much as they were about model orientation and organizational adaptability. Modern correctional administrations must be able to balance both internal and external demands in a positive way and influence line staff to buy into the changing mission if they are to be successful.
The Introduction of Administrative Control Theory

As the literature reviewed above demonstrates, much of the early research on prisons was very critical of prison administrations, viewing them as inept and archaic. Administrations were shown to be clinging on to the authoritarian system of governance and were unwilling or unable to successfully transition from a control-oriented to a treatment-oriented model, hampered by uncreative thinking and a commitment to traditional methods of control (Clear and Cole, 1990). Further, their ability to reduce or manage disorder was viewed with suspicion, as the autocratic system of management was fraught with fundamental problems. There was a complete disconnect between the formal and informal organizations within prisons, and whenever administrators tried to institute discipline, the reaction from the inmate community was a level of violence that the institution was not equipped or prepared to handle (Sykes, 1958; Colvin, 1992). A good deal of this perception is due to the research emphasis of the early sociologists, who concentrated on how inmates adapted to being in prison in single-site studies and did not actively consider management as a variable. Because the focus remained on the society of inmates without fully appreciating the perspective of the keepers, negative conclusions were made about the salience of managerial influence on inmate behavior. This is apparent in the most well-known of the early studies, when Clemmer (1958) raised the possibility that “prison administrators who govern least may govern best” (DiIulio, 1991b: 72). The trend, if it can be called that, continued through the formation of the Social Science Research Council (SSRC) in 1960. This group of learned scholars studied the inmate culture in great detail and asserted that order in prison was achieved when prison officials learned to share their power with inmates, eventually retreating to the
walls and letting the inmates run the prison. Riots only happened when naïve officials attempted to regain control (Useem, 1990).¹⁸

DiIulio (1987) countered these perceptions by presenting the idea that prisons do not fail based on their inability to maintain a total institution, nor is their failure rooted in sociological explanations that are based how inmates react to a coercive government - if prisons fail, it is because they are improperly managed, and if they are successful, it is because they are managed well. DiIulio (1987) took issue with the general conclusion of the SSRC that prisons are torn between incompatible custody and treatment orientations,¹⁹ because in his opinion, they are mutually dependent. “No order without amenity and service, no amenity and service without order; custody may be a necessary condition of effective treatment” (DiIulio, 1987: 41).²⁰

As part of his interest in the relationship between organizational process and performance, DiIulio (1987) conducted ethnographic studies of three state systems to demonstrate three different penal philosophies: the control model (Texas), the responsibility model (Michigan) and a consensus, or mixed, model (California). The control model utilized close supervision of inmates and tight administrative measures to closely monitor and control inmate behavior while still allowing a measure of movement and interaction needed for work and treatment. The responsibility model advocated using

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¹⁸ Of course, the conclusions of the SSRC must be considered in light of the fact that it was not until the early 1970s that multiple site studies were being conducted, and most of those used proxies for management, such as security level and institution size. They assumed differences in inmate experiences were due to managerial style.


²⁰ This is an important idea for the administrative control model. Much of the earlier literature was dedicated to the idea of conflicting goals for correctional organizations, which DiIulio (1987) dismisses, saying they represent more of a continuum than a dichotomy.
security levels and inmate classification systems that fit inmates into the most appropriate
and least restrictive setting, and believed tight security was counterproductive because
inmates should be given the chance to behave acceptably but should be held accountable
for their actions. The consensus model mixed elements of the control and responsibility
models. It used tiered security levels and sophisticated classification and inmate
grievance systems, but was organized along paramilitary lines even as it allowed for
informal relationships with inmates.

According to DiIulio (1987), the control model gave administrations the best
chance to control inmate behavior and set the stage for amenity and service to take place.
He believed that allowing officers to exercise discretion created inequities in the
treatment of inmates, which fostered disorder. In his bureaucratic ideal, officers would
be impersonal with inmates (so discrimination would be less likely) and would be more
restrictive (so some staff would not be viewed as more heavy-handed than others).

Formal rules and regulations, laws and sanctions, are most necessary where
lawful, civilized behavior is least likely and little can be left to informal
understandings or norms of conduct. The attempt, therefore, to run prisons
informally…would seem bound to jeopardize any possibility for safe, lawful,
smooth-running correctional institutions (DiIulio, 1987: 239).

DiIulio (1987) concluded that prison management may be the single most important
determinant of the quality of prison life. He found that “strong, politically astute
leadership, an organizational culture built around security-first goals, and a paramilitary
structure were associated with higher levels of order, amenity, and service behind bars”
(DiIulio, 1991b: 82).
Administrative Control theory was further refined by Useem and Kimball (1989). Having conducted case studies of five well-known riots, the authors proffered that in contrast to the Sykesian model, “the key factor has not been organization of the inmates but the disorganization of the state” (Useem and Kimball, 1989: 218). Useem and Kimball (1989) demonstrated that a breakdown in the administration and control of the prison preceded each riot they studied. In each case, deprivation existed and the inmates were initially motivated by grievances against either the state or the guard force, but their deprivation was subjective and there were varying levels of a sense of injustice. As the authors noted, “uniformity and stability also contribute to the presumption of legitimacy; change and disorder weaken it, and arbitrariness and chaos shatter it” (Useem and Kimball, 1989: 205). Inmates equate equity with justice, and inconsistent managerial practices destroy their perception of the administration’s legitimacy (Hepburn, 1985; Bottoms, 1999; Camp, Gaes, Langan, and Saylor, 2003; Carrabine, 2005).

Useem and Kimball (1989) found that in the pre-riot stage, inmates will commit some acts of violence or defiance and may learn from the institution’s response that they have a chance of getting away with more. Therefore, a strong response may show the inmates that serious action is futile. The first response is critical, with many of the decisions being made by line staff and first-line supervisors, underscoring the need for adequate materials and training. Simply put, riots cannot expand if they are quelled with

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22 The Sykesian model is a term used to describe Gresham Sykes (1958) assertion that his analysis “has the initial, presumptive advantage of analyzing the disturbances in the prison not as isolated, fortuitous events but as an integral part of the nature of confinement (1958: 129), but DiLulio (1991b) points out there is no evidence that there was any tightening of regulations leading up to the two riots Sykes (1958) studied.
the initial response or if adequate controls in the pre-riot stage prevent the initiation stage from occurring.\footnote{Compare this explanation with the reaction of the prison in the Chapter 1 Homicide Case Study. This is an example of how positive administrative control mitigates disorder.}

Useem and Kimball’s (1989) analysis found several key indicators of administrative breakdown emerged that demonstrate “poorly managed prisons are prone to appalling lapses in security, both in the indiscipline or inadequacies of the guard force and in the failures of the physical structure (of the prison)” (Useem and Kimball, 1989: 220):

- previous escapes;
- inconsistent/incoherent rule enforcement;
- a fragmented and ineffective correctional chain of command;
- weak administrations;
- conflict between administration and line staff;
- public dissent among correctional actors; and the
- disruption of everyday routines for eating, work, and recreation.

The effect of administrative breakdown is two-fold: (1) the inmates develop the impression that deprivation surpasses legitimate bounds, and (2) there is a systematic erosion of available security systems.

The introduction of administrative control theory resulted in a shifting of attention from “the society of captives to the government of keepers” Dilulio (1991b: 83), and an “obliteration of the traditional sociology of prison violence and riots (DiIulio, 1991b: 87), but Useem and Kimball (1989) cautioned that although a strong and consistent correctional force is a symptom of quality management, adequate programming, work, cell space, and amenities are crucial to establishing a sense of legitimacy.
Naturally, the change in emphasis spurred several studies (Reisig, 1998, 2002; Mactavish, 1995; McCorkle, Miethe, and Drass, 1995; Gilbert, 1997; Craig, 2004; Griffin and Hepburn, 2006; Steiner and Wooldredge, 2008; Steiner, 2009; Worrall and Morris, 2011; Griffin and Hepburn, 2013), many of which generally supported the idea that management mattered but contradicted DiIulio’s (1987) notion that strict bureaucracies and tight administrative controls reduce inmate disorder. Reisig (1998) created a contextual variable consisting of the eight administrative components of DiIulio’s (1987) model (organizational communication, personnel relations, inmate/staff communication, discretion, regimentation, response to rule violations, response to inmate disruptiveness, and inmate participation in decision making) and found that “at the aggregate level, responsibility model and consensual model facilities reported lower levels of serious and less serious disorder than did control model facilities” (Reisig, 1998: 239). Similarly, McCorkle, Miethe, and Drass (1995) found that “poor prison management is a major structural condition that fails to control, and may promote, individual acts of prison misconduct” (McCorkle, Miethe, and Drass, 1995: 329), but did not find a direct link between increased security and order. Instead, they proposed that increases in educational, vocational, and industrial programs would result in lower rates of assaults (similar to the assertions in Useem and Kimball, 1989).

To date, no models have been tested and no measures have been offered that provide measures of the positive aspect of administrative control. Steiner’s (2009) study

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24 Interestingly, few if any studies contradicted Useem and Kimball’s (1989) assertions, other than to use differing administrative breakdown variables to demonstrate that coercive measures are antithetical to controlling inmate behavior – see McCorkle, Miethe, and Drass (1995) for an example of this type of analysis.
demonstrated that both static and dynamic processes are important for understanding disorder, but his administrative control measures (inmate to staff ratio, proportion of inmates in disciplinary housing, proportion of inmates in protective custody, proportion of inmates with work assignments) are still proxies for managerial processes that do not directly address what management can do to lessen disorder. That being said, Steiner (2009) did find support for the conclusions of Bottoms (1999) and Camp, Gaes, Langan, and Saylor (2003) that the efforts of the individual officer are critical to mitigating disorder, which brings up the issue of discretion.

DiIulio (1987) and Useem and Kimball (1989) changed the landscape of inmate disorder studies by demonstrating the discussion is incomplete if management is not included as a variable. Since then, researchers have pointed out that individual officer is a key component of the ability of management to exert influence, since the officer ultimately determines the manner and method of policy implementation (Hepburn, 1985; Bottoms, 1999; Camp, Gaes, Langan, and Saylor, 2003; Liebling, Price, and Shefer, 2010). The importance of the individual officer and the use of discretion represents a significant departure from DiIulio’s (1987) ideal of a Weberian bureaucracy for controlling inmate behavior, but it may be the key to understanding how administrators and officers interact to produce measures for positive administrative control.

**The Individual Officer and the Importance of Discretion**

Dating back to the early discussions about the autocratic system of government in prisons, researchers consistently identified the existence of an informal structure (Ohlin, 1956; 1960; Sykes, 1958; Schrag, 1961) that defined how officers dealt with problems that were not covered by official rules and regulations. While it is true that the solutions
to these problems represent the shared responses Schein (1993) spoke of that lead to the creation of an informal culture (Selznick, 1943), it is also indicative that in spite of the best efforts to standardize responses to inmates, discretion remains a necessary part of the effective supervision of inmates. Atkins and Pogrebin (1981: 1) defined discretion as, “a situation in which an official has latitude to make authoritative choices not necessarily specified within the sources of authority which governs his decision-making.” Even though DiIulio (1987) believed discretion led to inconsistent practices and fomented disorder, it is simply not possible to completely control for the effects of discretion because, as Banks (2004: 25) noted, “any exercise of power or authority is an exercise of discretion.”

The use of discretion in social service organizations, such as prisons, deserves additional attention, as it is a linchpin concept. Lipsky (2010) felt that latitude in decision-making was a defining characteristic for human service organizations, but correctional discretion is limited by organizational and legal parameters. Exercising discretion is a type of decision-making, which Stojkovic, Kalinich, and Klofas (2008) described as being based on three types of information: (1) the existence of alternatives, (2) the possible consequences of the alternatives, and (3) knowledge on the subject of the decision in order to guide the decision-maker through the alternatives. In other words, an officer’s ability to make a decision when confronted with an unforeseen situation is directly related to how much control he has over his options. It is at this point that critics of prison bureaucracy often base their argument against paramilitary/authoritarian prison organizational structure, because they believe strict hierarchical control of a prison contributes to disorder (Etzioni, 1961; Irwin, 1980; Colvin, 1992; Gilbert, 1997). This
opinion was very succinctly expressed by Toch (2002: 25) when he said, “rigid, bureaucratic control (does) not provide the discretion and autonomy necessary for those who must continuously deal with people.”

The exercise of discretion may be critical to an officer’s ability to effectively manage inmates, and to some extent it is unavoidable in that all decision-making involves some amount of discretion, but a correctional administration’s image as a legitimate authority can be seriously damaged if officers do not use their discretion wisely (Liebling, 2000, Carrabine, 2005). Discretion may be critically important but it has legal and procedural boundaries.

It is important to differentiate between early conceptions of discretion in correctional organizations as a structural defect and this study’s conceptualization of discretion as the responsible use of power and influence in a dynamic environment. Sykes (1958: 127) saw discretion as the “imperfect enforcement of the organization’s regulations and order with the tacit acceptance of the officials.” Sykes (1958) believed overlooking minor violations in favor of larger goals resulted in a transfer of power from the staff to the inmates. In a somewhat similar vein, Reisig (1998) offered that officer discretion enabled staff to overlook minor violations as a type of trade-off for rule-abiding behavior. He thought this level of toleration served the purpose of positively reinforcing behavior consistent with broader organization objectives.

While Sykes’ (1958) argued that discretion was a crack in wall of the autocratic system, DiIulio (1987) sought to reinforce the wall and ensure consistency with a discretion-free adherence to established rules. To an extent, Clemmer (1958) agrees with DiIulio (1987) regarding the value of consistency when he noted that although inmates
routinely disobey rules, they respect the guard who shows no favors and treats everyone the same - inmates have little respect for the guard that allows them to openly violate the rules, even though they benefit from it (Clemmer, 1958). Liebling (1999) also noted that prisoners value consistency, sometimes even above fairness, but she noted that staff recognize consistency to that degree is not always possible because inmates and situations are different. To Liebling, Price, and Elliot (1999), absolute consistency may be (a) impossible, and (b) a qualified good.

Bottoms (1999) put these issues in perspective very well when he wrote on the primacy of the staff-inmate relationship in maintaining order, which he said was the product of skilled and knowledgeable work by officers. “Order in prisons is to a large extent achieved through the subtle interplay of relationships between prison officers and prisoners, as they work their way through the prison day” (Bottoms, 1999: 210-211). According to Bottoms (1999), the relations between officer and inmate are conditioned by the skill of the officer on one side and the demographic and structural predictors of inmate interpersonal violence on the other side, such as age, race, criminal and social history, length of sentence, and security level.

Bottoms’ (1999) argument on the primacy of the staff-inmate relationship is based on his perception of the difference between order and control. According to Bottoms (1999), order is a dynamic social equilibrium, while control is a set of tactics. Bottoms (1999) bases this assertion on what he believes are the three basic philosophical approaches to order: Coercive (Hobbes), Mutual Self-Interest (Locke) and Normative
Consensus (Rousseau). Bottoms (1999) goes on to assert that there is no way to ascertain the primacy of any of these approaches, and in all likelihood all three work together to establish and maintain order in society. Extending this approach into prison, Bottoms (1999) concentrates on the normative concept of legitimacy – simply put, inmates will obey staff when they believe staff are acting in a professional manner and are legitimately using the power the state has provided them with. Legitimacy, in turn, is closely related to feelings of injustice, or the inequitable enforcement of rules. If prisoners believe the custodian’s behavior is justifiable, comprehensible, and consistent, it is therefore fair and will be considered legitimate. This sense of legitimacy extends beyond the individual actor when interacting with inmates, as inmates see the individual staff member as representing the institution; an individual’s performance affects the perception of the institution as a whole. When a sense of fairness is combined with a rational use of routines to establish predictability in prison life, the result is increased social order (Bottoms, 1999).

The common thread running through the literature on the importance of the individual officer and discretion is that discretion, power (or influence), and legitimacy are all closely related. Hepburn (1985) said officers in prisons draw upon six types of

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25 Bottoms (1999) is extending the idea of the social contract into prison. He uses Hobbes as the philosophy of coercion, presumably based on the idea that Hobbes is associated with ethical egoism. Hobbes believes man ought to act egoistically because the government is by its nature coercive, so while man is under threat of punishment obedience is in his self-interest, threats are not effective if acts go undetected. Locke, on the other hand, believes that good governance is in everyone’s best interest and people will effectively govern themselves if provided with the right information. Finally, Rousseau believes the social contract is more of an abstraction. Essentially, Rousseau is a compromise between Locke’s constitutionalism and Hobbes’ absolutism.

26 See Levinson (1965) for a thorough discussion of reciprocation and personification of an organization.
power: Coercion, reward, legitimate, exchange, expert, and respect (or personal authority). Hepburn’s (1985) analysis revealed that officers tend to rely on coercive power in institutions with higher custody orientations, but prisoners expect to receive reasonable instructions and directions. Inmates respond more positively to legitimate power – coercive power is most effective when it is used sparingly. Even though there is an underlying coercive element to any interaction between staff and inmates, Tyler (1990) believed the key to gaining compliance in any legal situation is a belief that the procedures are fair and that respect was accorded.

Parallels with Organizational Literature

The development of correctional literature to this point has shown that purely coercive measures for controlling inmates is untenable because (1) external stakeholders will always be involved in how a prison operates; (2) significant legal advancements have provided inmates with rights and access to the courts that eliminate the prison’s ability to control communication; and (3) it is impossible to formalize every possible encounter, making the use of discretion by the line-level officer paramount in the maintenance of order. It has also been shown that there are several measures of administrative breakdown, but there are as yet no indices of positive administrative control to offset breakdowns. Since a prison administration is a type of public sector leadership, a review of organizational leadership literature may reveal some managerial techniques that will

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27 See French and Raven (1959) for a detailed discussion of the sources of power and the relationship between power and influence.

28 See earlier discussions by Cressey (1959), McClerry, (1961b), Useem and Kimball, (1989); and Bottoms (1999) for further explanations of the importance of equity for garnering a sense of legitimacy.
assist prison leaders in influencing line staff to buy into the institution’s vision and avoid the type of behaviors that lead to administrative breakdowns.

To begin with, it is still commonly assumed that criminal justice organizations are structured along traditional, bureaucratic lines (Stojkovic, Kalinich, and Klofas, 2008). Often, larger criminal justice organizations are viewed as paramilitary in part due to their having a command structure, uniformed members, and their ability to use force.

Advocates of more open systems of organization (Simon, 1946; Katz and Kahn, 1966) believe classic administrative principles are superficial, oversimplified, and unrealistic, and argue that social organizations have to be more flexible in order to effectively respond to changes. This is similar to the criticism that prisons are overly dominated by rules and procedures, and as Gilbert (1997) and Toch (2002) have pointed out, rigid structures are not adequate for a dynamic staff-inmate relationship.

One alternative to a rigid, paramilitary structure would be an open organizational system. Bloomberg (1977) and Irwin (1980) proposed that instead of a hierarchical organization, prison management could engage in participatory management with the inmates. Borrowing from MacGregor’s (1957) X and Y theory of management, Bloomberg (1977) proffered that traditional prison management interacts with inmates from a theory X perspective (inmates are indolent and require close supervision and coercion), but inmates would benefit from a theory Y perspective (inmates are capable of directing their efforts toward organizational goals and management’s job is to facilitate their efforts).

Taken from another vantage point, it can be seen that that the autocratic and the participatory advocates represent the extremes in a debate on how correctional
organizations should be structured. Burns and Stalker (1961) termed these extremes the mechanistic and the organic, noting that even though organic systems are not as hierarchical as mechanistic systems, there is still some stratification, leading to their assertion that the two forms actually represent more of a polarity than a dichotomy. Burns and Stalker (1961) and Kuykendall and Roberg (1982) believe stable conditions work best with mechanistic systems and fluid conditions work better with organic systems, but in all practicality organizations utilize both the mechanistic and organic forms, oscillating between them as needed. Das and Verma (2003) suggested that since there is no one best way to go about managing an organizations, it may be best to combine them. Reisig (1998) came to similar conclusions in his analysis of the three managerial models described by DiIulio (1987). Reisig’s study showed that the consensual model (the one that combines the responsibility and control models) performed very well and may be the “most effective approach” (1998: 241).

Essentially, the argument is about process, since both sides assume organizations are rational and their primary purpose is to accomplish established objectives (Scott, 1977; Bolman and Deal, 2003). If we assume that the primary objective of a rational bureaucratic organization is enhancing efficiency, (Weber, 1922, Gulick, 1937) we must first establish how we are defining efficiency in order to determine which process is most effective. In economically-driven organizations, measures of efficiency are clear and easily discernable, but in social organizations, efficiency becomes harder to measure because organizational goals are less clear. DiMaggio and Powell (1983) went so far as to argue that efficiency is no longer the primary concern of bureaucratized organizations because when they interact with each other they compete not only for “resources and
customers, but for political power and institutional legitimacy” (1983: 150). A good portion of DiMaggio and Powell’s (1983) argument rests on the idea that rational, bureaucratic organizations cannot keep up with innovation because the rational environment they constructed, “constrains their ability to change further in later years” (1983: 148). Because of this, bureaucratic organizations tend to learn from each other and adopt similar strategies in order to survive – in other words, they start to homogenize, or become isomorphic, and become more concerned with maintaining their legitimacy than in being efficient.29 DiMaggio and Powell (1983) explained that institutional isomorphism takes into account that efficiency is not the only goal for organizations. Institutional isomorphism occurs through three different mechanisms, depending on why the change is occurring: mimetic (based on responses to uncertainty), normative (based on responses to increased professionalization), and coercive (based on political influences). The coercive mechanism is especially problematic in that it is usually a reaction to a government mandate, often coming from people who to not appreciate the ramifications of their decisions.30 Change such as this is problematic because the organization’s goals are being set for them, often by competing stakeholders with differing ideas about what the goal or goals of the organization should be (Wright, 1981).

In this situation, achieving efficiency becomes a secondary concern, since the agency is preoccupied with trying to balance competing goals. Meyer and Roman (1977)

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29 DiMaggio and Power (1983) are restating the problem noted by Lipsky (2010). External influences cause management to be concerned with legitimacy, but the line worker is concerned with service delivery and efficiency, which give rise to goal conflict and the strife between management and line staff.

30 See Ohlin’s (1956) discussion about the problems associated with myopic external stakeholders.
said that organizations use institutional isomorphism in order to adapt to external elements, which are then rationalized into the organization and become institutional requirements.\textsuperscript{31} This results in legitimizing the organization for external stakeholders, even though the procedures may not be efficient.\textsuperscript{32} The organization has now created a structural inconsistency in that it is becoming more and more inefficient while trying to appear efficient. Organizations resolve this conflict through the processes of decoupling (Meyer and Roman, 1977). Monahan and Quinn (2006: 364) said when organizations decouple, they “satisfy environmental demands by demonstrating appropriate structure and policies while simultaneously freeing lower-level employees to meet the organization’s technical goals,” allowing for what Perrow (1961) called the creation of official and operative goals.\textsuperscript{33}

What is being explained here is that the experiences of prisons and the problems that arose when the systems moved from autocratic to rehabilitative to rational-legal perspectives were not the result of theoretical differences, but rather grew out of the conflicts inherent in organizational change. Even in other social service organizations, informal structures rise when administrations try to balance competing interests and strive to be appear to be efficient in the face of elusive and hard to measure goals. Because criminal justice organizations have to balance competing interests and make decisions within the context of the interest structure of the community they are a part of (Cole, 1983; Wright, 1981), official goals are often intentionally vague and do not

\textsuperscript{31} See Cressey, 1959.

\textsuperscript{32} See Lipsky, 2010.

\textsuperscript{33} Operative goals is a euphemism for informal structures.
specifically address how they are to be met (Perrow, 1961). What this does is allow the lower levels of the organization to create their own procedures for attaining the formal goals.

While this may seem irrational, according to Wright (1981) the creation of goal conflict is to an extent desirable. “Conflict makes it possible to represent and protect different societal interests, establishes a system of checks and balances, and promotes a smoothly operating offender-processing system.” (Wright, 1981: 213) What conflict does is enable competing interests to continue to have a stake in the criminal justice system - a system that is actually so complex that it behaves more like an institution than an organizational system in that “its existence and what happens to it are unrelated to goal accomplishment” (Wright, 1981: 211; Duffee, 1980.)

More recent prison scholarship has attempted to reconcile the difficulties of balancing competing directives by adjusting the meaning of efficiency. DiIulio (1993) believes efficiency is possible if practitioners based their measurement efforts on (1) what they want to achieve; (2) what human and other resources do they have (or can obtain) that might enable them to achieve it; (3) how can they know the relationship between the levels and modes of resource deployments, on one hand, and the achievement of goals on the other; and (4) how can they measure routinely the extent to which they are achieving what they want to achieve. Wright (2005) said measuring effectiveness could lead to performance-based management (i.e., benchmarking), which would have to be aimed at processes, such as managing human capital, improving staff performance, establishing and maintaining budgetary guidelines, etc. In this way, progress can be measured and
organizations can work toward a more concrete ideal of efficiency, even if organizational goals are in flux.

There is, however, an additional layer of performance that should be considered – the ability of an administration to create a foundation upon which the other processes operate. That foundation is the ability of the prison to maintain order (Bottoms, 1999; Dilulio, 1987), which can be expressed by an institution’s rate of inmate misconduct. Unlike other social organizations, prisons must first provide a safe and secure environment for staff and inmates in order for any work to occur, making the mitigation of misconduct a cornerstone that other programming designed to assist an inmate reintegrate back into society must build on. Granted, a certain level of misconduct will always be present in prisons, but mollifying its frequency and magnitude is a direct indicator of how well prison managers govern.

**Antecedents of Positive Administrative Control**

Even though many administrative skills and techniques that have found success in the private sector transfer over to correctional management, any discussion of prison effectiveness must first consider that prisons are charged with managing a group of people who are being held against their will. Because inmates generally don’t like being in prison, their compliance with rules and regulations is, for the most part, perfunctory. After all, inmates exist under the purview of a coercive system characterized by a well-defined security and supervision structure, supported with a disciplinary process grounded in the same laws that put them in prison (Phillips and McConnell, 1996). Since corrections administrators are tasked with managing the unmanageable (Irwin, 1988), studies that concentrate on prison performance must realize that the line staff perform the
majority of inmate management through face-to-face interactions, that dealing with human subjects makes the process fluid and dynamic (thus requiring the judicious exercise of discretion), that discretion has organizational and legal parameters, and that the manner in which discretion is utilized affects the inmate’s perception of the administration’s legitimacy to impose rules and regulations, which in turn determines the ability of managers to concentrate on delivering services and administering programs designed to assist inmates successfully reintegrate into society upon their release. Of particular importance is the idea that prison management, through positive administrative control, exerts an influence on line staff and on inmates that sets the tone for these essential interactions to take place.

With this in mind, it is necessary to understand the hierarchy of the correctional organization in order to put measures of positive administrative control in context. A typical federal prison has a warden, who is assisted by two or three associate wardens. Each associate warden is responsible for several departments (e.g., unit management, correctional services, religious services, facilities, food service, human resources, etc.) Each department is supervised by a department head, who is responsible for the employees below him or her who work at the line level. The largest department is correctional services. In federal prisons, the department head for correctional services is the captain. He or she will have several lieutenants, who serve as the principle line-level supervisors. They run the shifts, conduct criminal investigations, supervise bus runs and the special housing unit, and conduct a wide variety of other tasks, including placing inmates in administrative detention and providing direct supervision and evaluation of the correctional officers. In this model, each level of the organization reports to a higher
level, but decision-making is decentralized (to a point). For example, lieutenants may authorize whatever force is necessary during an emergency, up to and including deadly force, but they must secure the permission of the warden through the chain of command to conduct a calculated use of force on a disruptive inmate, including the use of chemical agents and the type of restraints to be used.

The line-level staff (correctional officers, unit team members, food service foremen, facilities foremen, recreation supervisors, teachers, factory supervisors, etc.) directly supervise inmates. They run the housing units and supervise the recreation yard, the dining hall, and inmates in the special housing unit. The officers, by nature of their job, are supervisors, but instead of staff they supervise inmates. Each organizational level - line staff, first line supervisor, department head, and executive staff, manage their areas but are also expected to be leaders. The end result is what Cohn (1991) called, “an organizational contradiction. Even the lowest status members of the hierarchy (are) responsible for managing people as well as for the development of goals, albeit for clients” (Cohn, 1991: 2). Corrections agencies are, in reality, hierarchical organizations of supervisors, which suggests that leadership skills are required at all levels.

Social exchange theory, leadership, and influence. There are several types of relationships present in prison – among them are management and staff, management and inmates, and staff and inmates. Common to each of these relationships is that they are unequal (one side exerts influence on the other), but the actions of the subordinate side can impact the relationship. French and Raven (1959) pointed out that power and influence involve a didactic relationship between the governors and the governed that is closely related to the individual sources of power (Hepburn, 1985) and legitimacy
Social exchange theory (Emerson, 1976), along with the norm of reciprocity (Gouldner, 1960), can be thought of as the theoretical base for those sources of power and the perceived legitimacy of an organization. Social exchange theory considers all social interactions as an exchange of tangible and intangible activity, which is based on a concept of costs that is borrowed from economic theory (Homans, 1958, 1961; Blau, 1964). Homans (1958) offered that exchange is related to Skinner’s (1953) idea of operant conditioning. Using the Skinnerian black box as an example, Homans (1958) asserted that if two men were substituted for the pigeon and the source of the corn, we would find that each party is reinforcing the behavior of the other.

There are two schools of thought behind the exchange paradigm. The first is based on economic principles (Thibaut and Kelly, 1959; Homans, 1958, 1961; Blau, 1964), and the second is based on social/behavioral activity (Emerson, 1976; Baldwin, 1978). The economically-driven version of the paradigm contends that social exchange is based on actions that are contingent on the rewarding actions of others (Blau, 1964), but according to Emerson (1976) there is a problem with taking too much of an economic approach to exchange. Emerson asserted that exchange, as defined by Thibeau and Kelly (1959), Homans (1958, 1961) and Blau (1964), is the “economic analysis of non-economic social situations” (1976: 336), which implies a level of rationality that may or may not always be present (Emerson, 1976; Zafiroski, 2005). Emerson (1976) resolves this problem by treating the social relation itself as the unit of analysis, rather than reducing the analysis to the actions of the individual actors. By defining the social relation as the unit of analysis, Emerson (1976) is saying that the exchange relation is actually the “reciprocal flow of valued behavior” (347). Value, in turn, has four
derivative conceptions (Emerson, 1976):

- Value thresholds, or what Thibaut and Kelly (1959) called comparison levels, which is based on the idea that once a level of reward is defined, the level of departure from that level has more value than the amount of the reward;
- Diminishing marginal utility, which is based on the idea that the value of a reward is reduced the more often an individual receives it;
- Preference orders and value hierarchies; and
- Cost.

Emerson (1976) asserted that the primary difference between the economic and social exchange perspectives can be found in their ideas of cost. To Emerson (1976), social exchange is a longitudinal relation between parties where each interaction reinforces behaviors that condition future interactions, and power is neither diffuse nor equally distributed. This concept is completely distinct from the economic version, where each side makes an ahistoric rational decision based on perceived rewards and costs.

The idea of social exchange as a longitudinal accumulation of interactions is particularly relevant for correctional organizations, as the relationship between management and staff and between staff and inmates is characterized by an unequal distribution of power. According to Dahl (1957), power is a subset of social relations where one person or group gets another person or group to do something they ordinarily wouldn’t have done, which is very similar to the didactic relationship French and Raven (1959) described. The problem with these statements from the economic exchange point of view is that Blau (1964) considered exchange and power as distinct realms. According to Baldwin (1978), Blau’s (1964) concerns are based on the idea that power relations are characterized by conflict (Weber, 1947), and exchange is based on mutual self-interest. Baldwin (1978), however, believed Weber was missing the point. “To describe a power relationship in terms of A getting B to do something against his will is to obscure the
heart of the power process (i.e., A’s manipulation of the incentives or opportunity costs) that B associates with course of action. It is precisely B’s will that A is trying to change” (Baldwin, 1978: 1232).

Another aspect of Blau’s (1964) reasoning behind keeping power and exchange separate is that he conceived of exchange as symmetrical, and power is inherently asymmetrical (remember the inequality present in the primary prison relationships). Baldwin (1978) countered this argument by pointing out that even though March (1955) suggested that power is asymmetrical in the sense that if A influences B, B does not influence A, it is highly probable that A’s power over B is limited to certain dimensions of B’s behavior. “Thus, person A may be influencing person B with respect to X at the same time that person B is influencing person A with respect to Y (Baldwin, 1978: 1235).

A very similar idea was articulated by Conover (2000), who wrote after completing a year as a staff member at Sing-Sing that, “the guard, it is thought, wields all the power, but in truth the inmate has power, too” (2000: 207).

Baldwin’s (1978) contention that power and exchange could be integrated faced one final obstacle – positive versus negative sanctions. Blau (1964) believed exchange was based on positive sanctions and power on negative sanctions, but for Baldwin (1978), they are reconciled with the concept of authority, or legitimate power. He proffered that analyzing authority in terms of exchange dates back to social contract theorists, who envisioned an exchange of obedience and legitimacy for effective governance.34 When governed people believe the rules being imposed on them are based

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34 It is important to remember that Bottoms (1999) cautioned against over-reliance on norms and values for establishing order, agreeing with Wong (1994) that the social contract of Rousseau, the coercive philosophy
on legitimate authority, they exchange “compliance with lawful orders and a set of social norms that help enforce compliance (for)...satisfaction of basic desires for security, welfare, and dignity” (Baldwin, 1978: 1239).

Social exchange, then, can be used as a theoretical base for explaining relationships in a correctional setting. Because the relationships between staff and inmates and between management and staff are asymmetrical but conditioned by reciprocity, the ability of staff to influence inmates and the ability of management to influence staff will be directly related to the perception of the governed that the governing body is legitimately exercising its authority (Emerson, 1976, Baldwin, 1978, Hepburn, 1985). Those perceptions are based on the longitudinal effects of constant interactions, which determine relationship quality.

**Obstacles to building relationships with inmates.** Although social exchange theory accounts for asymmetrical relationships in prisons with the assertion that reciprocity exists, one must also consider the obstacles to achieving quality relationships presented by the setting of the exchange (prison), which can cast management and line staff relationships with inmates in a negative light and inhibit their development. It is well established that the process of socializing into prison depersonalizes inmates (McCorkle and Korn, 1954; Clemmer, 1958; Goffman, 1961a; Goffman, 1961b), so social exchange must overcome the possibility of staff and inmates seeing and reacting to each other in terms of narrow stereotypes, as noted earlier by Goffman (1961b).

Complicating these obstacles are the pre-prison experiences of inmates. Many

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inmates come from cultural backgrounds or have been otherwise socialized to mistrust authority figures (Chrisman, 1971; Leger and Barnes, 1986), and some inmates are conditioned to equate respect with the use of violence (Anderson, 1999). Inmates who belong to gangs are socialized to defy law enforcement authority (Cloward and Ohlin, 1960), inmates serving long sentences are more likely to engage in misconduct (Berk, Kriegl, and Baek, 2006), and it is well established that younger inmates are more likely to be involved in misconduct and may be less likely to engage positively with staff (Gendreau, Goggin and Law, 1997; Cunningham and Sorensen, 2007). It is possible that there will be differences in attitudes toward staff relationships and perceptions of staff legitimacy among younger inmates, those incarcerated for longer periods of time, those incarcerated for violent offenses, and those coming from particular socio-economic backgrounds.

**Leadership, discretion, and organizational structure.** When scholars attempt to reconcile the organizational structure of prisons with the need for legitimate authority and discretion, they typically come to the conclusion that a hierarchical paramilitary structure is inconsistent with the need to allow line officers to use the necessary discretion to maintain order. Gilbert (1997) asserted that because correctional organizations over-rely on formal structures to control discretion, a disconnect forms between line staff and management. As a result, organizational change is often imposed without connection or commitment from the officers, and the rationale behind the changes are not communicated to them. As a result, the officers resist changes, which results in managers viewing line staff with suspicion. Gilbert (1997) believed the classic organizational model should be abandoned and formal rules should be replaced with
value-based ethical principles, consistent with management intent and reinforced through formal training experiences. Likewise, Cronin (1982) pointed out that a formal, paramilitary style of management does not work in correctional organizations because different styles of leadership are needed for particular situations. Cronin (1982) used the example that the type of leadership required to lead a platoon of Marines is different from the type of leadership needed to change racist or sexist attitudes.

Both Cronin (1982) and Gilbert (1997) believe that military-style leadership is inappropriate for correctional settings because it is too rigid and inhibits discretion, but they are misunderstanding the nature of military organizations. “The military is not a top-down, centrally controlled monolith that demands blind obedience of mindless brutes. It is a thoroughly professional approach to organization and leadership” (Cowper, 2000: 231).35 Dating back to early western civilization, military leaders have always known that leaders who inspire devotion to a cause or vision are much more effective than those who use the authority of position,36 and the best way to ensure the lower ranks make decisions consistent with the vision of the leaders is to train them in decision-making skills.

What military organizations have done is train its leaders to make decisions based on the situation at-hand. They are expected to make whatever decision is necessary to

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35 Buerger ‘s (2000) response to Cowper (2000) is not viewed as particularly relevant in this discussion, as Cowper (2000) is only being used to demonstrate how transformational leadership allows for discretion to occur within an existing structure and fosters an environment where critical thinking and problem solving is allowed – a far cry from the bleak picture painted by scholars that decry the rigidity of structured bureaucracies. Buerger (2000) is primarily concerned with Cowper’s (2000) military/police comparison and the organizational/cultural problems involved with professionalizing policing in a general sense.

36 Xenophon (n.d.) pointed out that willing obedience was preferable to forced obedience, and said that men will always incessantly plot against those that rule them.
accomplish their mission while staying within broad structural limitations. The Marine Corps’ Doctrinal Publication (MCDP-1), Warfighting (1997) recognizes precise control is impossible on the battlefield because the environment is fluid and full of uncertainty. To a lesser extent, the same phenomenon is found in law enforcement and in corrections. The MCDP-1 recognizes that the goal of leadership is to “impose a general framework of order on the disorder, to influence the general flow of action rather than to try to control each event” (MCDP-1, 1997: 11). Each organizational unit of a military organization, just like in a correctional bureaucracy, has to be free to make decisions that have the overall goal in mind, even if the exact procedures are not in a specific protocol. Despite the ideals of a free-flowing system based on ethical values envisioned by Gilbert (1997), the reality is that correctional organizations are rational-legal institutions bound by rules external to the organization (Jacobs, 1978). The military model provides a structural form for the rational-legal bureaucracy by defining limits on the activities of the organization while allowing each level of supervision the latitude to adapt to specific situations. It is understood that subordinate staff must be able to use discretion, but their decisions have to be based on their supervisor’s intent and must stay within legal boundaries. The lesson here is not to overly rely on the structural frame or to abandon it – effectiveness is contingent on the leader’s adaptability and willingness to use multiple structural frames. Bolman and Deal (2003) found that the structural framework was effective for daily management, but that dynamic situations called for the use of symbolic and political frameworks.

Leadership and contingent reward behavior. In using the military for a model of leadership, Cowper (2000) was advocating for the application of transformational
leadership principles (Bass, 1990) to the law enforcement setting. Transformational leadership is what occurs when “leaders broaden and elevate the interests of their employees, when they generate awareness and acceptance of the purposes and mission of the group, and when they stir their employees to look beyond their own self-interest for the good of the group” (Bass, 1990: 21). According to Harris (1999: 26), transformational leadership “motivates people by inspiring them to focus on broader missions and higher level goals.” This type of leadership fosters critical thinking and encourages staff to adapt to changes (Bass and Riggio, 2006), which is exactly what correctional organizations should be aspiring to.\(^{37}\)

When an organization is equipped with transformational leaders, employees becomes empowered:

Empowerment is a change in the overall culture of an organization. It is not simply extensive delegation. It is more than asking employees their opinions about policies and procedures. It extends beyond involving employees in creating solutions to problems. Empowerment involves pushing decision making down to the lowest possible level, not only involving employees but also letting them manage and make decisions (Seiter, 2002: 365).

Empowerment creates a relationship between employee and supervisor based on trust - trust that the employee will act professionally and make sound, informed decisions throughout the day (Lambert, Hogan, Barton-Bellesa, and Jiang, 2012). The empowered employee has the authority to make decisions but is responsible for making sure they are based on established policies. The empowered supervisor has the authority to mentor and

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\(^{37}\) Transformational leadership is a term for a set of leader behaviors that help create an environment conducive to high-quality leader-member exchange relationships (Dulebohn, Bommer, Liden, Broer, and Ferris, 2012), which is rooted in social exchange theory (Homans, 1958, Blau, 1964). However, researchers have shown that effective leaders engage is both transformational and transactional leadership (Avolio, Bass, and Jung, 1999).
correct his employee but is responsible for making sure the employee has the training and the tools to perform his required assignments properly, promptly, and thoroughly. When this occurs, the organizational climate is characterized by trust and positive relationships (Selznick, 1957), and the organization becomes empowered.

Transformation leadership is characterized by well-articulated goals, a clear vision for the organization, and the encouragement of group goals (Kuhnert and Lewis, 1987). While this is extremely important, contingent reward behavior (providing feedback and recognizing accomplishments both informally and through the use of rewards) is also extremely important for encouraging staff to buy in to organizational goals (Wayne, Tetrick and Bommer, 2002). Studies have shown that transformational leadership augments contingent rewards (Waldman, Bass, and Yammarino, 1990).

Correctional organizations that utilize an effective contingent reward system supplemented by leaders skilled in transformational leadership techniques recognize that the correctional employee is the backbone of the organization. These leaders also understand that transformation leadership and contingent reward behavior is rooted in relational leadership techniques (Graen and Uhl-Bien, 1995; Brower, Schoorman, and Tan, 2000; Uhl-Bien, 2006) that influence the employee to act in the best interest of the organization when situations call for the use of discretion. Relational leadership is the link between the vision of the organization and the daily practices on the ground. When the link is strengthened, when the relationship between the leader and his subordinates is such that the leader’s vision is being realized, it maximizes the institution’s ability to provide direct social control by impacting the social bonds between the employee and the organization (Hirschi, 1969; Kornhauser, 1978; Woodelredge, Griffin, and Pratt, 2001).
Leadership is not about what the leader does or says as much as it is about what occurs within the relationship (i.e., in the social exchange) between leaders and subordinates (Bolman and Deal, 2003).

**Measures of Positive Administrative Control**

**Communication.** Central to positive administrative control is effective communication between management and employees as well as between management and inmates, which is much more than simply making sure the supervisor’s desires are expressed (Bass, 1990; Harris, 1999; Kouzes and Posner, 2002; Bass and Riggio, 2006). There must also be room for return communication, including dissent (for staff). Leaders have to pick up on the signals coming from the line staff as policies and practices are introduced. As the saying goes, “if the messages from below say you are doing a flawless job, send back for a more candid assessment” (Gardner, 1990: 26). Effective communication builds trust between supervisors and employees, which is related to improved productivity (Lambert, Hogan, Barton-Bellessa and Jiang, 2012; Mayer and Davis, 1999; Camp, 1994). It is expected that a measure of how well prison management communications with its employees, and how comfortable the employees feel expressing their concerns to management, will be an effective measure of positive administrative control.

**Organizational innovation and responsiveness.** The structure of the organization is an important aspect of positive administrative control, as researchers have adduced that control of disorder is not possible if the organization is so rigidly structured that it cannot adapt to a fluid environment (Gilbert, 1997; Toch, 2002). Prisons are a microcosm of society (Cressey, in Clemmer, 1958), and society has been portrayed as a
complex adaptive system (Buckley, 1998), and it has been shown that individual officer discretion is a critical component of inmate supervision (Lipsky, 1980; Hepburn, 1985; Gilbert, 1997; Bottoms, 1999; Liebling and Price, 1999; Liebling, 2000). Therefore, prison managers must be able to adapt practices at the local level to respond to specific situations and must instill responsible officer discretion that stays within established legal and procedural boundaries.

Mott (1972) demonstrated that efficiency is achieved through the establishment of stable methods (routines) that provide maximum output with minimal cost, while adaptability is the process of evaluating routines and changing them if needed to meet demands. According to Basadur (1997), key to achieving adaptability is creativity, or innovation, which Basadur, Graen, and Green (1982) said can be developed when organizations encourage and train employees in critical thinking skills. Organizational adaptability has been related to perceptions of a positive working environment (Camp, Saylor, and Harer, 1997; Wright, Saylor Giliman, and Camp, 1997), and was certainly evident in the actions taken by prison administrators in the two case study examples discussed in Chapter 1. Because the ability of an organization to formulate and adapt new procedures or refine existing procedures helps the organization respond to threats to the orderly running of the institution, it is an important component of positive administrative control.

**Legitimacy.** The final element proposed as a measure of positive administrative control is legitimacy, or an assessment of management’s legitimate authority to enforce rules and regulations. Legitimacy is the linchpin concept at all levels of the social exchange relationships in prison – between staff and inmates, between management and
inmates, and between line staff and management. Inmate perceptions of the legitimate authority of staff to enforce regulations is well-documented in the literature (Hepburn, 1985; Sparks and Bottoms, 1995; Bottoms, 1999; Liebling, Price, and Elliot, 1999; Liebling, Price, and Shefer, 2010). Legitimacy is also related to perceptions of procedural justice, which inversely impacts inmate misconduct (Reisig and Mesko, 2009; Beijersbergen, Dirkswager, Eichelsheim, and Van der Laan, 2015). For staff, studies have shown that staff believe their work environment is characterized by a constant threat to their personal safety (Cullen, Link, Wolfe, and Frank, 1985; Wright and Saylor, 1991). In part because of the presence of potential danger, studies have shown that quality supervisor/subordinate relationships are essential for nurturing positive attitudes among line-level staff (Lombardo, 1981; Poole and Regoli, 1981; Hepburn and Knepper, 1993; Bottoms, 1999; Cheeseman-Dial, 2010; Liebling, Price, and Shefer, 2010).  

**Breaking down legitimacy.** In a manner consistent with social exchange theory (Emerson, 1976; Baldwin, 1978), two separate constructs within the work environment are being used to measure the level of legitimate authority possessed by the organization - perceived organizational support (POS) (Eisenberger, Huntington, Hutchison, and Sowa, 1986), and the leader-member exchange (LMX) (Graen and Scandura, 1987; Graen and Uhl-Bien, 1995).  

Perceived organizational support (Eisenberger, Huntington, Hutchison, and Sowa, 1986)
1986) proffers that one result of the longitudinal relationship between employees and organizations is that employees develop beliefs about how the organization cares for and supports them based on the accumulation over time of rewards and punishments received. This occurs because employees tend to personify the organization they work for, and view actions by the organization’s leaders as actions of the organization itself (Levinson, 1965). Based on the norm of reciprocity (Gouldner, 1960), which proffers that people tend to help those who help them, symbolic, material rewards such as such as pay, rank, job enrichment and influence over organizational policies are indicative of how the organization values the employee. When employees have a higher assessment of their value to the organization, their commitment to the organization increases (Eisenberger, Huntington, Hutchison, and Sowa, 1986; Settoon, Bennett and Liden, 1996; Wayne, Shore, and Liden, 1997). Further, the rewards are even more valued if they are based on voluntary actions of the organizations, as opposed to when they are required by external forces such as union negotiations or common personnel practices (Rhoades and Eisenberger, 2002).

Because supervisors act as agents for the organization, the concept of the leader-member exchange (LMX) adds that employee performance (both in-role and citizenship behaviors) are increased when leaders with high subordinate expectations provide employees with their time, attention, feedback, and encouragement (Graen and Scandura, 1987; Graen and Uhl-Bien, 1995; Settoon, Bennett and Liden, 1996; Wayne, Shore, and Liden, 1997). According to Graen and Uhl-Bien (1995), LMX is primarily concerned with the quality of the relationship in the leader-follower dyad. Since LMX is rooted in social exchange, the theory suggests that “each party must offer something the other party
sees as valuable and each party must see the exchange as reasonably equitable or fair (Green and Scandura, 1987: 182). Of course, both the leader and the follower bring personal characteristics into the dyad that affect the quality of the relationship, but in a meta-analysis of 247 studies, Dulebohn, Bommer, Liden, Brouer, and Ferris, (2012) showed that leader behaviors and perceptions explain most of the variance in LMX. Dulebohn, et al (2012) came to the conclusion that the quality of the LMX relationship is positively influenced by the leader’s use of contingent behavior and transformational leadership, which indicates that even though the three variables are conceptually different, empirically they are not that separate. Because studies have shown POS and LMX have differing antecedents and affect employee attitudes and performance differently (Wayne, Shore, and Liden, 1997), they will be considered separate components of positive administrative control.

**The Positive Administrative Control Model**

Positive administrative control affects the frequency and magnitude of inmate misconduct by influencing the staff reactions to inmates and staff adherence to policies and procedures and inmate perceptions of the legitimacy of staff authority. This is accomplished through the influence and reactions of staff to inmates and by demonstrating innovation and being responsive to threats to institutional order. Two-way communication is the base for the model, but it runs on two legitimacy cycles – one for inmates and one for staff. The relationship between inmates and staff is the legitimacy cycle, where inmates exchange normative acceptance of rules for discretion in rule enforcement while expecting even adherence to security procedures. The relationship between staff and management is the leadership cycle, where staff exchange normative
acceptance of policies and procedures for perceived organizational support (POS) and the leader-member exchange (LMX). Management indirectly affects inmate beliefs of staff legitimacy through its influence on staff willingness to use discretion in a manner consistent with agency designs and by enforcing security procedures.

Even so, misconduct will occur, which is represented by the arrows connecting inmates to staff and management. Organizational innovation and responsiveness is represented by the official reactions to misconduct, which can be adjustments in procedures or changes to the physical structure of the facility.

![Figure 1](image)

**Positive Administrative Control**

When prison staff believe the organization values them and when their relationship with their supervisors is based on trust and support, there is a greater likelihood staff will use their discretion in a manner consistent with the prison’s desires and an increased chance they will follow established security procedures. This type of commitment to the agency occurs because they believe the organization’s goals and
procedures extend from legitimate concerns. Similarly, when inmates believe staff are using their discretion wisely and are fairly and consistently enforcing regulations, their perception of staff legitimacy is increased, and misconduct rates are reduced. Therefore, positive administrative control is the result of the interplay between relationship quality and perceptions of legitimacy, built on a base of open communication and bolstered by administrative responsiveness and flexibility.

**The Influence of Positive Administrative Control**

Administrative breakdown is characterized by weak and ineffective command, conflict between the line staff and management, dissent among the correctional officers, and the disrupting of everyday security routines (Useem and Kimball, 1989; Useem and Reisig, 1999). Positive administrative control is based on effective communication, organizational innovation and responsiveness, and perceptions of legitimacy. Although positive administrative control is rooted in social exchange theory (Emerson, 1976; Baldwin, 1978), there is a structural-functional component to organizational innovation and responsiveness (Parsons, 1937, 1956). An institution’s ability to exercise positive administrative control is an indication that the administration is (1) communicating its intentions to staff and inmates and is listening to concerns raised by staff and inmates, (2) willing to react to concerns raised by staff and inmates and adjust policies, practices, and sometimes physical structures to meet the dynamic needs of supervision, and (3) is influencing staff to act in accordance with the agency’s desires, even when confronted with situations that are not explicitly covered by policy. Positive administrative control allows for consistency to be tempered with common sense, resulting in a more persistent adherence to existing policies, a greater sense of legitimacy among the inmates, increased
direct control, and lower rates of disorder (Griffin, 2001; Camp, Gaes, Langan, and Saylor, 2003; Lambert, Hogan, and Griffin, 2007; Carter, Armenakis, Feild, and Mossholder, 2012).
Chapter 3
Data and Methods

Research Problem

The aim of this research is to identify measures of positive administrative control and determine if they affect a prison’s rate of inmate misconduct. With that in mind, the following research question is proposed:

Research Question: Is an institution’s rate of inmate misconduct affected by: 1) the level of communication between management and staff; 2) the quality of the management/staff relationship; 3) the amount of organizational support perceived by staff, and 4) the ability of administrations to be innovative when responding to threats to order?

Because there are obstacles to building relationships in prison that can be attributed to the pre-prison experiences of the inmates, a subsidiary research question is raised:

Subsidiary Research Question: Do inmate demographic characteristics, such as age, sentence length, gang membership, and willingness to use violence differentially affect staff-inmate relationships and the ability of an administration to affect misconduct rates?

To address these questions, institutional rates of misconduct\(^40\) will be used as the dependent variable. Misconduct is being aggregated to the institutional level because the institution is the unit of analysis. The different variables designed to capture an institution’s ability to exercise positive administrative control (communication, innovation and responsiveness, and legitimacy) are drawn from the responses to a survey provided to a sample of staff in the Federal Bureau of Prisons. The individual responses to the survey are also aggregated to the institutional level (more details on the survey will be provided later in this chapter). Additionally, inmate demographic variables and other

\(^{40}\) The term “misconduct” in this research is measured as offenses committed by inmates which resulted in formal incident reports being adjudicated at the unit team or disciplinary hearing officer level, for reasons which will be explained later in this chapter.
measures than can impact disorder (gang affiliation, staff-inmate ratio) will be measured at the institution level. Since all the variables of interest are measured at the group level, ordinary least squares (OLS) regression analysis (Long and Freese, 2006; Wooldridge, 2009) will be used to assess the influence of positive administrative control on misconduct.\(^4\)

**Study site and data.** The data for this analysis come from the Federal Bureau of Prisons for 2008.\(^4\) Institutions housing female inmates and administrative institutions were removed from the analysis, leaving a total of 85 institutions with 115,369 inmates.\(^4\) Institutions housing female inmates were dropped from the study because there are important differences between male and female offenders that may affect how management techniques are perceived that are beyond the scope of this study. Male offenders commit nearly twice as many violent offenses as female offenders, female offenders are more likely to be incarcerated for a drug offense, and female offenders are much more likely to have been the victim of physical, emotional, and/or sexual abuse (Bloom, Chesney-Lind, and Owen, 1994; Bureau of Justice Statistics, 1994; Brennan and

\(^{4}\) Organizational commitment is not used as a measure of positive administrative control, even though organizational commitment is often addressed in the literature (Camp, 1994; Lambert, Hogan, and Griffin, 2007). This is because the leadership in the Federal Bureau of Prisons works to instill commitment to the organization as a whole – prior research has shown that employees do not differentiate between their commitment to an individual institution and to the agency (Camp, Saylor, and Harer, 1997), which may be indicative of staff anthropomorphizing their supervisors (see Levinson, 1965).

\(^{4}\) 2008 was chosen for analysis because in 2009 the BOP initiated a Special Management program for highly disruptive inmates. This program removed inmates with severe and/or repetitive discipline, along with influential inmates in disruptive groups, from mainline institutions and placed them in a program institution designed to deter them from committing further misconduct while at the same time reducing misconduct at other institutions. This may have resulted in reduced variability in rates of misconduct between institutions.

\(^{43}\) Only inmates remaining at an institution for over six months were included in the study. See the section on inmate movement and potential measurement error, beginning on p. 79.
Austin, 1997). These differences require female inmates to be examined separately, but OLS regression generally requires at least 30 units of analysis in order to provide valid tests of statistical significance (Wooldridge, 2009), and in 2008 there were only 6 facilities that exclusively housed female offenders. Administrative facilities (i.e., Metropolitan Correctional Centers and Hospitals) were dropped from the study because inmate movement between institutions is a potential concern for measuring the managerial effect on misconduct (Camp, Gaes, Langan, and Saylor, 2003), and administrative facilities are characterized by significant movement. For example, one of the busiest Metropolitan Correctional Centers in the Bureau of Prisons has an average daily population of 1,000 inmates, but averages 8,000 admissions and 7,000 releases annually, with a typical length of stay of four months (Bureau of Prisons, 2008).

**Measures**

**Sources.** Institutional rates of misconduct are drawn from the Key Indicators/Strategic Support System (KI/SSS), a management information system used by the Bureau of prisons. The measures for positive administrative control are drawn from the Prison Social Climate Survey (PSCS), which is provided annually to a sample of Bureau of Prison’s staff members around October of each year. The rest of the independent and control variables are drawn from KI/SSS. The KI/SSS system assimilates and summarizes data from SENTRY (the Bureau of Prisons’ data entry system), along with data from databases of staff characteristics and court records. Together, the data contained in KI/SSS can provide a very complete picture of the potential influences on misconduct.

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44 See the section on addressing inmate movement between institutions, beginning on p. 81.
The scales used to measure positive administrative control are drawn from the 2008 version of the Federal Bureau of Prison’s Prison Social Climate Survey (PSCS). The PSCS is primarily an applied survey (meaning it was designed for use by administrators), which, although not typically employed in academic circles (Camp, Saylor, and Wright, 1998), has been used by researchers evaluating the managerial effectiveness of the Federal Bureau of Prisons (Camp, Saylor, and Harer, 1997; Camp, Gaes, and Saylor, 2002; Camp, Gaes, Klein-Saffran, Daggett, and Saylor, 2002; Camp, Gaes, Langan, and Saylor, 2003; Daggett and Camp, 2009; Bierie, 2012).

The PSCS sample is derived from staff members at active facilities that have had inmates for at least six months. A stratified proportional probability sample ensures the survey reflects the socio-demographic characteristics of the overall staff population (Saylor, 2000). The survey consists of six sections: socio-demographic (personal data and work characteristics); personal safety and security (impressions of overall safety, living, and working conditions); quality of life (sanitation, crowding, services and programs, staff and inmate grievances); personal well-being (effects of stress); work environment (institutional/organizational operations, job satisfaction, quality of supervision); and a special interest section. Responses are either binary or on a Likert scale, most often a seven-point scale ranging from strongly disagree to strongly agree. The questions typically ask the respondent to gauge their response on the previous six months, but some questions go back a year. All of the questions used for this study were drawn from the work environment section of the survey, which was designed to contain items relating to “institutional/organizational operations, job satisfaction, training,
staff/superior communications, job advancement, salary, transfers and benefits, and sexual harassment of staff and inmates” (Saylor, 2000: 6).

There are four different versions of the survey. Version 1 includes personal safety and security and an abbreviated work environment section. Version 2 includes the work environment, personal well-being and special interest sections. Version 3 contains quality of life, an abbreviated work environment section, and the special interest section. Version 4 includes the work environment, quality of life, and special interest sections (Saylor, 2000). In order to ensure the approximate same number of staff respond to the survey, a proportional random number of staff are selected to take the survey. In order to ensure the approximate same number of staff take each version, the selected staff are assigned versions based on their birth month and birth day. For example, someone born on June 16\textsuperscript{th} would receive version 3:

- Version 1: odd month, even day
- Version 2: odd month, odd day
- Version 3: even month, even day
- Version 4: even month, odd day

Because the sample is proportionately representative and because the response rate in 2008 was 65.3%, the results are considered to be a reliable reflection of staff opinions and perceptions.

**Rates of inmate misconduct.** Misconduct occurs when an inmate engages in an act that has been prohibited by prescribed institutional rules (appendix A). In this study, it is measured as an incidence rate per 5,000 inmates. Misconduct will be summarized four ways:

- As a sum total;
- Violent and potentially violent offenses;
• Serious non-violent offenses;
• Less-serious non-violent offenses.

In the Bureau of Prisons, inmate misconduct is divided into four categories of offenses: greatest, high, moderate, and low moderate. Offenses in the greatest and high categories must be officially reported once staff become aware of them; incidents in the moderate and low moderate categories are related to institutional order and may be informally resolved by staff at any stage of the disciplinary process (BOP, 2010). In this study, the incident report codes classified as belonging in the violent group are: killing, serious assault, possession of a weapon, rioting, fighting, threatening, less serious assault, and insolence. Serious non-violent offenses will be calculated as the remaining offenses in the greatest and high categories minus those offenses in the violent category, such as drug and alcohol and property infractions. Less-serious non-violent offenses are those falling into the moderate and low-moderate categories. Misconduct rates are being analyzed as a sum and as subdivided categories because it is possible that management practices will differentially impact types of misconduct (Camp, Gaes, Langan, and Saylor, 2003; Steiner and Wooldredge, 2008). The categories used are consistent with prior research (Gaes, Wallace, Gilman, Klein-Saffran, and Suppa, 2002; Camp, Gaes, Langan, and Saylor, 2003).

It is worth noting that while this study uses institutional rates of misconduct, other studies have typically used other methods of measuring misconduct, such as collapsing the data into binary form (Wooldredge, Griffin, and Pratt, 2001), or reporting it as a count (McCorkle, Miethe, and Drass, 1995; Steiner and Wooldredge, 2008). If this research

45 Practical experience has shown that threatening and insolence, both of which involve the open challenging of a staff member’s authority, is often a precursor to violent behavior.
were interested in assessing the individual as well as group level influences on an inmate’s likelihood to engage in misconduct, multi-level modeling would have been used (Bryk and Raudenbush, 1992). Further, because the inmate populations in this study range from 659 to 3271 (mean: 1357), weights would have to be applied to evenly compare the effect of disorder on institutions. Reporting misconduct as a rate per 5,000 inmates eliminates the disparities in institution size and is the method the Bureau of Prisons already uses to report misconduct to its executive staff, making the presentation of this study more familiar to practitioners. An advantage to using an institutional misconduct rate is it provides for a clear comparison between institutions; a disadvantage is that the control variables will also need to be aggregated to the institutional level, presenting potential measurement concerns.46

Measures of positive administrative control

Communication. The first scale to be created to measure positive administrative control is communication. Communication can take many forms and have many different meanings – in the context of this study, communication refers to the quality of the exchange between supervisors and subordinates as well as staff and inmates. Effective communication is consistently regarded as a cornerstone of quality management and transformational leadership (Gardner, 1990; Hughes, Ginnett, and Curphy, 1993; Bass, 1990; Bass and Riggio, 2006). Carter, Armenakis, Field, and Mossholder (2012) noted that frequent interpersonal communication is present in high quality supervisor-subordinate relationships. In correctional organizations, communication is linked to an

46 The aggregate effect of individual-level factors, such as age, presents an interesting question for prison administrations both theoretically and from a policy standpoint, but it is very possible that the effect will be distorted. This will be discussed in greater detail in the section on control variables.
employee’s level of participation in decision-making, which impacts job satisfaction (Wright, Saylor, Gilman and Camp, 1997; Lambert, Hogan, and Barton, 2002). Communication with inmates is also very important the overall maintenance of order. Liebling, Price, and Sheffer (2010) pointed out that officers rely on their relationship with inmates to maintain order, and inmates wanted a relationship with officers that would achieve a sense of justice (which includes as aspect of care). Perhaps even more importantly, increased communication with inmates leads to increased knowledge of inmates and their behavior (Liebling, Price, and Sheffer, 2010; Wright, 1994). If there is an effective communication bridge with management, this gives the organization the information it needs to be adjust protocols or make physical security enhancements to prevent disorder from occurring.

The present study will create a communication scale from four questions in the Prison Social Climate Survey that ask how information received through formal channels helps the employee perform his or her job, if changes are communicated promptly, how comfortable the employee feels about coming to a supervisor with suggestions, and if supervisors give employees adequate information on how well they are performing.

Organizational innovation and responsiveness. Cyert and March (1959) believed that organizations, like individuals, have the capacity to make decisions. A rational-legal bureaucracy such as a correctional organization (Jacobs, 1978) will have a structural form but will have both mechanistic and organic aspects (Burns and Stalker, 1961) in order to respond to the internal and external demands placed upon it. When decision-making is required, March and Simon (1958) believed organizations will seek to simplify the problem and classify it into a known entity, and then created standardized methods of
dealing with those problems. However, inmate misconduct represents an unknown entity that cannot always be completely anticipated. In these cases, Kuykendall and Roberg (1982) suggested that organic methods are preferable, or what Abrashoff (2012) called going beyond standard procedure and encouraging innovation.

Organizational innovation and responsiveness will be measured as a scale taken from four questions in the Prison Social Climate Survey about the possibility to change procedures in the facility, if management is flexible enough to make changes when necessary, if management acts decisively in resolving work problems, and if management uses good judgment in responding to problems.

**Legitimacy.** Legitimacy will be measured using the PSCS to mimic two scales from the extant literature: perceived organizational support (POS), (Eisenberger, Huntington, Hutchison, and Sowa, 1986; Rhoades and Eisenberger, 2002), and the leader-member exchange (LMX) (Wayne, Shore, and Liden, 1997; Schriesheim, Castro, and Cogliser, 1999). For inmates, legitimacy will be estimated using the number of formal requests for administrative remedy filed for each institution during calendar year 2008 (Bureau of Prisons, 2014).47

**Perceived Organizational Support (POS)** will be derived from questions in the Prison Social Climate Survey that measure how much employees feel management cares for them, is concerned with their well-being, values their opinions, takes pride in their work, and their confidence that they will be rewarded if they do a good job. These questions are consistent with the questions used by Eisenberger, Huntington, Hutchison,

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47 Per title 28 of the code of Federal Regulations, §542.10, inmates may seek formal review of any aspect of their incarceration, with the exception of TORT claims or accident compensation, which are covered separately.
and Sowa (1986), as well as those questions that loaded on a single POS factor (Wayne, Shore, and Liden, 1997), reflecting the assertions of organizational support theory that an employee’s sense of value in an organization is derived from their personified view of their relationship with the organization. Higher estimations of value have been shown to be related to higher levels of organizational commitment, and increased perceptions of POS have been shown to be related to job satisfaction, job performance, and favorable attitudes and interest in the work being performed (Eisenberger, Huntington, Hutchison, and Sowa, 1987; Wayne, Shore, and Liden, 1997; Griffin, 2001; Rhoades and Eisenberger, 2002). In fact, George and Brief (2002) demonstrated that increases in POS are related to activities and actions that go beyond the normal scope of duties, such as assisting other employees, protecting the organization, and offering constructive suggestions, all of which can contribute to positive administrative control.

*The Leader-Member Exchange* (LMX) will be measured based on questions that loaded on a single LMX factor by Wayne, Short, and Liden (1997) that reflect how the employee feels about his working relationship with management, the level of confidence management has in him, how comfortable the employee feels about bringing up suggestions, and if management recognizes his potential in the organization.

LMX measurements have been criticized as being fraught with considerable variance in content and dimensionality, resulting in problems with construct validity (Schriesheim, Castro, and Cogliser, 1999). To illustrate their point, Schriesheim, et al

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48 It should be noted that POS primarily impacts affective organizational commitment (Rhoades and Eisenberger, 2002), since it is based on an exchange relationship. Organizational commitment also has normative and continuance elements. Continuance commitment has been shown to be related to POS, (Eisenberger, et al, 1986; Wayne, et al, 1997), but normative commitment has differing antecedents and while not exclusive from the other components is not entirely affected by POS (Meyer and Allen, 1991).
(1999) identified 11 different theoretical definitions and 35 different sub-content elements among the 37 dissertations and papers published on LMX in the 1980s. However, Dulebohn’s (2012) meta-analysis showed that the LMX-7 (Graen and Uhl-Bien, 1995) and the LMX-MDM (Liden and Maslyn, 1998) captured the overall dimensions of the LMX, but the LDX-MDM scale explained an additional 18% of the variation in job performance beyond the LMX-7. Additionally, the scales used to measure LMX have been criticized because they do not measure exchange, even though LMX is conceptualized as an exchange process based on reciprocity (Bernerth, Armenakis, Feild, Giles, and Walker, 2007). For this reason, Bernerth, et al (2007) added questions about two-way communication and exchange in their LMSX scale.

The scale that Wayne, Shore, and Liden (1997) used loaded on a single LMX factor, and the questions they used closely mirror those in the LMX-7 (Graen and Uhl-Bien, 1995). In order to provide a more complete analysis of the LMX, this study will start with questions from the PSCS that are similar to those used by Wayne, Shore, and Liden (1997) but will add questions that relate to the additional measures found in the LMX-MDM (Liden and Maslyn, 1998) as well as the two-way relationship questions Bernerth, et al (2007) used.

*Inmate grievances filed* is the only variable available that measures inmate satisfaction with an institution’s administration. Whenever inmates disagree with a policy or practice, they have the right to file an informal complaint, which can become a formal complaint if the situation is not resolved to their satisfaction. Inmates have appeal rights for these grievances that progress through the Warden to the respective region and finally the central office (Bureau of Prisons, 2014). This study will use the number of
formal inmate grievances filed monthly across institutions, averaged over the year under study, as an indicator of the inmates’ belief in the legitimacy of the policies and practices governing them (Hepburn, 1985; Bottoms, 1999; Sparks and Bottoms, 2005).

**Control variables.** Several control variables will be included in the research to provide a more complete picture of the influences on misconduct. These variables have been aggregated to the institutional level.

**Average age.** Studies have consistently shown that younger inmates are more likely to engage in misconduct (Cunningham, Sorensen and Reidy, 2005; Gendreau, Goggin, and Law, 1997; Lahm, 2009; Wooldredge, Griffin, and Pratt, 2001). In this study, age is measured as the average age for inmates across institutions, taken at the end of each month and then averaged over the calendar year. It is possible that measuring age in this manner will produce different results than that normally seen when age is measured as an individual-level variable. Gaes and McGuire (1985) believed that the effect of age has been overstated because their results suggested that when age is entered without controlling for other institutional characteristics, it is a strong predictor of violent misconduct, but the effect is washed out when institution size, inmate turnover rate, and staff-inmate ratio are added to the equation. Gaes and McGuire (1985) cautioned, however, that their results “do not challenge the putative relationship between age and assaults at the individual level” (1985: 58).

**Race.** Studies that consider the relationship of race with inmate misconduct have produced inconsistent results. Some studies have shown that racial and ethnic minorities engage in violent misconduct at a higher rate when compared with White inmates (Harer and Steffensmeier, 1996; Wooldredge, Griffin, and Pratt, 2001; Steiner, 2009; Ellis,
Grasmick, and Gillman, 1974), but others have not found this to be the case (Camp, Gaes, Langan, and Saylor, 2003; Griffin and Hepburn, 2006). Additionally, Harer and Steffensmeier (1996) found that Black inmates had lower drug and alcohol misconduct rates when compared with White inmates, and Huebner’s (2003) study found that Black inmates had a higher rate of inmate-on-inmate assaults but a lower rate of inmate-on-staff assaults. In this study, race is measured as the percentage of Black and percentage of Hispanic inmates across institutions for each month, which is then averaged over the calendar year. Percent of White inmates is the comparison group, consistent with the extant literature.

Sentence length. Studies assessing the effect of sentence length on misconduct have had mixed results. Steiner and Wooldredge (2008) showed an inverse effect in their 1991 data and a positive effect (meaning inmates with longer sentences committed more misconduct) in their 1997 data. They attributed the difference to methodological differences in the studies. Huebner (2003) did not find a statistically significant relationship between sentence length and assaults, but Berk, Kriegler, and Baek (2006) found that increased sentence length was associated with increased misconduct, and found the effect was so strong they concluded that sentence length was the best predictor of misconduct. Sentence length is an interesting variable in that it is tied to violent offense history and criminal history, which are considered when rendering sentencing decisions (Steffensmeier, Ulmer, and Kramer, 1998; Crow, 2008; Spohn and Holleran, 2009). This study measures sentence length as the average sentence in months of all inmates across institutions, compiled monthly and averaged over the year.
Violence History. An inmate’s history of engaging in violence is a strong predictor of increased inmate misconduct (Gendreau, Goggin, and Law, 1997; Berk, Kriegler, and Baek, 2006; Griffin and Hepburn, 2006; Cunningham and Sorensen, 2007; Steiner and Wooldredge, 2008). Studies using history of violence as part of an overall criminal propensity, such as the use of the custody classification score by Camp, Gaes, Langan, and Saylor (2003), have also demonstrated that a positive relationship exists between prior violence and inmate misconduct. Once again, however, caution must be used, as Griffin and Hepburn (2013) found that history of violence only affected violent misconduct at institutions with high levels of administrative control. The present study measures history of violence as the percent of inmates who were arrested for a crime of violence (their instant offense). This does not mean that the inmate was not arrested/convicted for a violent offense in the past – it specifically references whether or not the offense they are in prison for was violent in nature.

Education level. Several studies have proffered that increased program participation is associated with lower rates of misconduct (McCorkle, Miethe, and Drass, 1995; Useem and Reisig, 1999; Useem and Kimball, 1989). This study does not use work programming in its analysis because Bureau of Prison’s policy (and title 28 of the code of federal regulations, §545.20) requires all physically and mentally-able inmates (except for pre-trial and Immigration and Customs Enforcement detainees) to either work or attend education, drug treatment, or vocational programming (Bureau of Prisons, 2008). Further, Bureau of Prison’s policy (and title 28 of the code of federal regulations, §544.71) requires all inmates with less than a high school diploma or GED to attend a minimum of 240 hours of education classes toward obtaining a GED (Bureau of Prisons,
This study uses percent of inmates without a GED or actively working toward a GED to show participation in programming beyond the statutory minimum.\footnote{The Bureau of Prisons uses GED completion rates as a managerial benchmark.}

Inmate-staff ratio. In this study, inmate-staff ratio is measured as the number of inmates in an institution relative to the number of staff in an institution, taken monthly and averaged over the year being examined. It is anticipated that increases in inmate-staff ratios will be associated with reduced rates of misconduct, based on the idea promulgated by Bottoms (1999) and Camp, Gaes, Langan, and Saylor (2003) that increased supervision (represented by lower inmate-staff ratios) would result in increased monitoring and greater staff awareness of misconduct. Conversely, increases in inmate-staff ratios should decrease staff awareness and result in reduced amounts of observed misconduct.

Inmate-staff ratios are indicators of the crowding level of an institution, as increases in the number of inmates relative to the number of staff impacts the ability of staff to monitor and correct inmate behavior. The same inference can be made about other measures of crowding, such as the number of inmates housed in an institution beyond its rated capacity. The percentage of inmates above an institution’s rated capacity will affect the inmate-staff ratio. The only potential difference is that institution management can manipulate the number of staff they hire, but generally cannot impact the number of inmates in their system.

Studies measuring the influence of prison crowding on inmate misconduct have produced very inconsistent results. The Bureau of Prisons believes increased crowding results in decreased opportunities for program participation and contributes to decreased
opportunities to engage in meaningful employment, use recreational facilities, and spend time in the visiting room with family and friends (GAO, 2012). Gaes and McGuire (1985) measured crowding as a ratio of average inmate monthly person-days of confinement relative to the rated capacity of the institution (at the time, counted as one inmate-per-cell – GAO 2012). They used a Tobit analysis and found that inmate-on-inmate assault increased linearly with overcrowding, but found that inmate assaults with a weapon followed a U-shaped curve. Inmate assaults against staff without a weapon increased rapidly and leveled off at about 35% overcrowding, and inmate assaults with a weapon decreased slowly as crowding increased. By contrast, Useem and Piehl (2006) used Bureau of Justice (BJS) statistics to show that violence rates have consistently gone down in U.S. prisons as crowding has increased. For example, Useem and Piehl (2006) pointed out that homicide rates in U.S. prisons dropped from a rate of 62.7 per 100,000 inmates in 1973 to 4.9 per 100,000 inmates in 2000 (recall that the homicide rate for the Bureau of Prisons was 2.1 per 100,000 inmates in 2002). Similarly, inmate-on-inmate assaults dropped from 41.1 per 1,000 inmates in 1984 to 29.2 per 1,000 inmates in 2000, inmate-on-staff assaults dropped from 15.7 per 1,000 inmates in 1984 to 15.3 per 1,000 inmates in 2000, and disturbances/arsons dropped from 7.4 per 1,000 inmates in 1984 to 1.3 per 1,000 inmates in 2000.

Similar contradictory results can be found in other studies. Camp, Gaes, Langan and Saylor (2003) used Hierarchical Linear Modeling (HLM) and only found increased crowding to be related to increased misconduct in 2 of their 14 models. They found that crowding increased the odds of other misconduct by 1% in the month they studied (June 2001), while Wooldredge, Griffin, and Pratt (2001) used HLM and found prison
crowding to be statistically significant for all three samples in their study (New York, Washington, and Vermont).\textsuperscript{50}

Additionally, there is a concern with measuring crowding in prison as a percentage of inmates in an institution relative to that facility’s rated capacity, because there are varying methods of ascertaining rated capacity, which brings up the possibility of managerial manipulation.\textsuperscript{51} In the Federal Bureau of Prisons, rated capacity is a density measure based on American Correctional Association (ACA) guidelines, which call for a minimum of 35 square feet of unencumbered space per inmate in housing areas and a minimum of one shower and one toilet for every twelve inmates (ACA, 2004). The Bureau of Prisons has used ACA standards to determine rated capacity since 1991,\textsuperscript{52} in part because square footage allows the agency to justify stratified double-bunking – 25% double, 75% single in high-security prisons, 50/50 in medium-security prisons, and 100% double-bunking in low- and minimum-security prisons (GAO, 2012). Even with the more generous method of determining rated capacity, the Bureau of Prisons was 36% over capacity at the end of October 2013 (CRS, 2014). Rated capacity has been characterized as an ineffective measure because there are several ways to calculate it, and it does not consider that different types of housing (cells versus dormitories) affect

\textsuperscript{50} Even though Wooldredge, et al (2001) found crowding to be significant, they noted there were potential problems with model specification in their study. Camp, et al (2003) found that the effect of crowding was eliminated with full specification.

\textsuperscript{51} Management can, of course, manipulate inmate-to-staff ratios much easier than they can rated capacity. The point of this discussion is to point out that percentage over rated capacity is fraught with definitional problems, and to an extent is still measuring inmate to staff ratio. Using the ratio, therefore, may be a more accurate and comparable indicator of density.

\textsuperscript{52} Prior to 1991, the agency counted cells to determine rated capacity – one inmate per cell. The system was changed to account for the rapid prison growth of the 1980s and 1990s (GAO, 2012).
density but are not accurately reflected (Gaes and McGuire, 1985; Bonta and Gendreau, 1990). One way that practitioners use rated capacity is to determine population caps for institutions, such as the Bureau of Prisons’ target population (TPOP) for each institution. TPOP is determined by multiplying an institution’s rated capacity by a crowding factor, which is determined by dividing the total population for a designated facility (DFCL) type (for example, low/male/general population) by the total rated capacities for the same DFCL (BOP, 2015).

Inmate-staff ratio, on the other hand, is more direct and may provide a cleaner method of comparing density between prisons. Unfortunately, studies using inmate-staff also report mixed results. Gaes and McGuire (1985) and Steiner (2009) found increased inmate-staff ratios were associated with increased misconduct, but Lahm (2008) did not find inmate-staff ratio to have a statistically significant effect on inmate-inmate assault frequency. However, given that the widely variant results of inmate crowding studies preclude the drawing of any conclusions about its effect (Steiner and Wooldredge, 2009), this study uses inmate-staff ratios with the idea that the results will be more generalizable than conclusions based on rated capacity.

**Gang affiliation.** Membership in illicit groups was shown by Useem and Kimball (1989) and Useem and Reisig (1999) to be related to breakdowns in administrative control, and the positive effect that gang affiliation has on the likelihood of misconduct is well-documented (Camp and Camp, 1985; Gaes, Wallace, Gilman, Klein-Saffran, and Suppa, 2002; Jiang and Fisher-Giorlando, 2002; Berk, Kriegler, and Baek, 2006; Griffin and Hepburn, 2006; Cunningham and Sorensen, 2007; Griffin, 2007). According to Jacobs (1978) and Camp and Camp (1988), the social changes experienced in the United
States in the 1960s led to incarceration strategies that resulted in increased numbers of younger inmates with long sentences who were deeply embedded in the drug culture as well as coming from neighborhoods with antisocial values. As a result, Camp and Camp (1985) noted that most state and federal prisons in the United States reported the most pervasive problem associated with the influx of gangs in prison is the introduction and distribution of drugs, followed by intimidation and extortion of weaker inmates, increases in violence, and an upsurge in requests for protective custody. In fact, studies have shown that gang affiliation combines with other demographic factors, such as age, to increase the possibility of misconduct (Griffin and Hepburn, 2006). The potential interaction effect between gang affiliation and demographic variables is so strong that, “young inmates who (have) managed to accumulate long criminal histories, who are active in gang activities, and who are serving sentences of more than ten years are a perfect storm” for engaging in misconduct (Berk, Kriegler, and Baek, 2006: 143). This study measures gang affiliation as the percentage of inmates who are classified by the Bureau of Prisons as a suspect or associate of a security threat group, and expects increases in percentages of inmates with security threat group designations to be associated with increases in misconduct rates. In 2008, the Bureau of Prisons recognized 91 security threat groups, which includes many prison and street gangs as well as other groups not normally considered gangs, such as the Ku Klux Klan, Al Qaida, organized crime families, and international drug cartels. At the end of 2008, there were 23,367

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53 Inmates are assigned to a security threat group based on an assessment of their involvement in one or more of 91 different organizations deemed by the Bureau of Prisons to be an organized threat to the security and order of a prison. The process of determining what groups are considered security threat groups and the mechanism for determining if an inmate is a member, suspect, or associate of a security threat group is not public information.
inmates assigned to Security Threat Groups in the target population, representing approximately 15.6% of the total number of inmates.

**Using Ordinary Least Squares Regression to Examine Inmate Rates of Misconduct**

Since all the variables of interest in this study are on the group (or institutional) level and the dependent variable is the institutional rate of misconduct, ordinary least squares (OLS) regression will be used for the analysis. OLS is a statistical technique for estimating unknown parameters in a linear regression model (Wooldridge, 2009). It stipulates that a linear relationship exists between a dependent (response) variable and several independent (control) variables. Because the relationship between the dependent and independent variables is stochastic, the model includes an error term to account for unexplained heterogeneity.\(^{54}\) The model for an OLS regression is expressed as:

\[
Y_i = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \ldots + \beta_k X_k + e,
\]

where \(\beta_0\) is the intercept;

\(\beta_i X_i\) is an independent variable (or a slope parameter); and

\(e\) represents unobserved factors other than \(x\) that affect \(y\).

Estimation of the variables in OLS is the process of finding a good fitted value for \(\beta\), using known statistical properties that depend on what is assumed in terms of the characteristics of the unobserved error. There are five assumptions in OLS regression, commonly called Gauss-Markov assumptions (Wooldridge, 2009). These assumptions are important because controlling for deviations from them will reduce bias in the results.

The assumptions are:

- A linear relationship exists between the dependent and independent variables;

\(^{54}\)For reasons that will be explained later, robust error terms will be used in this study to control for heteroskedasticity (Wooldridge, 2009).
• The sample under study is randomly drawn from the population;
• No perfect collinearity exists between the independent variables;
• The mean of the error term has an expected value of zero (zero conditional mean);
• The error terms all have the same variance and are not correlated with each other (homoskedasticity).

Essentially, OLS regression is used to find the best fit for minimizing the residual between the observed value and the predicted value of the coefficients. This is possible because the model has a random component, which means that the estimates have a distribution that is assumed to be normal. When the mean of the distribution of the estimate is equal to the value of the true (but unknown) coefficient, the regression is said to be unbiased (http://www.icpsr.umich.edu/CrimeStat/files/CrimeStatAppendix_C.pdf).
Chapter 4

Results

Initial Conception of Positive Administrative Control Scales

Positive administrative control was originally envisaged as consisting of three components: effective communication, organizational innovation and responsiveness, and legitimacy. Effective communication would comprise of questions related to the formal communication methods used by higher levels of management and the quality of the feedback between employees and supervisors. Organizational innovation and communication was visualized as relating to the willingness of management to adjust policies when needed, how decisive management was, and if managers exercised good judgment. Legitimacy was thought to contain three sub-components: The first was a scale that measured the relationship between management and staff, the second was a scale that measured the degree of organizational support experienced by staff, and the third was a single-item measure that reflected the level of inmate dissatisfaction with how they are treated. Taken together, positive administrative control was to be measured using four scales and a single-item measure.

Factor analysis of survey questions. Since the questions used to construct the positive administrative control scales were drawn from a questionnaire that had been designed for a different purpose, the selected questions were subjected to a factor analysis with orthogonal varimax rotation (Kaiser, 1958) to determine the construct validity of the proposed scales. Orthogonal rotation was chosen because it provides conceptually clear variables (Nunally, 1978). Although recent scholarship supports the use of oblique rotations to remove the uncorrelated factor restriction imposed by orthogonal methods...
(Fabrigar, Wegener, McCallum, and Strahan; 1999), in this study all the questions loaded on the same factors using both methods, save for two that were very close between factor 1 (LMX) and factor 2 (POS). The two items in question loaded on the POS scale using oblique rotation, but loaded on the LMX scale using orthogonal rotation. However, these questions were more closely aligned with questions that loaded on an LMX factor in previous studies (Wayne, Shore, and Liden, 1997), and since there was only a .05 difference between factors 1 and 2 for “my supervisor asks my opinion” and .09 for “my supervisor engages me in the planning process,” the orthogonal rotation results were used.

Conducting this type of exploratory factor analysis, where responses from a questionnaire are organized into scales that are then used to test hypotheses, is consistent with existing research (Rousseau and Tijoriwala 1999). A factor analysis was chosen over a principle components analysis because the intent was to understand the scales’ latent structure, and common factor loadings are very accurate when the data fits the assumptions of factor analysis (Gorsuch, 1990; Widaman, 1993).

### Table 1: Factor Analysis (varimax rotation)

<table>
<thead>
<tr>
<th>Items</th>
<th>1 (LMX)</th>
<th>2 (POS)</th>
<th>3 (Orgcom)</th>
<th>Uniqueness</th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe that my supervisor acts decisively in resolving work problems (spdcsvly).</td>
<td>.81</td>
<td>.17</td>
<td>.26</td>
<td>.20</td>
</tr>
<tr>
<td>I believe that my supervisor uses good judgment in responding to problems (spgdjgmt).</td>
<td>.85</td>
<td>.18</td>
<td>.20</td>
<td>.16</td>
</tr>
<tr>
<td>My supervisor can be counted on to help me resolve a problem when I have one (sphelps).</td>
<td>.84</td>
<td>.23</td>
<td>.20</td>
<td>.19</td>
</tr>
<tr>
<td>On the job I know exactly what my supervisor expects of me (iknow).</td>
<td>.57</td>
<td>.44</td>
<td>.24</td>
<td>.39</td>
</tr>
<tr>
<td>My supervisor demonstrates sensitivity to personal requests such as shift and leave (leave).</td>
<td>.60</td>
<td>.30</td>
<td>.18</td>
<td>.48</td>
</tr>
</tbody>
</table>

55 “My supervisor asks my opinion when a work-related problem arises,” and “my supervisor engages me in the planning process.”
As can be seen in table 1, three factors clearly emerged. The first was easily the strongest scale of the three ($\lambda = 9.60$) and measured the perceptions staff had about their relationship with their supervisor, which mimicked the Leader-Member Exchange (LMX). Nine questions fit into this scale. Five questions fit into the second factor ($\lambda = 1.04$), which measured the perceptions staff have about how the organization supported them, rewarded them, and rated their performance, mimicking Perceived Organizational Support (POS). The third factor also consisted of five questions ($\lambda = .62$), and measured the perceptions staff had about the ability of the organization to formally communicate with staff and be flexible with procedures (Orgcom), which came close to the conception of an organizational innovation and responsiveness scale derived from the extant

<table>
<thead>
<tr>
<th>Statement</th>
<th>.85</th>
<th>.24</th>
<th>.13</th>
<th>.16</th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe that my supervisor treats me with respect (sprespct).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>My supervisor engages me in the planning process, such as developing work methods for my job (bosshelp).</td>
<td>.54</td>
<td>.45</td>
<td>.32</td>
<td>.31</td>
</tr>
<tr>
<td>I believe that my supervisor treats me fairly (spfairly).</td>
<td>.87</td>
<td>.28</td>
<td>.13</td>
<td>.12</td>
</tr>
<tr>
<td>My supervisor asks my opinion when a work-related problem arises (bossasks).</td>
<td>.56</td>
<td>.51</td>
<td>.20</td>
<td>.30</td>
</tr>
<tr>
<td>My supervisor give me adequate information on how well I am performing (bosstell).</td>
<td>.56</td>
<td>.61</td>
<td>.19</td>
<td>.24</td>
</tr>
<tr>
<td>The standards used to evaluate my performance have been fair and objective (fairstan).</td>
<td>.46</td>
<td>.62</td>
<td>.20</td>
<td>.34</td>
</tr>
<tr>
<td>My own hard work will lead to recognition as a good performer (hardwork).</td>
<td>.34</td>
<td>.54</td>
<td>.39</td>
<td>.38</td>
</tr>
<tr>
<td>I will get a cash award or unscheduled pay increase if I perform especially well (workpays).</td>
<td>.24</td>
<td>.44</td>
<td>.34</td>
<td>.56</td>
</tr>
<tr>
<td>My last performance rating presented a fair and accurate picture of my actual work performance (faireval).</td>
<td>.36</td>
<td>.62</td>
<td>.10</td>
<td>.44</td>
</tr>
<tr>
<td>The information I get through formal communication channels helps me perform my job effectively (comuneff).</td>
<td>.32</td>
<td>.28</td>
<td>.53</td>
<td>.50</td>
</tr>
<tr>
<td>I am told promptly when there is a change in policy, rules, or regulations that affects me (toldqick).</td>
<td>.30</td>
<td>.28</td>
<td>.52</td>
<td>.54</td>
</tr>
<tr>
<td>It’s really not possible to change things in this facility. (reverse coded no change)</td>
<td>.21</td>
<td>.11</td>
<td>.51</td>
<td>.66</td>
</tr>
<tr>
<td>Management at this facility is flexible enough to make changes when necessary (bossflex).</td>
<td>.33</td>
<td>.20</td>
<td>.61</td>
<td>.47</td>
</tr>
<tr>
<td>I am usually dissatisfied with this facility. (reverse coded inunsat).</td>
<td>.32</td>
<td>.22</td>
<td>.53</td>
<td>.55</td>
</tr>
<tr>
<td>Eigenvalue</td>
<td>9.60</td>
<td>1.04</td>
<td>.62</td>
<td></td>
</tr>
<tr>
<td>Percentage of variance explained</td>
<td>52.9</td>
<td>18.1</td>
<td>17.7</td>
<td></td>
</tr>
</tbody>
</table>
literature. All of the questions thought to be related to communication were distributed in the other three scales, indicating that communication was essential to all scales. The fact that at least five variables loaded onto each factor is consistent with the recommendations of Fabrigar, Wegener, McCallum, and Strahan (1999), who believed researchers should include a minimum of four measured variables for each common factor. Even though the eigenvalue of the third factor was below 1.0, violating Kaiser’s (1958) rule, it was not viewed as being overly relevant for determining the most parsimonious number of factors because recent research has shown that Kaiser’s (1958) rule is not consistently accurate (Gorsuch, 1997), as the three factors collectively explain 89% of the common variance.

<table>
<thead>
<tr>
<th>Table 2: Cronbach’s Alpha Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
</tr>
<tr>
<td><strong>LMX Scale</strong></td>
</tr>
<tr>
<td>Supv. decisive</td>
</tr>
<tr>
<td>Supv. good judgment</td>
</tr>
<tr>
<td>Supv. helps</td>
</tr>
<tr>
<td>I know what’s expected</td>
</tr>
<tr>
<td>Sensitive to leave</td>
</tr>
<tr>
<td>Supv. respectful</td>
</tr>
<tr>
<td>Boss helps w/probs</td>
</tr>
<tr>
<td>Supv. is fair</td>
</tr>
<tr>
<td>Boss asks my opinion</td>
</tr>
<tr>
<td><strong>POS Scale</strong></td>
</tr>
<tr>
<td><strong>Org. Comm/Flex Scale</strong></td>
</tr>
<tr>
<td>Boss tells how doing</td>
</tr>
<tr>
<td>Perf. Stds are fair</td>
</tr>
<tr>
<td>Hard work recognized</td>
</tr>
<tr>
<td>Good job pays extra</td>
</tr>
<tr>
<td>My eval was fair</td>
</tr>
<tr>
<td><strong>Test Scale</strong></td>
</tr>
</tbody>
</table>

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The internal validity of the scales was assessed using Cronbach’s alpha. Individual item values were reported to demonstrate the strong internal reliability of the scales. Note that item-test and the item-rest correlations are all similar within each scale, and the reported alpha coefficients for each scale are well above the general standard of .70 (Gliem and Gliem, 2003). There was nothing in the Cronbach’s alpha analysis to suggest that the created scales were not sufficiently reliable to be used in an exploration of the effect the Leader-Member Exchange (LMX), Positive Organizational Support (POS), and Organizational Communication and Flexibility (Orgcom) factors have on differing types of inmate misconduct in federal prisons.

Analyzing Institutional Misconduct Rates

Descriptive statistics for the data used in this study are provided in table 3. The data are presented at the group level, meaning that all variables have been aggregated. There is no individual data, nor is there any information regarding individual prisons.

Table 3: Descriptive Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Range</th>
<th>N</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Misconduct</td>
<td>50.40 – 595.24</td>
<td>85</td>
<td>219.51</td>
<td>116.70</td>
</tr>
<tr>
<td>Violent Misconduct</td>
<td>10.80 – 209.33</td>
<td>85</td>
<td>58.91</td>
<td>47.75</td>
</tr>
<tr>
<td>Serious Non-Violent Misconduct</td>
<td>0.00 – 221.01</td>
<td>85</td>
<td>42.41</td>
<td>41.83</td>
</tr>
<tr>
<td>Less Serious Non-Violent Misconduct</td>
<td>28.49 – 371.15</td>
<td>85</td>
<td>118.19</td>
<td>53.77</td>
</tr>
<tr>
<td>Leader-Member Exchange</td>
<td>30.86 – 43.58</td>
<td>85</td>
<td>37.12</td>
<td>2.87</td>
</tr>
<tr>
<td>Positive Organizational Support</td>
<td>12.87 – 22.07</td>
<td>85</td>
<td>17.71</td>
<td>1.81</td>
</tr>
<tr>
<td>Organizational Communication</td>
<td>15.37 – 27.67</td>
<td>85</td>
<td>23.38</td>
<td>2.18</td>
</tr>
<tr>
<td>Average Age (yrs)</td>
<td>34.28 – 45.00</td>
<td>85</td>
<td>37.92</td>
<td>2.06</td>
</tr>
<tr>
<td>% Black Inmates</td>
<td>6.82 – 71.89</td>
<td>85</td>
<td>45.76</td>
<td>18.28</td>
</tr>
<tr>
<td>% Hispanic Inmates</td>
<td>5.64 – 68.49</td>
<td>85</td>
<td>25.45</td>
<td>15.27</td>
</tr>
<tr>
<td>Average Sentence (mos.)</td>
<td>54.75 – 161.00</td>
<td>85</td>
<td>105.55</td>
<td>22.15</td>
</tr>
<tr>
<td>% with Violence in instant offense</td>
<td>.28 – 14.02</td>
<td>85</td>
<td>3.96</td>
<td>3.51</td>
</tr>
<tr>
<td>% without a GED or equivalent</td>
<td>17.28 – 61.35</td>
<td>85</td>
<td>27.38</td>
<td>8.69</td>
</tr>
<tr>
<td>Inmate-to-staff ratio</td>
<td>3.42 – 35.97</td>
<td>85</td>
<td>9.76</td>
<td>4.53</td>
</tr>
<tr>
<td>Average # of inmate grievances</td>
<td>.49 – 7.72</td>
<td>83</td>
<td>1.63</td>
<td>.49</td>
</tr>
<tr>
<td>% inmates in a Gang</td>
<td>2.43 – 48.65</td>
<td>85</td>
<td>18.92</td>
<td>11.58</td>
</tr>
</tbody>
</table>

56 One institution’s misconduct in this category was missing from the dataset. The institution was a medium-security facility in the western portion of the United States and its omission does not appear to impact the measurement of this variable.
A total of 85 institutions were used in the analysis (two institutions did not report any inmate grievances, resulting in an $N$ of 83 for that variable). Because the prison is the unit of analysis, institutional misconduct was aggregated to the group level and taken as a rate per month per 5,000 inmates, averaged over calendar year 2008. For example, a mean of 219.51 means that institutions in the BOP averaged just over 219 reported instances of misconduct per month per 5,000 inmates, on average, in 2008. The same holds true for the rest of the descriptive statistics (except the three scales created to measure positive administrative control, which are based on an annual survey taken in October 2008). Average age, then, is the average age of the inmate population across institutions, taken at the end of each month and averaged over the year. Average number of inmate grievances is the number filed each month across institutions and averaged over the year, and so on. Calculating the variables in this manner is due to the data being drawn from the various databases in use by the Bureau of Prisons on a monthly basis. While it may not be the most completely accurate method of calculation, it is consistent across the variables.  

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There were extreme differences noted in the distribution of the percentage of Black inmates at an institution and the percentage of Hispanic inmates at an institution. The institution with the lowest percentage of Black inmates was a medium security facility in the Southwest, and the institution with the highest percentage of Black inmates was a medium security facility on the East Coast. The institution with the lowest

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57 In the interest of full disclosure, it would have been more accurate to apply weights to the months, since they are not equal, but the reported results are how the data was received from the BOP.
percentage of Hispanic inmates was a medium security facility on the East Coast, and the institution with the highest percentage of Hispanic inmates was a medium security facility in the Western United States. This may run counterintuitive to expectations that higher security institutions will have higher numbers of minority inmates. In fact, a closer look at the data revealed that among the seven institutions with the highest percentage of Black inmates (those with >68%), all seven were on the East Coast and included two high security penitentiaries, four medium security institutions, and one low security institution. For Hispanic inmates, the five institutions with the highest concentrations (>58%) were all medium security facilities in the Western United States, followed by a low security prison in the South Central United States. Indeed, the high security penitentiary with the highest percentage of Hispanic inmates ranks number 15 on the list, with 37.3%. There are a few possible reasons for this. First, the Bureau of prisons exercises considerable effort to keep inmates within 500 miles of their home of record (BOP, 2006). Second, the classification system used by the agency puts the majority of inmates in medium security facilities, as evidenced by the fact that 49.4% (42) of the 85 prisons in this study are medium security, compared with 32.9% (28) that are low security and 17.6% (15) high security penitentiaries. Third, inmates serving time for immigration offenses, which one would expect to be dominated by Hispanic inmates, are more often classified to medium or low security prisons. In 2008, 14.0% (7558) of all inmates in medium security facilities were serving time for immigration offenses and 11.5% (7955) were assigned to low security facilities. Only 6.5% (1328) inmates were serving time for immigration offenses in high security penitentiaries.
The extreme differences in the distribution of inmates with gang affiliation are similar to the results from the racial percentages in that they are not necessarily indicative of high security level. The institution with the lowest percentage is a low-security facility in the Western United States and the institution with the highest percentage of inmates affiliated with gangs is a medium security facility in the Western United States. However, there is a higher concentration of high security penitentiaries at the top of the distribution with gang inmates than was observed with minority inmates. Of the seven prisons with the highest percentage of gang members, three are medium security institutions and four are high security penitentiaries.

For inmates who were arrested for a crime of violence, the distribution is almost exclusively at the high security level. There are nine prisons where at least ten percent of the inmate population is in prison for a crime of violence, and all nine are high-security penitentiaries. While it may appear that the overall percentage of inmates with violence in their instant offense is rather low (ranging from .28% to 14.02%) when compared with state institutions (the range was from 0 to 92.4% in the Griffin and Hepburn (2013) article), the federal prison version of this variable is somewhat misleading. Approximately 22.8% of the inmates in federal prison in 2008 were serving time for a crime involving violence (weapons/ explosives/arson (15%), robbery (4.8%), and homicide/aggravated assault/kidnapping 3%). That seems low at first glance, but many inmates will have violence in their background even though they are currently in prison for a non-violent crime, such as a drug offense (53.2%), immigration offenses (10.1%), or fraud/bribery/extortion 4.6%). The Bureau of Prisons had another variable for history of violence that was available for this study, but it included violent acts that occurred inside
prison as well as those occurring prior to incarceration. Under this variable, the eight institutions with the highest concentration of violent inmates were all penitentiaries, and all had at least 40% of their inmates with serious violence in the last ten years of their history. However, including misconduct that occurred while in prison rendered the variable unusable, as it amounted to putting the outcome variable on the right-hand side of the equation ($r = .90$ with violent misconduct and .86 with total misconduct). In other words, the study would have been using misconduct in prison to predict prison misconduct, resulting in a tautology.

Even so, including incarceration for a violent offense as part of the criminogenic traits of an inmate is consistent with recent research (Gendreau, Goggin, and Law, 1997; Berk, Kriegler, and Baek, 2006; Griffin and Hepburn, 2006; Cunningham and Sorensen, 2007; Steiner and Wooldredge, 2008; Griffin and Hepburn, 2013), as it reflects the willingness of an inmate to engage in violent acts and, as Adams (1992) pointed out, violent inmates tend to engage in more misconduct in general than non-violent inmates.

For the dependent variable, average total misconduct ranged from a low of 50 incident reports per month per 5,000 inmates to a high of 595. The low number was from a low-security institution with 1389 inmates and the high was from a high-security penitentiary with 1428 inmates, suggesting that the extreme difference in incident reporting could either be due to the criminogenic factors of the inmates, the level of supervision at the higher level institution, or a combination of the two.

Reporting the dependent variable as a rate eliminates the need to apply weights to each institution, since prisons with larger numbers of inmates will potentially have higher counts of misconduct than smaller prisons, and of the 85 prisons in the current study, the
inmate population ranged from 659 to 3271. Misconduct was measured as a total for each institution, and it was broken down into differing types: violent, serious non-violent, and less serious non-violent. Using the table of misconduct codes for the Federal Bureau of Prisons (appendix A), violent misconduct was determined by summing those incident codes related to or leading to violent acts: killing, serious assault (causing serious physical injury), possession of a weapon, rioting, sexual assault, fighting, less-serious assault, threatening, and insolence.\(^{58}\) Serious non-violent misconduct was defined as the incident codes in the greatest and high-severity categories minus the codes related to violence. These codes predominantly include property, drug and alcohol, and sexual offenses.\(^{59}\) The less-serious offenses are the offenses falling in the moderate and low-moderate categories. These offenses largely relate to the maintenance of order in the institution, and are the only incident codes where staff are authorized to use their discretion regarding reporting, as these may be informally resolved by the observing staff member, the investigating lieutenant, the unit disciplinary committee, or the disciplinary hearing officer (BOP, 2010). Because discretion is built into the handling of non-serious non-violent misconduct, their level of reporting is a matter of individual staff preference as well as an indication of the cultural influences of that particular institution.

Misconduct rates were analyzed differently because of the possibility that managerial practices will differentially impact types of misconduct (Steiner and

\(^{58}\) Setting a Fire and Extortion are two incident codes that could have been included in the violence variable, but it was not possible to extract those codes for this analysis, in part because the codes are used very infrequently.

\(^{59}\) There is one institution in the dataset that has a reported negative number for serious non-violent misconduct. This is an issue with the reported data and is not correctable.
The categories used are consistent with prior research (Gaes, Wallace, Gilman, Klein-Saffran, and Suppa, 2002; Camp, Gaes, Langan, and Saylor, 2003; Worrall and Morris, 2011), although Worrall and Morris (2011) used nine subtypes of misconduct, the Camp, et al (2003) study broke misconduct down into seven categories, and this study only uses four. The Camp, et al (2003) study demonstrated the salience of analyzing categories of misconduct, but they acknowledged additional work needed to be done regarding which categories to use, since their decision to use seven categories lowered the outcomes for drug and security-related conduct to the point that any effects they may have had were diluted.

The variables used to create the positive administrative control scales are based on annual data and were not compiled monthly as the other data in the study were. The survey asks the respondent to base his or her answers on experiences over the previous six months, except where the survey specifically asks the respondent to base the answer on experiences over the previous year (Saylor, 2000). None of the questions used for this survey are based on questions that require respondents to remember back for a year.

**Examination of independent variables.** The bivariate relationships between the independent variables did not reveal an overarching concern for multicollinearity. Collinearity is a fact of life in social science research, since there will almost always be some type of correlation between variables (Wooldredge, 2009; Schroeder, Sjoquist, and Stephan, 1986). However, even when a relationship between two variables appears very high, such as .75, it is important to remember that 44% of the variance is not being explained (.75 squared is .56). The problem is that high collinearity tends to create large standard errors, which in turn makes for wide confidence intervals and unreliable slope
estimates. Because there is no one test for multicollinearity and it technically does not violate any of the Gauss-Markov assumptions (Wooldredge, 2009), multicollinearity must be proven and not merely inferred.

With that in mind, there are a few variables that bear watching. The relationships between the three scales for positive administrative control were very strong, but that is to be expected, given that all three scales are derived from the same section of the PSCS that deals with the work environment and they are conceptually similar. However, as the factor analysis in table 1 points out, the scales are measuring different aspects of the work environment and should impact misconduct differently, even if they are related. The other variable pairing that presents a potential concern is the relationship between the percentage of Hispanic inmates at an institution and the percentage of inmates who have not attained a GED or equivalent (.68). It is possible that the effect that higher concentrations of Hispanic inmates have on misconduct may be overshadowed when the percent of inmates without a GED is entered into the equation.

There are several other associations that are worthy of noting but are not believed to present concerns about multicollinearity. Average age showed a strong positive correlation with sentence average (.31), and strong negative correlations with percent of inmates with a violent offense (-.36), percent of inmates without a GED (-.24), and percent of inmates in a gang (-.46). There was a strong positive relationship between being Black and average sentence (.57), but the relationship was strongly negative for percentage of Hispanic inmates and average sentence (-.53). Additionally, there was a strong negative correlation between average sentence and percent of inmates without a GED (-.44). There was a strong positive relationship between average number of
grievances filed and percentage of Black inmates (.31), but again the relationship was negative for percent of Hispanic inmates (-.39). Average number of grievances had a strong positive correlation with sentence average (.26), and percent of inmates with a violent offense (.46). In addition to average age, the percent of inmates in a gang was strongly and positively associated with percent of violent inmates (.47) and percent of inmates without a GED (.26). It is also interesting that inmate-staff ratio only had strong associations with average age (.25) and percent of inmates in prison for a crime of violence (-.25).

Table 4: Bivariate Pearson Correlation Coefficient for Independent Variables

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>LMX</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>POS</td>
<td>.75***</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orgcom</td>
<td>.67***</td>
<td>.62***</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AvgAge</td>
<td></td>
<td>.16</td>
<td>-.04</td>
<td>.11</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black%</td>
<td>-.09</td>
<td>.12</td>
<td>-.03</td>
<td>-.14</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hisp%</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SentAvg</td>
<td>.07</td>
<td>.01</td>
<td>.04</td>
<td>.31***</td>
<td>.57***</td>
<td>-.53***</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Viol%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NoGED</td>
<td></td>
<td>-.03</td>
<td>-.05</td>
<td>-.12</td>
<td>.24*</td>
<td>-.47***</td>
<td>.68***</td>
<td>-.44***</td>
<td>.04</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IS Ratio</td>
<td>-.07</td>
<td>-.11</td>
<td>-.14</td>
<td>.25*</td>
<td>-.04</td>
<td>.00</td>
<td>-.06</td>
<td>-.25**</td>
<td>-.12</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AvGriev</td>
<td>-.17</td>
<td>-.03</td>
<td>.23*</td>
<td>-.06</td>
<td>-.31**</td>
<td>-.39***</td>
<td>.26*</td>
<td>.46***</td>
<td>.25*</td>
<td>.14</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>Gang%</td>
<td>-.04</td>
<td>.08</td>
<td>.13</td>
<td>.46***</td>
<td>-.15</td>
<td>.20</td>
<td>-.14</td>
<td>.47***</td>
<td>.30**</td>
<td>-.34**</td>
<td>-.26*</td>
<td>1.00</td>
</tr>
</tbody>
</table>

*p≤.05, **p≤.01, ***p≤.001 (two tailed)

Analytic strategy. For the sake of parsimony, each type of misconduct set (total, violent, serious non-violent, and non-serious non-violent) was analyzed using three models to imitate the effect of a step-wise regression in order to examine how certain types of variables affected types of misconduct. The first model measured only the positive administrative control variables (leader-member exchange, positive organizational support, and organization communication/flexibility) exclusive of the effects of the other variables. The second model adds those variables related to the
criminogenic attributes of the inmates (average age, racial percentages, sentence length, violence history, and education level), but excludes inmates with violence in their instant offense. The third model is the full model, and included variables serving as a proxy for institutional conditions (inmate-to-staff ratio, inmate grievances, and percent of gang members).

**The strength of the violent inmate variable.** Because the correlation between inmates with a history of violence was significant with every other variable in the study except for the positive administrative control measures and average sentence, there was a strong possibility that inmates with a history of violence would the models overshadow the effect other variables have on inmate misconduct. This possibility was confirmed when the models were initially run with the percent of violent inmates variable, as it dominated the effect of the other variables. Therefore, the models were initially run without the violent inmate variable.

**Further investigation of the effect of violent inmates.** Since inmates with a crime of violence were overrepresented in ten percent of the institutions (9 of 85), the effect of the percent of violent inmates in an institution on misconduct rates was examined further to explore if institutions housing higher percentages of inmates with a crime of violence disparately impacted the analysis. This was done because the research question was exploratory in nature, and the subsidiary question specifically dealt with the possibility that certain inmate demographics may differentially affect staff ability to impact misconduct rates. In order to accomplish this, three models with varying percentages of violent inmates were examined:
• The first model did not include any violent inmates (termed a no violence model), which was the model used in the initial set of analyses.
• The second model included the percent of inmates incarcerated for a crime of violence (termed a full violence model).
• A third model was constructed that dropped the nine institutions with the highest percentage of inmates incarcerated for a crime of violence (9 of the 85 institutions, or ten percent, had concentrations of violent inmates that exceeded ten percent). This was termed the limited model.

Creating a variable that excluded the nine institutions with the highest concentration of violent inmates brought up an interesting point. All nine institutions that were dropped were penitentiaries. This could be seen as an argument for including security level in the analysis, but there are a lot of factors that go into the risk assessment tool the Bureau of Prisons uses to assign inmates to security levels, leading to the potential for endogeneity bias in the relationship between security level and misconduct rates (Shermer, Bierie, and Stock, 2012). This possibility was made more evident by the fact that although nine penitentiaries were dropped to reach the 10% threshold, there are fifteen penitentiaries in the dataset, and there are four medium security institutions with higher percentages of violent inmates than the lowest ranking penitentiary. Therefore, the effect that violent inmates have on misconduct rates cannot be due to the security level of the institution per se. Clearly, there are other factors that go into determining a security level that are also individual-level predictors, which makes it very hard to include security level and individual characteristics in regression models (Griffin and Hepburn, 2013).

As stated earlier, because the dependent variable is institutional rates of misconduct, and the independent variables have been aggregated to the institutional level,

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60 This will be more fully explained in Chapter 5.
Ordinary Least Squares (OLS) regression analysis was used. However, because OLS assumes random errors are independent, normally distributed, and have constant variance, a potential problem exists because misconduct is not evenly distributed among inmates, possibly resulting in positively skewed dependent variables (Bryk and Raudenbush, 1992). To verify this, a Breusch-Pagan test was conducted and confirmed heteroskedasticity was present (the results for the total misconduct full model were significant: \(X^2(1) = 20.39; p > X^2 = .000\)). Even though the sample size is relatively small, the Breusch-Pagan test validates the decision to use robust standard errors to account for unequal variance across the variables (Breusch and Pagan, 1979).

**OLS regression results.**

**Table 5: Total Misconduct (robust standard error in italics)**

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>( \beta )</td>
<td>( t )</td>
<td>( p&gt;</td>
<td>t</td>
</tr>
<tr>
<td>LMX</td>
<td>-18.58</td>
<td>-2.62</td>
<td>.011*</td>
</tr>
<tr>
<td>POS</td>
<td>32.36</td>
<td>2.57</td>
<td>.012*</td>
</tr>
<tr>
<td>Orgcom</td>
<td>-12.15</td>
<td>-1.36</td>
<td>.177</td>
</tr>
<tr>
<td>Avg Age</td>
<td>-25.27</td>
<td>-5.06</td>
<td>.000***</td>
</tr>
<tr>
<td>% Black</td>
<td>.57</td>
<td>.47</td>
<td>.643</td>
</tr>
<tr>
<td>% Hisp</td>
<td>-5.2</td>
<td>-3.9</td>
<td>.695</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>1.16</td>
<td>1.69</td>
<td>.095</td>
</tr>
<tr>
<td>% NoGED</td>
<td>2.47</td>
<td>1.59</td>
<td>.125</td>
</tr>
<tr>
<td>IS_ratio</td>
<td>-3.03</td>
<td>-1.51</td>
<td>.134</td>
</tr>
<tr>
<td>Avg Grieve</td>
<td>24.15</td>
<td>60.54</td>
<td>2.95</td>
</tr>
</tbody>
</table>

\( *p<.05, **p<.01, ***p<.001 \)

In this first set of regressions, both the Leader-Member Exchange (LMX) and Perceived Organizational Support (POS) variables significantly impact misconduct, but
do so oppositely. A one-point increase in LMX decreased the rate of misconduct by 18.58/5,000, but a one-point increase in POS increased the rate of misconduct by 32.36/5,000. Organizational communication and flexibility, which measures the impact of formal communication, does not appear to affect the rate of misconduct. When inmate criminogenic factors (minus violent inmates) are added, LMX and POS remain statistically significant, but the biggest takeaway here is the strong effect average age has on misconduct. A one percent increase in the average age of the inmate population reduces the rate of misconduct by 25.27/5,000. It is noteworthy that the percentage of minority inmates in an institution does not significantly affect misconduct rates, but it is possible that the aggregate effect of race in an institution is very different than the effect race has on the individual’s propensity to engage in misconduct. Average sentence was also observed to have an effect, but fell short of significance (p>|t| = .095).

When institutional factors are added, LMX remains significant, but POS was no longer an important predictor of misconduct. This could be because the institutional factors overtake POS, or it could be that because POS is associated with increases in misconduct. As Camp, Gaes, Langan, and Saylor (2003) pointed out, serious instances of misconduct are more likely to be reported, so the effect of POS is destined to be limited to its effect on the aggregated individual characteristics of the prison. The effect of percent of Black inmates moves quite a bit between models 2 and 3, and approaches significance (p>|t| = .09). However, the difference between the value of percent of Black inmates in model 2 and in model 3 was not statistically significant (Pr(|T| > |t|) = .41). Inmate-to-staff ratio was not a strong predictor of total misconduct, but the average number of grievances filed and the percent of inmates in a gang significantly added to the
model’s predictive ability (the $\beta$ for average grievances was 24.15; $p>|t| = .025$, and the $\beta$ for percentage of inmates in a gang was 3.97; $p>|t| = .001$). Together, the institutional factors accounted for an additional 20% of the model’s variance. Increasing the monthly average of formal grievances by one was associated in an increase in the overall rate of misconduct by 24.15/5,000 inmates. Clearly, there is a connection between how inmates feel about their confinement and institutional misconduct. The impact of the percentage of inmates in a gang speaks to the strength of that variable.

Table 6: Violent Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$\beta$</td>
<td>$t$</td>
<td>$p&gt;</td>
</tr>
<tr>
<td>LMX</td>
<td>-7.35</td>
<td>3.09</td>
<td>-2.38</td>
</tr>
<tr>
<td>POS</td>
<td>13.51</td>
<td>5.24</td>
<td>2.58</td>
</tr>
<tr>
<td>Orgcom</td>
<td>-5.56</td>
<td>3.49</td>
<td>-1.59</td>
</tr>
<tr>
<td>Avg Age</td>
<td>-9.31</td>
<td>2.13</td>
<td>-4.38</td>
</tr>
<tr>
<td>% Black</td>
<td>.29</td>
<td>.51</td>
<td>-.56</td>
</tr>
<tr>
<td>%Hisp</td>
<td>-.79</td>
<td>.53</td>
<td>-1.49</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>.72</td>
<td>.30</td>
<td>2.35</td>
</tr>
<tr>
<td>% NoGed</td>
<td>1.44</td>
<td>.64</td>
<td>2.26</td>
</tr>
<tr>
<td>IS_ratio</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avg Griev</td>
<td>12.02</td>
<td>4.52</td>
<td>2.66</td>
</tr>
<tr>
<td>% Gang</td>
<td>1.71</td>
<td>.40</td>
<td>4.24</td>
</tr>
</tbody>
</table>

$^*p<.05, ~**p<.01, ~***p<.001$

The set of regressions for violent misconduct (excluding violent inmates), is represented in table 6. Once again, LMX and POS were significant in model one, and again organizational communication and flexibility failed to reach statistical significance. When the criminogenic traits of inmates were added in model 2, LMX and POS remained
significant (LMX had a $p>|t|$ of .051), and continued to oppositely impact misconduct rates. LMX was associated with decreases in misconduct, and POS was associated with increases in misconduct. Organizational communication failed to perform well at all. In model 2, average age was the driving force, with each percent increase resulting in a drop in the rate of misconduct by 9.31/5,000. The effect of average sentence, however, was significant for violent misconduct ($p>|t| = .021$), as was the effect of the percent of inmates in the institution without a GED ($p>|t| = .026$). Without considering the institutional factors, institutions with younger inmates on average, those with inmates serving longer sentences and institutions with higher proportions of inmates without a GED can expect higher rates of violent misconduct.

In the third model, some very interesting things happened. The effect of LMX increased, while POS was no longer significant. This suggests that LMX has a stronger effect on violent misconduct than POS. Since the effect of POS ceased to be significant when the institutional factors were added in table 5 as well, this suggests that the positive effect POS has on misconduct rates is limited to inmate demographic variables. Additionally, the effect of average age, which was a very strong predictor in model 2, ceased to be significant. As with POS, the effect of average age is limited to models that do not include institutional factors. Once again, percent of gang inmates overtook average age as the primary predictor of misconduct, which is not completely surprising, as there was a strong positive correlation between average age and gang membership ($p>|t| = .46$, $p \leq .001$). This result does not suggest that age is not a strong individual factor, but at the institutional level, the percent of inmates belonging to a gang has more of an effect on institutional rates of misconduct. Similarly, it is possible that the effect of
POS is diluted when gang membership is added, suggesting that gang membership differentially affects organizational support more so than LMX (which remained significant). Once again, the effect of average number of grievances is significant ($p>|t| = .10$). The rate of violent misconduct goes up by 12.02/5,000 inmates when formal grievances increase by an average of 1 per month. The effect of inmate-to-staff ratio was not a strong predictor of misconduct rates, just as it was not a strong factor for total misconduct.

Table 7: Serious Non-Violent Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>β</strong></td>
<td><strong>t</strong></td>
<td>**p&gt;</td>
<td>t</td>
</tr>
<tr>
<td>LMX</td>
<td>-6.25</td>
<td>-2.22</td>
<td>.029*</td>
</tr>
<tr>
<td>POS</td>
<td>10.20</td>
<td>2.33</td>
<td>.022*</td>
</tr>
<tr>
<td>Orgcom</td>
<td>-2.69</td>
<td>-1.10</td>
<td>.275</td>
</tr>
<tr>
<td>Avg Age</td>
<td>-7.56</td>
<td>-3.82</td>
<td>.000***</td>
</tr>
<tr>
<td>% Black</td>
<td>22.0</td>
<td>.39</td>
<td>.553</td>
</tr>
<tr>
<td>% Hisp</td>
<td>.06</td>
<td>-.14</td>
<td>.889</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>.73</td>
<td>3.64</td>
<td>.000***</td>
</tr>
<tr>
<td>% NoGed</td>
<td>1.29</td>
<td>2.71</td>
<td>.008**</td>
</tr>
<tr>
<td>IS_ratio</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avg Griev</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Gang</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$R^2$</td>
<td>.08</td>
<td>.31</td>
<td>.50</td>
</tr>
</tbody>
</table>

*p<.05, **p<.01, ***p<.001

In Table 7, serious non-violent misconduct was analyzed (excluding violent inmates), and generally revealed that the influences on non-violent misconduct are not that much different than those on violent and total misconduct. LMX remained significant across all three models, and POS was significant for the first model but not in models two and three ($p>|t| = .071$ and $.098$, respectively). The average age of inmates in
an institution continued to have a significant effect on the rate of misconduct, as did the percent of inmates with a gang affiliation. For the first time, the average number of inmate grievances was not significant, but it was close (p>|t| = .076). For the most part, the same variables that were important for explaining violent misconduct in the full model also explain non-violent misconduct (LMX, average number of grievances, and percent in a gang), but average sentence length for an institution is also important for non-violent misconduct p>|t| = .004). While POS was not significant it still had a noticeable effect, with each point increase in POS resulting in an increase in the rate of misconduct of 6.80/5,000 inmates (p>|t| = .098).

Table 8: Non-Serious Non-Violent Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th></th>
<th>Model 2</th>
<th></th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β</td>
<td>t</td>
<td>p&gt;</td>
<td>t</td>
<td></td>
</tr>
<tr>
<td>LMX</td>
<td>-4.91</td>
<td>2.49</td>
<td>.052</td>
<td>-2.07</td>
<td>2.39</td>
</tr>
<tr>
<td>POS</td>
<td>8.65</td>
<td>5.79</td>
<td>.139</td>
<td>5.87</td>
<td>6.16</td>
</tr>
<tr>
<td>Orgcom</td>
<td>-3.90</td>
<td>4.70</td>
<td>.408</td>
<td>-4.02</td>
<td>4.59</td>
</tr>
<tr>
<td>Avg Age</td>
<td>-8.35</td>
<td>2.56</td>
<td>.002**</td>
<td>-3.20</td>
<td>2.61</td>
</tr>
<tr>
<td>% Black</td>
<td>.64</td>
<td>.66</td>
<td>.64</td>
<td></td>
<td>.96</td>
</tr>
<tr>
<td>%Hisp</td>
<td>.33</td>
<td>.70</td>
<td>.47</td>
<td>.642</td>
<td>.72</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>-.29</td>
<td>.37</td>
<td>-.80</td>
<td>.428</td>
<td>.33</td>
</tr>
<tr>
<td>% NoGed</td>
<td>-.26</td>
<td>.96</td>
<td>-.27</td>
<td>.790</td>
<td>.84</td>
</tr>
<tr>
<td>IS_ratio</td>
<td></td>
<td></td>
<td></td>
<td>-1.17</td>
<td>1.02</td>
</tr>
<tr>
<td>AvgGrieve</td>
<td></td>
<td></td>
<td></td>
<td>4.03</td>
<td>5.89</td>
</tr>
<tr>
<td>% Gang</td>
<td></td>
<td></td>
<td></td>
<td>1.21</td>
<td>.78</td>
</tr>
<tr>
<td>R²</td>
<td>.06</td>
<td>.22</td>
<td>.28</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Unfortunately, the regressions did not explain non-serious, non-violent misconduct very well. Only one variable, average age in model two, was shown to
significantly impact this type of misconduct ($\beta = -8.35$, $p>|t| = .002$), but when all other variables were excluded, LMX very nearly reached statistical significance in model 1 ($p>|t| = .052$). It is worth noting that average sentence moved from a $\beta$ of -.29 in model 2 to .59 in model 3, which was a significant change ($Pr(T < t) = 0.0388$). However, the changes noted from model 2 to model 3 for average age (-8.35 to -3.20) and percent Black (.64 to 1.14) were not significant.

This is also the first set of models in which none of the positive administrative control variables had a significant effect. This could be due to a smaller amount of the variance being explained by them alone ($R^2 = .06$ for non-serious non-violent misconduct, compared with .08 for serious non-violent and .16 for both violent and total misconduct), but it may also be that the indirect effect of management’s relationships with staff and their organizational support of staff does not impart a strong effect on non-serious non-violent misconduct. Either there are other organizational variables that exert a stronger influence on this type of misconduct, or the variables that explain non-serious non-violent misconduct are better modeled at the individual level.

**Further examination of the effect of violent inmates on misconduct.** Earlier in this chapter, some of the issues associated with using violent inmates as an explanatory variable were explained. Consistent with the literature on the predictive ability of prior violence on misconduct (Adams, 1992; Gendreau, Goggin, and Law, 1997; Berk, Kriegl, and Baek, 2006; Griffin and Hepburn, 2006; Cunningham and Sorensen, 2007; Steiner and Wooldredge, 2008; Griffin and Hepburn, 2013), when percentage of inmates incarcerated for a crime of violence was added to the models, it dominated other variables and diluted the results. However, a closer look at the percent incarcerated for a
crime of violence variable revealed that there were only a few institutions (9 of 85, or 10.6%) with concentrations reaching 10% or more. In order to more fully examine the effect the percent of violent inmates has on institutional rates of misconduct, the following tables compare each type of misconduct by (1) a model with no violent inmates included (the no violence model), (2) a model with the violence variable included (the full model), and (3) a model with the violence variable limited to institutions below 10% (the limited model).

Table 9: Violent Inmates and Total Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Model 1 no violence</th>
<th>Model 2 full model</th>
<th>Model 3 limited model</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β</td>
<td>t</td>
<td>p&gt;</td>
</tr>
<tr>
<td>LMX</td>
<td>-12.75</td>
<td>-2.49</td>
<td>.015*</td>
</tr>
<tr>
<td>Orgcom</td>
<td>.31</td>
<td>.04</td>
<td>.967</td>
</tr>
<tr>
<td>Avg Age</td>
<td>-9.49</td>
<td>-1.88</td>
<td>.064</td>
</tr>
<tr>
<td>% Black</td>
<td>1.96</td>
<td>1.72</td>
<td>.090</td>
</tr>
<tr>
<td>% Hisp</td>
<td>1.02</td>
<td>.86</td>
<td>.391</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>.34</td>
<td>.64</td>
<td>.524</td>
</tr>
<tr>
<td>% NoGed</td>
<td>72.72</td>
<td>.63</td>
<td>.531</td>
</tr>
<tr>
<td>Violence</td>
<td>14.02</td>
<td>4.59</td>
<td>.000***</td>
</tr>
<tr>
<td>IS_ratio</td>
<td>-3.03</td>
<td>-.51</td>
<td>.134</td>
</tr>
<tr>
<td>Avg Griev</td>
<td>24.15</td>
<td>2.29</td>
<td>.052*</td>
</tr>
<tr>
<td>% Gang</td>
<td>3.97</td>
<td>3.52</td>
<td>.001**</td>
</tr>
<tr>
<td>R²</td>
<td>.61</td>
<td>.66</td>
<td>.65</td>
</tr>
</tbody>
</table>

*p<.05, **p<.01, ***p<.001

For total misconduct, in model 1 (no violence), LMX is a significant mediator of misconduct rates, as it has been throughout the various models. A one unit increase in the mean LMX score for an institution is associated with a reduction in the average
monthly rate of misconduct by 12.75/5,000 inmates. Most other variables are not significant except for average number of grievances and percent of inmates in the institution who belong to a gang. When the percent of inmates with a violent offense is held constant, increasing the monthly average number of grievances by one is associated with an increase in the average monthly rate of misconduct by 24.15/5,000 inmates. The effect of having a one percent increase in the number of gang members in an institution, holding violence constant, is an increase in the rate of total misconduct of 3.97/5,000 inmates.

In the full violence model, LMX is no longer significant, although it remains important (p>|t| = .068). The effect of adding the percent of inmates arrested for a violent crime is striking. A one percent increase in the number of violent inmates is associated with an increase in the average monthly rate of misconduct by 14.02/5,000 inmates. The effect of gang membership remains significant, and even though the β dropped from 3.97 in the no violence model to 2.87 in the full violence model, the significance remains strong because the robust standard error dropped from 1.13 to .94. It also important to note that the total model variance increased from .61 in the no violence model to .66 in the violent offense model, which indicates that 5% more of the total rate of misconduct was explained by the addition of inmates with violence in their instant offense.

In the limited violence model, the nine institutions with a concentration of 10% or more of their inmates having a violent offense were dropped (N = 76). Notice that LMX once again becomes significant for mediating misconduct (p>|t| = .037). Violence remains the strongest predictor, with each percent increase in the percentage of violent inmates associated with an increase in the average monthly rate of misconduct of
19.81/5,000. It is interesting to see the β for violent inmates increase by 5.79/5,000 in the limited violence model, but have the significant drop slightly from a p>|t| of .000 to .006.

The robust standard error went from 3.05 in the full violence model to 6.99 in the limited violence model, and increases were noted in the POS variable, percent of Hispanic inmates, and inmate-to-staff ratio, although none of these variables approached significance.

**Table 10: Violent Inmates and Violent Misconduct**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Model 1 no violence</th>
<th>Model 2 full model</th>
<th>Model 3 limited model</th>
</tr>
</thead>
<tbody>
<tr>
<td>LMX</td>
<td>-5.38</td>
<td>-2.30</td>
<td>-2.14</td>
</tr>
<tr>
<td></td>
<td>1.96</td>
<td>1.16</td>
<td>1.10</td>
</tr>
<tr>
<td>POS</td>
<td>6.07</td>
<td>2.34</td>
<td>.91</td>
</tr>
<tr>
<td></td>
<td>3.90</td>
<td>2.49</td>
<td>2.60</td>
</tr>
<tr>
<td></td>
<td>.123</td>
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</tr>
<tr>
<td></td>
<td>2.12</td>
<td>2.11</td>
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<tr>
<td>Orgcom</td>
<td>.31</td>
<td>-1.13</td>
<td>-2.55</td>
</tr>
<tr>
<td></td>
<td>3.09</td>
<td>2.30</td>
<td>.91</td>
</tr>
<tr>
<td></td>
<td>.920</td>
<td>.952</td>
<td>.35</td>
</tr>
<tr>
<td></td>
<td>-1.34</td>
<td>-4.15</td>
<td>.905</td>
</tr>
<tr>
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<td>-1.34</td>
<td>-1.12</td>
</tr>
<tr>
<td></td>
<td>1.92</td>
<td>1.83</td>
<td>.905</td>
</tr>
<tr>
<td>% Black</td>
<td>.33</td>
<td>.79</td>
<td>.69</td>
</tr>
<tr>
<td></td>
<td>.42</td>
<td>.431</td>
<td>.490</td>
</tr>
<tr>
<td>% HISP</td>
<td>-.08</td>
<td>-.19</td>
<td>.41</td>
</tr>
<tr>
<td></td>
<td>.39</td>
<td>.847</td>
<td>.681</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>.36</td>
<td>.134</td>
<td>1.10</td>
</tr>
<tr>
<td></td>
<td>.24</td>
<td>.134</td>
<td>.274</td>
</tr>
<tr>
<td>% NoGed</td>
<td>.73</td>
<td>.118</td>
<td>.84</td>
</tr>
<tr>
<td></td>
<td>.49</td>
<td>.118</td>
<td>.405</td>
</tr>
<tr>
<td>Violence</td>
<td>8.14</td>
<td>7.57</td>
<td>.001***</td>
</tr>
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<td></td>
<td>1.08</td>
<td>7.57</td>
<td></td>
</tr>
<tr>
<td></td>
<td>.000***</td>
<td>5.56</td>
<td>.001***</td>
</tr>
<tr>
<td>IS_ratio</td>
<td>-1.58</td>
<td>.24</td>
<td>-.15</td>
</tr>
<tr>
<td></td>
<td>.79</td>
<td>.49</td>
<td>.51</td>
</tr>
<tr>
<td>Avg Grief</td>
<td>12.02</td>
<td>2.66</td>
<td>.89</td>
</tr>
<tr>
<td></td>
<td>4.52</td>
<td>.010**</td>
<td>.376</td>
</tr>
<tr>
<td>% Gang</td>
<td>1.71</td>
<td>4.24</td>
<td>1.27</td>
</tr>
<tr>
<td></td>
<td>.40</td>
<td>.001***</td>
<td>.000**</td>
</tr>
<tr>
<td></td>
<td>1.06</td>
<td>3.45</td>
<td>3.97</td>
</tr>
<tr>
<td></td>
<td>.31</td>
<td>.001***</td>
<td>.000**</td>
</tr>
<tr>
<td>R²</td>
<td>.61</td>
<td>.81</td>
<td>.73</td>
</tr>
</tbody>
</table>

* p<.05, ** p<.01, *** p<.001

Overall, LMX has its strongest effect on violent misconduct. LMX has a p>|t| of .008 in the no-violence model, which is its strongest effect on any type of misconduct.

LMX’s p>|t| of .050 in the full violence model is the only variable outside of percent of violent inmates and percent of inmates in a gang that exerts a significant influence, which
is a remarkable feat considering LMX is measured between management and staff and therefore can only indirectly affect misconduct rates. This would appear to indicate that the quality of staff-manager relationships has enough of an effect on the staff-inmate relationship to allow it to mediate misconduct overall and violent misconduct in particular. LMX dips just below statistical significance in the limited violence model (p>|t| = .056), which further demonstrates that since LMX is most effective with violent misconduct and violent inmates, its impact is lessened slightly when the institutions with the highest concentrations of violent inmates are dropped.

The effect that the average number of grievances has on the no-violence model is considerable, with an average increase of one grievance being associated with a 12.02/5,000 inmate increase in the rate of violent misconduct. This effect, however, is washed out when violent inmates are added to the model. This is not surprising, as the pair-wise correlation between average number of grievance and percent of inmates incarcerated for a crime of violence is .46 (p<.000).

The outcome of average age in these full models is very interesting. The β for average age in the no-violence model is -.258 (p>|t| = .183), which is not particularly strong, but when violent inmates are added to the model, the β drops to -.59 (p>|t| = .639, and the β drops again to -.15 (p>|t| = .905) in the limited violence model. Although the value changes are not significantly different from one another (Pr(|T| > |t|) = 0.45 from no-violence to full violence; Pr(|T| > |t|) = 0.47 from full violence to limited violence), it is noteworthy that average age drops more in the limited violence model. This may be due to the effect of percent of inmates in a gang increasing in the limited violence model - the β for percent of inmates in a gang moves from 1.06 (p>|t| = .001) in the full violence model...
model to 1.27 (p>|t|) = .000 in the limited violence model. At the same time, the effect of violent inmates predictably goes down when moving from the full violence model to the limited violence model – the β moves from 8.14 (p>|t| = .000) to 7.55 (p>|t| = .001. It appears that the effect of violence, which overshadows all other variables in the full model, goes down just enough in the limited model to allow percent of inmates in a gang to gain strength. Average age continues to be washed out, but it would appear from the outcomes that gang membership has a stronger influence on age and misconduct than violence history does, but violence history overshadows gang membership.

Table 11: Violent Inmates and Serious Non-Violent Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Model 1 no violence</th>
<th>Model 2 full model</th>
<th>Model 3 limited model</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>β</td>
<td>t</td>
<td>p&gt;</td>
</tr>
<tr>
<td>LMX</td>
<td>-5.54</td>
<td>-2.34</td>
<td>.022*</td>
</tr>
<tr>
<td>POS</td>
<td>6.80</td>
<td>1.68</td>
<td>.098</td>
</tr>
<tr>
<td>Orgcom</td>
<td>1.19</td>
<td>.50</td>
<td>.619</td>
</tr>
<tr>
<td>Avg Age</td>
<td>-3.71</td>
<td>-1.52</td>
<td>.133</td>
</tr>
<tr>
<td>% Black</td>
<td>.49</td>
<td>1.17</td>
<td>.247</td>
</tr>
<tr>
<td>%Hisp</td>
<td>.27</td>
<td>.61</td>
<td>.545</td>
</tr>
<tr>
<td>Avg Sent</td>
<td>.57</td>
<td>3.00</td>
<td>.004**</td>
</tr>
<tr>
<td>% NoGed</td>
<td>1.03</td>
<td>1.99</td>
<td>.051</td>
</tr>
<tr>
<td>Violence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IS_ratio</td>
<td>-.70</td>
<td>-.87</td>
<td>.389</td>
</tr>
<tr>
<td>Avg Grie</td>
<td>8.10</td>
<td>1.80</td>
<td>.076</td>
</tr>
<tr>
<td>% Gang</td>
<td>1.05</td>
<td>1.94</td>
<td>.056</td>
</tr>
</tbody>
</table>

* p<.05, ** p<.01, *** p<.001
The last violent offense history comparison is the impact violent inmates have on serious non-violent misconduct. In this model, LMX had a significant effect in the no-violence model, but was not significant when violent inmates were factored in. This provides further evidence that LMX has its greatest effect on violent misconduct. In serious non-violent misconduct, average sentence is consistently significant for the first time, and does not appear to be severely mediated by other variables, including violent inmates. Average sentence is strongly significant in the no-violence model ($\beta = .57$, $p>|t| = .004$), loses strength in the full violence model ($\beta = .41$, $p>|t| = .030$) but remains significant, and gains strength slightly in the limited violence model ($\beta = .44$, $p>|t| = .012$). The percent of inmates without a GED also comes close to statistical significance in the limited violence model ($\beta = .73$, $p>|t| = .085$).

Inmates with a history of violence was a strong measure of non-violent serious misconduct in the full violence model, and was still significant in the limited violence model ($p>|t| = .053$, but the effect of sentence average was the strongest predictor. As with the other models, inmates with a violent offense greatly increased predictive ability, but a curious development occurred in the limited violence model. The full violence model explained an additional 16% of the variance over the no violence model, and then dropped back 15% for the limited violence model (there was a 1% drop from full violence to limited violence in the total misconduct model, and an 8% drop in the violent misconduct model). Clearly, the greatest amount of serious non-violent misconduct is committed in institutions where 10% or more of the population consists of inmates in

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61 Non-serious non-violent misconduct was not modeled for violent inmates due to its poor performance in the first set of regressions.
prison for a violent offense. However, it does not appear that violent inmates are overshadowing the other variables, because there were no cases (except LMX) where a variable was significant in the no violence model that ceased to be so in the full or limited violence models. That being said, there are two variables that are close to statistical significance in the no violence model (average number of inmate grievances and percent in a gang) that become completely irrelevant in the full violence and limited violence models.

**Summary**

The original concept of positive administrative control was a construct consisting of three related concepts: communication, organizational flexibility and responsiveness, and legitimacy. Legitimacy was believed to be important in two ways: in how it affects the relationship between management and staff; and in how it affects the relationship between staff and inmates. To measure this, two scales were believed to impact the management-staff relationship (LMX and POS), and a single-item measure was used to capture the amount of inmate dissatisfaction with staff adherence to policy and procedures, as well as their conditions of confinement.

The factor analysis of the proposed scales revealed that positive administrative control more accurately consisted of three factors: one factor that matched with LMX items, a second that matched with POS items, and the third that combined formal communication and organizational flexibility factors. Together, these factors explained 89% of the model’s variance.

The results showed that the leader-member exchange (LMX) and perceived organizational support (POS) were valid and consistent measures of the relationship
between staff and management, although POS ceased to be important when institutional variables were added. LMX and POS measured managerial relationships with staff, which appears to indirectly affect how staff interact with inmates, which in turn affected misconduct rates. However, LMX and POS had opposing effects. Increases in the mean LMX score for an institution were associated with decreases in the institutional misconduct rates, while increases in the mean POS score for an institution were associated with increases in institutional misconduct rates. Organizational communication and flexibility, the third factor, was not a significant predictor of inmate misconduct rates in this study, but the average number of inmate grievances was a reliable predictor and was associated with increases in misconduct rates, indicating that the level of inmate dissatisfaction with their conditions of confinement impacts misconduct rates. Even though organizational communication was not a significant predictor, there was a strong positive bivariate correlation between it and the average number of grievances filed, suggesting that organizational communication is related to the number of grievances filed.

The results also demonstrated that the aggregated characteristics of inmates are valid measures for predicting institutional misconduct rates, as are aggregated environmental factors.
Chapter 5

Discussion

The Emergence of Positive Administrative Control

The first and most important conclusion to draw from this study is the creation of a valid construct for positive administrative control. Based on social exchange theory (Homans, 1961; Emerson, 1976; Baldwin, 1978; Mowday, Porter, and Steers, 1982), positive administrative control operationalizes the idea that when institution managers engage in affirmative and supportive actions with their employees, high quality exchange relationships develop that encourage employees to act in accordance with agency desires (Gouldner, 1960; Levinson, 1965; Meyer and Allen, 1991).

Positive administrative control adds to the extant literature by complementing the idea that quality management is important for maintaining order in a prison. It is not the antithesis of administrative breakdown, nor does it purport to contradict the proxy variables used by other researchers to quantify the prison environment. As Useem and Reisig (1999) noted, administrative control is already based on the positive association between effective administrations and prison order, and the correlation between proxies such as inmate custody level and misconduct is well-documented (Huebner, 2003; Griffin and Hepburn, 2006; Griffin and Hepburn, 2013). The point of positive administrative control is to fill in the blank left by other researchers by identifying and appraising the mechanisms by which management influences staff to act in accordance with its desires. This study supports the concept that when staff act with the goals of the organization in mind, the administration’s goals and objectives are more likely to be realized and order will ensue. When staff fail to act as such, when they become apathetic and uneven in
their following of security procedures and treatment of inmates, there is a greater likelihood inmates will feel a sense of injustice toward the prison and act out; if that acting out occurs while security procedures are lax (while administrative breakdowns are in place), then disorder will ensue. The mechanisms that lead to breakdowns are well known (Useem and Kimball, 1989; Useem and Reisig, 1999); now, the mechanisms that lead to quality management and reductions in administrative breakdowns are better known.

**Positive administrative control and the leader-member exchange (LMX).**

The Leader-Member Exchange (LMX) is a valid and consistent indicator of positive administrative control. This variable was consistently associated with reduced misconduct rates across total and violent misconduct, but its effect is most strongly felt with violent inmates and violent misconduct.

Recent scholarship has asserted LMX to be the most prominent approach to relational leadership theory, which not only views leadership in terms of the leader-follower dyad but also considers the organization and the “human social constructions that emanate from the rich connections and interdependencies of organizations and their members” (Uhl-Bien, 2006). It would be a mistake, however, to assume the concept is entirely new, as other studies have supported the concept of LMX without expressly using it. Wright, Saylor, Gilman, and Camp (1997), for example, found that job autonomy and participation in decision making were associated with greater effectiveness in working with inmates, and Lambert, Hogan, Barton-Bellesa and Jiang (2012), proffered that supervisory trust is positively associated with effectiveness at work. Trust,
like LMX, is a social exchange process (Whitener, Brodt, Korsgaard, and Werner, 1998; Brower, Schoorman, and Tan, 2000).

In the current study, LMX was measured using items that queried staff about their relationship with their supervisors, so since the organization of the Bureau of Prisons is such that staff often have more than one supervisor, the answers cannot be broken down to a specific dyad. Instead, many dyads are being referred to, and these are in turn being aggregated to the group level. LMX in this study is a mean of the relational leadership quality between all staff and their supervisors within a particular institution. This is consistent with the literature on relational leadership and LMX, as LMX is believed to exist on several relationship planes, including the dyad, the group, and larger collectives (Graen and Uhl-Bien, 1995). What is particularly interesting is the strength and consistency of LMX’s effect on institutional misconduct rates, considering that it is indirect. The results suggest that the quality of the management-staff relationship influences the quality of the staff-inmate relationship, which mediates disorder. Or, more succinctly, leadership matters. With the exception of serious non-violent misconduct in the full models with violent inmates included, as the quality of LMX in an institution rose, the misconduct rate would lower.

**Positive administrative control and perceived organizational support (POS).**

Perceived Organizational Support (POS) is also rooted in social exchange theory. Using the norm of reciprocity (Gouldner, 1960) and the concept of transference (the anthropomorphic ascription of supervisory qualities from the supervisor to the organization - Levinson, 1965), POS proffers that staff are more likely to act in accordance with the desires and policies of an agency if that agency and its supervisors
support them, value their contributions, and reward them for their good work (Eisenberger, Huntington, Hutchison, and Sowa, 1986). POS is related to but distinct from affective organizational commitment (Mowday, Steers, and Porter, 1979; Griffin, 2001; Meyer, Stanley, Hercovith, and Topolnytsky, 2002; Perry, 2004; Griffin and Hepburn, 2005), and job satisfaction (Lambert, Hogan, and Barton, 2002; Hepburn and Knepper, 1993; Lambert, Hogan, Barton-Bellessa and Jiang, 2012), which also examine the relationship between management and staff. Research has shown that POS is a distinctive construct with high reliability (Rhoades and Eisenberger, 2002).

There are three general aspects to organizational support theory: fairness, supervisory support, and organizational rewards/job conditions (Eisenberger, et al, 1986). The items used in this survey followed those forms of support. By and large, the results supported POS as a viable aspect of positive administrative control, but the effect of POS was in the opposite direction of LMX in that increases in POS were associated with increases in misconduct rates. POS was strongest for non-violent serious misconduct, but ceased to be statistically significant when institutional variables are added in, and approaches irrelevance when violent inmates are added.

Conceptually, this makes sense. Because POS is tied to employee job performance, increases in performance would lead to increases in inmate supervision, thus leading to additional observation and reporting of misconduct (Bottoms, 1999). The observed effect of POS in the current study links positive administrative control to the assertions Bottoms (1999: 210-211) who firmly believed that that order is prisons “is to a large extent achieved through the subtle interplay of relationships between prison officers and prisoners,” to which he placed particular emphasis on a prison’s daily routines. For
federal prisons, this is particularly relevant because the federal system operates under a direct supervision management model and places its staff in direct contact with inmates so they may more closely supervise inmates and use their discretion to correct minor misconduct while formally reporting the more serious offenses that must be reported by policy (BOP, 2010).

At the same time, the structure of federal prisons is such that staff are in more or less constant contact with first-line supervisors, making their relationship an important part of how the staff view their job, thus impacting how staff do their job. Liebling (2000) made a similar observation when she noted that prison workers have continuous contact with inmates and that prison officers are very visible to their supervisors, such that the extent of managerial oversight is a matter of managerial choice. Therefore, when managers engage with and support their staff, those staff are more likely to feel a sense of obligation to act in accordance with the desires of their supervisors and, by extension, the agency (Eisenberger, et al, 1986). A possible reason the effect of POS is constrained when institutional factors are added is most likely due to limitations on how much of an impact it can have on misconduct, given that the procedural and structural aspects of federal prisons (multiple counts, staff attendance at meals, frequency of staff searches, and the extensive use of video surveillance) make it difficult to ignore or not report serious misconduct. It is important to remember that a fight may not be seen by a staff member when it occurred, but staff have to closely view inmates so frequently throughout the day that it often isn’t long before someone notices signs that someone has been in an altercation and an investigation is initiated.
Positive administrative control and organizational communication/flexibility.

Contrary to expectations, the organizational communication and flexibility variable did not significantly affect misconduct rates. The factor loading for organizational communication put the items related to communication and flexibility at the institution and agency level together, which may potentially be tied to other aspects of employee performance. Organizational communication, in the context of this paper, was the quality of communication regarding the promulgation of policies and procedures emanating from management to the line staff, and organizational flexibility was a measure of how much management was willing to stray from established policies and procedures to resolve an issue. Organizational communication was significantly and negatively related to the average number of grievances filed at an institution, suggesting that increases in the quality of formal communication from agency and institutional sources will be associated with reductions in the number of grievances that are filed. Because grievances are significantly related to misconduct under certain circumstances, there is still the possibility a connection may exist, but it was not strong enough to be measured in the analytical format used.

Positive administrative control and inmate grievances. The other measure related to positive administrative control was a one-item measure that was included as part of the institutional conditions set of variables – the monthly average number of inmate grievances, averaged over the calendar year. This is the first study that used inmate filings of formal grievances as an indicator of misconduct, and the results show that there is a strong relationship between how inmates feel about the conditions of their confinement and their willingness to engage in misconduct.
Even though this specific measure has never been used before, it directly supports the assertions of Hepburn (1985), Sparks and Bottoms (1995), Liebling and Price (1999), Bottoms (1999), Liebling (2000), and Liebling, Price, and Shefer (2010), all of whom tie misconduct to the inmate’s sense of the legitimacy of staff authority. Hepburn (1985) spoke about experienced officers preferring to utilize a combination of expert and referent power, which is related to their persuasiveness and leadership ability, and said that prisoners expect to receive reasonable instructions and directions by officers. Similarly, Tyler (1990) said that prison staff embody the prison every time they speak to or approach an inmate (a type of anthropomorphic viewpoint, similar to POS between staff and management), and Liebling, Price, and Shefer (2010: 115) pointed out that, “relationships that included fairness, respect and dialogue between officers and prisoners could be seen as instruments of legitimacy.” More recent scholarship has tied an inmate’s sense of legitimacy to their sense of procedural injustice, which can lead to anger and subsequent misconduct (Bierjersbergen, Dirkzwager, Eichelsheim, and Van Der Laan, 2015). While the present study did not directly account for an inmate’s anger based on perceived injustice, the fact that formal grievances can only be filed after an assertion that (1) an inmate has been wronged and (2) an informal resolution attempt has failed suggests that grievances are a reflection of inmate frustration. The fact that the average number of formal grievances was associated with significantly increased violent and total misconduct rates speaks to the predictive power of this variable. Prison managers would do well to closely monitor the number and type of grievances filed as an indication of how an institution is performing.
The Predictive Ability of Aggregated Control Variables

The impact of inmates with violence in their instant offense. The proportion of inmates in an institution with a history of violence, in this case those incarcerated for a crime of violence, was a particularly strong predictor of institution misconduct rates. The veracity of the violent inmate variable, along with its significant positive association with number of grievances, percentage of inmates in a gang, and percent of Black inmates, and its significant negative association with average age, percentage of Hispanic inmates, and inmate to staff ratio, made it necessary to initially analyze the explanatory variables while excluding violence, and then examining how their effects changed when it was added.

The tenacity of the violence variable is a bit surprising, considering it is measuring a relatively small sub-set of violent inmates (those who are incarcerated for a crime of violence). Additionally, in addition to disproportionately accounting for violent misconduct rates, the current study determined that the percent of inmates with a violent offense was the strongest predictor for non-violent misconduct. Interestingly, there don’t appear to be a multitude of studies that use history of violence to predict misconduct, even though Adams (1992) pointed out that “research underscores the significance of past violence for incarcerated offenders. Inmates with a history of violent criminal offenses are more likely to require mental health services and to injure themselves. They also have higher disciplinary infraction rates” (1992: 304). A study by Gendreau, Goggin, and Law (1997) included a violence variable, but it was a subset of offense history (which was significant). Lahm (2008; 2009) used incarceration for a violent offense but found that her variable for aggression was a much stronger predictor of inmate-on-inmate and inmate-on-staff assaults, and Griffin and Hepburn (2013) used percent of inmates
with a violent offense and found they accounted for 17% of the variance of violent misconduct in prisons with high environmental control.

**Addressing the perception of federal prison inmates’ lack of violence.** When Steiner and Wooldredge (2008) determined that violent misconduct was higher in prisons with higher concentrations of inmates with violent backgrounds, they made comparisons to similar studies conducted with federal prison data and pointed out that the majority of inmates in the federal prison system are serving time for drug offenses (they used 55%, and in 2008 it was 53.2%). It is true that more federal inmates are serving sentences for crimes that are not inherently violent, but a more accurate representation of an inmate’s violent tendencies would be to consider his entire criminal history. Unfortunately, the Bureau of Prison’s measure for history of violence also includes violent offenses that occur while in prison, which is useful for classification purposes but less so for analytics. But, to show that the population of federal inmates is not as non-violent as some researchers assert, in 2008 39 of the 85 institutions in this study (46%) had an inmate population where at least 40% had a serious act of violence in their history. Thirteen of the top 15 institutions were all high security penitentiaries, and in every one of them at least 50% of the inmates had serious violence in their history, with the highest institution having 62% of their inmates with a history of serious violence. In this context, serious violence referred to “aggressive or intimidating behavior which is likely to cause serious bodily harm or death (e.g., aggravated assault, domestic violence, intimidation involving a weapon, incidents involving arson or explosives, rape, etc.). There must be a finding of guilt” (BOP, 2006: Ch. 4, p. 10). Granted, if state institutions counted violence

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62 See the tautology argument on p. 122.
in the same manner their percentage of violent inmates may be higher as well, but the point is that the violence history of federal inmates is more prevalent than typically presented in academic research. The problem of violent inmates is every bit as pervasive in federal prisons as it is in state prisons, making the performance of LMX with respect to violent inmates important beyond the federal prison system.

**Using security level as a predictor of misconduct.** Although violence is a strong and consistent predictor of misconduct, very few studies use prior violence as an independent variable. Perhaps a primary reason this is so is because these studies are more interested in other individual and contextual influences on violent misconduct (Ellis, Grasmick, and Gilman, 1974; McCorkle, Miethe, and Drass, 1995; Useem and Reisig, 1999; Jiang and Fisher-Giordano, 2002; Camp, Gaes, Langan, and Saylor, 2003; Berk, Kriegler, and Baek, 2006; Griffin and Hepburn, 2006; Cunningham and Sorensen, 2007; Steiner and Wooldredge, 2008; Steiner, 2009; Worrall and Morris, 2011; Day, Brauer, and Butler, 2015). Each of these studies have identified strong influences on misconduct, such as age, race, prior criminality, and gang membership, and several have identified the custody level of the institution as a primary influence on inmate misconduct. Indeed, Worrall and Morris (2011) went to so far as to assert that factors such as incarceration for a violent offense, offense seriousness, prior misconduct, and prior incarcerations may be “spurious due to failure to include proper controls for inmate’s custody levels” (2011: 134). The Worrall and Morris (2011) study made a convincing argument by using an instrumental variables probit regression to account for the close relationship between custody levels and misconduct, but their conclusions are
specious because they are not fully accounting for the many different variables that go into assigning an inmate to a security level. 63

In the federal system, there is a difference between inmate custody levels and institution security levels. Custody level refers to the type of supervision an inmate receives, such as the number of officers that will accompany the inmate on an escorted trip, or if the inmate is allowed to participate in a work assignment outside the secure perimeter. The custody levels are community, out, in, and max, with the vast majority of inmates having “in” custody (BOP, 2006). Security level refers to the, “physical security of the institution to include mobile patrols, gun towers, perimeter barriers, housing, detection devices, inmate-to-staff ratio, and internal security” (BOP, 2006: Ch. 2 p. 5). In the federal system, there are minimum, low, medium, and high security facilities, with some facilities housing multiple security levels, called administrative facilities (hospitals, metropolitan correctional centers, etc., BOP, 2006). Minimum security prisons are referred to as “camps,” and most often do not have secure fencing. This is where inmates with “community” custody reside, along with some “out” custody inmates. Low security prisons, called either Federal Correctional Institutions (FCIs) or Low Security Correctional Institutions (LSCIs) house generally house “out” and “in” custody inmates. Medium security facilities, also called FCIs, primarily house “in” custody inmates but can also house “out” custody inmates. High security facilities are called United States

63 To be fair, Worrall and Morris (2011) are using data from the Texas Department of Corrections, which houses inmates of different security levels within the same prison, which is completely different from the system used in the Federal Bureau of Prisons (other than administrative facilities such as hospitals and pre-trial detention). Thus, in Texas there are different security levels in the same prison, making the direct comparison with federal prisons somewhat incongruous. The point here is to show that there are multiple factors that go into security level that must be accounted for, which will be explained later in this chapter.
Penitentiaries (USPs), and house a mixture of “in” and “max” custody inmates. Inmates are assigned to custody levels based on their criminal history and institutional behavior/adjustment, and are assigned to security levels based on a classification system that assigns points to various criminogenic factors. One of the main factors considered is severity of current offense, but there are several other factors, including length of time served, criminal history, history of escape, and history of violence. The inmate will also receive points if he has a detainer, which varies depending on the severity of the offense the detainer is for. Additionally, public safety factors such as membership in a disruptive group (a subset of particularly violent security threat groups), if the inmate is a sex offender, deportable alien, sentence length, serious escape, etc. can be determinative factors in assigning security level. Finally, there are other factors such as history of substance abuse, incident reports received while in custody, level of programming (including payment to the court of financial obligations), family/community ties, and overall living skills that all play a role in the assignment to a security level (BOP, 2006).

The end result of an actuarial risk classification system, especially one as nuanced as the one the Federal Bureau of Prisons uses, is that concentrating inmates with so many risk factors for misconduct into high security institutions allow for the development of an endogenous relationship between the institution and misconduct, to the extent that it becomes virtually impossible to disentangle the aggregate characteristics of the inmates from the institution’s security level.

So, even though Worrall and Morris (2011) correctly raised the point of endogeneity in the relationship between security level and misconduct, they missed the endogeneity that exists between individual criminogenic factors and security level. A
detailed classification system results in inmates with an array of dangerous and disruptive characteristics being disproportionately represented in high security level institutions, and it is the aggregated effects of these characteristics that inform misconduct rates, not the security level of the prison they are assigned to.

Perhaps the reason Worrall and Morris (2011) and other researchers have not reached this conclusion is the misconception (at least, in the federal system) that there are appreciable differences in the security practices and procedures between adjacent security level institutions (McCorkle, Miethe, and Drass, 1995; Wooldredge, Griffin, and Pratt, 2001; Huebner, 2003; Lahm, 2008, Steiner and Wooldredge, 2008). Even though the Inmate Security Designation and Custody Classification Manual (BOP, 2006) states there are physical and procedural differences between security levels, actual practice blurs the lines between medium and high security facilities. Part of this is due to the administrative practices of the BOP. All staff in the BOP go to the same national training schools, and the agency’s policies and practices are national – there is no difference in the discipline process, for example, between a low security FCI and a high security USP. Additionally, managers frequently transfer from one prison to another, such that many senior administrators have worked at up to ten or more institutions.64 As a result, managers have the lessons of other institutions to rely on when resolving problems at their own institution. If, for example, controlled movement, increased pat searches, and the use of walk-through and hand-held metal detectors helped control contraband at a USP, the same practices will work at an FCI, and are often implemented. As a result, the

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64 This practice dates back to the late 1940s, when director Sanford V. Bennett tied promotions to transfers specifically for the purpose of homogenizing managerial practices (Keve, 1991).
only practical differences remaining between high security USPs and medium security FCIs are lowered inmate-to-staff ratios, more cameras, more metal detectors, and possibly some additional movement restrictions and additional supervision of certain high-profile inmates (although many medium and administrative facilities have programs with the same restrictions). What this means for the relationship between security level and misconduct rates is that the only measurable differences between security levels are inmate-to-staff ratios and the aggregate characteristics of the inmates residing in those prisons. Because violence is only one of the factors that go into assigning an inmate to a security level, there will be some medium level FCIs with higher concentrations of violent offenders (the strongest variable in the study) than some penitentiaries. Granted, there will be differences between USPs and FCIs that are related to the inmate culture that develops at each institution as well as the possibility that staff subcultures will form. These subcultures may dictate how misconduct is managed and aspects of them may only be picked up by using security level as an independent variable, but it can be argued that the culture of an institution is a reflection of the aggregate characteristics of the inmates that live there and the staff that work there (Mead, 1934; Blumer, 1969), which some researchers believe would be useful for identifying the sources of the endogeneity bias within higher security level prisons (Shermer, Bierie, and Stock, 2012).

The decision to forego security level was supported with the results of the study. When percentage of inmates with a violent offense was added to the models, it was almost always the strongest predictor of institution misconduct rates, which is to be expected since violent inmates have already been shown to disproportionately impact misconduct (Adams, 1992; Griffin and Hepburn, 2013). However, when the nine
institutions that had concentrations of ten percent or more violent inmates were dropped (N = 76), LMX emerged as a significant predictor of total misconduct. On the surface, this would appear to support using security level as a predictor because all nine prisons that were dropped were USPs, but there are fifteen penitentiaries in the dataset and four FCIs have higher concentrations of inmates incarcerated for violent crimes than the lowest ranking USP, which suggests that it was the concentration of violent inmates and not the security level that drove misconduct rates.

So, it is not always possible to state that security level is a major cause of misconduct because security level is in actuality a composite variable representing higher concentrations of inmates with a variety of traits that contribute to misconduct rates. Bottoms (1999) also cautions against extending security level to the conclusion that authoritarian settings automatically engender disruptive behavior. He recognized the importance of physical environment as well as structural influences, but he believed it was important to consider the idea that prisoners adapt to their environments, and environments are shaped by human conditions.

This study supports Bottoms’ (1999) assertion by showing it is not always correct to assume that deprivation is more prevalent in high security prisons. This is because the controlling policies and practices that are often associated with high security prisons, as is popularly promulgated (Colvin, 1992; Useem and Reisig, 1999; Blevins, Listwan, Cullen, and Jonson, 2010), are also present in medium security prisons. Future studies examining misconduct may want to include contextual variables such as security level but they should also control for not only the individual criminogenic characteristics of the inmate but also the proportions of criminogenic characteristics of the inmates at an institution.
While not a perfect representation of the concept, when aggregate effects are included as contextual variables it enables the researcher to better account for human behavior as an extension of the society that the individual person is living in and drawing meaning from (Stryker, 1980), and is in keeping with the generally accepted premise that prisons can induce criminogenic behavior (Galtung, 1961; Sutherland and Cressey, 1974; Irwin, 1996; Cullen, Jonson, and Nagin, 2011). By adding aggregate criminogenic factors to models of misconduct, it is not believed that there will be an overarching problem with interdependence of observations, because it is not being suggested that other organizational variables be dropped. With that in mind, the effect of the other aggregate variables in the regressions are examined.

**Inmate average age and institutional rates of misconduct.** The average age of inmates in an institution had a limited effect on institutional rates of misconduct in this study. In the models with just the positive administrative control and criminogenic variables, average age was a very strong predictor; when institutional variables were added to the models, the effect of the average age of inmates in an institution dropped to just below statistical significance, and when the percent of inmates with violence in their instant offense was added, the effect of the average age of inmates fell dramatically. It appears that other variables strongly associated with inmate age, such as percentage of inmates in a gang and percentage of inmates with a violent offense, dilute the effect of average age.

None of this, of course, suggests that previous studies that stress the impact of age on offending (Hirschi and Gottredson, 1983; Farrington, 1986) or that of age on institutional misconduct (Adams, 1992; Gendreau, Goggin, and Law, 1997; Wooldredge,
Griffin, and Pratt, 2001; Camp, Gaes, Langan, and Saylor, 2003; Cunningham, Sorensen and Reidy, 2005; Griffin and Hepburn, 2006; Cunningham and Sorensen, 2007; Lahm, 2009) were misguided, but the findings do support the conclusions of Gaes and McGuire (1985), who found that the effect of age is washed out when other institutional factors are included. Age is an important consideration, especially at the individual level, but what may be more informative for average age of inmates in an institution is the strong positive correlation it has with sentence average and the strong negative association is has with percent of inmates with incarcerated for a violent offense, percent of inmates without a GED, and percent of inmates in a gang. These associations are supportive of the idea that younger inmates, when combined with other risk factors, are more likely to not only engage in behavior that lands them in prison but also is indicative of misconduct while in prison (Toch, Adams, and Grant, 1989; Adams, 1992; DeLisi, Trulson, Marquart, Drury, and Kosloski, 2011). The finding that misconduct decreases as age increases is, of course, consistent with the age-crime curve (Hirschi and Gottfredson, 1983).

**Racial percentages and institutional rate of misconduct.** The effect of racial percentages (percent of Black inmates in an institution; percent of Hispanic inmates in an institution) was virtually nonexistent throughout the models. The only time any racial measure came close to reaching statistical significance was with percent of Black inmates in the full models for total misconduct. This was very similar to the findings of Camp, Gaes, Langan, and Saylor (2003), who only found a significant effect for Black inmates on total misconduct, although they found it significant at the individual level.
Harer and Steffensmeier (1996) considered the percent of Black inmates in an institution (the same variable used in this study) a distal proxy variable for a subculture of violence. This study also argues the importance of using aggregate demographic data as proxies for subcultural influences, but did not find race to be important. It is possible that the disparity may be due to methodological differences, as Harer and Steffensmeier (1996) excluded Hispanic inmates and this study included Black and Hispanic inmates, using White inmates as the comparison group. Additionally, Harer and Steffensmeier (1996) dichotomized misconduct and concentrated on aggravated assault, simple assault, and fighting for their violence variable, and used drug/alcohol misconduct for their other dependent variable. Even though this study did not find a significant relationship between race and misconduct, the variety of findings by other researchers (Ellis, Grasmick, and Gilman, 1974; Harer and Steffensmeier, 1996; Gendreau, Goggin, and Law, 1997; Cao, Zhao, and Van Dine, 1997; Innes, 1997; Wooldredge, Griffin, and Pratt, 2001; Kuanliang and Sorensen, 2008; Lahm, 2008; Lahm, 2009; Steiner, 2009; and Worrall and Morris, 2011) suggest that race continues to be an important consideration for future studies of misconduct.

The effect of average sentence on institutional rates of misconduct. The effect of increases in the average sentence of inmates in an institutions was strongest for non-violent serious misconduct (property offenses, drug/alcohol offenses, etc.) For violent misconduct and total misconduct, the effect of average sentence was only significant in the models without institutional variables. In fact, in the full models with violent offenders, the effect of average sentence was irrelevant.
This study determined that inmates serving longer sentences, as a group, have more of an effect on rates of non-violent serious misconduct than they are on rates of violent misconduct. Since violent offenses are a stronger influence on total misconduct, the effect of average sentence on total misconduct is diminished. These results are consistent with some studies but run counter to others, which is not surprising given the mixed results produced by length of sentence in misconduct studies (Steiner and Wooldredge, 2008).

Steiner and Wooldredge (2008) believed methodological differences accounted for the disparity in their results, because only 10% of the inmates in their 1991 sample had sentences that were longer than 5 years, and in 1997 over 70% of the sample had sentences longer than five years. The problem with measuring the impact of sentence length on misconduct, much like other demographic variables, is that it can vary depending on the individual, the dynamics of the institution, the composition of the data, the manner in which sentence length is measured, and how misconduct is measured. To complicate matters further, sentence length is naturally correlated with other variables, such as violent offense history and criminal history, which affect sentencing decisions (Steffensmeier, Ulmer, and Kramer, 1998; Crow, 2008; Spohn and Holleran, 2009).

The result is disparity. For instance, Huebner (2003) did not find a statistically significant relationship between sentence length and assaults, but Berk, Kriegler, and Baek (2006) found the effect of increased sentence length so strong they concluded it was the best predictor of misconduct. While the data in this study only showed a significant relationship between non-violent serious misconduct and sentence length in the full models, these results must be considered in light of the fact that Berk, Kriegler, and Baek
(2006) created a serious misconduct variable that included both offenses this study split into violent and non-violent. Additionally, Berk, et al (2006) found that sentence length makes its most important impact for sentences between five and ten years, and the mean sentence length for federal prison inmates in this study is 106 months (8.83 years).

**Education and the institutional rate of misconduct.** Education affected institutional rates of misconduct in a manner similar to average sentence length. The results showed that the effects were strongest for non-violent serious misconduct, but was significant for violent misconduct when the institutional variables were held constant. The relationship between education (or lack of) and misconduct appears to be one where non-violent serious misconduct is more likely to occur when there are more inmates in the institution with less education. It would appear to make sense that this would also hold true for violent misconduct, but the other variables that affect violent misconduct (being in prison for a violent offense, being part of a gang) are simply too strong for lack of education to have an impact. Once again, some crossover is likely, as there is a strong positive correlation between percent of inmates with a lack of education and percent of inmates in a gang, even though there is almost no direct correlation between percent of inmates without a GED and percent of inmates in prison for a violent offense.

Studies that have used level of education to inform misconduct have, not surprisingly, met with mixed results. Kuanliang and Sorensen (2008) found education to be the weakest predictor of insulating inmates from misconduct, but Cunningham, Sorensen, and Reidy (2005) found that inmates with a high school diploma (the same threshold level used in this study) were half as likely to commit violent act as those who did not have a high school diploma or equivalent. Cao, Zhao, and Van Dine (1997)
found that increases in education (measured in self-reported education in years) was significant and inversely related to the inmate receiving what they called class II tickets (disobeying orders, fighting, and possession of contraband), while education was not significant for class III tickets (which were minor violations such as poor work performance and horseplay). In a meta-analysis of prison misconduct literature, Gendreau, Goggin, and Law (1997) found that education was the weakest of their social achievement domain variables, with a Pearson’s $r$ of .03.

It is possible that education level is not often considered when analyzing misconduct because it is more often used to predict if someone is going to commit a crime (Lochner, 2007; Machin, Marie, and Vujić, 2011), but it is also possible that education is measured in a less obvious manner in misconduct studies, such as participation in programming (McCorkle, Miethe, and Drass, 1995; Steiner and Wooldredge, 2008; Lahm, 2008). However, this study did not use overall program participation because under 28 CFR, §544.81, each institution will ensure inmates have the opportunity to complete an adult literacy program leading to a GED, and/or participate in English as a second language, occupational education classes, postsecondary education activities, adult continuing education, leisure, fitness, or wellness, release preparation, and career counseling (BOP 2002).

**Inmate-to-staff ratio and institutional rates of misconduct.** Inmate-staff ratio was probably the least informative of all variables in this study, as it had no observable effect on institutional rates of inmate misconduct. There are a couple of possible reasons for this: First, consistent with McCorkle, Miethe, and Drass (1995), participation in programming in all likelihood lessens the effect of crowding, and as has already been
pointed out, the Bureau of Prisons has a well-developed set of programming activities. The second potential explanation is that the relationship between misconduct rates and inmate-staff ratios is not direct. Steiner and Wooldredge (2009) offered that one potential explanation for the relationship is that crowding affects the level of program involvement and lessens the ability of staff to supervise inmates, and those factors in turn impact misconduct rates.

However, the lack of impact of inmate-to-staff ratio on institutional rates of misconduct appears to run counter to what the Bureau of Prisons says publicly about inmate-to-staff ratios, which is that institutions with more inmates relative to staff are more dangerous for staff. For support, the BOP can point to a 2012 Government Accountability Office (GAO) study. In the GAO (2012) study, the BOP reported that increased crowding resulted in decreased inmate participation in programming activities, and strained recreational resources, as well as impacting the agency’s ability to find meaningful employment for inmates and affecting the agency’s ability to facilitate inmate visitation.

What the BOP is doing is relating crowding to housing problems, such as crowded bathroom facilities in dorm housing, longer waits for food service, and the strains on recreational resources already mentioned. Another problem, not easily quantified, is that when there are more inmates in an institution trying to use recreation facilities, the potential exists to have several hundred inmates on the recreation yard, but supervision is limited to just one or two staff. Under these circumstances, the assertions of Wooldredge, Griffin, and Pratt (2001) come into play, because now there are increased opportunities to engage in misconduct because there is a drop in supervision. There is
also the possibility of an indirect effect on misconduct, as competition for limited resources (such as access to recreational facilities) can create tensions that lead to misconduct, consistent with the explanation provided by Steiner and Wooldredge (2009).

Education and drug programming also suffers when there are an excessive number of inmates in an institution, as the demand often exceeds the capabilities of staff to deliver those services (Steiner and Wooldredge, 2009). The GAO (2012) report detailed long waiting lists to enter the Residential Drug Abuse Program (RDAP), which actually improved over 2006 levels but still had an average waiting time of 80 days in low security facilities. Having long waiting lists inhibits the BOP’s ability to reach those inmates who can benefit from this program, to include a possible one year reduction in their sentence per 28 CFR §550.55 (GAO, 2012).

Another point that should be important for researchers but isn’t often considered is the constraints crowding puts on the agency’s ability to move inmates. Studies that examine the effect of security level on misconduct (Berk, Kriegler, and Baek, 2006; Worrall and Morris, 2011) assert that a responsible policy for administrators would be to place inmates in as low a security level prison as possible. The Bureau of Prisons agrees with that assessment, but at the end of 2011, 81% of the inmates in low security prisons were triple-bunked (GAO, 2012). Simply put, it isn’t always possible to move inmates down to the level they deserve to be in when there isn’t room at the lower levels.

The point here is that while inmate-to-staff ratio was not significant for this study, the effects of crowding on an administration’s ability to manage a facility can be considerable, and future studies should continue to address the impact of inmate density on misconduct and other outcomes.
Percent of inmates in a gang and institutional rates of misconduct. Other than the effect of percentage of inmates with a violent offense, the effect of percentage of inmates in a gang was the strongest predictor of misconduct in the present study. Across total and violent misconduct models, the percent of inmates in a gang represented strongly significant impacts on institutional rates of misconduct.

These results are supportive of the extant literature. Studies that compare gang membership with misconduct consistently find that being in a gang is a strong predictor of misconduct in general and violent misconduct in particular (Gaes, Wallace, Gilman, Klein-Saffran, and Suppa, 2002; Reisig, 2002; Camp, Gaes, Langan, and Saylor, 2003; Huebner, 2003; Griffin and Hepburn, 2006; DeLisi, Berg, and Hochstetler, 2006; Drury and DeLisi, 2011; Griffin and Hepburn, 2013). There are several possible reasons for the strong association between gang membership and misconduct. Perhaps the best explanation comes from Fleisher and Decker (2001: 3), who describe gangs in prison as “crime-oriented social groups” that focus on the business of crime, which is generally drug trafficking. These groups usually have distinct structures, ordered rules governing behavior, demand absolute loyalty to the organization above all else, and use violence to enforce their will on other groups and to maintain order within the group. It is important to note that there is a distinct difference being drawn between prison gangs and youth gangs, although the extant literature tends to obfuscate the two. The structure being described for gangs in prison is what Decker, Katz, and Webb (2008) called the instrumental-rational view. From this viewpoint, prison gangs are rational organizations that act in prison as criminal organizations. The opposing viewpoint sees gangs as having a decentralized structure, believing them to be disorganized and only united by

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common features, such as signs and symbols. In federal prisons, gangs such as Los Angeles based Crips purport to be decentralized in this manner, but close observation of the group often reveals that a few senior members of the group will interact with other groups in a manner similar to that described in Chapter 1.

Underlying the debate on gang structure is the issue of coming to a consensus on what constitutes a gang. Klein (1998) helped frame this debate when he characterized street gangs as informal social groups. While this may be a relevant debate for youth gangs, definitions are less of a problem for the federal prison system. In the present study, the term “gang” is being used to describe a Security Threat Group, or STG. Technically, STGs can be any group of three or more persons with recurring or threatening behavior (Knox, 2012), but prior to 2008 the Bureau of Prisons had, for management purposes, condensed STGs into 91 different groupings, some of which combined different but similar street gangs into one group, and others that created STGs out of criminal or terrorist organizations that are not gangs at all but were nonetheless very disruptive to the security and orderly running of an institution. For example, there are several Latin King Gangs on the street, and in federal prison the different Latin King gangs tend to identify themselves as being associated with Chicago, New York, or Connecticut gangs, but the BOP classifies and tracks all Latin King members under “Latin Kings.” Similarly, the various white supremacy groups are collectively placed in one WSG group (although the Order remains separate). Other STGs include the major motorcycle gangs, well-known Italian crime families, and terrorist organizations such as Al Qaida and al Gamaa al Islamia. As a result, there is more of a bright-line distinction between how the BOP defines an STG and how a researcher of youth gangs would define
them. In the BOP they may not all be gangs in the classic sense, but they are much more than informal social groups and their potential for misconduct is less of a debate. Given how the BOP defines an STG, it is not surprising that as the percent of inmates affiliated with these groups rises in an institution, rates of misconduct also rise.

Another aspect of gang membership that is important for this study is its subcultural influence. One of the main reasons the institutional rate of misconduct rose as the percentage of inmates in a gang rose is that gang violence “is a collective response by members of the underclass to organize around neighborhood affiliation” (Decker, 1996: 248). This collective response occurs because the values associated with being a gang member – toughness, smartness, and excitement (Gordon, Short, Cartwright, and Strodtbeck, 1963), are imported into the prison and reinforced by the group while in prison (Jacobs, 1974). This is further evidence of the value of aggregate variables for the study of institutional influences on misconduct, as well as the endogeneity that exists between security levels and those aggregate measures.

The Opposing Influences of LMX and POS on Disorder Rates

So far, the discussion has portrayed positive administrative control as a singular influence on maintaining order in prison, but the two primary influences of positive administrative control had opposing influences on inmate misconduct. The leader-member exchange (LMX) consistently mediated institutional rates of misconduct, while perceived organizational change (POS) consistently resulted in increases in institutional misconduct (albeit only for models without institutional factors).

Both scales demonstrated effectiveness – the issue was the decision to limit the discussion to the effect of positive administrative control on rates of misconduct, which is
only one aspect of institutional order. It is important to remember that these scales are measuring how staff feel about their supervisors, making the effect of the variables on inmate misconduct rates indirect. The phenomenon was partially explained in chapter 5 when LMX was shown to be related to the quality of the relationship between staff and inmates, which mediates disorder, but POS is tied to employee performance, which increases inmate observation and leads to increased reporting of incidents.

What this suggests is that the relationship between staff supervision and inmate misconduct is multi-faceted, and in spite of the close organizational controls on the reporting of misconduct, there remains a difference between staff observing and reporting of incidents and how many incidents actually occurred. Researchers have long suggested that staff underreport incidents (Poole and Regoli, 1980; Hindelang, Hirschi, and Weis, 1981; Light, 1990), which can be tied to officer discretion (Hewitt, Poole, and Regoli, 1984; Light, 1990). However, in the Federal Bureau of Prisons, staff are required to report incidents in the greatest and high security levels of offenses (see appendix A), which comprise two of the four misconduct types used in this study (violent misconduct, serious non-violent misconduct) and are a major influence on a third (total misconduct). Previous research has suggested that staff are more likely to report serious incidents when they occur (Camp, Gaes, Langan, and Saylor, 2003).

Truthfully, both official reports and inmate self-reports are subject to measurement error (Reisig, 2002), but if the staff culture in the BOP is such that staff are for the most part reporting the serious incidents they are aware of, then it can be said that POS is impacting staff willingness to be more actively involved in inmate supervision, which would result in them observing additional misconduct (Bottoms, 1999). At the
same time, quality relationships between staff and inmates can result in reductions in disorder, particularly those related to violence and anger (Liebling, Price and Elliot, 1999; Liebling, 2000; Liebling, Price, and Shefer, 2010).

What the data is suggesting is not that LMX and POS are working against each other, but rather, that relying solely on misconduct rates to assess prison performance without considering other measures of institutional order is incomplete. Obviously, inmate misconduct rates are an important indicator of institutional disorder, as evidenced by the volume of research regarding it, but it may be that a better picture of administrative control can be had if, in addition to misconduct, LMX and POS are measured against other outcome variables, such as job satisfaction or staff perceptions of personal safety. It may be that the presence of misconduct is not nearly as important for staff perceptions of quality management as is their belief that when misconduct does occur, management will handle the incident appropriately. This would tie into the studies of riots and other major incidents (Useem and Kimball, 1989; Boin and Van Duin, 1995; Useem, Camp, and Camp, 1996; Boin and Rattray, 2004) that equate administrative effectiveness with the preparation for, management of, and resolution of institution emergencies. Institutional rates of disorder are important, but there are other outcomes for positive administrative control that need to be explored.
Chapter 6

Policy Implications and Study Implications

How Positive Administrative Control Can Inform Prison Policy and Training

The biggest takeaway from this study is the fact that measures exist for positive administrative control. Based on social exchange theory (Emerson, 1976) and the norm of reciprocity (Gouldner, 1960; Levinson, 1965), positive administrative control incorporates relational leadership theory (Brower, Schoorman, and Tan, 2000; Uhl-Bien, 2006), the leader-member exchange (Graen and Cashman, 1975; Graen and Scandura, 1987; Graen and Uhl-Bien, 1995; Liden and Maslyn, 1998; Berneth, Armenakis, Field, Giles and Walker, 2007), and perceived organizational support (Eisenberger, Huntington, Hutchison, and Sowa, 1986) into a model that demonstrates the mechanics of the relationship between managerial practices and institutional rates of misconduct.

Positive administrative control builds on the idea that management matters for the efficient operation of prisons. It argues that the debilitating effect of administrative breakdown on institution operations is mitigated by effective leadership based on social exchange principles. Positive administrative control is a process of prison leaders influencing staff to act in accordance with agency desires when situations arise that call for discretion.

The concepts of positive administrative control and the importance of relational leadership can be taught at all hierarchical levels of a correctional organization. New staff coming into the prison system need to be exposed to the idea that the quality of their relationship with inmates affects disorder. There is a consanguinity that exists between how staff interact with inmates, how they enforce regulations, and how their actions
affect their perceived legitimacy among the inmates (Dahl, 1957; French and Raven, 1959; Hepburn, 1985). New staff also need to be introduced to the interconnectedness of their work to the work of staff in other areas and different departments, because there are multiple dyads at work at any one time, and the longitudinal nature of social exchange is such that an inmate’s sense of legitimacy is based on his experiences with all staff he comes into contact with. Everything connects - every relationship inside a prison is at least proximally related to one another.

For line-level and mid-level managers, a training program based on positive administrative control would be primarily based on the mechanics of the leader-member dyad (to include transformational and transactional principles) and the importance of staff support. Leadership is influence, and although it may only be possible to develop the leadership qualities a person already has (Gardner, 1990), leadership training is critical because even the lowest members of the hierarchy function as leaders to inmates (Cohn, 1991). Prison managers need to understand that they are in the peculiar position of having to be a leader to people who think they are non-supervisory but in actuality are leaders, but at the same time, every leader in a social service organization is a subordinate to someone else, and there are peer relationships that must be cultivated and developed. Essentially, each staff member in a prison has three types of relationships that are forming: superordinate to subordinate, peer to peer, and subordinate to superordinate. Each of these relationships can be nurtured through positive administrative control principles.

**Training to combat informal subcultures and administrative breakdowns.** A training program for new staff and for managers, based on social exchange, would also
incorporate a discussion of how informal cultures rise, how they impact social service organizations, and how management can counter the negative, anti-administration aspect of officer subcultures.

To re-cap the phenomenon briefly, while Lipsky (2010) believed latitude in decision-making (read: discretion) was the defining characteristic of human-service organizations, he also believed the relationship between supervisors and line staff was inherently conflicted because the staff are chiefly concerned with processing the work they are required to do and maintaining their autonomy. Because line staff frequently believe they do not have enough resources to do the job they are being asked to do, they develop shortcuts and simplifications. The problem is these shortcuts and simplifications often conflict with managerial goals, who are looking for results but are also insisting on adherence to policy. A paradox is then created because the staff believe the shortcuts are necessary but they are contrary to policy.

This creation of shortcuts, this decoupling between written procedures and actual practice, does not just happen. According to neo-institutional organizational theory (Meyer and Rowan, 1977; DiMaggio and Powell, 1983; Schein, 1993; Trice and Beyer, 1993), there are aspects of the formal structure that play a role in allowing these behaviors to occur. Decoupling occurs when there are contradictions in the organization’s environment, or when the goals are being set for the organization by outside entities that run counter to what the rank and file believe are essential functions of their job. This type of organizational contradiction is readily apparent in correctional organizations. 65

65 See the discussion about the problem of rehabilitation in chapter 2.
So, how does this relate to the problems of managing a modern prison? To begin with, it is generally accepted that prisons are organized along paramilitary lines, with a clear hierarchy and an organization ordered by rules and regulations (Stojkovic, Kalinich, and Klofas, 2008). The idea is pretty straightforward – have a clear idea division of labor where each part knows their job and follows a consistent pattern. The problem with that style of organization is it doesn’t fit with an organization charged with managing people, much less a set of persons who do not want to be there (Gilbert, 1997, Toch, 2002). As a result, the situations faced by line staff are constantly changing and cannot possibly be covered by written rules and procedures. Prison administrations respond to this problem by asking their staff to use their professional judgment, or their discretion. Of course, as has already been discussed, discretion can lead to shortcuts and simplifications. The problem is that when people are faced with problems that are not adequately addressed by the formal structure of an organization, informal procedures are developed (Roethlisberger, 1941). Informal procedures become informal structures when the deviations are used often enough and long enough that they become institutionalized and unwritten laws are established (Selznick, 1948). When these responses are taught to new members and are presented as the proper way to perceive and react to a problem, an informal culture is formed that provides the worker with a sense of stability in the face of an unstable situation (Trice and Beyer, 1993; Lipsky, 2010). When managers are aware of these informal structures but do nothing to counter their influence on daily operations, administrative breakdowns occur and disorder ensues (Useem and Kimball, 1989).

So, if this dynamic is occurring in prison (and it is), how can managers get line staff to avoid engaging in practices that lead to administrative breakdowns? The answer
is positive administrative control, operating through the leader-member exchange (Graen and Cashman, 1975; Graen and Scandura, 1987; Graen and Uhl-Bien, 1995, Liden and Maslyn, 1998), and perceived organizational support (Eisenberger, Huntington, Hutchison, and Sowa, 1986). In other words, leaders have to develop the type of relationship with their subordinates that will influence them to act in accordance with agency objectives when faced with situations not expressly covered in established procedures.

The way to develop the type of relationships that will work against the forces of subcultural influences is to first understand that under social exchange theory (Emerson, 1976), all social interactions are an exchange of tangible and intangible activity, with the idea that the quality of the relationship is based on the reciprocal flow of valued behavior. Additionally, leaders must learn to appreciate that the relationship is longitudinal – every time a supervisor has an interaction with a subordinate, the results of that interaction will reinforce behaviors that condition future interactions. The idea of interactions reinforcing future interactions becomes particularly relevant for leaders because when the relationship is not equal (such as between leaders and line staff) the element of power is introduced. According to social exchange theory, even though the relationship is unequal, both sides are still influencing the other. In other words, both sides have something to gain from the relationship, which is the basis for the norm of reciprocity (Gouldner, 1960).

Therefore, if leader A wants to influence staff member B, two key questions must be answered, according to French and Raven (1959). The first is what determines the behavior of the agent to exert power, and the second is what determines the actions of the
recipient. The answer, in both cases, is legitimacy. Leader A attempts to influence staff member B because he believes he has a legitimate right to do so, and staff member B will go along with leader A provided that he believes leader A has the legitimate right to influence him. A good part of the reason behind the process of staff member B coming to believe leader A is legitimate lies in the normative response, which based on Rousseau’s social contract (Rousseau, 1978 [1762]),66 which is also at the Gouldner’s (1960) norm of reciprocity - people will want to do things for those that do things for them. Leaders who practice positive administrative control will have the self-confidence and strong convictions necessary to convince staff to follow the agency’s vision, which is what Trice and Beyer (1993) believed was necessary to break the hold that informal cultures have on the activities and attitudes of the staff working the line.

Positive administrative control, social relationships, and values. A third component to a training program that uses social exchange as a theoretical base would be a discussion of how values and leadership are connected. All social relationships have boundary rules and foci (M. McCall, 1960). Boundary rules are social constructs that exist to protect the structure of the relationship, and foci refers to the definitions each actor brings into each encounter (i.e., the role identity – McCall and Simmons, 1966), which can change depending on what the actor thinks of himself while in that role.

Boundaries and foci inform how people act, given a specific situation. For prison managers, this means that line staff may act differently toward supervisors than they do toward inmates because they may have a sense of how they are supposed to act as an

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66 Generally, the idea is that governed people who believe rules are based on legitimate authority will trade compliance with laws and a set of norms that enforces compliance with those laws in exchange for satisfaction of their security, welfare, and dignity needs.
officer, and they may have a sense of how they are supposed to act as a subordinate. This same phenomenon repeats itself at every level of the organization. When people interact, they use boundary rules to protect the identity they have built up, so in order to influence someone you have to introduce new identities, which will require breaking the existing boundary rules.67

While that may sound extreme, that is exactly what positive administrative control will do. A quality leader-member exchange results in a professional and respectful relationship, and perceived organizational support affects the staff member’s perception of the organization they work for. Positive administrative control provides support for changes in role identity through surveillance, rewards for conformity and creativity (which can sometimes be as simple as acknowledging good work), and punishments for deviance. It is expected that when prison systems incorporate training on positive administrative control, which would include relational leadership training that incorporates the leader-member exchange and perceived organizational support, they will be setting the stage for changes in the relationships between staff and management as well as between staff and inmates, which impacts the ability of staff to maintain order (Sparks and Bottoms, 1995; Bottoms, 1999; Liebling, Price, and Elliot, 1999, Liebling, 2000; Liebling, Price, and Sheffer, 2010).

Limitations

Methodological concerns. The design of the study and the decision to exclude certain variables from the analysis present some methodological concerns, which are discussed below:

67 Same concept as Trice and Beyer (1993) – the only difference is the circumstance.
Potential mis-measurement of the dependent variable. An oft-repeated concern with using official reports of misconduct is its potential for measurement error (Reisig, 2002), which can be either the result of under- or over-reporting (Hindelang, Hirschi, and Weis, 1981; Hewitt, Poole, and Regoli, 1984; Light, 1990; Bottoms, 1999). However, the Bureau of Prisons builds the ability to use discretion into the inmate discipline system and encourages staff to informally resolve incidents at the lowest possible level (Bureau of Prisons, 2011). In the Bureau of Prisons, misconduct is sub-divided into four general categories: Greatest, High, Moderate, and Low Moderate (appendix A). Greatest and high level incidents are those that would normally be offenses if they occurred in the community (assault, fighting, threatening, extortion, rioting, setting a fire, possession of a weapon, use of narcotics), while offenses in the moderate and low moderate categories are more specific to maintaining order inside prison (being in an unauthorized area, possession of anything not authorized, insolence, lying, destruction of property < $100.00). Agency policy requires staff to formally report and adjudicate all offenses in these two highest categories of offenses (Bureau of Prisons, 2011; 2013), which ensures they are either entered into the inmate’s permanent record if the inmates is found to have committed the prohibited act, or expunged if the inmate did not commit the act (incident reports are also not adjudicated if the inmate is found incompetent or not responsible for his behavior, based on a mental health evaluation. Offenses in the moderate and low moderate categories, however, may be informally resolved by the observing employee.68

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68 The Bureau of Prison’s (2011) policy on inmate discipline details an informal resolution process that gives an employee the discretion to either formally report less serious incidents or address the misconduct informally, which does not go on the inmate’s permanent record. The process also allows the initial investigating lieutenant the discretion to either informally resolve the report or forward it to the unit disciplinary committee. Considerable discretion is afforded moderate and low moderate offenses.
Including rates of reported incident reports for the moderate and low-moderate categories is indicative of the level of discretion tolerated by a particular institution, which managerial style as well as cultural influences. Previous research has argued that more serious offenses are more likely to be officially recorded (Camp, Gaes, Langan, and Saylor, 2003), and comparisons of official reports of all inmate misconduct versus inmate self-reports have concluded that researchers can be reasonably confident about the validity of either measure, as long as the inmate-level effect of time served and the facility-level effect of population size is considered (Steiner and Wooldredge, 2012). Additionally, because the data are gathered from internal sources and normally reserved for internal use, the possibility that the data might be manipulated for political purposes (Logan. 1993) is minimized.

*Inmate movement.* Inmate movement between institutions is another potential factor weighing on institutional rates of misconduct, as it is possible that failing to account for inmate movement could result in highly disruptive inmates impacting the rate of misconduct at more than one institution. However, even though the number of transfers and admissions the Bureau of Prisons experienced in 2008 (30,116) would appear to present an impact on institutional rates of disorder, a closer look at the data revealed that only 2,947 (9.7%) of the inmates moved were between-institution transfers – the rest were admissions and releases. Further, there are many different types of administrative transfer, such as program participation, nearer-release, and for institutional adjustment purposes, in addition to transfers related to inmate discipline. Indeed, the total number of transfers related to inmate discipline (greater security, disciplinary, close supervision, and adjustment purposes) in 2008 was 886, or 2.9% of the total number of
moves made and .008% of the total number of inmates in the present study. Additionally, the amount of time needed to adjudicate an incident and transfer an inmate often takes several months, which slows the transfer rates. Because the actual number of discipline-related transfers was so small when compared to the number of inmates in the study, no correction will be made to account for inmate movement.

Construct validity concerns with LMX. Conceptually, using LMX as an element of positive administrative control is not without some controversy. Because LMX continues to be developed and refined, some researchers have expressed concerns about its construct validity (Dansereau, Yammarina and Markhan, 1995; Schriesheim, Castro, and Cogliser, 1999). Most of the concern appears to center around development of the construct, which Graen and Uhl-Bien (1995: 225) assert has progressed through four stages: “Stage 1 is the discovery of differentiated dyads; Stage 2 is the investigation of characteristics of LMX relationships and their organizations implications (e.g., outcomes of LMX); Stage 3 is the description of dyadic partnership building; and Stage 4 is the aggregation of differentiated dyadic relationships to group and network levels.” By contrast, Schreisheim, et al (1999) point out that most of the stage-wise development occurred at more or less the same time (between 1984 and 1987), which suggests there are some basic definitional and measurement problems that the theory has yet to work out. Even so, Schreisheim, et al (1999) did not call for the abandonment of LMX – they were merely pointing out that it is a theory that continues to develop and could stand some improvements in its theorization and measurement practices.

Using aggregate measures. The measures used to capture positive administrative control are institution-level aggregations of individual responses to a survey. Researchers
have expressed concerns with aggregated measures, such as Lincoln and Zeitz (1980), who pointed out that not all individual measures have a direct connection to aggregated measures. Closely related to this concern is interdependence among observations, or the extent to which a measure for one individual is affected by other individuals (as opposed to the influence of the organization). Additionally, the study is not equipped to account for exogenous factors, such as the self-control aspect of the relationship between age and misconduct, nor can it control for the subcultural tones in the relationship between race/ethnicity and misconduct. It is important to remember, however, that Lincoln and Zeitz (1980) were referring to the loss of individual variability in organizational analyses. This is not a specific concern for this study, but the results described in Chapters 4 and 5 are limited in that they are primarily concerned with group-level effects.

The use of individual data aggregated to the institutional level, however, presents some interesting possibilities. For example, less is known about the effect of average age of inmates on institutional misconduct. How does the rate of misconduct in a prison with a higher percentage of younger inmates fare when compared with one that has mostly older inmates? Similar questions can be posed about percentages of inmates without GEDs, the percentages of a particular race at an institution, or the percentage of inmates with ties to prison and/or street gangs.

The potential concern for mis-measurement is not limited to the control variables. According to Camp, Saylor, and Wright (1998), there are four issues raised when using survey data in a summary manner: (1) the intended use of the data (purpose); the

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69 Indeed, the possibility of the existence and influence of subcultural tones affecting misconduct, being represented by the effect of aggregate measures of variables associated with criminogenic characteristics, is discussed at length in Chapter 5.
theoretical underpinnings of the questions (conceptualization); the proper identification of what causes measures to differ (measurement); and how best to display the information (presentation). These concerns were specifically addressed by Camp, Gaes, Klein-Saffran, Daggett, and Saylor (2002), who used Prison Social Climate Survey data (the same survey used in this study) at the institutional level to assess prison performance. 16 of the 24 outcome measures they used had reliability scores of .7 or above, with most being above .8.

Using OLS regression techniques. The method most often used in recent studies that examine inmate misconduct is mixed, or multilevel, analysis (Camp, Saylor, and Harer, 1997; Wooldredge, Griffin, and Pratt, 2001; Camp, Gaes, Langan, and Saylor, 2003; Steiner and Wooldredge, 2008; Lahm, 2008; Lahm, 2009; Steiner, 2009; Worrall and Morris, 2011). This technique, often called hierarchical linear modeling (HLM - Bryk and Raudenbush, 1992), is capable of analyzing the individual and group-level factors that influence inmate misconduct, and is well-equipped to account for random effects, including the effects of grouping of observations, such as the effects of institution level factors as opposed to individual level factors. This is important because the clustering of observations within groups leads to correlated error terms and biased estimates of standard errors, which can lead to mistakes when interpreting the importance of a variable (Wooldredge, Griffin, and Pratt, 2001).

Even though mixed-level modeling is more appropriate for studying individual influences on misconduct while controlling for the contextual factors that impact the likelihood of an inmate engaging in misconduct, in this study the prison is the variable under examination. The rate of misconduct is being measured against the level of
positive administrative control present in a prison, controlling for other factors that also have an impact on misconduct. Just as interdependence of observations is an important consideration for individual factors (Camp, Gaes, Langan, and Saylor, 2003), it is equally difficult theoretically to separate the effect of the institution from the individual, making the use of aggregate measures an important consideration. Future studies may want to analyze the effect of institutional measures of positive administrative control on the individual inmate’s likelihood of engaging in misconduct using mixed-level modeling and compare those results to the institutional effects reported in this study.

*Omission of institution security level as an independent variable.* Perhaps the most glaring measurement omission in the present study is the decision to not use an institution’s security level as an independent variable. Prior research has consistently shown security level to be a strong predictor of misconduct (Poole and Regoli, 1983; Colvin, 1992; McCorkle, Miethe, and Drass, 1995; Lahm, 2009; Worrall and Morris, 2011). Indeed, Griffin and Hepburn (2013) found that institution security level accounted for 30% of the variance of violent inmate misconduct and 11% of the variance for non-violent misconduct.

However, the problem with using institutional security level as a predictor for misconduct is its close relationship to the other independent variables in the study – the Bureau of Prison’s (2006) custody and classification system uses age, criminal propensity, criminal history, history of violence, and severity of offense to determine an inmate’s “collective criminal propensity” (Camp, Gaes, Langan, and Saylor, 2003). That collective propensity is what is used to designate an inmate to an institution with a security level commensurate with his custody and security needs. As Berk, Kriegler, and
Baek (2006) noted, these combined characteristics not only result in an inmate going to a higher security level institution, but represent a “perfect storm” for predicting misconduct (2006: 143). Further, it is important to remember that even if an inmate is originally designated to a lower security level prison, he can be administratively transferred to a higher security prison based on serious or repetitive misconduct (BOP, 2006). So even if the collective propensity (e.g., classification) tool missed an inmate who has a likelihood of engaging in misconduct, his behavior will result in a transfer to a higher security level institution. Because many of the same variables that are being used to predict misconduct are used to classify inmates and designate them to specific institutions, Griffin and Hepburn (2013) found that OLS regression was ill-suited to examine both inmate characteristics and security level due to multicollinearity.\textsuperscript{70} In other words, the practice of putting inmates with a greater likelihood of misconduct in a higher security level prison will always result in more misconduct for that prison – it is a self-fulfilling prophecy. To correct for this, Griffin and Hepburn (2013) chose to combine independent variables in order to continue to use security level as a measure of an institution’s capacity for control, but this study proffers that the aggregated characteristics of the inmate population are more informative than security level for examining the influences on misconduct rates.

**Generalizability concerns.** It is possible that the results of this study may not be generalizable to state-level agencies for a variety of reasons.

\textsuperscript{70} In the 2008 data used for this study, the Pearson’s $r$ correlation between % of inmates with a history of violence and High Security Level is .78.
Measures of misconduct. The measures for misconduct used in this study are unique to the Federal Bureau of Prisons. There may be incident codes that the BOP does not consider serious that other agencies will, and vice-versa. Changing the categorization of incident codes could significantly change the results of the study. There is also the issue of reporting practices. The BOP requires reporting of certain incidents and allows discretion for others. Other prison systems may allow more or less discretion, which could impact the results.

Scale construction. The questions used for the creation of the scales may need to be adjusted to fit the institution under examination. Granted, the questions need to align with the extant literature on the leader-member exchange and perceived organizational support, but this study used questions that were designed by researchers to capture the work environment of federal prison staff that were then adapted into LMX and POS scales. The questions are similar to those used by LMX and POS researchers, but are not exact fits. Other agencies may want to develop their own questions to match the effect LMX and POS is trying to capture.

Performance of aggregated variables. There are some aggregate variables used in this study that may not smoothly transfer over to other agencies. The percent of inmates who file grievances, for example, will in all likelihood vary considerably between the BOP and other agencies because of definitional differences in when and under what circumstances inmates can file complaints about the conditions of their confinement, not to mention how the agency handles those complaints. The percentage of inmates in a gang will also vary considerably, for reasons that relate to what
constitutes a gang (or security threat group), and in the composition of the inmate population.

*Differences in the inmate population.* One of the most prominent disclaimers used when researchers discuss the findings of studies involving federal inmate data is that the conclusions are skewed because federal inmates are different from state inmates, primarily in the area of violence – it is generally believed that state inmates are more violent. Steiner and Wooldredge (2008), for example, pointed out that the majority of federal inmates are in prison for drug offenses, and the majority of many state populations have violence in their instant offenses. There is going to be a difference between state and federal inmates that is due to the crime being committed, because an inmate would have to commit a federal crime to be sent to a federal prison, and there are not as many federal statutes for violent crimes as there are in most, if not all, states. However, there is not as much disparity between federal and state inmates as some researchers believe. While 49% of the inmates in state prisons were incarcerated for a crime of violence (Steiner and Wooldredge, 2008), compared with 22.8% for federal prisons in 2008 (BOP, 2008), 53.2% of the inmates in federal prison in 2008 had serious violence in their history within the previous ten years. Of course, it is not known what percentage of state inmates have a serious history of violence within the previous ten years, but the point is that the prevalence of violence among federal inmates is higher than commonly reported.

*Study size.* Another limitation in the present study is its breadth – 85 institutions. While this is a sufficient number for the type of analysis used, there would have been more statistical power in the analysis if more prisons could have been included, such as
the 178 prisons in a Steiner and Wooldredge (2009) study, the 512 prisons used by Steiner (2009), or the 272 prisons used by Huebner (2003). While the size of the study made it possible to address the issue of possible multicollinearity, there is still the possibility that potential effect of some of the explanatory variables were lost simply because there weren’t enough prisons in the study to enable a demonstrable difference to emerge.

**Final Thoughts**

The intent of this study was to fill in a gap in the literature on the interrelatedness between managerial practices and inmate disorder. Quality, involved, engaged management officials are absolutely essential for the smooth and orderly running of an institution. The literature on administrative control (DiIulio, 1987, Useem and Kimball, 1989) brought that fact to light, but the type of management espoused by DiIulio (1987) ran counter to the functional realities of running a dynamic social service organization that must allow its line-level staff to make choices that are based on the intent of agency policies and practices, even if those policies do not expressly tell the officer how to handle that particular situation.

It is possible that the gap in the literature exists because researchers have been looking for a criminological solution to a problem that was organizational sociological and psychological sociological in nature. When the problem was studied within the sociological realm, a solution emerged in the form of social exchange theory, which in turn informed positive administrative control. In truth, the solution was always right there, and prison officials have been hinting around it and utilizing aspects of it for years. As far back as 1952, the director of the Federal Bureau of Prisons spoke about the
salience of quality management for controlling inmates and creating conditions conducive to re-integration into society (Bennett, 1952). Over the years, prison leaders have supported the social exchange perspective, such as extolling the benefits of having the executive staff get out and tour the institution regularly (colloquially referred to as “walking and talking,” which was a favorite saying of one of the BOP’s most enigmatic directors, Norman Carlson - Wright, 1994). In regards to the importance of management, Dilulio (1994: 161) commented that “most public administration studies suggest that the leaders of government agencies can often make a major difference in how, and how well, their organizations perform.” Even though the idea that quality management practices make prisons safer and more effective, the mechanism used to make the organization better – leadership – was never operationalized up until this point.

Wright (1994) commented on the paradox between having an organization ruled by policies and procedures that also expects its staff to exercise discretion and sound correctional judgment by pointing the difference between the rule of law and the imposition of policy. The rule of law is concerned with the proper exercise of power, and policy codifies those restraints so governance is reasoned and rational. Policy is designed to set the minimum standards of acceptable behavior, leaving staff with the ability to deal with the dynamics of rapidly changing situations, as often occurs in prison. This study set out to operationalize how institutional leaders implement and enforce policy, which most effectively accomplished through influencing how staff act when they are faced with a situation not specifically covered by written rules and no supervisors are immediately available. The concept of positive administrative control, based on social exchange theory and operating through the leader-member exchange and perceived
organizational support, is how leaders effectively influence staff. It is sincerely hoped that the important lessons demonstrated here, that the quality of the relationships formed between management and their staff affect how well a prison is run, can be translated into training and reinforced by leaders through daily practice. When that happens, prisons will be safer, programs will be able to operate in an environment more conducive to learning, and society as a whole will benefit when inmates transition back into society with the experiences of positive relationships with persons in positions of authority.
REFERENCES


Cooper v. Pate, 378 U.S. 546 (1964).


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APPENDIX A

PROHIBITED ACTS USED BY THE FEDERAL BUREAU OF PRISONS IN 2008
### Greatest Severity Level Prohibited Acts – BOP, 2008

<table>
<thead>
<tr>
<th>Code</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Killing.</td>
</tr>
<tr>
<td>101</td>
<td>Assaulting any person, or an armed assault on the institution’s secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or accomplished).</td>
</tr>
<tr>
<td>102</td>
<td>Escape from escort; escape from any secure or non-secure institution, including community confinement; escape from unescorted community program or activity; escape from outside a secure institution.</td>
</tr>
<tr>
<td>103</td>
<td>Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g., in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329).</td>
</tr>
<tr>
<td>104</td>
<td>Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, ammunition, or any instrument used as a weapon.</td>
</tr>
<tr>
<td>105</td>
<td>Rioting.</td>
</tr>
<tr>
<td>106</td>
<td>Encouraging others to riot.</td>
</tr>
<tr>
<td>107</td>
<td>Taking hostage(s).</td>
</tr>
<tr>
<td>108</td>
<td>Possession, manufacture, introduction, or loss of a hazardous tool (tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hacksaw blade, body armor, maps, handmade rope, or other escape paraphernalia, portable telephone, pager, or other electronic device).</td>
</tr>
<tr>
<td>110</td>
<td>Refusing to provide a urine sample; refusing to breathe into a Breathalyzer; refusing to take part in other drug-abuse testing.</td>
</tr>
<tr>
<td>111</td>
<td>Introduction or making of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.</td>
</tr>
<tr>
<td>112</td>
<td>Use of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.</td>
</tr>
<tr>
<td>Code</td>
<td>Offense</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>113</td>
<td>Possession of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.</td>
</tr>
<tr>
<td>114</td>
<td>Sexual assault of any person, involving non-consensual touching by force or threat of force.</td>
</tr>
<tr>
<td>115</td>
<td>Destroying and/or disposing of any item during a search or attempt to search.</td>
</tr>
<tr>
<td>196</td>
<td>Use of the mail for an illegal purpose or to commit or further a Greatest category prohibited act.</td>
</tr>
<tr>
<td>197</td>
<td>Use of the telephone for an illegal purpose or to commit or further a Greatest category prohibited act.</td>
</tr>
<tr>
<td>198</td>
<td>Interfering with a staff member in the performance of duties most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as “most like” one of the listed Greatest severity prohibited acts.</td>
</tr>
<tr>
<td>199</td>
<td>Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as “most like” one of the listed Greatest severity prohibited acts.</td>
</tr>
</tbody>
</table>

**High Severity Level Prohibited Acts**

<table>
<thead>
<tr>
<th>Code</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>Escape from a work detail, non-secure institution, or other non-secure confinement, including community confinement, with subsequent voluntary return to Bureau of Prisons custody within four hours.</td>
</tr>
<tr>
<td>201</td>
<td>Fighting with another person.</td>
</tr>
<tr>
<td>203</td>
<td>Threatening another with bodily harm or any other offense.</td>
</tr>
<tr>
<td>204</td>
<td>Extortion; blackmail; protection; demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing.</td>
</tr>
<tr>
<td>205</td>
<td>Engaging in sexual acts.</td>
</tr>
<tr>
<td>206</td>
<td>Making sexual proposals or threats to another.</td>
</tr>
<tr>
<td>Code</td>
<td>Offense</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>207</td>
<td>Wearing a disguise or a mask.</td>
</tr>
<tr>
<td>208</td>
<td>Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure.</td>
</tr>
<tr>
<td>209</td>
<td>Adulteration of any food or drink.</td>
</tr>
<tr>
<td>211</td>
<td>Possessing any officer’s or staff clothing.</td>
</tr>
<tr>
<td>212</td>
<td>Engaging in or encouraging a group demonstration.</td>
</tr>
<tr>
<td>213</td>
<td>Encouraging others to refuse to work, or to participate in a work stoppage.</td>
</tr>
<tr>
<td>216</td>
<td>Giving or offering an official or staff member a bribe, or anything of value.</td>
</tr>
<tr>
<td>217</td>
<td>Giving money to, or receiving money from, any person for the purpose of introducing contraband or any other illegal or prohibited purpose.</td>
</tr>
<tr>
<td>218</td>
<td>Destroying, altering, or damaging government property, or the property of another person, having a value in excess of $100.00, or destroying, altering, damaging life-safety devices (e.g., fire alarm) regardless of financial value.</td>
</tr>
<tr>
<td>219</td>
<td>Stealing; theft (including data obtained through the unauthorized use of a communications device, or through unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored).</td>
</tr>
<tr>
<td>220</td>
<td>Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill (except for drill authorized by staff).</td>
</tr>
<tr>
<td>221</td>
<td>Being in an unauthorized area with a person of the opposite sex without staff permission.</td>
</tr>
<tr>
<td>224</td>
<td>Assaulting any person (a charge at this level is used when less serious physical injury or contact has been attempted or accomplished by an inmate).</td>
</tr>
<tr>
<td>225</td>
<td>Stalking another person through repeated behavior which harasses, alarms, or annoys the person, after having been previously warned to stop such conduct.</td>
</tr>
<tr>
<td>226</td>
<td>Possession of stolen property.</td>
</tr>
<tr>
<td>Code</td>
<td>Offense</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>227</td>
<td>Refusing to participate in a required physical test or examination unrelated to testing for drug abuse (e.g., DNA, HIV, tuberculosis).</td>
</tr>
<tr>
<td>228</td>
<td>Tattooing or self-mutilation.</td>
</tr>
<tr>
<td>229</td>
<td>Sexual assault of any person, involving non-consensual touching without force or threat of force.</td>
</tr>
<tr>
<td>296</td>
<td>Use of the mail for abuses other than criminal activity which circumvent mail monitoring procedures (e.g., use of the mail to commit or further a High category prohibited act, special mail abuse; writing letters in code; directing others to send, sending, or receiving a letter or mail through unauthorized means; sending mail for other inmates without authorization; sending correspondence to a specific address with directions or intent to have the correspondence sent to an unauthorized person; and using a fictitious return address in an attempt to send or receive unauthorized correspondence).</td>
</tr>
<tr>
<td>297</td>
<td>Use of the telephone for abuses other than illegal activity which circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a High category prohibited act.</td>
</tr>
<tr>
<td>298</td>
<td>Interfering with a staff member in the performance of duties most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as “most like” one of the listed High severity prohibited acts.</td>
</tr>
<tr>
<td>299</td>
<td>Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as “most like” one of the listed High severity prohibited acts.</td>
</tr>
</tbody>
</table>

**Moderate Severity Level Prohibited Acts**

<table>
<thead>
<tr>
<th>Code</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>Indecent Exposure.</td>
</tr>
<tr>
<td>302</td>
<td>Misuse of authorized medication.</td>
</tr>
<tr>
<td>303</td>
<td>Possession of money or currency, unless specifically authorized, or in excess of the amount authorized.</td>
</tr>
<tr>
<td>304</td>
<td>Loaning of property or anything of value for profit or increased return.</td>
</tr>
<tr>
<td>Code</td>
<td>Offense</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>305</td>
<td>Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels.</td>
</tr>
<tr>
<td>306</td>
<td>Refusing to work or to accept a program assignment.</td>
</tr>
<tr>
<td>307</td>
<td>Refusing to obey an order of any staff member (may be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed, e.g., failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered as part of a drug-abuse test would be charged as 110).</td>
</tr>
<tr>
<td>308</td>
<td>Violating a condition of a furlough.</td>
</tr>
<tr>
<td>309</td>
<td>Violating a condition of a community program.</td>
</tr>
<tr>
<td>310</td>
<td>Unexcused absence from work or any program assignment.</td>
</tr>
<tr>
<td>311</td>
<td>Failing to perform work as instructed by the supervisor.</td>
</tr>
<tr>
<td>312</td>
<td>Insolence towards a staff member.</td>
</tr>
<tr>
<td>313</td>
<td>Lying or providing a false statement to a staff member.</td>
</tr>
<tr>
<td>314</td>
<td>Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security, or official paper (may be categorized in terms of greater severity according to the nature of the item being reproduced, e.g., counterfeiting release papers to effect escape, Code 102).</td>
</tr>
<tr>
<td>315</td>
<td>Participating in an unauthorized meeting or gathering.</td>
</tr>
<tr>
<td>316</td>
<td>Being in an unauthorized area without staff authorization.</td>
</tr>
<tr>
<td>317</td>
<td>Failure to follow safety or sanitation regulations (including safety regulations, chemical instructions, tools, MSDS sheets, OSHA standards).</td>
</tr>
<tr>
<td>318</td>
<td>Using any equipment or machinery without staff authorization.</td>
</tr>
<tr>
<td>319</td>
<td>Using any equipment or machinery contrary to instructions or posted safety standards.</td>
</tr>
<tr>
<td>320</td>
<td>Failing to stand count.</td>
</tr>
<tr>
<td>321</td>
<td>Interfering with the taking of count.</td>
</tr>
<tr>
<td>Code</td>
<td>Offense</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>324</td>
<td>Gambling.</td>
</tr>
<tr>
<td>325</td>
<td>Preparing or conducting a gambling pool.</td>
</tr>
<tr>
<td>326</td>
<td>Possession of gambling paraphernalia.</td>
</tr>
<tr>
<td>327</td>
<td>Unauthorized contacts with the public.</td>
</tr>
<tr>
<td>328</td>
<td>Giving money or anything of value to, or accepting money or anything of value from, another inmate or any other person without staff authorization.</td>
</tr>
<tr>
<td>329</td>
<td>Destroying, altering, or damaging government property, or the property of another person, having a value of $100.00 or less.</td>
</tr>
<tr>
<td>330</td>
<td>Being unsanitary or untidy; failing to keep one's person or quarters in accordance with posted standards.</td>
</tr>
<tr>
<td>331</td>
<td>Possession, manufacture, introduction, or loss of a non-hazardous tool, equipment, supplies, or other non-hazardous contraband (tools not likely to be used in an escape or escape attempt, or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety) (other non-hazardous contraband includes such items as food, cosmetics, cleaning supplies, smoking apparatus and tobacco in any form where prohibited, and unauthorized nutritional/dietary supplements).</td>
</tr>
<tr>
<td>332</td>
<td>Smoking where prohibited.</td>
</tr>
<tr>
<td>333</td>
<td>Fraudulent or deceptive completion of a skills test (e.g., cheating on a GED, or other educational or vocational skills test).</td>
</tr>
<tr>
<td>334</td>
<td>Conducting a business; conducting or directing an investment transaction without staff authorization.</td>
</tr>
<tr>
<td>335</td>
<td>Communicating gang affiliation; participating in gang related activities; possession of paraphernalia indicating gang affiliation.</td>
</tr>
<tr>
<td>336</td>
<td>Circulating a petition.</td>
</tr>
<tr>
<td>396</td>
<td>Use of the mail for abuses other than criminal activity which do not circumvent mail monitoring; or use of the mail to commit or further a Moderate category prohibited act.</td>
</tr>
<tr>
<td>Code</td>
<td>Offense</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>397</td>
<td>Use of the telephone for abuses other than illegal activity which do not circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a Moderate category prohibited act.</td>
</tr>
<tr>
<td>398</td>
<td>Interfering with a staff member in the performance of duties most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as “most like” one of the listed Moderate severity prohibited acts.</td>
</tr>
<tr>
<td>399</td>
<td>Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as “most like” one of the listed Moderate severity prohibited acts.</td>
</tr>
<tr>
<td>402</td>
<td>Malingering, feigning illness.</td>
</tr>
<tr>
<td>404</td>
<td>Using abusive or obscene language.</td>
</tr>
<tr>
<td>407</td>
<td>Conduct with a visitor in violation of Bureau regulations.</td>
</tr>
<tr>
<td>409</td>
<td>Unauthorized physical contact (e.g., kissing, embracing).</td>
</tr>
<tr>
<td>498</td>
<td>Interfering with a staff member in the performance of duties most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as “most like” one of the listed Low severity prohibited acts.</td>
</tr>
<tr>
<td>499</td>
<td>Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as “most like” one of the listed Low severity prohibited acts.</td>
</tr>
</tbody>
</table>