

RACE, INSTITUTIONAL RULE BREAKING, AND DISCIPLINARY RESPONSE: A STUDY OF DISCRETIONARY DECISION MAKING IN PRISON

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This study attempted to construct and test a discretionary justice model of disciplinary response to inmate rule breaking in a medium-security prison for adult male felons (N = 182). We found, first, that while black and white inmates were equally likely to engage in rule-breaking activity, blacks were more likely to be officially reported for rule infractions. Second, a prior record of official disciplinary action, itself shown to be a product of discriminatory response, influenced subsequent sanctioning decisions, thus amplifying the racial bias. Third, analyses of separate models for black and white inmates revealed the importance of prior record to be differentially imputed on the basis of race. The study concludes with a discussion of the nature and impact of stereotypic expectations and labeling processes in the reaction of guards to inmate behavior.

An extensive literature focuses on the relationship between an individual's physical (e.g., age) and social (e.g., demeanor) characteristics and the treatment received when he/she comes in contact with the criminal justice system. Generally, research has shown an operating bias on the part of criminal justice officials toward those with certain social and physical characteristics. Further, these people are seen as constituting a categorical risk, and so are treated differentially within the criminal justice system. As Hills (1971: 20) has noted, "the biases of a system of stratification are built into the very structure and procedures of the whole law-enforcement, judicial, and correctional system."

Although conflict theorists such as Hills believe that differential treatment exists at all levels of the legal system, the bulk of research on discretionary decision making has been directed toward the police and courts (e.g., LaFave, 1965; Skolnick, 1966; Bernstein *et al.*, 1977; Lizotte, 1978). Yet Green (1964) and Petersen and Friday (1975) suggest that differential processing may be more common in those segments of the

criminal justice system that are less public, i.e., less visible. Disciplinary actions within correctional institutions represent one of the least visible proceedings in the administration of justice.

I. STATEMENT OF THE PROBLEM

For prison guards, insulation from long-range organizational goals (e.g., rehabilitation and deterrence) heightens the immediacy of custodial tasks (e.g., security and control). The most essential aspect of custody is the enforcement of institutional rules (Fox, 1958; Mittman, 1970). In enforcing the rules, however, guards must define inmate actions as rule violations or not, decide whether or not to intervene, and select an appropriate disposition. No guard enforces all the rules all of the time, or enforces all rules equally (Grusky, 1959; Cressey, 1959). For example, while guards are expected to secure inmate compliance with prison rules, they are expected at the same time to use discretion in enforcing rules. Moreover, since the guard is evaluated in terms of the men he controls, his work performance is dependent on inmate cooperation. Several researchers have pointed out that guards may learn to maintain control by relaxing rules and overlooking minor infractions (Cloward, 1960; Cressey, 1965; McCorkle and Korn, 1954; Sykes, 1958). In short, selective enforcement of rules offers both punishment and reward for inmate behavior. The nature or quality of rule-breaking behavior is thus differentially imputed to acts and to individuals. Which rules are applied and to whom they are applied becomes problematic.

The problematic nature of rule enforcement raises concerns about applying the discretionary justice model of decision making in prison. Although the guard is at the base of the occupational pyramid, he has a wide area of discretion in which he searches for the proper cues in a situation to guide his decision making. Because the outcome depends to a large degree on the definition of the situation, the guard may be said not only to interpret the rules but also to make them. For example, Becker (1963) notes that many persons who break rules do not receive a deviant label, while others who have committed no rule-breaking act may mistakenly be labeled deviant.

Attempts to account for this variation have focused on how stereotypic labels of deviants may determine the response of social control agents. Specifically, those possessing certain

physical and social characteristics may be stereotyped and responded to on the basis of how they are perceived rather than on how they behave. Deviant status may thus be ascribed to persons "because of real or fancied attributes, because of what they are rather than what they do, and justified by reference to real or imagined or fabricated behavior" (Turk, 1969: 9-10).

The question of differential treatment of inmates has been most frequently tied to arguments of racial discrimination (Goldfarb and Singer, 1973; Knowles and Prewitt, 1972; N.Y. State Special Commission on Attica, 1972). In a recent study Carroll (1974) contends that guards apply stereotypes associated with race in white society. He argues that guards are drawn from and identify with those segments of American society where interracial contact is infrequent and racial prejudice is prevalent. Guards, then, are thought to view black inmates as alien, hostile, and threatening to white society. Such views form the basis for differential definitions of and responses to the behavior of black and white prisoners.

First, perceptions of inmate behavior based on racial stereotypes may foster a more oppressive disciplinary posture among guards in their response to blacks. The greater visibility of black inmates may also evoke greater attention to and concern for their actions; i.e., their behavior may be viewed more suspiciously. The black inmate is then more likely to be scrutinized and therefore to be observed in any rule violations, which will in turn reinforce the prior stereotypic expectations. Similarly, if black inmates perceive that they are being differentially treated (e.g., subject to stricter rule enforcement), they may react more defiantly or with greater hostility toward guards. This too simply supports the expectations of the guards as well as their pattern of closer surveillance and control of these types of inmates. To the extent that guards either implicitly or explicitly incorporate such racial stereotypes into their decision making, black inmates face a greater probability of being dealt with less favorably.

Whether or not racial bias among prison guards results in discriminatory treatment for black and white inmates is not known. A review of the correctional literature turns up no integrated model constructed to address the issue of possible racial inequities in prison disciplinary actions. In this study, therefore, we move toward the development of such a model by attempting to answer the following questions. First, what is the effect of race on disciplinary response? Second, what are the

mechanisms by which a racial effect is transmitted if it does exist? Third, what are the implications of such analysis for discretionary justice explanations of disciplinary decisions in prisons?

II. METHODS

The data were collected from a medium-security prison located in a southern state.¹ At the time of the study there were approximately 450 adult males housed in the institution, and a random sample of 225 were drawn from this population. Eighteen inmates were initially deleted from the sample for a variety of reasons that precluded their participation (e.g., confinement status, work assignment, transfer, or release), and nine inmates refused to participate. Self-report questionnaires were distributed to the remaining 198 inmates, with 182 completing the questionnaire in a usable fashion (92 percent). The self-report data were supplemented by matching questionnaires with official institutional records on each inmate.²

The variables considered here were operationalized from both questionnaire and records data. Measures of selected background variables—race, age, and time served at present institution—were obtained from data contained in the institutional file of each inmate. Race was treated as a dummy variable and dichotomized into white = 0 and black = 1 categories. Age was that at the time of the study (computed from file records indicating date of birth). Time served was defined as the number of months the inmate had served on his current sentence at the present institution (computed from file records listing date received at institution).

Institutional rule-breaking behavior of inmates was measured by a weighted composite score representing the seriousness of rule infractions admitted in response to a seven-item, self-reported checklist.³ Each inmate reported the

¹ Because of the politically sensitive nature of the study, we have complied with the prison administration's request that the research site neither be identified nor described in such a way as to jeopardize its anonymity.

² The self-report questionnaires were unobtrusively marked in order to be matched, at a later date, with each respondent's institutional record. After the matching was accomplished, the names of the inmates were replaced with identification numbers. The list of names of the inmate respondents, and all evidence linking them to the self-report questionnaires, have been destroyed to prevent deductive disclosure or forced disclosure by legal action. Under prior agreement with prison officials, the authors maintain complete control of all the data collected for this study to insure that its use will never adversely affect the inmate respondents.

³ We were somewhat suspicious about the reliability of very large numbers which inmates reported for certain infractions. Large numbers may

number of times he had committed each infraction during the month prior to the administration of the questionnaire.⁴ In order to weight the scoring of rule-breaking activity, we felt that judgments of the seriousness of infractions should be obtained directly from the prison guards (since they actually made the disciplinary decisions). We thus asked a stratified sample (age, race, and length of service) of guards⁵ (N=27) to rank the seven rule infractions according to their perceived severity.⁶ The mean seriousness rank for each infraction was then multiplied by the frequency of rule-breaking reported by the inmate for each activity. The resulting values were subjected to a principal component factor analysis. No rotation was performed, since a single factor solution was assumed. The factor loading for each activity was multiplied by its standardized score, and the products were summed (see

indicate guessing, approximating, or exaggerating. This interpretation is supported by the preponderance of round numbers (ending in 0 or 5) for those reported frequencies greater than 9. To minimize the statistical effects of large numbers, we decided to recode reported frequencies of 10 or more to 9.

An alternative way to handle such large numbers is to transform the reported frequencies into logarithmic equivalents. A separate analysis using a measure of rule infractions derived from a log transformation of scores produced comparable results to those reported here. Because there were only a few inmates who reported such extreme frequencies, we felt the former procedure was conceptually simpler than the latter in that it had the desired effect of bunching together the extremely large scores without transforming each score.

The self-report infraction items and their group means are: out of area, 4.98; gambling, 3.44; possession of contraband (e.g., drugs, weapons, monies), 2.97; refusal to obey staff order, 1.57; theft, .73; fighting, .68; destroying property, .51.

⁴ In order to facilitate accurate recall, the inmates were asked to report those acts committed in prison only during the past month. Critical assessments of self-report and victimization surveys suggest that reliability of responses could be enhanced by restricting recall to a very specific time period (see Hood and Sparks, 1970).

It should also be noted that the seven infractions included in our checklist were all classified as major offenses by the institution. Our limiting self-report responses to only the most serious prison violations is also expected to ensure greater reliability of recall.

Since inmates would be subject to disciplinary sanctions should their self-report rule-breaking activity become known to prison authorities, the concealment of infractions poses another reliability problem. To assure the inmates that their disclosures could in no way be identified with any particular individual, the self-report instrument contained *only* the 7-item infraction checklist. No other information (such as age, race, time served, etc.) was requested that could be construed by the inmates as potentially compromising their confidentiality. We hoped this strategy would minimize defensiveness among inmates and thus reduce motivations for concealment of their rule violations.

⁵ At the time of the study, there were 80 guards divided among the institution's three work shifts. Eighty-six percent of the guards were white (N=69), and 14 percent were black (N=11). Our stratified sample included 27 guards, 24 whites (89 percent) and 3 blacks (11 percent).

⁶ The institutional infractions and their mean seriousness rankings are: gambling, 2.33; out of area, 2.41; theft, 2.78; possession of contraband (e.g., drugs, weapons, monies), 3.15; destruction of property, 5.44; fighting, 5.67; refusal to obey staff order, 6.22.

Armor, 1974). Each inmate's score thus represents a weighted composite of the frequency and severity of his self-reported rule-breaking behavior.⁷

To obtain a measure of guard disciplinary action comparable to the time interval for the self-reported infractions of inmates, we recorded the number of rule infractions each inmate had been cited for during the month immediately preceding the study. We also obtained a measure of the inmate's past disciplinary record by recording the total number of rule infractions for which he had been reported during his current sentence at the institution (excluding, however, those offenses cited during the most recent month). Measures of these latter two variables were derived from information contained in the inmate's institutional file. Thus, they represent indicators of official response to inmate activity.

The Model

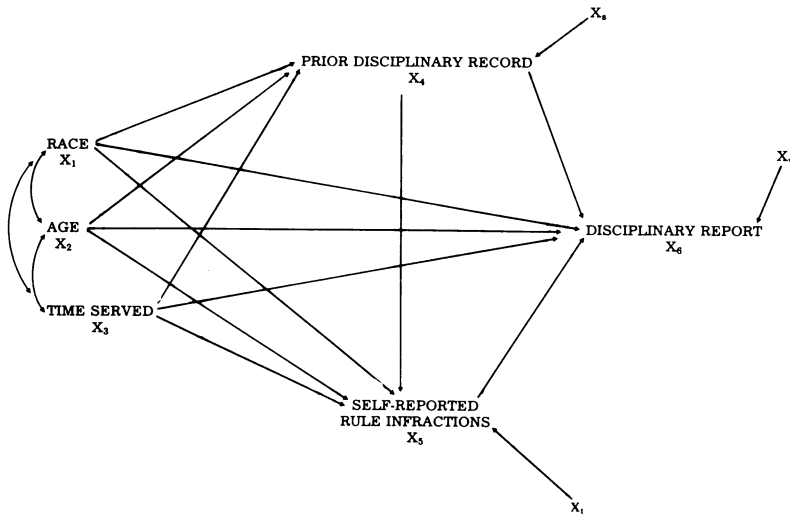
Most research examining the effect of legal and extra-legal variables on discretionary decision making has concentrated on determining whether or not relationships between them exist. Usually this has been accomplished by computing either percentage distributions or correlation coefficients. The tendency has been to focus on zero-order or first-order partial relationships and to leave implicit one's assumptions regarding the causal ordering among the variables. Unfortunately, such procedures fail to make explicit how the independent variables are related to the criterion variable and to each other. A more informative and instructive way to proceed is to incorporate one's assumptions regarding causation into the framework of a causal model and then examine the implications of those assumptions.

With this in mind, our initial task is to specify the process by which race affects disciplinary response. One way of doing this is displayed in the model shown in Figure 1. Here we identify the theoretical variable linkages implied in the

⁷ Many institutional rules proscribing inmate behavior were not included in our checklist of self-reported infractions. Some of these rules are so vague or ambiguous (e.g., being disrespectful to staff, menacing or disruptive behavior, threatening an officer, using improper or indecent language or gestures, etc.) that no definitive way of assessing inmate violations of such regulations via a self-report instrument seemed possible. In this regard, our measurement of inmate rule-breaking is obviously of limited utility in predicting official disciplinary response. Moreover, even if we were to include in our checklist items designed to tap inmate violation of these ambiguous rules, we would face the distinct possibility that while inmates might not define their actions as constituting infractions, guards, nevertheless, might (and, rarely, vice versa).

literature. The model posits the following. First, race, age, and time served are interrelated, predetermined variables. Second, prior disciplinary record is influenced by the predetermined variables plus residual effects. Third, seriousness of self-reported infractions is seen as a function of the three exogenous variables, prior record, and a residual term. Finally, disciplinary reports are determined by all antecedent variables plus a residual component. The three exogenous variables have, in addition to their direct effects, indirect effects via both prior record and rule-breaking activity. The effects of prior record are expressed directly as well as indirectly through rule infractions. Rule-breaking activity is seen as having only direct effects.⁸

Figure 1. A Fully Recursive Model of Disciplinary Reporting in Prison



III. FINDINGS

Estimates for the proposed paths in Figure 1 were derived from the correlation matrix of variables shown in Table 1. The

⁸ Critics will be quick to point out various ways in which the present model might be altered so as to develop better estimates or more cogent inferences. A typical defect often cited in model construction is the omission of crucial variables. Since such potential variables are nearly inexhaustible, evaluating the relevance of selected additional factors and estimating the impact of including others thus forms the basis for future research.

Our theoretical perspective in the present study has by necessity been rather restricted. In the early stages of theory construction, one seeks neither absolute nor final answers; rather one seeks models that order the available information as well as it can be ordered given the present state of knowledge. With the accumulation of knowledge, modifications or extensions of the models are realized. It is hoped that the specification and evaluation of the present model will yield answers pertinent to the development of more sophisticated models.

paths were transformed into reduced-form equations, and coefficients were then estimated by ordinary least squares regression. The relationships depicted in Table 2 may be described as follows. Working from left to right in the model, we observe that prior disciplinary record is directly affected by all three predetermined variables. The beta coefficients (B) for age (-.231) and time served (.288) reveal that their effects are comparable, while the effect of race (.161) is slightly less in magnitude. The signs of the coefficients indicate that blacks, younger inmates, and those who have been incarcerated longer are more likely than their counterparts to have a prior record of rule violations.

Table 1. Correlation Matrix^a, Means^b, and Standard Deviations for Variables in Figure 1 (N=182)

	X ₁	X ₂	X ₃	X ₄	X ₅	X ₆
X ₁ Race	1.000	.017	-.113	.125	-.051	.205
X ₂ Age		1.000	.258	-.153	-.054	-.145
X ₃ Time Served			1.000	.210	.203	.164
X ₄ Prior Record				1.000	.325	.664
X ₅ Infractions					1.000	.350
X ₆ Disciplinary Report						1.000
Mean	.643	27.170	30.720	.918	.000	.242
Standard Deviation	—	4.216	15.987	2.266	2.415	.601

^a $r \leq .145$ significant at $p < .05$.

^b Since race is a dummy variable, its reported mean represents the proportion of cases in the category coded 1, i.e., black inmates. Scores for rule infractions are (factor) weighted standardized scores (thus, $\bar{X} = 0$). For comparison, simple summated scores representing the frequency of the seven self-reported infractions have a $\bar{X} = 15.4$ and $s = 11.6$.

Focusing next on self-reported infractions, we find that only prior disciplinary record exerts a direct effect (.297) on the severity of self-reported infractions. Here the greater the number of prior reports, the more serious the inmate's recent rule-breaking activity.

Finally, with disciplinary reports as the dependent variable, direct effects are obtained for race (.147), past disciplinary record (.575), and severity of rule breaking (.158). Previous official action exerts by far the strongest effect on decisions to invoke formal sanctions, with both race and seriousness of infractions having considerably less impact. The finding of positive relationships between each of these variables and disciplinary reports indicates that being black, having a history of disciplinary action, and engaging in more

Table 2. Beta Coefficients, Unstandardized Regression Coefficients, and Standard Errors for the Set of Simultaneous Relationships Between Variables for Model in Figure 1 for All Inmates (N=182), Black Inmates (N=117), and White Inmates (N=65)

Relationships ^a	All Inmates ^b			Black Inmates ^c			White Inmates ^d		
	B	b	SE	B	b	SE	B	b	SE
Prior record with:									
Race	.161	.761	.335	-.305	-.188	.057	-.101	-.032	.040
Age	-.231	-.124	.039	.354	.056	.015	.180	.016	.011
Time Served	.288	.041	.010						
Self-Reported infractions with:									
Race	-.072	-.359	.360						
Age	-.044	-.025	.043	-.003	-.001	.052	-.135	-.084	.077
Time Served	.144	.022	.012	.201	.028	.014	.013	.002	.022
Prior Record	.297	.317	.079	.331	.293	.081	.248	.484	.242
Disciplinary report with:									
Race	.147	.184	.069						
Age	-.062	-.009	.008	-.054	-.009	.012	-.171	-.011	.008
Time Served	.044	.002	.002	.053	.002	.003	.006	.000	.002
Prior Record	.575	.153	.016	.614	.165	.020	.188	.038	.025
Self-Reported Infractions	.158	.039	.014	.161	.049	.022	.291	.031	.013

^a We accept as significant those relationships with b at least twice its standard error (SE).

^b Variance explained in model for all inmates:

$$r^2_{64} = .441, R^2_{6 \cdot 45} = .461; R^2_{6 \cdot 451} = .480; R^2_{6 \cdot 4512} = .482; R^2_{6 \cdot 45123} = .483$$

^c Variance explained in model for black inmates:

$$r^2_{64} = .488; R^2_{6 \cdot 45} = .512; R^2_{6 \cdot 452} = .513; R^2_{6 \cdot 4523} = .516$$

^d Variance explained in model for white inmates:

$$r^2_{65} = .135; R^2_{6 \cdot 54} = .171; R^2_{6 \cdot 542} = .199; R^2_{6 \cdot 5423} = .199$$

frequent/serious rule-breaking activity increase the likelihood of being cited for disciplinary infractions.⁹

We are particularly concerned with the direct effects of race on disciplinary reports. Other factors being equal, blacks are more likely to be reported for rule infractions than are whites. As shown in Table 2, the unstandardized regression coefficient (b) describing the relationship between race and disciplinary reports indicates that blacks on the average are cited for .184 more infractions than are whites. While suggestive of some sanctioning bias against black inmates, the net effect of race appears minimal.

In addition to discussing the direct effect of race on disciplinary reports, we must also examine the indirect effects of race through prior record. As noted above, blacks are more likely than whites to have been cited for previous institutional infractions. In turn, the presence of a prior record was shown to increase the risks of being reported for subsequent violations. An examination of the unstandardized coefficients presented in Table 2 should make this linkage more salient. With other factors held constant, the coefficient describing the relationship between race and disciplinary record indicates that blacks on the average have been reported for .761 more prior offenses than have whites. If we multiply this by the coefficient between prior record and disciplinary reports (.153), we get .116, which is an estimate of the number of additional disciplinary reports blacks receive because of their history of disciplinary actions.

The foregoing analysis has focused primarily on an assessment of the effects of race on sanctioning decisions. The issue of racial inequities, however, may involve more complex processes than those initially addressed. To illustrate, a major implication of the impact of racial stereotypes on disciplinary

⁹ One would expect there to be a close correspondence between rule breaking and disciplinary response. Guards, however, detect only a fraction of inmate rule violations. This is evidenced by the fact that while only 16.5 percent of the inmates in our sample had official records of disciplinary infractions in the month preceding the study, fully 91.8 percent admitted to at least one major violation (on the infraction checklist) for the same time period.

Nevertheless, we are surprised by the relatively modest amount of variance ($R^2=.483$) in sanctioning decisions explained by the variables in our model. Even our measure of the frequency-severity of rule-breaking activity accounts for only a small amount of the variance in disciplinary response. This, of course, could be due to a deficiency in our measurement of rule infractions. In other words, we tapped violations of seven major institutional rules. It is likely that other types of infractions (e.g., minor rule violations) not included in our self-report checklist may account for more variation in disciplinary actions. Further refinement of this behavioral measure would do well to incorporate a wider variety of rule-breaking activity. (However, see note 7 above for some caveats.)

actions suggests that the nature of the relationships we have specified may be different for blacks and whites. Stereotypic conceptions held by the guards may lead to differential interpretations of black and white inmate activity, causing them to view infractions by blacks as more serious than comparable infractions by whites, or to define blacks with disciplinary records as more threatening than whites.

In other words, such processes suggest that the effects of prior record and rule-breaking activity vary by race, i.e., interaction effects. To test this interaction hypothesis, we constructed interaction terms for race and prior record and for race and rule infractions and included them in the regression equation predicting disciplinary reports. Only the race \times prior record interaction proved to be statistically significant, contributing an additional four percent to the total variation explained in the dependent variable ($F= 14.58, p < .001$).

This interaction finding raises substantive questions concerning the nature and pattern of the differences in the impact of our predictor variables on disciplinary response. To allow for the identification of racial differentials in the effects of our independent variables, we next examine separate models for blacks and whites.

A comparison of the beta coefficients for black and white inmates (see Table 2) shows that the variables that affect disciplinary reporting differ by race. On the one hand, for whites we observe that only rule infractions exert a direct effect (.291) on disciplinary reports. This finding seems to indicate that the primary determinant of sanctioning decisions by guards is the inmate's rule-breaking behavior. Prior record is shown to have a modest indirect effect (.072) on disciplinary reports. Apparently, those white inmates with a history of officially reported infractions engage in more frequent/serious rule-breaking activity, which in turn leads to an increased likelihood of formal sanctioning.

Turning now to the black inmates, we initially note a relatively more complex set of relationships in disciplinary reports. Here we find that direct effects are obtained with both seriousness of rule infractions (.161) and prior disciplinary record (.614), with the latter having the greater impact. Similar to the linkage observed for white inmates, prior record exerts a slight indirect effect (.053) on sanctioning decisions via self-reported rule violations. Finally, prior record and rule infractions also transmit the influence of age and time served on disciplinary reports.

The differences we observed in the separate models for blacks and whites support the contention that sanctioning decisions are dependent on race. Whereas for blacks, prior record was the most important determinant of disciplinary reports, with rule violations having a relatively minor impact, for whites, infractions emerged as the dominant influence, with prior record exerting *no* measurable effect. The inmates' race apparently conditioned the guards' understanding and interpretation of the criteria on which decision making is based. As a result, patterns of rule enforcement were systematically biased against black inmates.

These disparities may be more strikingly drawn by a comparison of the proportion of variation in the sanctioning decisions that prior record and rule violations explain. For whites, rule violations and prior record explain 13.5 and 3.6 percent, respectively, of the variation in disciplinary actions. For blacks, prior record alone accounts for 48.8 percent of the variation in formal response, with rule infractions contributing an additional 2.4 percent. We thus see that rule infractions are of relatively greater importance in accounting for disciplinary actions involving whites than they are for blacks. In contrast, we note that prior record explains nearly fourteen times the variation in decisions to sanction black inmates than it does in decisions to sanction white inmates (48.8 *vs.* 3.6 percent, respectively). This finding further demonstrates that prior disciplinary actions are much more crucial for black inmates.¹⁰

IV. DISCUSSION

The findings of our research are consistent with the thrust of the labeling perspective and manifest themselves in a way

¹⁰ The difference in the relationships depicted in Table 2 for blacks and whites may be attributed to sampling variation. The white subsample is slightly more than half as large as the black subsample, so that rather small coefficients that would be statistically significant for blacks are not so for whites. The more important reason, however, is that most of the relationships among the variables in the model are substantially weaker for whites than for blacks. An inspection of the gross correlations (not shown) as well as the (net) regression coefficients (presented in Table 2) shows this to be the case.

It may also be argued that the difference in the variation explained in the dependent variable among blacks and whites could be due to differences in the standard deviations of the homologous independent variables and/or the dependent variable. An examination of the standard deviations of the independent variable within each subsample (not shown), however, reveals that they are comparable. In addition, the standard deviation in the dependent variable is higher for the black subsample than for the white subsample. If one were to argue that the black-white differential in the variation explained was due primarily to a difference in standard deviations, one would have to predict that the percentage of the variance explained would be greater for the white subsample. In fact, we observed the opposite (51.6 percent for blacks *vs.* 19.9 percent for whites).

that suggests a quite compelling theoretical interpretation of discretionary justice in the prison setting. The discussion that follows considers the role of disadvantaged statuses of inmates in affecting sanctioning decisions, as well as the consequences of these decisions on subsequent inmate activity.

Our finding that race directly affects both disciplinary reports and prior record (which in turn affects disciplinary reports) raises several issues concerning the cumulative labeling effect of the discretionary response of guards to inmate activity. A fundamental implication of these linkages is that prior decisions to invoke an official sanction affect subsequent decisions to react formally. We found, *ceteris paribus*, that inmates having prior disciplinary records were more likely to be reported for subsequent rule infractions than were those not having a record. Several interpretations of this relation seem plausible.

First, prior official reactions may lead guards to a pattern of closer surveillance of labeled inmates. This greater vigilance is likely to result in more frequent detection of infractions. Second, inmates with a prior disciplinary record may be differentially perceived by guards such that their behavior is regarded as more serious, thus requiring official reaction. Third, through retrospective interpretation of an inmate's activity, guards may view the presence of a prior record as sufficient evidence for assuming present culpability; that is, if he's done it before, he may do it again. In summary, assumptions about the nature of his present activity, his culpability in alleged rule violations, and appropriate responses to his behavior are influenced by an inmate's history of official deviance processing. Our findings thus support the argument that negative labels attached in prior official processing have negative effects on subsequent official decision making.¹¹

¹¹ Much of the research on the processing of offenders in the criminal justice system has classified factors affecting decision making into two categories: legal (e.g., offense type, prior criminal record) and extra-legal variables (e.g., race, age, sex). But some variables that are classified as "legal" may themselves be a function of prior processing based on extra-legal factors. For example, in the present study an inmate's prior disciplinary record was in part a result of the guard's response to an inmate's race. The effect of an official response record on subsequent decision making thus implicitly embodies earlier racial considerations.

The point is that a distinction between legal and extra-legal variables at this processing stage may be neither unambiguous nor meaningful. The reason this point is emphasized is to call into question previous attempts to assess the relative importance of legal and extra-legal factors in the decision making process. While these studies almost invariably demonstrate legal variables to be more important determinants of societal response, they also almost invariably fail to take into account the possibility of confounding influences of antecedent decisions based on extra-legal variables.

In a related discussion of labeling effects, Hawkins and Tiedeman (1975) contend that the behavior of inmates is perceived, interpreted, and understood by guards through "processing stereotypes." As a result of institutional efforts to manage inmate activity, stereotypes are developed by which certain categories of inmates are to be more closely watched or guarded. Such stereotypes form the basis for a probabilistic model of official sanctioning with which guards guide their use of discretionary powers.

Racial stereotypes depicting blacks as more dangerous or threatening place a greater emphasis on anticipating and preventing the discipline problems of black inmates. The guard must maintain a constant vigil, alert and ready to respond to potential, as well as actual, trouble. The perception of a black menace fosters a defensive posture toward black inmates, who are viewed with a mixture of suspicion, fear, and antagonism. However, these racial conceptions are likely to be seen as more salient by the guards when the black inmate has actually "confirmed" the stereotype through his prior record of institutional misbehavior.

To guards, given their stereotypic conceptions, a pattern of greater control of black inmates having a history of disciplinary infractions represents sound custodial practice. Yet, to these inmates, such practices may represent harassment or intimidation. In response to what they perceive as capricious or discriminatory enforcement of rules, inmates may become insolent, defiant, or hostile. These reactions in turn may simply confirm the guards' suspicions and reinforce their negative conceptions. It appears, therefore, that the custodial strategies adopted by guards may, to some extent, actually cause the inmate behavior they are intended to control.

V. SUMMARY

In American society an elaborate mythology has developed around the notion that "justice is blind." But the models exhibited here support the contention that the administration of justice in prison is not color blind. While black and white inmates were equally likely to engage in rule-breaking activity, they were not equally likely to be reported for rule infractions. *Ceteris paribus*, being black increased the inmate's risk of receiving a disciplinary report.

Our model also suggests that racial bias is transmitted via prior record. Prior record, itself shown to be partly a product of discriminatory response, influenced subsequent sanctioning

decisions, thus amplifying the racial bias. Since today's sanctioning decision is tomorrow's record, the above process is continuous and serves to confirm stereotypic expectations that blacks are dangerous and threatening (i.e., prone to troublemaking) and to justify differential response in succeeding disciplinary actions.

Since reports of rule infractions affect an inmate's institutional assignments and parole prospects,¹² there is a need to examine the processes in the differential administration of justice in the prison setting. The models and data examined here have thus sought to provide the basis for future research into the nature and impact of discretionary actions of prison guards.

Finally, we have not meant to imply that our prison is representative or even typical of other medium-security institutions for adult male felons. The findings and interpretations reported herein should thus be viewed as suggestive rather than definitive. The model we have proposed, however, is neither arcane nor exotic. Grounded in the everyday concerns and mundane relations of staff and inmates, the variables examined at least deserve consideration in subsequent studies of sanctioning decisions in other prisons.

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¹² Reports of rule infractions pose two major concerns for inmates. First, for rule violations inmates may be subjected to a number of dispositions: segregation, loss of good time, confinement to cell, restriction of privileges, change in housing or work assignment or in-custody classification, transfer to another institution, or a combination of these dispositions. Second, records of disciplinary infractions are used by the parole board in judging an inmate's prospect for parole success. In a recent investigation of the operations of one parole board, for example, Carroll and Mondrick (1976) found disciplinary reports to be the best predictor of decisions to grant or deny parole.

It should also be pointed out that disciplinary reports are typically viewed by the parole board and staff alike as indicators of inmate "adjustment." But we have found that disciplinary reports are not simply a function of inmate rule-breaking behavior. Both race and prior infraction record exerted independent effects on disciplinary response. Thus, disciplinary reports may tell us as much about the reactions of guards as they do about the activity of inmates (cf., Kitsuse and Cicourel, 1963).

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