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This study was designed to determine the effect Discipline and Adjustment Boards have on the conduct of an institutionalized military offender population. The study used variables describing personal background characteristics, criminal history, and confinement history of military offenders. Information about the inmates was obtained from the inmate correctional treatment file and the Correctional Reporting System. Data was analyzed using simple probability statistics, to determine trends of the D&A Board.

The D&A Boards do have a deterrent effect since less than half of the inmates appear before the board. However, the recidivism rate indicates little deterrent effect for repeat offenders. Although the common characteristics of offenders are identified, more research is required to determine actions the D&A Boards can take to reduce the recidivism pattern. The additional research should focus on behavior and personality characteristics of the offenders to identify actions that would deter subsequent offenses.

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THE UNITED STATES DISCIPLINARY BARRACKS

A thesis presented to the Faculty of the  
U.S. Army Command and General Staff College  
in partial fulfillment of the  
requirements for the  
degree

MASTER OF MILITARY ART AND SCIENCE

by

ANGELA M. MANOS, CPT, USA  
M.S., American Technological University, 1983

Fort Leavenworth, Kansas  
1992

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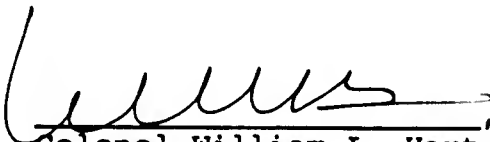
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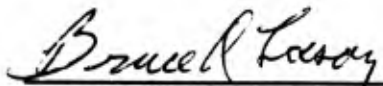
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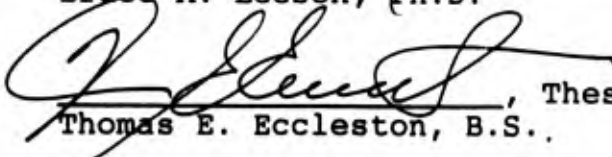
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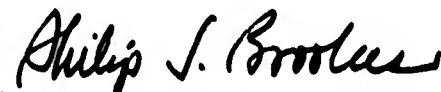
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The opinion and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any governmental agency. (Reference to this study should include the foregoing statement.)

## ABSTRACT

DISCIPLINE AND ADJUSTMENT BOARDS AND THEIR EFFECTIVENESS ON CORRECTING THE BEHAVIOR OF INMATES INCARCERATED IN THE UNITED STATES DISCIPLINARY BARRACKS by CPT Angela M. Manos, USA, 217 pages.

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The D&A Boards do have a deterrent effect since less than half of the inmates appear before the board. However, the recidivism rate indicates little deterrent effect for repeat offenders. Although the common characteristics of offenders are identified, more research is required to determine actions the D&A Boards can take to reduce the recidivism pattern. The additional research should focus on behavior and personality characteristics of the offenders to identify actions that would deter subsequent offenses.

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## CHAPTER I

### INTRODUCTION

#### Purpose

The purpose of this thesis is to determine if the Discipline and Adjustment Boards (D&A Board) deter violations and misconduct by inmates while incarcerated in the United States Disciplinary Barracks (USDB). D&A Boards held during calendar year 1991 are examined to determine if an appearance by an inmate in front of a D&A Board did in fact accomplish the stated intent of the D&A Board to prevent future violations or misconduct by the particular inmate who appeared in front of the board.

The focus of this research includes administrative procedures of the D&A Boards (including governing rules, types of boards and corrective action administered), percentage of total population appearing before the board, types of violations or misconduct being committed by the inmates who appear before the board, the number of repeat offenders and the repeat offender's violation or misconduct. This analysis will identify positive or negative trends of the D&A Boards.

The results of this study will be used in three ways. First, the results will be used to analyze the effectiveness of the board. Second, the results will be used to assist in making recommendations in areas identified as needing improvement. Finally, the results of the study will be used to determine if a need exists for additional studies in this area.

#### Question

Does the Discipline and Adjustment Board (D&A Board) effectively prevent violations and misconduct of inmates while incarcerated in the United States Disciplinary Barracks?

#### Background

##### History of the United States Disciplinary Barracks

Brigadier General Thomas R. Barr in 1871, submitted a document to the Secretary of War addressing the inhuman treatment of military prisoners at the existing military stockades and state penitentiaries. An investigation into the treatment of the military prisoner was initiated in response to the information provided in General Barr's report. The results of the investigation led to the submission of a bill to Congress in January 1872 requesting the establishment of a military prison.

A bill was passed in 1873 establishing the first military prison at Rock Island, Illinois. This bill was amended in 1874 to establish the military prison at Fort Leavenworth, Kansas and in 1875 the military prison began operations. The United States Military Prison was renamed the United States Disciplinary Barracks in 1915. Twice in its history the institution has been transferred to the United States Department of Justice. However, since 1940 the United States Disciplinary Barracks has been operated by the Department of the Army and is the only maximum security confinement facility in the Department of Defense. It is the oldest penal institution in the Federal system and has the capability to house 1,777 inmates.<sup>1</sup> Inmates confined at the United States Disciplinary Barracks have sentences ranging from 30 days to death.

#### Mission of the United States Disciplinary Barracks

United States Disciplinary Regulation Number 600-1, Manual For The Guidance of Inmates, defines the United States Disciplinary Barracks missions as:

a. To confine those persons who are legally sentenced to confinement under the provisions of the Uniform Code of Military Justice in a safe, secure environment

b. To provide the correctional treatment and training, care and supervision necessary to return inmates to civilian life as useful, productive citizens with improved attitudes and motivation.<sup>2</sup>

The correctional program at the USDB is founded on the supposition that attitudes can be changed and inmates can be successfully restored to military duty or civilian life. This principle was recognized in 1955 by the Defense Department when they directed that military discipline would be administered on a corrective rather than a punitive basis.

### Disciplinary Measures

The orderly functioning and management of the USDB can only be maintained through proper internal disciplinary processes. The administrative process used by the USDB to correct inmates behavior when they violate institutional rules or exhibit misconduct is the D&A Board.

The use of D&A Boards by the United States Disciplinary Barracks is authorized by the United States Army Correctional System, Army Regulation (AR) 190-47. The Discipline and Adjustment Board evaluates facts and circumstances surrounding alleged violations of institutional rules, and violations of the Uniform Code of Military Justice. The Discipline and Adjustment Board follows specific guidelines prescribed by AR 190-47 and the United States Disciplinary Barracks Regulation Number 190-4.

The board's responsibilities include recommending action that will have an affect on the individual inmates' attitude and behavior while precluding future violations or acts of misconduct. Based on its findings, the board makes recommendations to the Commandant for corrective action.

A review of the Annual Historical Summaries of the United States Disciplinary Barracks revealed that some information had been collected on the actions of previous D&A Boards. The 1950 through 1990 Annual Reports have limited information that varied in amount of detail from year to year. A comparison of D&A Boards by year began to appear in the Annual Historical Summary of 1983. This comparison was limited to a display of the number of D&A Boards held during the current and previous years.<sup>3</sup>

Further research failed to produce evidence of any detailed studies being conducted regarding the conduct or the effectiveness of the D&A Board. Thus the decision was made by the Commandant of the USDB to conduct this study.

### Assumptions

It is assumed the D&A Board will continue to be used for correcting violations or misconduct by inmates.

It is assumed that a significant change to current procedures is not in progress.

It is assumed the procedures used in every D&A Board are the same.

It is assumed that not every inmate who commits a violation or an act of misconduct will appear before a D&A Board.

It is assumed that 1991, the year, chosen for the study, is a representative year.

### Definitions

1. Disciplinary and Adjustment Board (D&A Board).  
The D&A Board is a one or three person board that examines the facts and circumstances related to alleged violations, by inmates, of the rules of the United States Disciplinary Barracks or the Uniform Code of Military Justice. Inmates are given the opportunity to appear before this board to defend themselves. The Board decides whether the offense brought against the inmate is founded or unfounded. If the Board finds that the inmate did violate the rules or his actions were a form of

misconduct the Board considers the incident and the record of the inmate to determine the type of administrative actions needed to preclude the inmate from committing future inappropriate acts. A less serious offense may be reviewed by a one-man board that cannot recommend sanctions as severe as that allowed the larger three-man board. Final approval on disciplinary and management actions are made by the Commandant or his representative.

2. United States Disciplinary Barracks. The United States Disciplinary Barracks is the maximum security confinement facility used by the Department of Defense to confine those person who are legally sentenced under the provisions of the Uniform Code of Military Justice. The mission of the United States Disciplinary Barracks is to provide correctional treatment and training, care and supervision necessary to return inmates to civilian life as useful, productive citizens with improved attitudes and motivation.

3. Correctional Treatment. Correctional treatment is the individualized program designed to accomplish and enhance behavior and attitude change by the prisoner.

4. Director of Custody, (DOC). DOC is the principal staff officer for inmate care, custody, and correctional

supervision. He plans, coordinates and directs correctional supervision, recreation, welfare, and discipline of inmates; directs or coordinates the activities of the Recreation Services Division, Correctional Guidance Section, and correctional personnel to ensure measures used complement correctional treatment objectives; and directs the investigation of selected, minor inmate offenses.

5. Director of Mental Health, (DMH). DMH is the principal staff officer for mental health and human services. DMH provides individual counseling and group psychotherapy in conjunction with a variety of social rehabilitation services.

6. Director of Classification, (DCL). DCL is the principal staff officer for inmate classification, utilization and employment. He maintains inmate correctional treatment files.

7. Correctional Treatment File, (CTF). The CTF is the primary record system for inmates.

8. Disciplinary Report, United States Disciplinary Barracks Form Number 244. This form is used to document, record and authenticate the board proceedings, recommendations, Commandant's review action, and acknowledgment of the inmate.



9. Discipline and Adjustment Board Records, United States Disciplinary Barracks Form Number 256-1. This form is used to document the type of board conducted, plea entered, record of proceedings, and body of proceedings.

10. Summary of Findings, United States Disciplinary Barracks Form 419. This form is used to record the rationale for the board's findings and the reason for their recommendation(s) for corrective action.

11. Incident/Observation Report, United States Disciplinary Barracks Form Number 371. This form is used to document an incident involving an inmate. Information contained on the form includes; time/date of incident, date of report, location of incident, description of incident, initiator of the report, and witnesses.

12. Blotter Entry, United States Disciplinary Barracks Form Number 389. This form is used to document the necessary information to be placed on the daily blotter. Part of the necessary information includes any inmate misconduct or rule violations.

13. Case Accountability Log, United States Disciplinary Barracks Form Number 449. This form is used to record all investigative activities.

14. Discipline and Adjustment Board Appearance, United States Disciplinary Barracks Form Number 463. This form is used to record the advisement of the inmates rights regarding his appearance at a Discipline and Adjustment Board.
15. Right Warning Procedure/Waiver Certificate, Department of the Army Form Number 3881. This form is used to advise and document the advisement of rights to inmates.
16. Sworn Statement, Department of the Army Form Number 2823. This document is used to record sworn statements.
17. Charge/Specification Sheet, United States Disciplinary Barracks Form Number 394. This document is used to record and notify the inmate of the charges and specifications that are being brought against him.
18. Discipline and Adjustment Board After Action Fact Sheet, United States Disciplinary Barracks Test Form Number 395. This form was developed for use during this study to collect data on board results.
19. Evidence Document, Department of the Army Form Number 4137. This document is used to record evidence collected during the investigation of the alleged offense.
20. Good Conduct Time. Is time accrued as soon as an inmate's sentence to confinement (other than those with a

death or life sentence) is adjudged and is credited by the rates allowed by regulation.

21. Abatement. An inmate serving a sentence to confinement (other than a death or life sentence) may earn a deduction from the term of his sentence for employment in activities where work abatement time is authorized.

22. Offense Categories. Offense categories range from Category I to Category IV. The type and seriousness of the offense determine which category it is placed. The categories range from simple (Category I) to serious (Category IV).

#### Limitations

This is a study of inmates incarcerated at the USDB only. No claims are made that the results can be applied to inmates incarcerated in any other institution.

The assumption that not every inmate who commits an violation or act of misconduct will appear before a D&A Board is a limitation. There is no way to actually determine unreported offenses and to compare these offenders with those who appear before the D&A Board.

### Significance

The literature review conducted during this study, failed to produce significant research on the effectiveness of D&A Boards in precluding future violations or misconduct by inmates. Historically, little or no empirical data was presented in most of the studies that were aimed at the D&A Boards, because the authors tended to concern themselves with a different range of problems within the correctional setting.

There have been studies conducted in various prisons in the United States and other countries which examined other aspects of the prison discipline system such as the procedures being used within the institutions to maintain social control; types of offenses committed by inmates; discretion used by prison staff; and demographics of inmates. The most significant of these studies will be discussed in Chapter II of this thesis.

The primary purpose of this study is to determine if D&A Board are effective in reducing inmate rule violation and misconduct. A secondary, yet very important purpose, is to establish a foundation for future study. Topics for later research should include areas such as why the D&A Board does or does not preclude future violations or misconduct of inmates or the

development and use of predictor variables to determine which inmates will appear in front of a D&A Board.

Finally, the results of this study and the data collected will be provided to the Army Research Institute for use in related research areas.

### Organization

Chapter One of this thesis will focus on a general introduction of the USDB and the D&A Boards. Chapter Two will present a review of the literature on the use of D&A Boards by various prison systems. The review of the literature will include a discussion of the results of studies which addressed the procedures and use of D&A Boards within prison systems. Specific studies addressing the effect that the use of D&A Boards has had on inmate behavior will also be presented and critiqued. Chapter Three will describe the specific research methodology used in this study. Chapter Four will discuss the analysis and interpretation of the evidence produced as a result of the research. Chapter Five will state the significance of the results of the study and discuss recommendations for additional research.

#### ENDNOTES

1. United States Disciplinary Barracks, United States Disciplinary Barracks History 1875 - 1857, United States Disciplinary Barracks Print Shop, 1950), 1-3.
2. United States Disciplinary Barracks Regulation 600-1, Manual for the Guidance of Inmates (Kansas: United States Disciplinary Barracks Print Shop, 1990), 1-4 through 1-5.
3. United States Disciplinary Barracks, Annual Reports (Kansas: United States Disciplinary Barracks Print Shop, 1950-1990), passim.

## CHAPTER II

### REVIEW OF LITERATURE

A review was conducted to evaluate the existing literature on the use of Discipline and Adjustment Boards by prison systems to correct the behavior of inmates while confined in an institution. A search of literature on the topic of discipline within prison systems revealed a tremendous amount of information. The literature selected for use in this study is aimed primarily at answering the following questions about prison disciplinary boards:

a. What led to the establishment of D&A Boards and what is their purpose?

b. What administrative procedures are being used in conducting disciplinary proceedings within the prison systems?

c. What are the demographic characteristics of the average offender who appears in front of disciplinary boards? What types of offenses does he commit? What type of punishment does he receive?

d. Does an appearance in front of the disciplinary board preclude further violations by the inmate?

Accordingly, this review has been divided into four major sections:

- a. The establishment and purpose of prison D&A Boards.
- b. The administrative proceedings being used by discipline boards.
- c. The demographic characteristics of the average offender; his offense and punishment.
- d. Disciplinary Boards and Recidivism.

#### The Establishment and Purpose of D&A Boards

According to John R. Hepburn (1989), "Historically, the formal structure of social control within American prisons provided guards with a great deal of power over the prisoner population."<sup>1</sup> He described the organizational control as being so decentralized that it had reached the point where prison guards were supervising prisoners, isolating troublemakers, and disciplining deviants. Guards were allowed to interfere with prisoner activities and to apportion privileges and sanctions. However, Hepburn suggests that social and political developments changed the formal structure of control during the last twenty years.



Hepburn contributes changes in internal discipline procedures within the prison directly to changes in the roles of the guards, administrators, and courts. He proposes that social movements and political changes were the sources which initiated the changes in the roles of all of the key players within the prison systems to include the inmates. He identified two indicators that suggest these movements were successful in their quest for "reform" within the prison systems: (1) a weakening of the prison guards authority and (2) an advocacy by correctional professionals for humanitarian reform and rehabilitation.

Simultaneously, individual state authorities were moving toward centralized office administrators to replace the decentralized powers of local wardens. This meant an increase in reliance on legal authority, and formal centralized decision making. Throughout this same time period additional "guidance" was being provided by the courts as they began to change their role (from one of "inactive" to one of "active enforcement" of constitutional rights of inmates) in responding to the issues involving internal affairs within prisons.

In 1987, Hepburn conducted a study in which he surveyed guards working in four prisons. He found that they felt that their authority had slowly been replaced

by an increase in the roles of treatment specialists, administrators, and the courts. This led to the guards becoming more custodial and more punitive toward the prisoners. Their relationship with the prisoners had become more detached, contractual, and formal. Thus an unstable condition had begun to develop.

The answer for coping with this unstable condition was the establishment of a formal legal system administered by centralized decision making processes for the purpose of creating and maintaining standardized social control within prisons. This was the beginning of D&A Boards in prison systems.

Much like Hepburn, Goodstein and Wright (1989) suggested that fundamental changes in society led to fundamental changes in prisons. They described the fundamental change as: "a breakdown in the informal inmate community which had been dominate since the early part of this century."<sup>2</sup> The breakdown of this informal system naturally created a need for a formal discipline system.

DiIulio (1987) discusses discipline in prisons and prison reform using three explanations for judicial intervention in prisons. In his first explanation he argues that intervention by activist judges has resulted in upsetting informal order; thus formalizing

arrangements among inmates and between inmates and staff.<sup>3</sup> The end result being the elimination of informal (basic) custodial controls. Critics of this theory blame the judges for undermining the relationship among inmates and thus creating the environment within the prisons that led to a need for the establishment of formal social (discipline) control.

The second explanation discussed by DiIulio maintains that these judges simply forced prison administrators to aim toward securing rather than denying prisoner's rights.<sup>4</sup> Supporters of this theory credit the judges for the establishment of formal discipline procedures and the improvement of prior conditions.

The third explanation addressed by DiIulio contends that courts fostered an establishment of prison policies and procedures which make the prisons orderly and humane.<sup>5</sup> Thus this theory focuses on formal administrative requirements more than the daily operational requirements of a prison. However, DiIulio concludes by stating that he believes that no one of these explanations in and of itself is the complete answer to what has occurred during the last 20 years within our prison system in the area of discipline. He suggests that the real answer is a combination of the three explanations.

Dauber and Shichor (1979) relate the development of discipline boards to the prison administrators need to effectively exercise control over inmates. They generally agree with other researchers that prison reform movements and inmate politicization were a reality in the United States and influenced prison reform. However, they explain the development of the boards as a natural social process within the prison environment: "As in general society, the prison has chosen to preserve its social order through the promulgation of rules and disciplining those who violate those rules."<sup>6</sup>

In a comparison that Dauber and Shichor (1972) conducted between two prison systems they found that the board's perceived purpose(s) varied between the two institutions. One institution (Ramle-Israel) saw the purpose of the disciplinary board as being one of maintaining social control. The second institution (Rhode Island) saw the board as having multiple purposes. Some of purposes mentioned by the staff of the Rhode Island prison included: (1) punishment, (2) preservation of staff morale, (3) maintenance of control, (4) deterrence, (5) treatment, and (6) suppression of unpopular views.

Robertson (1989) states that "Correctional officials exercised virtually unlimited power over inmates prior to 1970. They did not seize this power; legislatures gave it to them through open-ended statutory delegations of authority."<sup>7</sup> He explains that this unlimited power led to a situation where "inmates possessed only the rights of free persons that were compatible with the management of prisons."<sup>8</sup>

In general researchers in the area of the prison systems share the view that discipline boards were formed in reaction to the social and political demands of a changing society and prison population. Most will even agree that the development of these boards led to the destruction of the informal disciplinary system that had existed until the 1970s and that the disciplinary boards are now an integral part of the current prison system. At a minimum they are seen as the base of the formal system of social control within every United States correctional institution. In most institutions staff members identify social control as the purpose of the prison discipline system, and disciplinary boards as their formal administrative tool for maintaining social control, while preserving staff morale and suppressing the unpopular views of the inmates. The topic obviously missing from the current literature is what I define as the real

importance of the prison discipline system and the disciplinary boards; their impact on the welfare and rehabilitation of the inmates currently confined in correctional institutions. Society, administrators and judges have avoided this issue by concentrating on the administrative procedures used by discipline boards to socially control inmates.

#### The Administrative Procedures Used by Discipline Boards

Jacob (1970) described the discipline system that existed until the early part of the 1970s within the prisons as "miniature legal systems . . . largely independent of outside control."<sup>9</sup> He saw prison officials, as having absolute authority over the prisoners incarcerated throughout the United States. Similar comments have been made by Schafer (1986) who said that "Until the decade of the 1970s, prison discipline had been an internal matter governed by the practical considerations involved in maintaining institutional control."<sup>10</sup> In 1972, Dauber described the judicial intervention into the correctional field as "a recent phenomenon."<sup>11</sup> However, it became almost impossible to read an article about the prison internal disciplinary system without learning about the

"applicability of procedure due process to major prison disciplinary proceedings," (Merritt, 1982).<sup>12</sup>

The Supreme Court case *Wolff v. McDonnell*, 418, U.S. 539, 563 (1974) marked the beginning of significant reform for the entire prison system within the United States. Merritt (1982) describes the decision by the Supreme Court in the *Wolff* as a recognition by the Court that the institutional disciplinary hearing is not a trial and ". . . that introduction of trial rules might make the procedure so cumbersome as to be counterproductive."<sup>13</sup> However, Merritt, goes on to explain that the Supreme Court did find that limited procedural due process was required for the inmate during a disciplinary hearing due to the potentially severe effect of discipline, on both the parole and the conditions of confinement. The Justices of the Supreme Court justified their decision by acknowledging ". . . that the practical needs of running an institution and maintaining security required a more limited procedure than would be necessary in the free world."<sup>14</sup> The Court's final decision was to apply limited due process to the administration of disciplinary boards.

Fleming (1981) discussed the *Wolff v. McDonnell* case in great detail by examining the impact of applying limited due process during prison disciplinary hearings

where the forfeiture of good time credit or the penalty of solitary confinement were possible outcomes. Fleming states that the Court established certain procedures which purported to represent "a reasonable accommodation between the interests of the inmates and the needs of the institution."<sup>15</sup> By mandating the application of the five following procedural safeguards at all prison disciplinary hearings where the loss of good time credit or solitary confinement could be imposed:

a. Advance written notice of the charges pending against the inmate (at least twenty-four hours before the disciplinary hearing);

b. The establishment of a disciplinary board that is impartial to ensure due process (does not preclude institution staff);

c. The right of the inmate to call witnesses and present documentary evidence on their own behalf (when it is not hazardous to institutional safety or correctional goals);

d. The right of the inmate to obtain assistance from a fellow inmate or staff member when the accused is illiterate or unable to understand the issues due to complexity (the burden of showing the need for representation rest solely with the inmate); and



e. The inmate has the right to a written statement by the board members regarding the evidence used during the hearing and the reasons for their choice of punishment.

Inmates have continually attempted, through the Supreme Court, to expand the limited due process procedures available to them during prison disciplinary proceedings. The Supreme Court has refused to extend the limited due process and has ruled that inmates do not have the right to cross-examine adverse witnesses; that the Fifth Amendment privilege against self-incrimination does not apply; nor does the right to counsel (personally retained or appointed) apply during prison disciplinary proceedings. These procedural safeguards were, and are still today, considered to be the only due process requirements mandated by the Supreme Court that correctional institutions must apply when conducting prison disciplinary proceedings.

In recent years, inmates were granted more rights and safeguards through state courts and revised prison regulations than any other source. Prison regulations and the inmate's rule book became the method institutions used to provide inmates with the details of the prison discipline system. These regulations included information on such things as the types of conduct that

are prohibited in the prison, the personnel authorized to judge alleged disciplinary offenses, the possible punishments, and the rights of the inmate. These rule books were normally provided to the inmate upon his arrival at the institution. Without exception, an good understanding of the institutional rules and a working knowledge about the mechanics of the prison disciplinary proceedings became key to the inmate's survival within the correctional setting.

The establishment, publication, and distribution of administrative rules or policy statements by prison administrators carried the same weight and had the same effect as Court mandated actions.<sup>16</sup> Fleming highlights the importance of these additional safeguards and their influence on the discipline system by pointing out:

". . . prison regulations are the primary source of law at disciplinary hearings. . . ."<sup>17</sup>

The Wolff case provides the basic framework for the discipline procedures and prison rules used within institutions. A significant impact of the establishment of this basic framework has been the standardization of procedures within the prison system. The terminology used within a particular institution is normally the only apparent difference found between institutions in their formal disciplinary proceedings. Therefore, the

disciplinary process used in most institutions is basically the same. The disciplinary proceedings all begin with the initiation of an complaint, followed by selective prehearing detention and an investigation. Upon completion of the investigation a hearing is held and sanctions are imposed (Felming, 1981; Marin, 1983; Dauber, 1972; Robertson, 1989; Schafer, 1986; Jacob, 1970; Merritt, 1982). What this means to the inmate is that under the current formal prison discipline system the only procedural safeguard available to him once he has been accused of committing an offense is an appearance in front of the prison's disciplinary board.

#### The Demographic Characteristics of the Average Offender; His Offense and Punishment

Lindquist (1980) conducted a survey of 147 female and 243 male disciplinary offenders in an attempt to compare the two groups in background and disciplinary sanctions. He immediately admitted that these samples were not comparable for two reasons. First, the female population that he studied was taken from a small-mixed custody installation, while the male sample was drawn from a large, minimum custodial institution. Secondly, he recognized differences in the correctional climate of the two institutions and acknowledged that the only way to have truly comparable samples is to collect them from

a coeducational institution. Therefore, for the purpose of this study, only the data pertaining to the male population will be addressed.

Lindquist studied 243 males who had been convicted of at least one major disciplinary offense during 1976. The Lindquist study resulted in three significant findings: (1) offense frequency was greatest during the first year of incarceration, (2) insubordination accounted for one-third of the offenses, and (3) non-whites were significantly more assaultive. Lindquist findings were consistent with earlier studies of disciplinary board proceedings where it was found that the majority of offenses were being committed by only 5% of the population (Fox, 1958; Kraft, 1970) and that the younger inmate serving his first year of confinement appeared before the disciplinary board for repeated rules violations.

Teller and Howell (1981) compared 92 male prisoner over the age of 50 and 539 younger male prisoners at Utah State Prison. They found that the older inmates adjusted better than the younger inmates. Their findings, eight years later, showed that the younger inmates continue to have a hard time adjusting to the prison environment.

Therefore, the adjustment to prison life takes time; the younger an inmate the more likely he will appear before a disciplinary board.

Based on his findings Lindquist recommended that prison rules and regulations allow for some acting-out behavior from inmates, especially during their first year of incarceration. He pointed out that the acting-out behavior is healthier than complete internalization, of tension and hostility, and the lack of deference to authority is preferable to violence. Lindquist emphasized that "insubordination may be a relatively normal way of acting-out especially within the abnormal environment of the prison; however, it is perceived as a major threat to the staff's authority and hence produces the application of disciplinary sanctions."<sup>18</sup> He uses the American Correctional Association's Corrections Officer's Training Guide (n.d.) to illustrate that correctional officers are taught that they should equate ". . . insubordination with a loss of control and . . . formally process all such violations."<sup>19</sup>

He recommended that current rules of the institution be reviewed and revised so that only those necessary for the personal security of inmates and staff are retained. He also recommended that the correctional officers be trained to understand and not to overreact to

an inmate's verbal aggression and other nonviolent expressions of frustration and hostility. Finally, Lindquist emphasized the need for the disciplinary system to be formed on the framework of due process and equal protection of the law.

Based on four months of personal observations and interviews at an adult correctional institution (Concord), Gifis (1974) wrote a descriptive article that focused directly on the institution's regulation of inmate's daily life. During the four month period, Gifis examined inmate's disciplinary records and found that approximately a third of the inmate population never appear before the Disciplinary board; that about one-fifth of the inmates appear as many as five times during their stay; and that this group accounts for about two-thirds of all rules violations for which disciplinary reports are filed. Gifis also looked at the reporting officer data and found no evidence that any single officer was responsible for more than a few reports for any given inmate.

Gifis examined the offenses committed by inmates and the disposition imposed by the disciplinary board and found that the incidents of fighting and refusal to work were the most common offenses. In 10 percent of the cases the board chose not to impose any disciplinary actions. However, refusing to work, being out of place, and creating a

disturbance always ended with some form of discipline imposed, while charges of contraband and destroying state property most often resulted in no action taken.

Warning and reprimands were issued in about one-third of the cases where the charges were work refusal and disobedience or insolence. Fourteen percent of the cases were disposed of by suspended sentences; however, in sixteen percent of these cases the inmate subsequently served the suspended sentence for committing additional disciplinary violations within 30 days of the original hearing. Isolation (which carries an automatically loss of three days of good time credits for each day in isolation) was imposed in about half of the cases of rule violations. A change in the inmate's job was rare (less than 10 percent) and penalties greater than five days isolation were uncommon (four percent).

Gifis noted that the board members usually took only a couple of minutes to decide the inmate's guilt or innocence and to decide on what they felt to be an appropriate disposition. Gifis found that the board selection of a sentence was " . . . based on the circumstances of the case, the attitude of the inmate, and his past disciplinary record. The board's decision . . . may also be influenced by the desire to treat inmates equally . . . the effect of the disciplinary actions

on the inmate's parole eligibility may be considered."<sup>20</sup> Gifis' findings were identical to those found by Fleming (1981) ten years later.

Gifis also noted that the inmate's attitude while in front of the board significantly impacted on the sentence he received. If he appeared to be bitter and insisted on complaining about the reporting officer's action he was sure to receive a more severe sentence. While inmates who were apologetic and indicated that they would try to refrain from similar violations in the future received suspended sentences. Charges were dropped in about ten percent of the cases that were heard by the board. Gifis noted that this percentage was comparable with the percentage of cases acquitted in criminal courts.

Lles, Connors, May and Mott (1984) studied the type and severity of punishments imposed by the Boards of Visitors of 33 correctional institutions for disciplinary offenses committed by inmates during the period 1 January to 30 June 1982. There were a total of 893 offenses committed by 741 prisoners where the board found the inmate guilty. Escapes accounted for 28% of the offenses; assaulting a prison officer or another person accounted for 24% of the offenses; and offends in an



way against good order and discipline accounted for 13% of the offenses. Various other minor offenses accounted for the other 35%. In all 1,231 punishments were awarded for the 756 punished offenses committed by the inmates. Two thirds of the offenses (504) were awarded one punishment and the remaining (252) received an average of 2.9 punishments. Of the 1,231 punishments imposed the most frequent were forfeiture of remission (51%), forfeiture of privileges (16%), stoppage of earnings (15%), cellular confinement (11%), and exclusion from associated work (7%).

Dauber (1972) conducted a study of a Federal Court's effectiveness as an institutional mechanism for assuring fairness in administrative decision-making in prison disciplinary hearings. The object of the study was to determine the impact of the judicial decree, which established disciplinary procedures at the Rhode Island Adult Correctional Institution. Dauber found that the immediate effect of the decree was to reduce the severity and the abusiveness of punishment administered by the disciplinary board.

After the Court's intervention there was a total of 207 offenses committed where the board found the inmate guilty. Trouble with the guards accounted for 31% of the offenses; assaulting a prison officer or

another person accounted for 22% of the offenses; and refusals accounted for 15% of the offenses.

In all 229 punishments were awarded for the 207 punished offenses by the inmates. The punishments imposed the most frequently were segregation (19%), loss of good time (7%), reprimand, suspended or probation (31%), loss of privileges (16%), referred to classification board (7%) and kept in cell (5%).

Conflicting findings have been reported on the subject of inmate's adjustment to prison life. On the one hand, researchers report that small numbers of inmates account for the majority of offenses committed inside the prisons (Gifis, 1974). On the other hand, studies of national prisoner statistics have found facilities where over half of the prison population had been charged with violations of prison rules (Kathleen Maguire and Timothy J. Flanagan, ed., 1991.)

The latest study conducted in 1986 by the United States Bureau of Census (involving 13,711 prisoner interviews at 275 facilities) revealed that 52.7% of all inmates in the State prison had been charged with prison rule violations during their current sentence. Further analysis of the data showed that 51.2% of the white (non-Hispanic) race, and 56.8% of the Black

(non-Hispanic) race had been involved in prison rule violations. The highest percent of involvement by age were the 18 to 24 year olds (60.2%) and the 25 to 34 years olds at 55.1%. In the category of marital status 59.8% of the inmates who had never been married and 48.1% of the inmates who were divorced or separated have been involved in prison rules violations. That portion of the inmate population with less than 12 years of education were involved in prison rules violations at a rate of 55.6%, while the inmate population having 12 years or more of school were involved in prison rules violation at a rate of 47.8%.<sup>21</sup>

The U.S. Bureau of the Census also collected data on the punishments received by State prison inmates found guilty of prison rule violations from a nationally representative sample of State prison inmates in 1986. The most frequent punishments imposed were solitary confinement or segregation (31.2%), loss of good time (25.3%), confinement to cell or own quarters (15.7%), loss of recreational privileges (15.3%), loss of commissary or store privileges (13.2%) and reprimand (9.4%).<sup>22</sup>

Dauber (1972) found that little correlation existed between the type of inmate misconduct and the type of punishment imposed. He found that an inmate who

angered a guard was as likely to receive a light penalty as a severe punishment. He found incidents where an inmate lost good time or was segregated for being out of place, or talking when not permitted right along with an inmate who had committed a serious offense of escape, had fought, or had used illegal drugs. Inmates were placed in detention just about as often for lesser offenses as for more serious offenses.

Dauber attempted to determine if these differences in punishments could be attributed to the dispositional decision being based on the details of the individual incident versus the category of the type of misconduct. However, he was unable to answer this question because he found that the fact-finding process used by the disciplinary board was inadequate to the point that he was sure they could not have used the circumstances of individual incidents. Also the board's use of maximum punishments in virtually every category of misconduct eliminated the use of maximum punishments to indicate the seriousness of an offense. Finally, he examined the explanation for the existing " . . . divergence of misconduct and disposition . . . ,"<sup>23</sup> that the punishment was varied, not because of the facts of the specific incident, but because of the institutional historical record of the inmate. Again, Dauber

failed to draw any definite conclusion based on the fact that the disciplinary board members did not articulate the basis for their decisions. The one conclusion drawn by Dauber was that the apparent dispositional inconsistencies could lead to the inmates questioning of the fairness of the disciplinary process.

#### Disciplinary Boards and Recidivism

Glaser (1969), when studying the procedures used by prisons to maintain discipline, concluded that: "The immediate concern in discipline is with procuring conformity of inmates to the behavior patterns required of them for smooth functioning of the institution."<sup>24</sup> Glaser felt that this institutional concern for conformity (rather than concern for the particular inmate) had led to significant disagreements and uncertainty among staff members when they attempted to address issues such as: " . . . whether or not penalties should be determined by the type of infraction or by the behavioral patterns and circumstances peculiar to the inmate who commits the infraction."<sup>25</sup>

Glaser identified this inmate-staff relationship as an integral part of the disciplinary system and described three distinct channels used to regulate inmate and staff

communications: "The first is by inmate pressure, the second by informal staff-inmate contacts, and the third by formal arrangement."<sup>26</sup> In speaking collectively about the Criminal Justice disciplinary systems Glaser pointed out the fact that:

Modern criminal and correctional law holds that confinement should vary according to the characteristics of the offender; probation, the indeterminate sentence, judicial discretion in sentencing, and parole serve as alternative, complementary, or supplementary devices for achieving such variation. In applying these devices in the spirit of the so-called 'new penology,' the nature of a man's offense is only one of many pieces of information considered in attempting to achieve an understanding of the offender as a person.<sup>27</sup>

Glaser argues that in spite of this trend within the Criminal Justice system as a whole, prison administrators still contend that the social world of the prison requires that prison managers attempt to operate disciplinary proceedings which support the theory that:

. . . the effective motivating of all inmates in order to achieve conformity to institution rules requires that similar penalties be imposed on all who commit similar rule infractions. Nevertheless . . . penalties are not closely dependent upon the infraction. They are initially uncertain, and are determined largely by the offender's total record and by his attitude while in disciplinary status.<sup>28</sup>

He attributed this dilemma of theory and practice in relationships between inmate-staff, infraction-penalties and control-rehabilitation as the cause for the

formulation of several conflicting hypotheses regarding the effect of the disciplinary proceedings on rehabilitation of offenders. The first hypothesis he explains supports the view point that:

Disciplinary penalties which are determined by offense rather than the offender, and interpreted "by the book" rather than with flexibility, create shared expectations in staff and inmates as to what penalty is mandatory; the person guilty of the offense, therefore, knows the penalty is prescribed by agencies beyond the control of the officers confronted with his offense, so he does not become hostile toward the staff because of it.<sup>29</sup>

Glaser explains definite penalty hypothesis implies that when an inmate commits an infraction he knows what penalty to expect if he is caught. Therefore, the inmate realizes that the staff has no choice but to impose the predetermined penalty on him if he should be caught, regardless of how friendly the staff might feel toward him. Glaser argues that "An impersonal view of punishment by those punished seems to exist . . . ."

therefore, the concept of rehabilitation as a change which occurs in a man's inner values, that discipline rehabilitates inmates providing that the rules becomes internalized as their personal opinions . . . habits are best extinguished if they are not merely punished, but if alternative behavior is reinforced by reward."<sup>30</sup>

The second hypothesis Glaser explains supports the opposite view point of:

. . . flexibility of rules. It asserts that objectionable behavior by men in prison is so diverse that no set of rules could encompass it without being long, complex, and difficult to apply, or so arbitrary that it would arouse resentment by dealing similarly with highly diverse acts.<sup>31</sup>

Glaser explains that this hypotheses of flexible-rules is viewed as a way to minimize the strain in inmate-staff relationships by providing for a policy of flexible rules that can be interpreted to fit each inmate's case. Thus this system allows the staff to consider what effect the penalty will have on the future behavior of the offender. The third hypothesis of constructive-penalty supports that view that the administration of disciplinary penalties is most effective if it:

minimizes alienation of the rule violating inmate from staff and maximizes his alienation from inmate supporters of his infraction; promotes in him a clear regret over having committed the infraction; but provides him with a perception of clearly available opportunities to pursue a course of behavior which will restore him to good standing in the prison and give him a more favorable self-conception than he had as a rule violator.<sup>32</sup>

Glaser defined the prison staff's ability to use good judgment and suppress hostile and prejudicial impulses as an impressive feature of the best prison



discipline system. He stressed that the degree of effectiveness achieved through the use of the flexible-rules and constructive-penalty hypotheses were determined by the caliber of the prison staff. Glaser emphasizes this idea by stating that: ". . . when staff exist . . . flexible disciplinary policy will enhance prison order and augment the rehabilitative influence of inmate-staff relationships."<sup>33</sup>

Based on his assumption that the caliber of the staff determines the effectiveness of the other two hypotheses, Glaser suggested that the definite-penalty might be more effective in a prison with a staff that lacks the ability to use its authority with the proper foresight required by the flexible-rules and constructive-penalty hypotheses. He stressed the point that: "order in a prison is a collective event reflecting the overall patterns of relationship between staff and inmates as well as intra-staff and intra-inmate relationships."<sup>34</sup>

Dauber (1972) found that the custody grade (minimum versus maximum) of the inmate and disciplinary board actions did make a difference in the disciplinary treatments of inmates. He found that punishments in a minimum facility were harsher than those found in a

maximum facility. Inmates housed in minimum custody were more likely to be segregated or lose good time and were less likely to receive a reprimand, lose privileges, have the charges dropped, be found not guilty, or have his punishment suspended than inmates in maximum facilities.

Dauber explained the differences in the treatment of two groups of inmates in three ways. First, he saw the barracks-type setting of the medium-minimum facility as making it " . . . more imperative that an unruly inmate be removed by segregation or reclassification, while in maximum an inmate could be isolated merely by confining him to his own cell."<sup>35</sup> Second, he believed that the staff in a medium-minimum setting expected more from the inmates, since the less restrictive custody carries with it increased privileges and greater responsibility for the inmate. Thus, the staff in the medium-minimum facility punished misconduct more severely. Finally, Dauber attributed the difference in the treatment of the two groups to the different personalities of the members of the disciplinary boards. He found that the disciplinary process was individualistic, but that the determinations were based on the following factors; demographic data (age, race,

length of sentence, number of convictions, maximum release date, and parole eligibility); facts of the incident itself (though somewhat inadequate); an overall evaluation of the inmate's progress (as defined by different staff members); the board members' personal opinions of the inmate; and the custody grade of the inmate.

Dauber examined the prison disciplinary processes and found conflicting multiple objectives. He addressed several significant factors that limited the effectiveness of disciplinary process. He suggested the very nature of the disciplinary process (being driven by a sense of urgency with a goal of closure) to be the most significant factor in limiting the effectiveness of the disciplinary board. Dauber believed that fact-finding at disciplinary hearings is minimized when the preservation of staff morale is threatened or when the incidents of misconduct involved conflicts with the staff. He explained that:

Scrutiny of the types of behavior subject to disciplinary action reveals that the maintenance of control is another critical purpose of the disciplinary process . . . . Discipline contributes to control, not only by curtailing a substantial deterrent to such disruption. Clearly, the maintenance of tight control is a paramount concern of all prison administrators . . . almost all 'rule infractions' were viewed as threats to control and institutional authority. Such rigidity of response and attitude may well exacerbate rather than ease the control problem.<sup>36</sup>

Dauber saw treatment as one of the many purposes of the prison disciplinary system. However, he was not convinced that treatment was considered a prime factor because of the extensive range of action punished through the formal disciplinary system and the inconsistent way in which dispositions were imposed by disciplinary boards. Finally, Dauber saw the disciplinary system being used to suppress unpopular views. Dauber concludes by stating that the current system used by the prison is in and of itself ineffective and that:

Punishment, maintenance of staff morale, control, deterrence, treatment, and the suppression of unpopular ideas must all be considered before a system can be designed which will accommodate the often conflicting purposes of prison discipline.<sup>37</sup>

Howe (1974) stated that men who are likely to become criminals are not often deterred from crime by fear of consequences, especially if those consequences are doubtful; or when certain if they are not immediately visible, and tangible. Otherwise the problem of crime would simply be eliminated with more laws and quicker and more severe punishments. Howe asserts that is why a prison which is poorly managed, even if based on a good disciplinary system, may become intolerable; while a prison based on an inferior system, but administered by high caliber staff may become effective.

Howe advocated:

. . . that system of prison discipline is the best, which, other things being equal, is, first, the simplest, in its nature, and can be administered by ordinary persons, and is least dependent upon the individual character of its officers; second, which appeals most to the moral sense and the affections of the prisoner, and least to his fear and selfishness; and third, which allows the greatest adaptation of its discipline to the different characters of its subjects.<sup>38</sup>

Howe argues that the prison disciplinary system that requires the least possible interferences with the prisoner's actions and leaves him the greatest degree of self-control will be the most effective. He contends that our current system is ineffective because it would ". . . rather improve the character of the prison than the character of the prisoner."<sup>39</sup> He sees the system as breaking down the spirit of the man, subduing their stubborn will, and enforcing obedience, but by doing so:

. . . by extending the same iron rule over all, without regard to the peculiarities of their character, by crushing much that is good, and by withholding what is of more consequence than any thing else to the prisoner, the advantage of voluntary exercise and culture of self-government and self-evaluation"<sup>40</sup>

Colvin (1981) measured the degree of control that an administration had over its prisoner population by the

degree that the prison answered nothing to the following two questions. First, what have I got to lose by resisting? Second, what have I got to gain by conforming? He stated that when the majority of the inmates see individually significant consequences for misconduct, they are less likely to resist. However, since the inmates believe that they are already suffering from the maximum punishment allowed by society, the threat of imposing additional sanctions is not likely to be effective.

Colvin contends that a wide range of incentives are necessary for effective control of prisons. He stressed the use of incentives because he saw them as a way to, ". . . increase the level of punishments and place the prison population in individualized gradients of control rather than in positions of mass opposition."<sup>41</sup>

Ditchfield and Duncan (1987) investigated the ways in which the prison disciplinary system was perceived by inmates, officers, governors, and members of the Board of Governors. The majority of the administrative personnel considered the wide range and severity of the sanctions available to them sufficient to maintain discipline in the prisons. However, inmates and staff responded with

some additional alternatives when asked whether they thought there were better ways of imposing punishments than the existing options. Those responding with a positive answer to the question were asked to elaborate on whether their suggested improvement would be used to effectively make the disciplinary action more or less severe.

Inmates frequently suggested improving the current system by increasing the number of privileges and facilities available to the inmates, therefore providing "more to work for and lose . . ."42 A proportional number of inmates discussed the need to have more 'hard' punishments, such as extra work and hard labor. They seemed to believe that these types of punishments were preferable to frequent use of loss of remission. They perceived the punishment of hard labor as being quick and not resulting in the additional loss of other privileges or additional incidental penalties. The inmates made the argument that this form of punishment would be less severe than the current disciplinary system.

The staff also wanted to have more 'hard' punishments. The staff pointed out that the "general lack of amenities and isolation facilities at their prisons meant that loss of remission was used as a

punishment more often than it should be. "Inmates and staff alike perceived a loss of remission as being the most severe punishment available to the prison disciplinary system and the constraints on alternatives . . . made it the most convenient as well."<sup>43</sup> However they saw the increase in hard punishments as a effective way of making the system more severe rather than less severe. The governors suggested innovations in the area of the development of minor report systems or special control units, rather than additional punishments. The common trend throughout the findings of this research was:

. . . the importance of a prison's facilities and conditions in determining the quality of its disciplinary system . . . . These findings also had implications for the debate about the role of incentives in the prison system . . . the importance of incentives in promoting control . . . was to build them into the system . . . more emphasis must be placed on the carrot than the stick . . . . A very real and positive means of control is missing and there is often no alternative to the essentially negative and wasteful punishment of forfeiting remission.

Schafer (1982) examined the relationship between good time and prisoner misconduct by studying data on disciplinary violations that occurred in the Indian Reformatory, a maximum security prison for male felons. The purpose of the study was to determine if the claim by corrections personnel and criminologists that a change in



the good time regulations would remove inmate's incentives to obey prison rules. Schafer emphasized the importance of this study because he felt that:

There is no empirical evidence that good time serves an incentive for orderly behavior or that the power to take away good time helps staff control the behavior of 'predatory' prisoners . . . a prisoner's behavior usually improves as the date of his parole hearing nears has been cited as evidence, but this improvement is a short-range and may only serve to illustrate the prisoner's ability to plan for immediate gratification.<sup>44</sup>

The data failed to support the contention that changes in good time rules under a determinate sentencing law would encourage prisoner misconduct.

Corrections personnel and criminologists had argued that the trend toward determinate sentencing with the elimination of discretionary release by a parole board would threaten this prison management tool. Corrections personnel and criminologist believed that:

The prisoner will be released on that date unless his institutional behavior results in a credit time reclassification. Prisoners cannot be reclassified without a formal due process hearing which includes a right to appeal. For most prisoners, the presumed parole date becomes the actual date of release.<sup>45</sup>

The prison staff saw the change from good time to credit time alarming because:

Credit time is part of the sentence and is linked, not to good behavior, but to the absence of bad behavior. Since prisoners would no longer have to 'earn' diminution of sentence, the incentive for good behavior would be gone. Many corrections officers predicted that the new provisions would make prisoners more difficult to manage.<sup>46</sup>

However, these claims of increased discipline problems were not based on empirical study of the effectiveness of good time (Forst and Brady, 1985). These claims were simply a emotional reaction to the new penal code that changed good conduct time to credit time thus linking it to the absence of bad behavior so that the expected parole date actually becomes the release date for most inmates.

After the new code, Schafer examined the rule violations within the Indiana Reformatory over a 20-month period and found a clear increase in minor violations. However, he found no significant pattern changes in the number of major violations. The fear by correctional personnel and criminologists that the good time changes would encourage assaultive behavior appeared to be totally unfounded.

Schafer also studied the effect of season and crowding in relationship to major violations rates. He was unable establish any cause and effect relationships. He did find that 90% of the violations were being

committed by new inmates. He highlighted the fact that he could not determine if the increase in numbers of minor violations was a result of actual inmate misconduct or an increase in the enforcement of rules and regulations by the staff in reaction to the change from good time to credit time. He did find that:

It was the officers who perceived the new code as a change from 'earning' good time to getting credit time who predicted a loss of authority and institutional control. The increase in formal sanctions for minor violations might reflect an effort to assert authority over new code violators and thus prevent (or at least delay) the expected loss of control.<sup>47</sup>

Schafer concluded by stating that:

Additional research into prison management techniques, prisoner behavior patterns, and staff and inmate attitudes toward good time is needed before a definite link can be established between changes in good time policy and prison misconduct.<sup>48</sup>

One effect of the prison disciplinary systems that most researchers tend to agree on is expressed by Scott (1974):

. . . inmates receiving the most disciplinary reports were incarcerated the longest . . . . Disciplinary reports have a much stronger relationship with the severity of punishment than does an inmates's institutional adjustment . . . . information on disciplinary reports is more often relied upon for information concerning an inmate's 'rehabilitation' than is his institutional adjustment . . . . Parole board members also assume that inmates who receive disciplinary reports in prison are much more likely to get into trouble on the outside, and thus need more time to prepare for release . . . where two inmates are similar in all relevant characteristics

(legal, institutional, and social-biographical), save for the fact that one had one more disciplinary report than the other, the punishment of the inmate having one more disciplinary report would predictably be nearly three and one-half months longer.<sup>49</sup>

Thus the number of disciplinary reports an inmate has acquired during his sentence is being used to determine if he needs to spend additional time incarcerated. Yet, prison administrators appear to be using prison sanctions as means of imposing retributive form of punishment rather than as a means of correcting the inmates behavior (Marin, 1983).

Marin describes the use of prison sanctions as a tool for deterrence as ineffective:

. . . whatever deterrent effect a prison punishment may have with respect to the institutional offense committed, it is very unlikely that prison punishments deter criminality of the kind that puts people in prison . . . avoidance of institutional punishment creates a sort of manipulative behavior which is meaningless at best and more than likely antiformative<sup>50</sup> with regard to life outside the walls . . . .

Marin attributes the ineffectiveness of prison disciplinary system to the fact that prisoners have little choice in anything that happens to them while they are incarcerated. He associated the effectiveness of the prison disciplinary system's ability to become reformatory or effective in changing inmate behavior when the inmate is allowed to become an active participant

throughout the system; when offenses are categorized into those that are criminal in nature and those which are not; and when punishments are linked to reformative goal and instill of responsibility in the inmate rather than encourage simple submissiveness.

An area in which little research has been conducted is the collateral consequences (Fleming, 1981 and Gifis, 1974) that prison sanctions have on the reformative behavior of an inmate. The lack of substantial amounts of empirical data in this area is related to the difficulty in measuring the actual collateral consequences (effect) of sanction such as isolation or the use of disciplinary board results to decide whether to parole an inmate. The assumed effect of these actions is considered greatest among the prison community (both inmate and staff).

### Summary

A review of the literature regarding the prison disciplinary system, and related social issues, indicated that researchers have been more concerned with defining the prison disciplinary system in relation to its ability to maintain social control and protection of inmate's rights than the effect of this system on the individual inmate's behavior. Historically, this has resulted in

little empirical data being presented because the author's concern has been the discussion of a range of problems without reaching any definite conclusions.

Some researchers have conducted these studies with the intention of examining the rehabilitative effect of the system on the inmate; however, their findings tend to stop short of their stated goals. Some simply define the system in terms of how well the prison disciplinary system complies with mandated laws. Others simply examined subparts of the prison disciplinary systems using only one or two variables without looking at how these subparts and variables (or additional) may effect the system as a whole.

Researchers (Dauber and Shichor, 1979; DiIulio, 1987; and Hepburn, 1989) agree that prison disciplinary systems were established as a formal system to replace the informal system (intra-inmate) and are multidimensional in nature and purpose. However, studies such as the one conducted by Lindquist (1980) support the need for additional research in the areas of inmate adjustment and staff response to inmates. Gifis (1974) as many other researchers acknowledge that data is scarce in the correction institutional field.

Specifically, there appears to be a need to focus on the significant relationship that the disciplinary board has on the reformative behavior of inmates. This must include the study of the numerous variables that impact on the inmate as well as the system. The particular inmate must be studied by examining: (1) his behavior, (2) the system's effect on his behavior, and (2) the inmate's effect on the system.

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## CHAPTER III

### METHODOLOGY

#### Introduction

One of the commonly used management tools inside the prison disciplinary system is the disciplinary board. Forty one-percent of the United States Disciplinary Barracks current population has appeared in front of a disciplinary board, which is consistent with, though slightly less than non-military institutions (52.7%). Despite the wide spread use of the D&A Board, it has been difficult to find specific research addressing the effectiveness of the D&A Board to deter misconduct and correct deviate behavior of inmates.

Numerous studies have focused on the processes of the board and the identification of the common demographic characteristics of inmates that have appeared before the disciplinary board, but that is the point at which the studies have ended. The ability or potential of the disciplinary board to reform inmate behavior has not been determined.

These studies generally discuss, but do not explain issues such as: (1) the ability of the

disciplinary board to deter rules violations and misconduct; (2) the ability of the disciplinary board to reform a particular inmate's behavior; or (3) the ability of the board to impose sanctions that will deter the inmate from reappearing in front of the disciplinary board. Yet, correctional personnel, mental health personnel, and parole boards all use records of the disciplinary board proceedings to make decisions on the custody level, treatment opportunities, and release dates for inmates. Using the data in the records of the United States Disciplinary Board this study will address these issues.

#### Design

This study was designed to determine the effect Discipline and Adjustment Boards have on the conduct of a institutionalized military offender population. The study focused on the variables pertaining to the personal background characteristics, criminal history, and confinement history of military offenders who had appeared before a D&A Board during calendar year 1991. The research was conducted inside the United States Disciplinary Barracks beginning in the Fall of 1990 and was completed in the Spring of 1992.

A detailed amount of information was collected on the Discipline and Adjustment Boards as well as the inmates. General information on D&A Boards was obtained from the pertinent external and internal regulations and policies. The primary source for specific data on the 1991 D&A Boards was taken from the information contained in the D&A Board records. All information collected on the inmates was obtained from the inmate correctional treatment file and the Correctional Reporting System.

The United States Disciplinary Barracks Discipline and Adjustment Board procedures are discussed in depth in section one of Chapter Four. Section two is a discussion of the results obtained from the data analysis of the personal background characteristics variables, criminal history variables, and confinement history variables of the inmates and their interrelationship with the D&A Board. General trends are identified from the results of the data analysis developed through the use of a simplistic probabilistic model. A profile of the inmate "most likely" to appear before the D&A Board was also developed (Appendix G). Finally, Chapter Five contains recommendations aimed at two specific areas of concern: the existing Discipline and Adjustment Board data collection and maintenance process; and the need for additional research.

### Subjects

The sample for this study came from the United States Disciplinary Barracks population of 1,430 inmates in 1992. This population of 1,430 inmates included 291 inmates who appeared before a disciplinary board in 1991. Since females consist of only 1% of the population, which is too small to make general observations, females are excluded from this study. All male inmates whose records were adequate and complete with the relevant data were included. Based on the above deletions the research sample was reduced to 1,373 inmates including 234 inmates who appeared before a disciplinary board during calendar year 1991.

The principal source of data for this study was obtained from the information recorded in inmates Correctional Treatment Files (CTFs), which is the primary record system for inmates incarcerated at the United States Disciplinary Barracks. The starting point of this study was the collection and analysis of the demographic data of the entire population (n=1,373). The records of the 234 inmates were then analyzed in comparison with the entire population. Finally, the records of the inmates who appeared before the disciplinary board for the first time in 1991 (n=118 inmates) and the repeat offenders (n=116) in 1991 were analyzed and compared in an attempt

to interpret the findings and to discuss their implications. A schematic of the population and samples used during this study can be found at Appendix A.

### Variables

The review of literature showed that personal background characteristics, criminal history, and confinement history all contained factors that appeared to be significant regarding an inmates involvement in the prison disciplinary system. Consequently, specific personal, criminal and confinement factors have been included in this study.

A simple probabilistic model and joint probability tables were used to identify indicators of significant factors and to compare individual characteristics and populations. This analysis was used as a tool for developing a profile of the inmate "most-likely" to appear in front of a D&A Board inmate. The specific variables used in this study are listed in a Table of Variables. (Appendix B).

## Instrumentation

### Cumulative File

The majority of the data used in this study was gathered from the files maintained within the various directorates of the institution. The instrument used to record the data collected from the institution's files was a fact sheet, designed and created for use in this particular study. The fact sheet was divided into three subject areas. Area one included demographic data; area two summarized the board and offense data; area three summarized the sanctions imposed by the board against the inmate (Appendix C).

Once the entire data base had been gathered it was organized and sorted using the variables mentioned in the preceding paragraph. Cumulative files were established and the variables were studied for trends and patterns. Data-Base III, Quattro Pro, and Harvard Graphics were used to create the charts, graphs and tables displayed in Appendix H.



### Procedure

Approval for the study was granted by the Commandant of the United States Disciplinary Barracks, with sponsorship by the Directorate of Mental Health. Behavior specialist and information management personnel provided assistance in arranging materials, facilities, resources, computer programing and media support for the research.

The focal point of the first six months of research was the development of thorough knowledge about the prison disciplinary system, specifically the Discipline and Adjustment Board proceedings. The research methods used to obtain the required information included personal interviews and observations and the identification and complete familiarization with the pertinent external and internal regulations, standing operating procedures and policies which applied directly or indirectly to the D&A Board. The interviews and observations conducted were aimed at staff members assigned to the D&A Board; cadre members who have referred inmates to the boards; the President of the D&A Board; inmates; and cadre whose job required contact with inmates sentenced to disciplinary segregation as a result of D&A proceedings.

The 2nd stage of the research was conducted over the following twelve months. One thousand four hundred and thirty files were screened to isolate the files for inmates that had been referred to the D&A Board during calendar year 1991. The result of the file search was the identification of 291 inmates that had been referred to the D&A Board based on an alleged rules violation or some form of misconduct. However, fifty seven of the inmates had been released from the United States Disciplinary Barracks and their individuals files had been removed.

Therefore, the targeted data was collected from the remaining 1,373 files and transferred to a computer data base that had been established to support this study. Data specifically addressing the remaining two hundred and thirty four inmates who had D&A Boards in 1991 was transferred directly from the file to the Discipline and Adjustment Board After Action Fact Sheet. The D&A Board data was then transferred to a computer data base established for this study.

#### Analysis of the Data

According to Moore (1983) descriptive research is the collecting of data in an attempt to describe as accurately as possible an individual's behavior, attitude

or values.<sup>51</sup> The purpose of descriptive research is to determine what presently exists in relation to a particular problem or phenomenon. It attempts to portray an accurate picture of the current situation or specific event. Descriptive research may even be used at times to describe the interrelationships between a situation and event in an attempt to obtain information that will be immediately useful. Just as important is the ability to use the information obtained in descriptive research to plan for subsequent experimental studies.

This investigation was conducted using descriptive research for purpose of describing the situation and interrelationship that currently exists between the D&A proceedings and inmate conduct. A simple probabilistic model and joint probability tables were used to identify indicators of significant factors and to compare individual characteristics and populations resulting in the development of a profile of the inmate "most-likely" to appear in front of the D&A Board. The results of this study will be used to offer recommendations for improvement and additional study.

## ENDNOTES

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## CHAPTER IV

### RESULTS AND DISCUSSION

#### Introduction

This chapter includes a discussion of the institutional setting, the D&A Board process and the results of the data analysis. For purposes of organization and presentation, the chapter has been divided into two major sections. Section one is a general discussion of the United States Disciplinary Barracks and the specific administrative disciplinary measures and procedures practiced by the institution. Section two is a discussion of the results obtained from the data analysis of the variables pertaining to the personal background characteristics, criminal history, and confinement history of the inmates and the interrelationship these variables had with the D&A Board. General trends are identified from the results of the data analysis developed through the use of a simplistic probabilistic model. A profile of characteristics was developed that describe the inmate "most-likely" to appear before a D&A Board. The results of these analyses are displayed in tables and figures throughout the appendixes.

## The United States Disciplinary Barracks

### The Setting

The United States Disciplinary Barracks (USDB) is the only maximum security prison in the Department of Defense. It began operations on 21 May, 1875, and is the oldest penal institution in the Federal Prison System.

The main confinement area of the institution covers an area of 12 1/2 acres surrounded by a rock wall that varies in height from 17 feet at its lowest point to over 42 feet at its highest point. North and adjacent to this walled area is a 10 acre fenced and lighted outside recreation field. Other outside areas under USDB control include a greenhouse, the Military Prison Cemetery, the Local Parolee Unit and a 2600 acre farm.

The USDB was accredited by the American Correctional Association on January 12, 1988. The accreditation was awarded based on the institutions' ability to meet more than 450 stringent standards set by the Association. The USDB is the only military organization, and one of less than 20% of all institutions in this country and Canada, that is currently accredited.

The USDB staff includes members of the United States Army, the United States Air Force, the United States Marine Corps and Department of the Army Civilians. The military staff is provided by the USDB by the 705th Military Police Battalion, the United States Air Force Detachment, and the Marine Corps Detachment.

The correctional philosophy at the USDB is displayed at the main entrance of the institution and is known as the official motto of the institution: "Our Mission, Your Future." The mission of the USDB is to provide correctional treatment, training, care, and custodial supervision necessary to return military prisoners to civilian life as useful citizens. The facilities of the USDB achieve their mission by providing the inmate population with marketable skills through training and the administration of treatment programs aimed at improving the individual inmate's attitude and motivation by addressing their individual needs.

The current operational capacity of the USDB based on number of staff assigned is a population of 1,503. Both male and female service members are confined in the USDB. Five custody grades are used when classifying inmates in the USDB. The custody grade assigned to an inmate determines the level of supervision and restraints that will be placed on the inmate by the staff and

cadre. The custody grades range from the least restrictive (installation parolees) to the most restrictive (maximum) custody. Appendix C is a table explaining each custody grade and how it relates to an inmate's housing assignment, employment opportunities and movement restrictions.

### Inmate Reception

USDB Regulation 15-1, Directorate of Classification governs the processing of a newly-arrived inmate through the established reception program in the USDB. The staff recognize the reception program as the most influential program in terms of affecting and determining an inmate's future attitude and pattern of behavior. Initial processing of an inmate includes physical reception and segregation, clothing issue, and a complete physical examination within the first 24 to 36 hours after his arrival at the USDB. After this initial processing has been completed, the institutional orientation begins and is usually completed within 2 to 5 weeks.

Phase one of the orientation is the opportunity for the Commandant and other staff members to interface with the inmates. Emphasis during phase one is on institutional rules and procedures and an orientation



highlighting the opportunities available to the inmate for self-improvement. Inmates are interviewed by staff personnel and complete forms which provide the basis that is used to design individual treatment programs.

Following the initial evaluation by a social worker, each inmate is assigned a case manager who maintains regular contact with the inmate. The case manager monitors the inmate's behavior to assist in evaluating his: (1) ability to adjust to confinement; (2) readiness for custody elevation; (3) preparation for parole or release plans; (4) reclassification summary submission to disposition boards; and (5) need for referral to existing mental health treatment programs to include psychiatric evaluation, psychological testing, and group and individual psychotherapy.

Participation in group therapy is also part of the orientation process for the newly-arrived inmates and is conducted in eight sessions:

Session One

Introduction to the Course

Introduction to Group Process

Understanding Patterns of Assertiveness

Transactions Relating to Communication

Session Two

Communication and Group Process

Session Three

Understanding and Coping with Stress

Session Four

Application of Stress Release Techniques

Session Five

Understanding Behaviors Which Lead to Drug Abuse

Session Six

Understanding the Effects of Drug Abuse on Behavior

Session Seven

Understanding the Problem Solving Process  
Changing Behavior

Session Eight

Developing a Personal Strategy for  
Rehabilitation Preparing For Follow-on  
Group Therapy

The preliminary interviews and information collected (self-report or test results) during these first few weeks of the inmates arrival at the USDB are used to evaluate the inmates in terms of: (1) educational needs, interests, career plans and goals; (2) religious background and desires; (3) history of criminal activities; (4) history of military service; and (5) psychological history and need for additional evaluation

and testing as determined by the psychologist. This information is also used when the inmate is considered for custody level (which determines domicile assignment), clemency, restoration, and parole. Therefore, the result of these initial interviews and tests are combined with the inmate's conduct since time of incarceration to determine the inmate's future. A visual display of this concept of "positive" integration and progression is located at Appendix D.

### Administrative Disciplinary Measures and Disciplinary Action Procedures

#### Introduction

Military confinement and correctional facility commanders are authorized to restrict the movement and actions of prisoners, and to take other actions as required to maintain control and protect the safety and welfare of prisoners and personnel assigned to the correctional facility. However, privileges can only be withheld from prisoners on an individual basis by using the administrative discipline measure authorized by Army Regulation 190-47, United States Army Correctional System. The inmate disciplinary system of the United States Disciplinary Barracks is in strict compliance with the requirements contained in AR 190-47 and is in effect its method of governing inmates.

An inmate becomes a active member of the disciplinary system merely by being incarcerated in the United States Disciplinary Barracks. His indoctrination in the disciplinary system begins with the issuance of his personal copy of The United States Disciplinary Barracks Regulation 600-1, Manual For The Guidance of Inmates (USDB Reg. 600-1, MGI); and will only end when he returns his copy of the MGI upon his release.

This manual is issued to the inmate during his reception period. It is the rule book by which he must live. It is designed to help inmates understand the rules of the institution and to insure that he knows what will be expected of him during his incarceration.

Army Regulation 190-47 requires that every incident of misconduct that occurs inside a correctional institution be investigated. Investigating officers are required to advise the inmate of their right to remain silent and that any statement made by them may be used against them in a criminal trial or Discipline and Adjustment proceeding. The USDB also requires that before a inmate is interviewed he be notified of the specific violation of the MGI that he is suspected of committing, the nature of the offense, and the fact that he is suspected of committing the offense. The inmate is told that he has the right to consult with counsel and to

have counsel present during questioning. If requested, arrangements are made for the inmate to meet with an attorney as soon as possible. Witnesses are interviewed and written sworn statements obtained. The investigation is completed as quickly as possible and a disciplinary report is submitted to the officer responsible for discipline within the institution. The Commandant of the United States Disciplinary Barracks designated the Director of Custody (DOC) as the officer responsible for the care, custody, and correctional supervision of the inmate incarcerated inside the USDB.

When the DOC receives the disciplinary report he decides the appropriate action to be taken. He has seven distinct and separate options. Each of these options carries with it a significant difference in the degree of punishment and the degree of collateral degradation that may result from its use. The seven options are: (1) dismissal of the charges; (2) directing the report be filed in the inmate's records as unfavorable Incident/Observation Report; (3) instructing a staff member to counsel the inmate; (4) referring the case to a Discipline and Adjustment Board; (5) initiating court-martial proceedings; (6) recommending an Article 72 hearing Board be convened to vacate a previously

suspended court-martial sentence; or (7) recommending to the Commandant or Chief of Staff that suspended punishment from a previous Discipline and Adjustment Board be vacated.

#### Minor Infractions

Minor infractions that do not justify action by the D&A Board are recorded on a Incident/Observation Report, USDB Form 371, and submitted to the guard commander for review. The staff member initiating the report informs the inmate of the specific type of misconduct that he has been accused of violating. An inmate charged with a minor infraction has the right to submit a Inmate Request Slip explaining or denying the charges, or requesting a hearing before the Housing Unit Officer. The Inmate Request Slip is completed by the inmate and provided to the staff member initiating the Incident/Observation Report. The guard commander then forwards the Incident/Observation Report and any request slip through DOC operations to the appropriate Housing Unit Officer.

The Housing Unit Officer conducts an informal hearing and reviews all of the paperwork submitted. He informs the DOC Operations Officer of his recommendation to either file the case unfavorably or without action.

Inmates that desire to rebut unfavorable reports can forward their rebuttals to the Housing Unit Officer on an Inmate Request Slip within 24 hours of the incident.

Each housing unit maintains a USDB Form 146 (Domicile Conduct Report) for each inmate. This form is used to record minor violations of institutional rules which do not warrant an Incident/Observation Report, such as failing a cell inspection. The record of each violation is referred to as a "domicile entry" or "DE." An inmate receiving three domicile entries in 30 days is counselled and put on "probation" for 30 days. An inmate who receives a domicile entry while on probation will also receive an Incident/Observation Report and could be required to appear before a Discipline and Adjustment Board. An inmate suspected of an offense requiring that he appear before a D&A Board is notified, in writing, on USDB FL 26 (Rev) (Notice of Discipline and Adjustment Board Appearance) a minimum of 24 hours in advance of the hearing.

#### General Board Considerations

United States Disciplinary Regulation 190-4, Discipline and Adjustment Boards, establishes the policy and procedures for the operation of the Discipline and Adjustment Board at the United States Disciplinary

Barracks. The Commandant convenes the D&A Board for the purpose of evaluating the facts and circumstances surrounding alleged violations by a inmate of the institutional rules as set forth in USDB Reg. 600-1, Manual for the Guidance of Inmates (MGI), and violations of the Uniform Code of Military Justice.

Boards should convene no later than 7 working days from the time the case is provided to the D&A Board by the Military Police Investigations. The inmate can waive this time standard, but exceptions must be documented as a part of the record. The board members are expected to consider each case individually on its own merits. After a thorough and impartial evaluation of the relevant facts and circumstances the D&A Board members provide the Commandant with their findings and recommendations for corrective action. The board is charged with recommending actions that will have a positive effect on the individual inmate's attitude and behavior in an attempt to prevent future violations or misconduct by the particular inmate.

The accused inmate has a right to be present for all open sessions of the D&A Board hearings unless he declines or is removed because of misconduct. The inmate is informed of the D&A Board results and given 15 days to appeal the Boards' decision. A copy of the Board results



are placed inside the inmate's Correctional Treatment File (CTF) by the Director of Classification.

#### Composition

The D&A Board may consist of either one or three members. The Director of Custody can refer a less serious violation to a one-person D&A Board instead of the usual three-person D&A Board. The one-person D&A Board must consist of an officer appointed as the D&A Board President. A one-man board is limited, compared to a three-man board, in disciplinary and management actions it can recommend and the inmate must voluntarily agree to the one-man board as opposed to a three-man board.

Three-man D&A Boards are composed of two officers and one senior noncommissioned officer. The Board President is an officer and is responsible for ensuring that each member of the board is impartial. A member of the Directorate of Mental Health is present to observe the proceedings and to advise the Board on matters relating to the further understanding of the inmate. If the inmate is found not guilty all references to the board are removed from his Correctional Treatment File and the Directorate of Mental Health File.

### The Hearing

The President of the Board begins the hearing by informing the accused of the charges against him. All witnesses called by the D&A Board are sworn in by the President. Yet, the Board is not required to adhere to the formal rules of evidence.

Therefore, oral or written material that is considered reasonable and relevant in the minds of the board members is admitted into evidence without regard to technical rules of admissibility. Upon completion of the presentation of evidence against the accused, the President of the Board informs the accused that he has the right to submit any relevant evidence either in defense or in extenuation and mitigation. The accused is also told that he has the right to make a statement to the Board, but that if he does make a statement, anything he says can be used against him by the Board or in a court-martial.

An inmate accused of misconduct and appearing before a Discipline and Adjustment Board may be found guilty of the offense(s) charged, or of offense(s) which are always a smaller part but included in the offense(s) charged. A lesser offense is always found in a charged offense whenever the specification contains allegation which either expressly or by fair implication put the

inmate on notice to be prepared to defend against it in addition to the offense specifically charged.

An unanimous vote of the Board members is required for a decision of founded. Appropriate recommendations concerning corrective action are decided by majority vote. When the Board completes its deliberations, it convenes in the presence of the prisoner and advises him of their findings and recommendations.

#### Disciplinary and Management Actions

Administrative disciplinary action and management recommendations are governed by the category of offenses listed in the Manual for the Guidance of Inmates (Appendix E). In accordance with USDB Reg. 190-4 the board can recommend any or all of the following administrative disciplinary or management actions.

(1) Administrative disciplinary actions:

(a) Reprimand or warning.

(b) Extra duty not to exceed 2 hours per day for not more than 14 consecutive days.

(c) Deprivation of one or more privileges  
Recreation Restriction) for a specified  
period of time, not to exceed 60 days.

(d) Disciplinary Segregation (DS) for an  
indefinite period, generally not to exceed 15  
days. If the board feels it is warranted in  
a particular case, DS may be recommended for  
a specific number of days, not to exceed 60  
days.

(e) Forfeiture of all or part of earned Good  
Conduct Time and or Extra Good Conduct Time  
(abatement).

(f) Vacation of previously suspended  
disciplinary actions.

(2) Management actions:

(a) Reduction in custody is a proper  
recommendation for the board to make, if  
justified by the circumstances. Such a  
recommendation is a management action and  
cannot be justified as punishment. To  
sustain such action, the inmate's misconduct,  
past history and or recent conduct must

demonstrate that a greater degree of custodial supervision is appropriate.

(b) That an Article 72 hearing be convened to determine whether the suspended portion on a sentence should be vacated.

(c) Trial by court-martial.

(d) Suspension of any punishments imposed for a period not to exceed 90 days.

(e) Detail change, domicile change, or any other action which seems to be meritorious considering all circumstances.

(f) Initiation of consideration for transfer to federal facilities, based upon the overall conduct and demeanor of the inmate as balanced against the potential for correction, treatment and rehabilitation at the USDB. The Commandant or Chief of Staff will review such a recommendation and if transfer appears warranted, will refer the case through command channels for a due process hearing before a judge or magistrate. Such a hearing may be directed only by the Commander, Combined Arms Command and Fort Leavenworth. All proceedings will then be forwarded to the appropriate service

department for final coordination and resolution.

(g) Suspension of visitation privilege, if the infraction occurred during visitation.

(h) Termination of Extra Good Conduct Time (abatement).

(i) Reduction of the inmate's monthly Health and Comfort (H&C) gratuity by an amount not to exceed twenty (\$20.00) dollars per month for a period no longer than three (3) months. Such reduction will not exceed the dollar value of the item(s) damaged or destroyed or a total of sixty (\$60.00) dollars, whichever is less, for each infraction in which the inmate is found to have deliberately or negligently damaged or destroyed property belonging to another, to include government property.

### Appeals

Disciplinary actions approved by the Commandant are ordered into execution without regard to appeal procedures. Still, forfeiture of good conduct time and abatement time that is approved by the Commandant can be appealed to the next higher command. The inmate is

required to submit his appeal through command channels within three working days of being notified of approval action. Appeals are acted upon and results are communicated to the prisoner within 30 days of their submission.

### Characteristics of the Inmate Population

#### Presentation of Data Analysis

This section will be used to discuss the results obtained from the data analysis of the personal background characteristics variables, criminal history variables, and commitment history variables of the inmates and their interrelationship with the D&A Board. General trends are identified from the results of the data analysis developed through the use of a simplistic probabilistic model. This analyses was instrumental in the development of a profile of the inmate "most likely" to appear before the D&A Board (Appendix G).

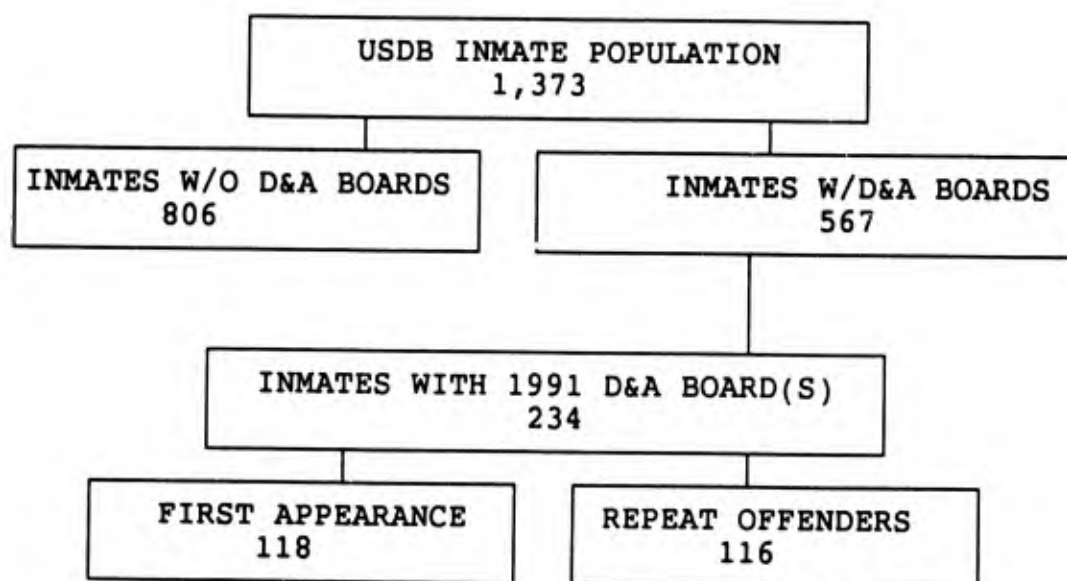
The sample for this study came from the United States Disciplinary Barracks population of 1,430 inmates in 1992. This population of 1,430 inmates included 291 inmates who appeared before a disciplinary board in 1991. Since females consist of only 1% of the population, which is too small to make general

observations, females are excluded from this study. All male inmates whose records were adequate and complete with the relevant data were included.

Based on the above deletions the research sample was reduced to 1,373 inmates including 234 inmates who appeared before a disciplinary board during calendar year 1991.

#### POPULATION SCHEMATIC

##### The United States Disciplinary Barracks





Although the Negro ethnic group accounts for the highest percentage of the D&A Boards the Negro Hispanic group is the most likely population to have a D&A Board (See Figure 7).

#### Education Level

The majority (71.0%) of the USDB population has a high school diploma (Figure 8). Figure 9, 1991 D&A Boards Education Level, shows that inmates with less than a high school diploma have a proportionally higher chance of appearing before a D&A Board. At the other end of the education spectrum, Figure 10 shows that inmates with more than a high school education are proportionally less likely to have a D&A Board.

Figures 11 and 12, illustrate that first time offenders and repeat offenders have the same trend. Figure 13, the Probability of a D&A Board Given Education Level, clearly shows the more education an inmate has the less likely he is to have a D&A Board.

#### Marital Status

Slightly less than half (46.4%) of the inmates are married, just over a third (36.9%) are single, 13.5% are divorced, and the other 3.2% are widowed, legally

## VARIABLES

### Average Age

As shown in Figure 1, the average age of the inmates with D&A Boards was three years younger than the general population. This finding is consistent with other prison populations. Though the average age of the inmate at the USDB is slightly younger overall the younger USDB inmates are more likely to be charged with some form of rules violation or misconduct than older males in the USDB.

### Race

As shown in Figure 2, the general population is made up of two primary ethnic groups, Caucasian (46.0%) and Negro (45.7%). The other 8.3% of the population is Hispanic, Negro Hispanic, American Indian, and Asian.

The ethnic breakdown of inmates with and without D&A Boards is shown in Figures 3 and 4. The Negro ethnic group has a proportionally higher D&A Board percentage than the other populations. First time and repeat offender groups are shown in Figures 5 and 6. The Negro population again has a higher offender percentage.

separated or annulled (Figure 14). Figures 15 and 16 indicate that single inmates account for most of the D&A Boards (56.0%).

This is particularly significant since one third of the population accounts for over one half of the boards. Figures 17 and 18 show that single inmates account for nearly two thirds (64.7%) of the repeat offenders. Figure 19 shows that single inmates are more than twice as likely to have a D&A Board than inmates in any other category of marital status.

#### Branch of Service

The predominate branch of service is the Army (74.8%) and the other 25.2% is divided among the Air Force, Marine Corps, Navy and Coast Guard. Figures 21 and 22 show that while the Army inmates have most of the boards the Marine Corps has a proportionally larger number of boards. The first time and repeat offender Figures 23 and 24 illustrate this same distribution of boards. Figure 25 Probability of a Board given Branch of Service, shows that the Marines and Army inmates are most likely subjects for a D&A Boards, while Navy and Coast Guard inmates do not go to D&A Boards.

### Military Occupational Speciality

The military occupational specialities were so widely dispersed that no general trends were recognized. Although certain military occupational specialities account for a larger part of the population they accounted for an proportionally equal number of D&A Boards.

### GT Score

The average GT score for the general population is 104 (Figure 26). Figures 27 and 28 show a similar distribution of GT score for inmates with and without D&A Boards. There is a slight tendency for inmates with lower GT scores to have more D&A Boards. Figures 29 and 30 show that repeat offenders have a lower GT score than first time offenders in general. Figure 31, Probability of a D&A Board Given GT Score, shows that in general the D&A Board offenders are fairly evenly distributed by GT score group. The one spike at the 130 - 139 GT Score is due to a small population (5 inmates total).

### Prior Civilian Record

The general population statistics show that of inmates without a D&A Board 80.0% have no prior civilian Record while 20.0% have prior civilian records. Whereas

inmates with a D&A Board have a greater incident of prior civilian record (31.0%). Figure 33 shows that the percentages of inmates with prior civilian records remain approximately the same for first time and repeat offenders.

#### Nonjudicial Punishment Record (Article 15s)

Over 80% of the general population have no record of Article 15s (Figure 34). Inmates with D&A Boards are about 8% more likely to have been punished with an Article 15 (nonjudicial punishment used by military commanders in cases of minor offenses) prior to their confinement than those without a D&A Board (Figures 35 and 36). The first time and repeat offender information (Figures 37 and 38) show that repeat offenders with Article 15s are more likely to be D&A Board subjects. Figure 39, shows that as the number of Article 15s increase so does the probability of having a D&A Board.

#### Confining Offense

Rape, Drugs, and Murder offenses account for more than half (52.7%) of the offences committed by inmate population (Figure 40). For inmates without D&A Boards the distribution of the inmates among the confining offense is similar to the population at large (Figure

41). However, for inmates who have D&A Boards there are disproportionately larger numbers of inmates who have D&A Boards with confining sentences of Rape, Murder, Larceny, Assault, and Robbery (Figure 41 and 42). This trend is again evident in the first time and repeat offender figures (Figure 43 and 44). Figure 45, the Probability of a D&A Board Given Confining Offense, clearly shows the trends identified above.

#### Confining Sentence

The confining sentence for the inmates has peaks at multiples of five years. This is clearly shown at Figure 46. The confining sentence for inmates with and without D&A Boards follows the same multiple of five peaks as the general population (Figures 47 and 48). The first time and repeat offender information, (Figures 49 and 50) indicate first time offenders have a shorter sentence than repeat offenders. The Probability of a D&A Board given confining sentence shows a flat U-shape distribution of D&A Boards among the categories of sentence. Generally the inmates with short sentences and those with long sentences are more likely to have a D&A Board than those with sentences between the two extremes (Figure 51).

### Custody Level

Several interesting facts emerge from the analysis of custody. First there were no D&A Boards for inmates being processed through reception. Second there are proportionally larger numbers of inmates at the Maximum and Medium level of custody who have D&A Boards. While the lesser degrees of custody, Minimum Inside Only, Minimum, and Installation Parolee have the least incident of D&A Boards. See Figures 52 and 53.

### Living Area

Figure 54 shows the distribution of inmates by living area. Figure 55 shows where the inmates live who have had a D&A Board. Clearly 3 Wing, 4 Wing and 7 Wing account for the majority of the inmates who appear before a D&A Board. However a significant number of inmates also live in 3 Wing, 4 Wing, and 7 Wing which tends to evenly distribute the percentage of D&A Boards when compared to the general population. Figure 56, The Probability of a D&A Board Given Living Area, shows that those inmates who live in 4 Base (maximum custody) have almost twice the incident of D&A Boards on a percentage basis as any other living area. Two other notable living areas for their low D&A Board rate are Building 465 (3.8%) and the Local Parole Unit (0.8%).

### Detail

The inmates are categorized by four work details shown on Figure 57. The majority (99.2%) of the inmates' detail assignment is to the Directorate of Training, the Security Battalion, and Directorate of Resource Services (Figure 58). Figure 59 shows that inmates whose detail assignment is to the Directorate of Resource Services are the most likely to have a D&A Board (56%), while the other major detail contributor is the Security Battalion.

### D&A Boards

Of the inmate population of 1373, 806 inmates have no D&A Boards while 567 have D&A Boards. During 1991 there were 234 inmates who had 490 boards for 830 offenses. Figure 60 graphically depicts the inmates with and without D&A Boards. Some inmates obviously account for more than one D&A Board (Figure 61). However, there was no evidence that any single cadre or staff members was responsible for more than a few reports for any given inmate.

An examination of the inmates without D&A Boards show that a high percentage of inmates without D&A Boards have more than two years inside the USDB (Figure 62). This is particularly significant since most inmates (83.1%) who have D&A Boards do so within the first two



years of confinement. In fact 56.0% of the inmates have their D&A Board within the first year (Figure 63). This is an indication that more than half the inmates will never appear before a D&A Board.

Analysis of the time of the offenses are contained in Figures 64, 65, and 66. The months between March and October have roughly twice the number of offenses as November thru February. As for day of the week, Monday is highest with Tuesday thru Thursday having offenses being committed at about the same rate as Monday. On Friday the average number of offenses falls by 20, while Saturday and Sunday have the lowest incident rate of 45 offenses each (Figure 65). The time of day of the offenses have peaks at 0700, 1300, and 1600 (Figure 66). The times of incidents correlate directly to accountability times.

Most of the offenses occur within the domicile area (66.7%) (Figure 67). Just over 11% of the offenses occur at Detail and in the Dining Facility. The other offenses are committed in common areas or at recreation.

The average time between the date of offense and the date of the D&A Board was 30 days. Of the 830 cases heard, 81.2% were founded, 9.6% were unfounded, and 9.2% were dismissed (Figure 68). The offenses were categorized into four divisions. The total cases heard

and founded by category are displayed at Figure 69. While most of the offenses were found, Category I and IV cases heard were found at a higher rate than Category II and III offenses.

### Offenses

Offenses are listed at Figure 70. Disobedience, Rule Violations, Conduct which Threatens, and Staff Harassment are the most frequent offenses. The average number of Prior D&A Board appearances indicates that the inmates who commit these offenses are repeat offenders. The number of prior D&A Board Appearances in order are: 8, 5, 5, and 7.

### Disciplinary/Management Actions

Figures 71 and 72 show the types of administrative and management actions imposed by the board members to the 234 inmates that appeared in front of 490 boards in 1991. The six most common types of disciplinary actions imposed by the board were: reprimand (80.4%); extra duty (61.4%); recreation restriction (56.5%); disciplinary segregation (43.7%); suspended action (34.7%); and forfeit of good conduct time (31.8%). No other actions were used even as much as 10% of the time.

The number of different actions administered during any single board are shown on Figure 73. There were no actions administered at 79 (16.1%) of the boards. The number of no actions is particularly significant since 61.5% (48) of the no action D&A Boards had offenses that were found and of the 48 found cases only three were first time appearances by the inmate. This means that although misconduct was reported and even found by the board that no action was taken. This is 9.9% of the total 1991 boards (48/490). The number of actions per board jumped from no action taken to four actions being imposed (15.5%).

#### Recidivism

Although slightly more than half of the inmates will never appear before a D&A Board (58.7%, Figure 60) the recidivism rate for persons who have had at least one D&A Board is not good. Of the 234 inmates who had D&A Boards in 1991, 156 inmates (66.7%) were repeat offenders. Just looking at the inmates who had their first board in 1991 the recidivism rate increases as the number of Boards increases.

Of the 118 inmates who had their first board in 1991, 40 (33.9%) went back for a second board, 15 of the 40 (37.5%) went back for a third board, 6 of the 15

(40.0%) went back for a fourth board, and 4 of the 6 (66.7%) went back for a fifth board. These numbers are particularly bad when one realizes they are a snapshot spanning only one year and that in subsequent years they will only increase. This indicates the deterrent effect of the D&A Board decreases as the number of Boards increases and further that 82.2% of the D&A Boards are for repeat offenders.

### Summary

The purpose of this study was to determine if the Discipline and Adjustment Boards deter rules violation and misconduct by inmates while incarcerated inside the United States Disciplinary Barracks. To achieve this purpose, an accurate picture of the current situation was described through the use of a simple probabilistic model and joint probability tables.

The review of literature showed that the trend of research in the area of inmates and the prison disciplinary system was to limit themselves to examining only one or two variables. However in this study 27 variables (Appendix B) were used to conduct a true demography study of this particular population.

These 27 variables fall into one of four distinct categories. They were personal background, criminal history, confinement history, and D&A Board characteristics. Several general trends were identified. Not unlike the majority of the prison systems the inmates appearing before the D&A Boards are younger, and the majority of offenses that led to their appearance was offenses involving the cadre.

This information was used to develop a profile of the inmate that is most-likely to find themselves in front of a Discipline and Adjustment Board. Numerous graphs have been included to display how these inmates compare to the other parts of the population. The significant of the differences between the groups will be discussed in the following chapter under conclusions.

## CHAPTER V

### CONCLUSIONS AND RECOMMENDATIONS

This chapter contains three parts: conclusions, limitations, and recommendations for further research.

#### Conclusions

This section includes conclusions regarding the results of this research in terms of variables pertaining to the personal background characteristics, criminal history, and confinement history of military offenders and with regard to the primary question of this research. The following conclusions were made:

1. The average age of the inmates with D&A Boards was three years younger than the general population. This finding is consistent with other prison populations. Though the average age of the inmate at the USDB is slightly younger than inmates at other penal institutions the younger USDB inmates are more likely to be charged with some form of rules violation or misconduct than the older inmates in the USDB.

2. The general population is made up primarily of two ethnic groups, Caucasian (46.0%) and Negro (45.7%). The other 8.3% of the population is Hispanic, Negro Hispanic, American Indian, and Asian. The Negro ethnic group has a proportionally higher D&A Board percentage than the other populations. The Negro population again has a higher repeat offender percentage. Although the Negro ethnic group accounts for the highest percentage of the D&A Boards the Negro Hispanic group is the most likely population to have a D&A Board.

3. The majority (71.0%) of the USDB population has a high school diploma. Inmates with less than a high school diploma have a proportionally higher chance of appearing before a D&A Board, inmates with more than a high school education are proportionally less likely to have a D&A Board. First time offenders and repeat offenders have the same trend. In short, the more education an inmate has the less likely he is to have a D&A Board.

4. Slightly less than half (46.4%) of the inmates are married, just over a third (36.9%) are single, 13.5% are divorced, and the other 3.2% are widowed, legally separated or annulled. However, single inmates account

for most of the D&A Boards (56.0%). This is particularly significant since one third of the population accounts for over one half of the boards. Single inmates account for nearly two thirds (64.7%) of the repeat offenders, and they are more than twice as likely to have a D&A Board than inmates in any other category of marital status.

5. The predominate branch of service is the Army (74.8%) and the other 25.2% is divided among the Air Force, Marine Corps, Navy and Coast Guard. While the Army inmates have most of the boards the Marine Corps has a proportionally larger number of boards. The first time and repeat offender illustrate this same distribution of boards. The Navy and Coast Guard inmates did not go to D&A Boards in 1991. Due to the small Navy and Coast Guard population that is not deemed significant.

6. The military occupational specialities were so widely dispersed that no general trends were recognized. Although certain military occupational specialities account for a larger part of the population they accounted for an proportionally equal number of D&A Boards.



7. The average GT score for the general population is 104. There is a similar distribution of GT scores for inmates with and without D&A Boards. There is a slight tendency for inmates with lower GT scores to have more D&A Boards. Repeat offenders have a lower GTscore than first time offenders in general. The D&A Board offenders are fairly evenly distributed by GT score group. There is one spike at the 130 - 139 GT Scores, but it is a small population, and hence not yet indicative of a general trend.

8. The general population statistics show that of inmates without a D&A Board 80.0% have no prior civilian Record while 20.0% have prior civilian records. Whereas inmates with a D&A Board have a greater incident of prior civilian record (31.0%). The percentages of inmates with prior civilian records remain approximately the same for first time and repeat offenders.

9. Over 80% of the general population have no record of Article 15s. Inmates with D&A Boards are about 8% more likely to have been punished with an Article 15 than those without a D&A Board. The first time and repeat offender information show that repeat offenders

with Article 15s are more likely to be D&A Board subjects. As the number of Article 15s increase so does the probability of having a D&A Board.

10. Rape, Drugs, and Murder offenses account for more than half (52.7%) of the offenses committed by the inmate population. For inmates without D&A Boards the distribution of the inmates among the confining offense is similar to the population at large. However, for inmates who have D&A Boards there are disproportionately larger numbers of inmates who have D&A Boards with confining sentences of Rape, Murder, Larceny, Assault, and Robbery. This trend is again evident in the first time and repeat offender figures.

11. The confining sentence for the inmates has peaks at multiples of five years. The confining sentence for inmates with and without D&A Boards follows the same multiple of five peaks as the general population. The first time and repeat offender information indicate first time offenders have a shorter sentence than repeat offenders. Generally the inmates with short sentences and those with long sentences are more likely to have a D&A Board than those with sentences between the two extremes.

12. Several interesting facts emerge from the analysis of custody. First, there were no D&A Boards for inmates being processed through reception. Second, there are proportionally larger numbers of inmates at the Maximum and Medium level of custody who have D&A Boards. Finally, the lesser degrees of custody, Minimum Inside Only, Minimum, and Installation Parolee have the least incident of D&A Boards.

13. The distribution of inmates by living area clearly shows that inmates who live in 3 Wing, 4 Wing and 7 Wing account for the majority of the inmates who appear before a D&A Board. However, a significant number of inmates also live in 3 Wing, 4 Wing, and 7 Wing which tends to evenly distribute the percentage of D&A Boards when compared to the general population. However, those inmates who live in 4 Base (maximum custody) have almost twice the number of D&A Boards on a percentage basis as any other living area. Two other living areas are notable for their low D&A Board rate, Building 465 (3.8%) and the Local Parole Unit (0.8%).

14. The inmates are categorized into four work details. The majority (99.2%) of the inmates' detail assignment is to the Directorate of Training, the

Security Battalion, and Directorate of Resource Services. Inmates whose detail assignment is to the Directorate of Resource Services are the most likely to have a D&A Board (56%), while the other major detail contributor is the Security Battalion.

15. Of the inmate population of 1,373; 806 inmates have no D&A Boards while 567 have D&A Boards. During 1991 there were 234 inmates who had 490 boards for 830 offenses. Some inmates obviously account for more than one D&A Board. However, there was no evidence that any single cadre or staff members was responsible for more than a few reports for any given inmate.

16. An examination of the inmates without D&A Boards shows that a high percentage of inmates without D&A Boards have more than two years of confinement. This is particularly significant since most inmates (83.1%) who have D&A Boards do so within the first two years of confinement inside the USDB. In fact of the inmates who have a D&A Board 56.0% do so within the first year, which is a good indication that more than half the inmates will never appear before a D&A Board.

17. Analysis of the time of the offenses show that the months between March and October inclusive have roughly twice the number of offenses as November thru February.

18. As for day of the week, Monday is highest with Tuesday thru Thursday having offenses being committed at about the same rate as Monday. On Friday the average number of offenses falls by 20, while Saturday and Sunday have the lowest incident rate of 45 offenses each.

19. The time of day of the offenses have peaks at 0700, 1300, and 1600, which correlate directly to accountability times.

20. Most of the offenses occur within the domicile area (66.7%). Just over 11% of the offenses occur at Detail and in the Dining Facility. The other offenses are committed in common areas or at recreation.

21. The average time between the date of offense and the date of the D&A Board was 30 days.

22. Of the 830 cases heard, 81.2% were founded, 9.6% were unfounded, and 9.2% were dismissed.

23. The offenses were categorized into four divisions. While most of the offenses were found, Category I and IV cases heard were found at a higher rate than Category II and III offenses.

24. Disobedience, Rule Violations, Conduct which Threatens, and Staff Harassment are the most frequent offenses.

25. The six most common types of disciplinary actions imposed by the board were: reprimand (80.4%); extra duty (61.4%); recreation restriction (56.5%); disciplinary segregation (43.7%); suspended action (34.7%); and forfeit of good conduct time (31.8%). No other actions were used more than 10% of the time. There were no actions administered at 79 (16.1%) of the boards. Boards normally imposed multiple actions with four actions being imposed most often (15.5%).

26. Although slightly more than half of the inmates will never appear before a D&A Board (58.7%), the recidivism rate for persons who have had at least one D&A

Board is high. Of the 234 inmates who had D&A Boards in 1991, 156 inmates (66.7%) were repeat offenders. Just looking at the inmates who had their first board in 1991 the recidivism rate increases as the number of Boards increase. Of the 118 inmates who had their first board in 1991, 40 (33.9%) went back for a second board, 15 of the 40 (37.5%) went back for a third board, 6 of the 15 (40.0%) went back for a fourth board, and 4 of the 6 (66.7%) went back for a fifth board. These numbers are particularly bad when one realizes they are a snapshot spanning only one year and that in subsequent years they will only increase. This indicates the deterrent effect of the D&A Board decreases as the number of Boards increases and further that 82.2% of the D&A Boards are for repeat offenders (412/490).

#### Summary

One of the commonly used management tools inside the prison disciplinary system is the disciplinary board. Forty one-percent of the United States Disciplinary Barracks current population has appeared in front of the D&A Board at least once. Yet, the impact (negative or positive) that the appearance in front of this board is yet to be determined. Still, correctional personnel, mental health personnel, and parole boards all

use records of the disciplinary board proceedings to make decisions on the custody level, treatment opportunities, and release dates for inmates.

Data in the records of the United States Disciplinary Barracks was used to study inmates who had appeared before a D&A Board. The result of this study was the development of a profile of characteristics that describe the USDB inmate "most-likely" to become involved in some form of rules violation or misconduct within his first two years of confinement. The further examination of the data on the boards held in 1991 led to the identification of characteristics of the D&A Board itself. These profiles identifies characteristics that were apparent in the major of the inmates and boards that were held in 1991.



Profile of the Inmate Most-Likely to Appear  
in Front of a D&A Board

AVERAGE AGE:	28
ETHNIC GROUP:	Negro Hispanic
EDUCATION LEVEL:	Less than High School
MARITAL STATUS:	Single
BRANCH OF SERVICE:	Marine Corps/Army
MILITARY SPECIALITY:	Not Significant
GT SCORE:	Not Significant
PRIOR CIVILIAN RECORD:	At least one
ARTICLE 15s:	At least one
CONFINING OFFENSE:	Rape, Murder, Larceny, Assault and Robbery
CONFINING SENTENCE:	5 years and less or 10 years and more
CUSTODY LEVEL:	Maximum or Medium
LIVING AREA:	3,4, or 7 wing
DETAIL:	Directorate of Resource Services
TIME IN CONFINEMENT:	Less than 24 months
TIME OF YEAR:	March through October
DAY OF WEEK:	Monday through Thursday
TIME OF DAY:	0700, 1300, or 1600
LOCATION OF OFFENSE:	Domicile Dining Facility
TIME TO APPEARANCE:	30 days

OFFENSE:	Category III Disobedience
	Rule Violations Conduct which Threatens Staff Harassment
BOARD RESULTS:	Founded
OFFENSE CATEGORY:	I or III
ACTION IMPOSED:	Reprimand Extra Duty Recreation Restriction Disciplinary Segregation Suspended Action Forfeit of Good Time
RECIDIVISM:	Rate 66.7%

### Limitations

After reporting the findings and making the conclusions for this study, the following limitations were identified.

1. The lack of an extensive common data base prevented investigation of several areas. For example there seems to be no connection between punishment and offenses. In fact from the data available there is no way to connect punishment administered by a board to what it could have done. Even further if an inmate committed several offenses it is not possible to connect the individual offenses to punishment.

2. Studies that use inmate misconduct rates to establish relationships assume that official misconduct records reflect an actual increase or decrease in incidents of misconduct. Instead the records may be reflecting a change in rule enforcement. Therefore, the use of one years data base may be skewed. An examination of the cases for the last 5 years show that the total numbers from previous years were very similar to the 1991 year studied. Hence 1991 is considered a representative year, a more thorough approach would be to use a longer time frame.

3. The research design did not permit an examination of the informal enforcement of rules by either staff or inmates.

4. The research design did not include a examination of the personality characteristics of inmates that may significantly affect who appears or reappears in front of the board regardless of administrative actions imposed.

5. The inmates at the USDB do not comprise a typical penal institution cross section. USDB inmates are younger, more educated, usually on their first

offense. They come from military units where they have lived in a disciplined secure environment that provides all of the basic human survival needs. Hence results from this study may not apply to general prison populations.

#### Recommendations for Further Study

During this research it was determined that there were more variables that needed further study. The following specific subjects are recommended to improve knowledge in the area of the effect of disciplinary systems in order to improve inmate behavior in both the prisons and civilian communities.

1. The success or failure of the D&A Boards must be further evaluated. This can only be done by establishing a larger, consistent data base. The data base must be maintained versus updated.

2. A determination as to whether or not certain personality characteristics effect the appearance of the inmates at the D&A Board.

3. The research in this study indicated that inmates with prior records were more likely to appear in front of the board and that the number of appearances would continue to increase over time. Further research is needed to determine the cause of this finding and to determine appropriate means to reverse this trend if possible.

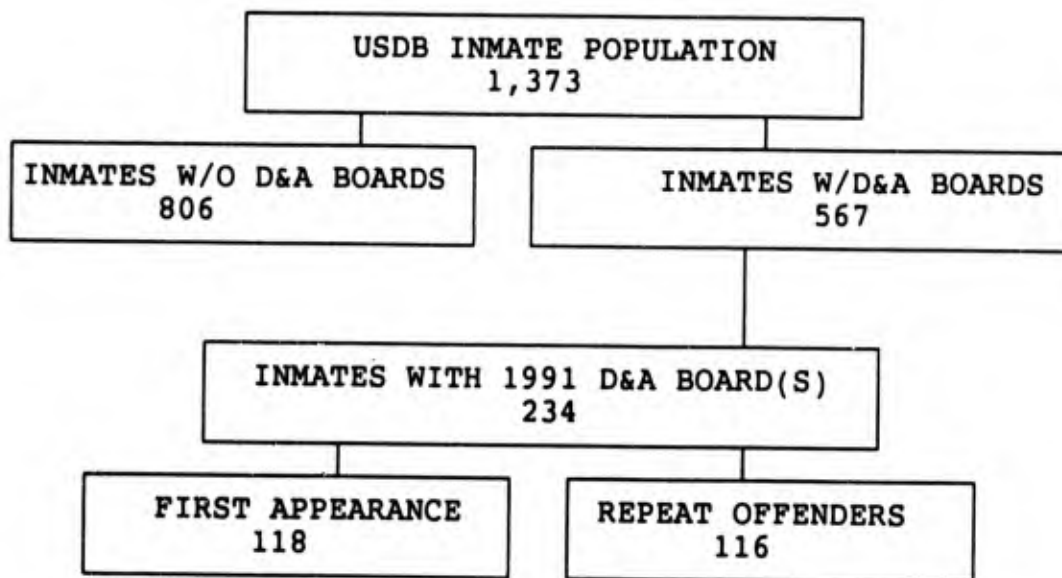
4. The research in this study indicated that single inmates were much more likely have a D&A Board. Further research is needed to determine the cause of this finding and to determine appropriate means to lower this rate of appearance.

5. The data obtained during this study showed that the majority of the inmates who had D&A Boards were becoming a part of the disciplinary system with the first year of their confinement. Further research is needed to determine the cause for this relationship.

APPENDIX A

POPULATION SCHEMATIC

THE UNITED STATES DISCIPLINARY BARRACKS



## APPENDIX B

### TABLE OF VARIABLES USED IN ANALYSIS

#### A. Commitment Variables

1. Number of D&A Board appearances
2. Length of Time Served on Sentence Prior to 1st D&A Board Appearance
3. Length of Time Served on Sentence Without D&A Board Appearance
4. Custody Level
5. Living Area
6. Work Detail

#### B. Personnel Background Characteristics Variables

1. Age
2. Ethnic Group
3. Marital Status
4. GT Score
5. Educational Level
6. Branch of Service
7. Military Occupational Speciality

#### C. Criminal History Variables

1. Previous Article 15s
2. Previous Civilian Criminal Record
3. Confining Offense
4. Confining Sentence

D. Disciplinary and Adjustment Board Variables

1. Type of Offense
2. Category of Offense
3. Location of Offense
4. Month of Offense
5. Day of Week of Offense
6. Time of Day of Offense
7. Time Between Offense and Board Hearing
8. Finding of Board
9. Disciplinary Action Imposed
10. Recidivism Rate



## APPENDIX C

## DISCIPLINE AND ADJUSTMENT BOARD AFTER ACTION FACT SHEET

MPI\MPR NUMBER (####-YY-####)	REGNO (#####)	NAME (LAST NAME, FIRST NAME)

DOMICILE	DETAIL	CUSTODY	BOS	

BOARD DATE (YYYYMMDD)	BOARD TYPE (1 - 3)	DATE OF OFFENSE (YYYYMMDD)	TIME (HHMM)	LOCATION	# OF PRIOR D&A BOARDS

[illegible][illegible]

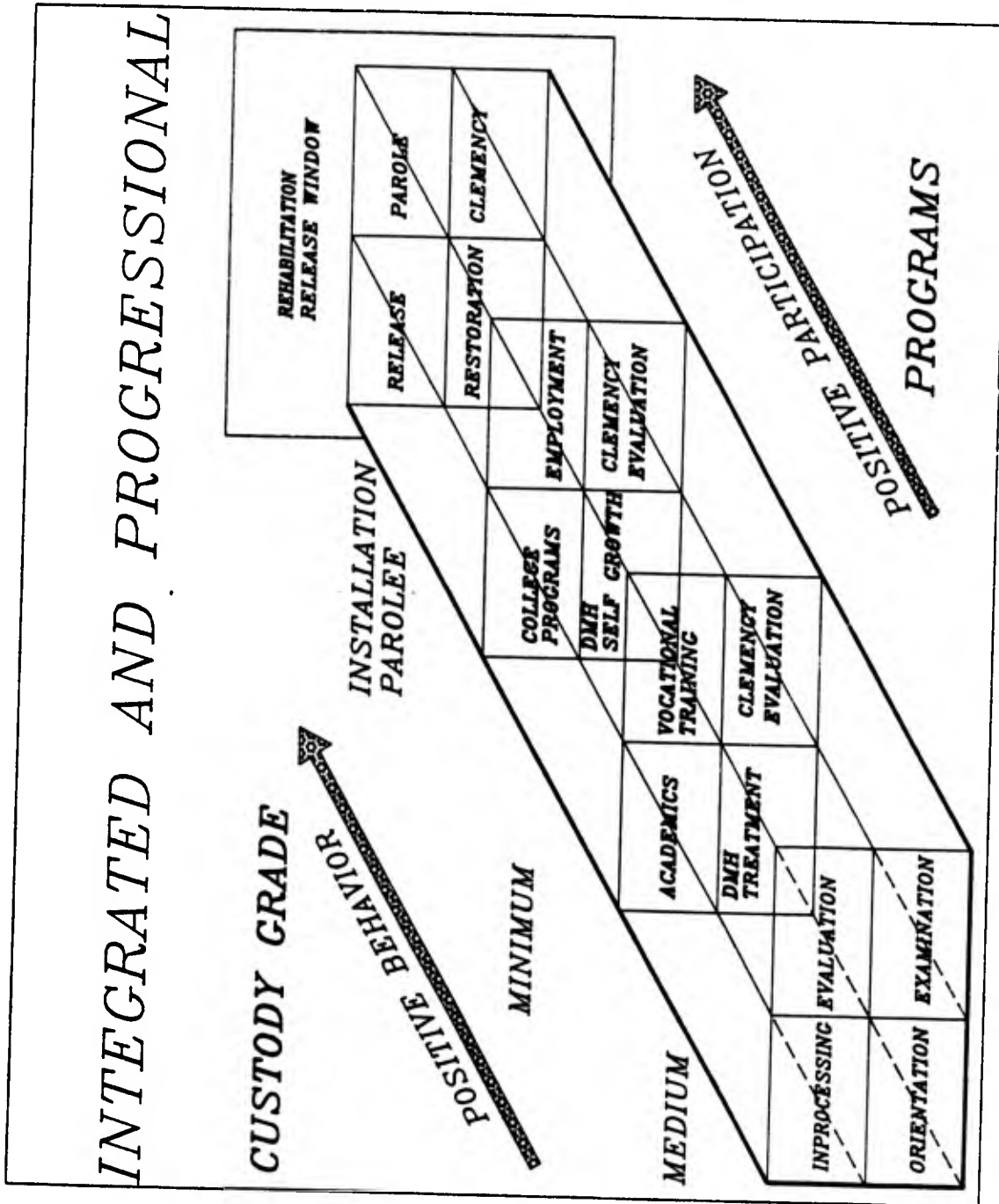
USDB Form 395 (Test)  
3 Jan 92

# APPENDIX D

## CUSTODY GRADES

CUSTODY GRADE	HOUSING	EMPLOYMENT	RESTRAINTS
INSTALLATION PAROLEE	OUTSIDE WALL BARRACKS LPU & FARM	OUTSIDE WALLS	UNARMED SUPERVISION
MINIMUM	INSIDE WALLS BARRACKS	OUTSIDE WALLS	UNARMED SUPERVISION
MINIMUM INSIDE ONLY	INSIDE WALLS BARRACKS	INSIDE WALLS	BOTH ARMED AND UNARMED GUARDS HANDCUFFS
MEDIUM	CELL IN CASTLE LOCKDOWN AT NIGHT	INSIDE WALLS	BOTH ARMED AND UNARMED GUARDS HANDCUFFS
MAXIMUM	CELL IN MAX SECURITY AREA LOCKDOWN 23+ HOURS A DAY	VERY LIMITED	BOTH ARMED AND UNARMED GUARDS HANDCUFFS, LEG IRONS, BLACK BOX WITH BELLY CHAINS

# APPENDIX E



APPENDIX F  
INSTITUTIONAL OFFENSES  
TYPE AND CATEGORY

Every inmate at the USDB is given a personal copy of the MGI (Manual For The Guidance of Inmates, USDB Regulation 600-1) to assist them in becoming knowledgeable of the rules and procedures at the USDB. Violations of the MGI are divided into four categories. Each category has a recommended maximum disciplinary and management action. Category 1 being the least serious. The following paragraphs define or describe offenses listed in the MGI:

1. Aiding Another (Categories I, II, III, or IV Offenses). Conspiring with, soliciting, or aiding another to commit or attempt any prohibited act, to include failing to report a prohibited act.

2. Arson (Category IV Offense). Igniting any flame which could cause injury or damage to personal property.

3. Assault (Category III and IV Offense). To attempt or offer to do bodily harm to another with unlawful force or violence, with apparent ability to do so. This is a Category IV offense if a weapon is used.

4. Assault Consummated by Battery (Category IV Offense). To intentionally and without consent strike, touch, or apply force to the person of another, either directly or indirectly, resulting in either bodily harm or an offensive touching of any form.

5. Attempt (Categories I, II, III, and IV Offenses). Any attempt to do a prohibited act.

6. Being Unsanitary or Untidy (Category I Offense). Failing to keep one's person, clothing, or living area sanitary and in accordance with prescribed standards. This offense includes littering of common use areas such as tiers and the courtyard.

7. Breach of Peace (Category III Offense). Use of rough, loud, profane or boisterous language or action which disturbed or threatens the peace and good order of the institution.

8. Bribery (Category III Offense). Giving or offering any civilian or military person anything of value to include personal services to influence them in the performance of their official duties.

9. Cell Alteration (Category I Offense). Making unauthorized changes to living quarters such as, but not limited to, moving furniture, painting walls, hanging items to block the view into the living area, or affixing shading devices to lights.

10. Communicating a Threat (Category III Offense). Communicating verbally, in writing, or by physical gestures a message intended to, or which may reasonably be expected to, intimidate or threaten another, either directly or indirectly. This include conditional threats or intimidation.

11. Communications Tampering (Category I Offense). Disassembling or tampering with any part of a radio, jack, headset, television, telephone, etc.

12. Conduct Which Threatens (Category III Offense). Any conduct which interferes with the orderly running or security of the institution, e.g., horseplay or cutting in line.

13. Contact Between Male and Female Inmates (Category III Offenses). Physical contact between male and female inmates, except within the scope of duties of inmate barbers. Verbal communication between male and female inmates is prohibited except on the detail, or at official USDB programs, e.g., college class, religious activities, and DMH programs. (Written correspondence is covered in the unauthorized writing rule). Female inmates will not socialize with male inmates during fellowship times at the Chapel, but will be escorted to the Chaplain's Office where they may have fellowship among themselves and visit with the Chaplain under the supervision of a correctional specialist.

14. Counterfeiting (Category IV Offense). Forging, reproducing or altering of any document, article of identification, money, security, or official paper, without proper authority.

15. Damaging or Destroying Property (Category III Offense). Defacing, altering or destroying property belonging to the government or to an individual. Anything issued to an inmate is government property to include the MGI, cell furnishings, equipment, etc. This offense also includes marking, defacing or destroying any posted instructions/orders.

16. Disobedience (Category III Offense). Disobeying an order given by civilian or military personnel in the performance of their duties to include failure to comply with an order in a timely manner.

17. Disorderly Conduct (Category II/III Offense). Conduct of such a nature as to effect the peace and quiet of persons who may witness it and who may be disturbed or provoked to resentment thereby. This charge could encompass all participants in a fight, regardless of who started the fight, or against individuals who engage in disruptive conduct such as trashing the tier.

18. Disrespect (Category III Offense). Being disrespectful in language or actions towards or about any civilian, military service member, or branch of military service.

19. Escape (Category IV Offense). Leaving the institution, LPU, Farm, detail, or job site without proper authority.

20. Extortion (Category IV Offense). Demanding or receiving anything of value, to include personal services, from another under threat of harm, exposure to authorities, or disgrace.

21. False Statement (Category II Offense). Lying to a staff member about an official matter, either verbal or written.

22. Funds Manipulation (Category III Offense). Directly or indirectly transferring money or negotiable instruments (including, but not limited to, checks and money orders) to another except as specifically authorized by this regulation.

23. Gambling (Category II Offense). Participating in games of chance for anything of value to include personal services. Use of authorized recreational equipment for games of chance. Possession of gambling paraphernalia.

24. Indecent Exposure (Category III Offense). Intentionally exhibiting one's sexual parts to another.

25. Interfering with Count (Category II Offense). Delaying, or interfering with count. Inmates will have 3 minutes to move to their cells or areas when lockup is ordered. They will position themselves so they are readily visible to the staff member conducting count. Cell lights will remain on during count.

26. Intoxicants (Category IV Offenses). Possession, introduction, or use of any narcotic, narcotic paraphernalia, drug, or intoxicant not prescribed by the medical staff.

27. Institution Rations Misuse (Category III Offense). Use of any institutional ration for which it was not intended; e.g., throwing, making of intoxicants, use of food or drinks in other illegal acts, wasting, or adding any foreign substance to food or drink.

28. Larceny (Category III Offense). Taking the property of another without authority.

29. Lock Tampering (Category III Offense). Tampering with locking devices or other security equipment to include obstructing doors to prevent their locking.

30. Loitering (Category I Offense). Linger, moving slowly, stopping, or pausing in the Rotunda, compound yard or any other area of the USDB during individual or mass movement. Standing idly on a housing unit tier. Taking more than 20 minutes to consume a meal.

31. Malingering (Category II Offense). Self-inflicted injury or faking an injury or sickness (to include abuse of sick call) for purposes of avoiding a detail, appointment, etc.

32. Medicine Misuse (Category II Offense). Use, possession or storage of medicine, to include steroids and stimulants, except as authorized by the USDB medical staff. Willful failure to take medication as prescribed by USDB medical staff.

33. Mutilation (Category III Offense). Tattooing, piercing, marking, or maiming any part of the body or another person's body.

34. Out of Place (Category II Offense). If an inmate is not at his designated detail, housing unit, religious activity, recreational activity, or dining area and is not on pass or under escort, he is out of place. Simply stated, if an inmate is not where he is supposed to be, he is out of place. This includes inmates on recreation restriction who deviate from the most direct authorized route from one authorized location to another.

35. Personal Rations Misuse (Category II Offense). Use of any health and comfort items or other personal ration for which it was not intended.

36. Possession, Introduction or Use of a Weapon (Category IV Offense). Construction, introduction, possession or use of weapons is expressly forbidden. Weapons include, but are not limited to, guns, knives, clubs, brass knuckles, saps, blackjacks, any hard objectives in a sock or similar container, or any item modified so it could be used as a weapon; e.g., modifying a disposable razor to expose the cutting edge.

37. Possession of Stolen Property (Category III Offense). Having on one's person or in one's living area property belonging to another which has been stolen. While actual knowledge that the property was stolen is required, such may be inferred and proven by circumstantial evidence.

38. Prohibited Property (Category III Offense). Anything not specifically authorized by proper authority to be in an inmate's possession is prohibited. Inmates must obtain and keep written permission from their Housing Unit Officer to possess any items not authorized by regulation. Any item not specifically authorized by regulation found in an inmate's possession while outside his housing unit will be considered prohibited property. Property obtained from trash receptacles or that was discarded in some other way by other inmates or staff is prohibited. Having on one's person or in one's living



area the property of another, unless specifically authorized in writing by the Director of Custody or his designated representative, is prohibited. Any type of road map, except from the USDB Library, is prohibited.

39. Provoking Words or Gestures (Category III Offense). Verbal or written communications or physical gestures that may anger, irritate, or excite another into performing a prohibited act.

40. Rules Violation (Categories II and IV Offenses). Violation of any posted or published institutional rule. This includes, but is not limited to, the rules of this manual and the rules or instructions posted in housing units, details and other offices/work areas. This also includes, but is not limited to, violating the limitations imposed by recreation restriction, sick cell, medical profile, the terms of Minimum Custody or Installation Parolee pledges and the rules in the appendix B for the LPU.

41. Running (Category I Offense). Running anywhere inside the walls of the USDB is prohibited except as appropriate when engaged in authorized recreation activities or as part of the USDB training program.

42. Sexual Misconduct (Category IV Offense). Soliciting, threatening, or engaging in sexual or lewd conduct with another.

43. Staff Harassment (Category II Offense). Any comment, conversation, or question intended to (or which may reasonably be expected to) anger or irritate a staff member. Such communication will be considered staff harassment when directed to a staff member or to another and overheard by a staff member.

44. Suffering Loss of Property (Category II Offense). Loss of property due to carelessness to include loss of property due to unsecured lockers within the living area, whether the inmate is present or not.

45. Trafficking (Category II Offense). Selling, buying, trading, giving, receiving or lending any item within the institution is prohibited except as specifically authorized by proper authority.

46. Unauthorized Ordering (Category II Offense). Purchasing or ordering goods or services that are not authorized, or purchasing or ordering goods or services in a manner that is prohibited.

47. Unauthorized Use of Mail or Telephone (Category III Offense). Using the mail or telephone in a manner not authorized in the MGI. Inmates are prohibited from using any telephone except those in their housing units specifically designated for their use, unless specific permission from proper authority is obtained first.

48. Unauthorized Contact With Former Inmates or Staff Members (Category III Offense). Any social, physical, telephonic, or other oral/written contact between inmates and staff members, other than during the normal course of duty performance, is prohibited. Inmates are also prohibited from communicating with, or engaging in social contact with, former inmates or former staff members, unless specifically authorized in writing in advance by the Commandant.

49. Unauthorized Writing (Category III Offense). Writing, distributing, or possessing with the intent to distribute, any written motto, creed, saying or drawing within the inmate population whose content is designed to disrupt the institution by encouraging strikes, riots, fights, racial or religious hatred, or other prohibited acts. Written correspondence between inmates is also prohibited, to include correspondence with former inmates and prisoners in other institutions, civilian or military, unless authorized in writing by the Commandant. Correspondence with cadre or former cadre, except as authorized by the MGI, is also prohibited.

## APPENDIX G

### PROFILE OF THE INMATE MOST-LIKEY TO APPEAR IN FRONT OF A D&A BOARD

AVERAGE AGE:	28
ETHNIC GROUP:	Negro Hispanic
EDUCATION LEVEL:	Less than High School
MARITAL STATUS:	Single
BRANCH OF SERVICE:	Marine Corps/Army
MILITARY SPECIALITY:	Not Significant
GT SCORE:	Not Significant
PRIOR CIVILIAN RECORD:	At least one
ARTICLE 15s:	At least one
CONFINING OFFENSE:	Rape, Murder, Larceny, Assault and Robbery
CONFINING SENTENCE:	5 years and less or 10 years and more
CUSTODY LEVEL:	Maximum or Medium
LIVING AREA:	3,4, or 7 wing
DETAIL:	Directorate of Resource Services
TIME IN CONFINEMENT:	Less than 24 months
TIME OF YEAR:	March through October
DAY OF WEEK:	Monday through Thursday
TIME OF DAY:	0700, 1300, or 1600
LOCATION OF OFFENSE:	Domicile Dining Facility
TIME TO APPEARANCE:	30 days

**OFFENSE:**

Category III  
Disobedience  
Rule Violations

Conduct which Threatens  
Staff Harassment

**BOARD RESULTS:**

Founded

**OFFENSE CATEGORY:**

I or III

**ACTION IMPOSED:**

Reprimand  
Extra Duty  
Recreation Restriction  
Disciplinary Segregation  
Suspended Action  
Forfeit of Good Time

**RECIDIVISM:**

Rate 66.7%

APPENDIX H

FIGURES 1-73

by Author

# Average Age

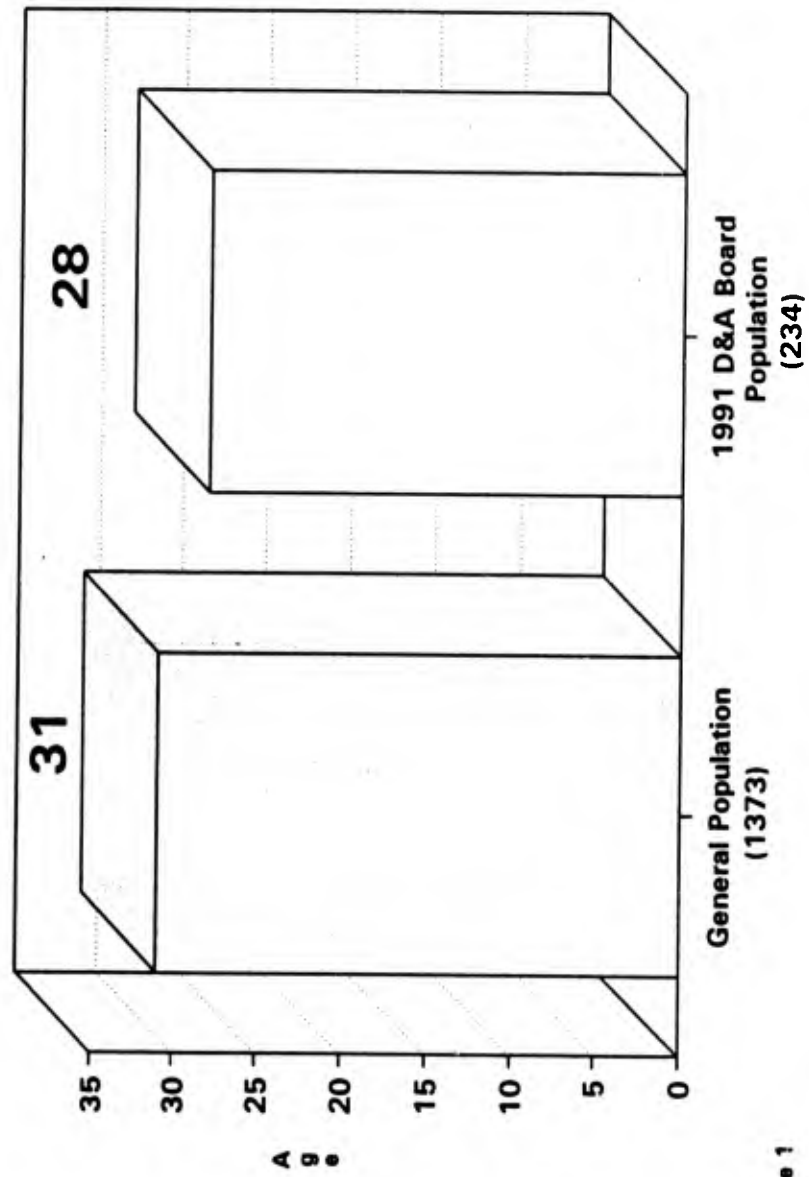


Figure 1

# GENERAL POPULATION

## ETHNIC GROUP

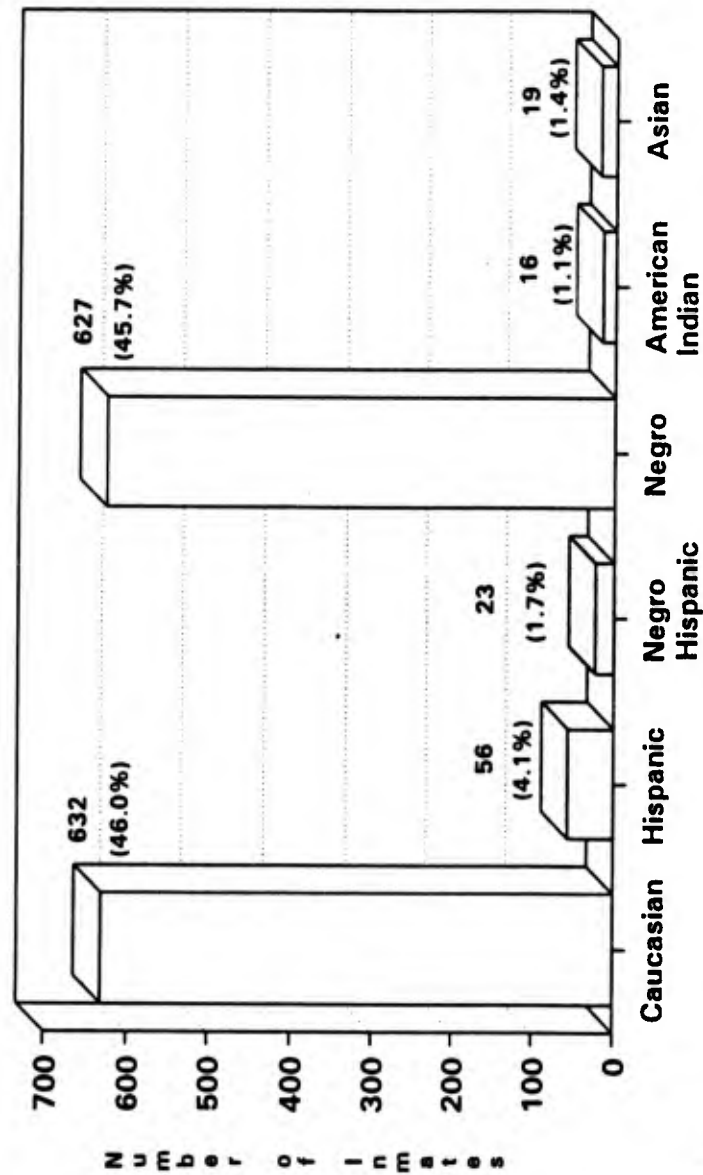


Figure 2

# 1991 D&A BOARDS

## ETHNIC GROUP

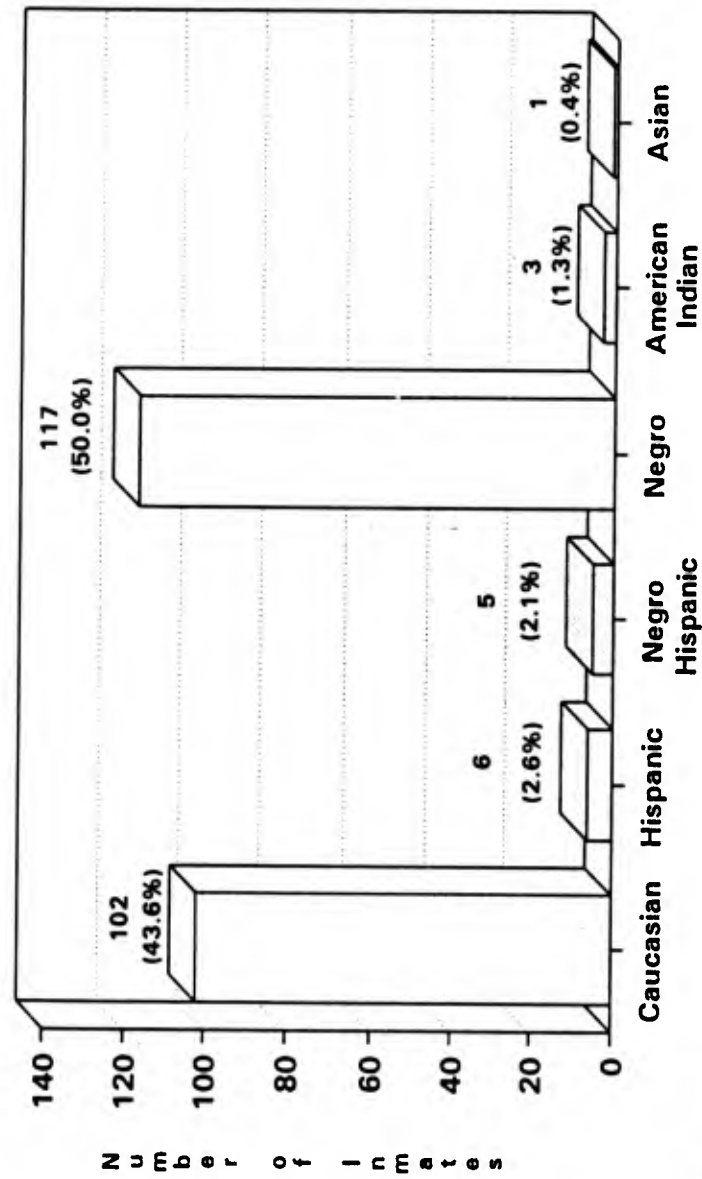


Figure 3



# GENERAL POPULATION

## ETHNIC GROUP

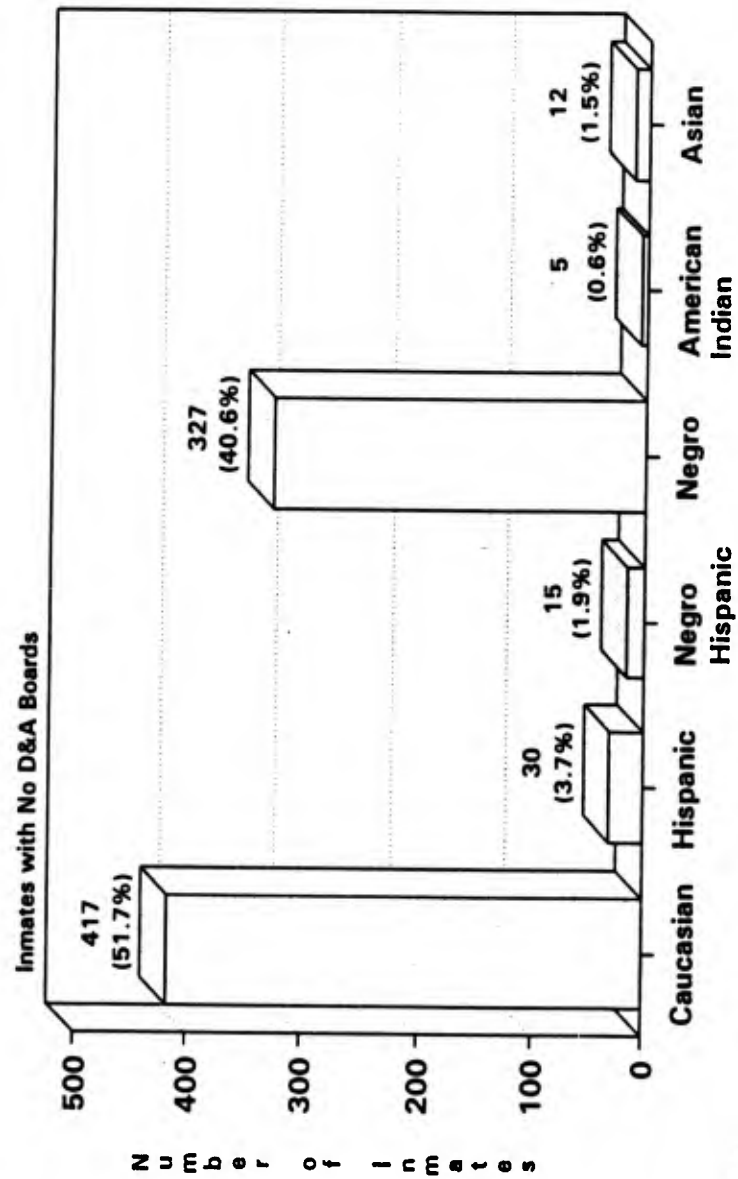


Figure 4

# 1991 D&A BOARDS

## ETHNIC GROUP

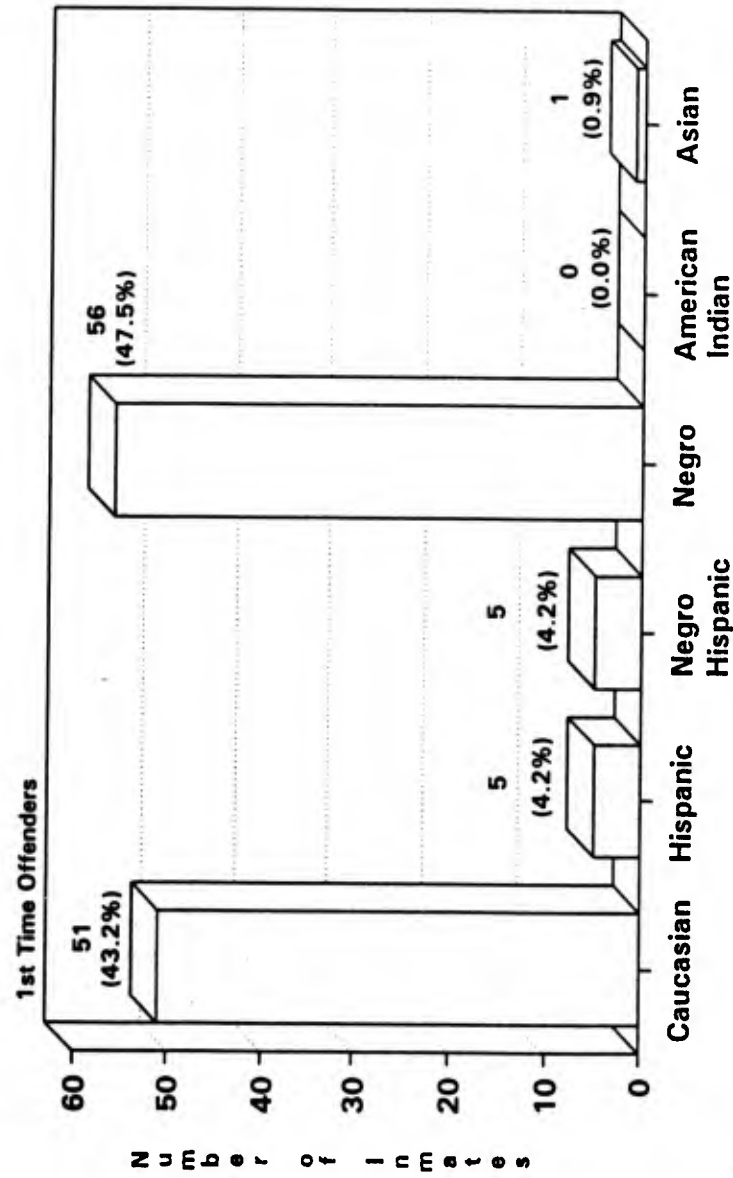


Figure 5

# 1991 D&A BOARDS

## ETHNIC GROUP

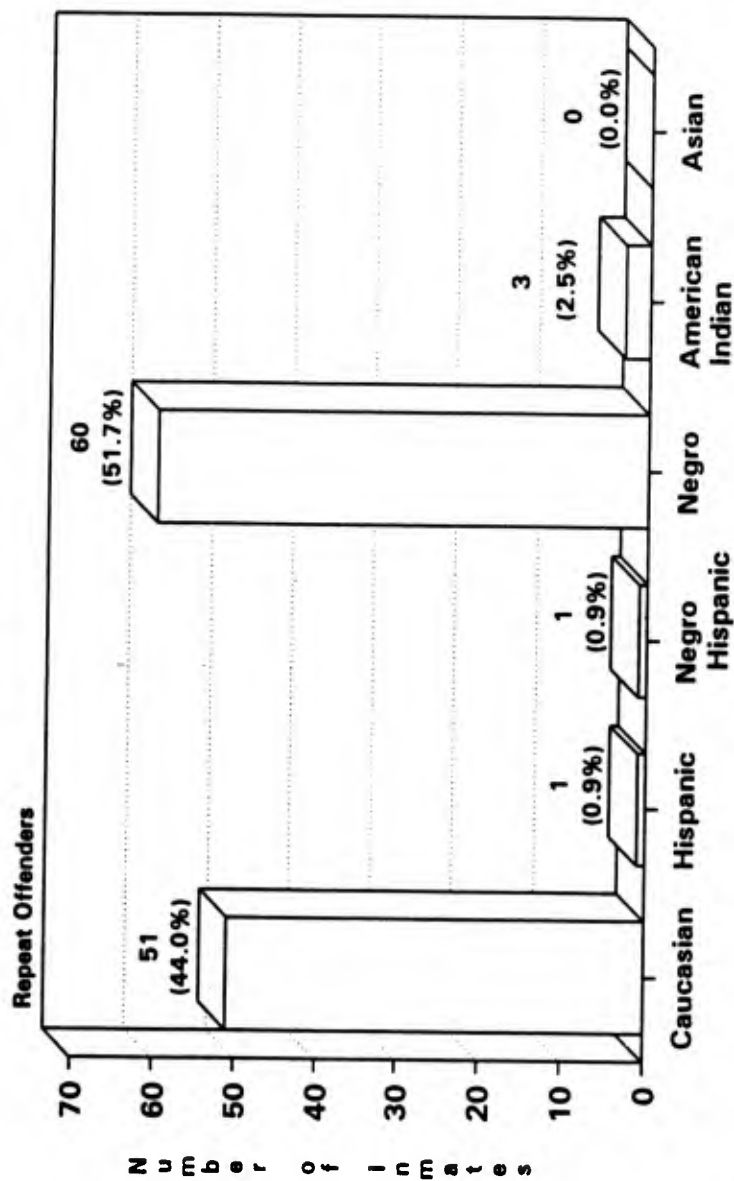


Figure 6

# PROBABILITY OF D&A BOARDS GIVEN ETHNIC GROUP

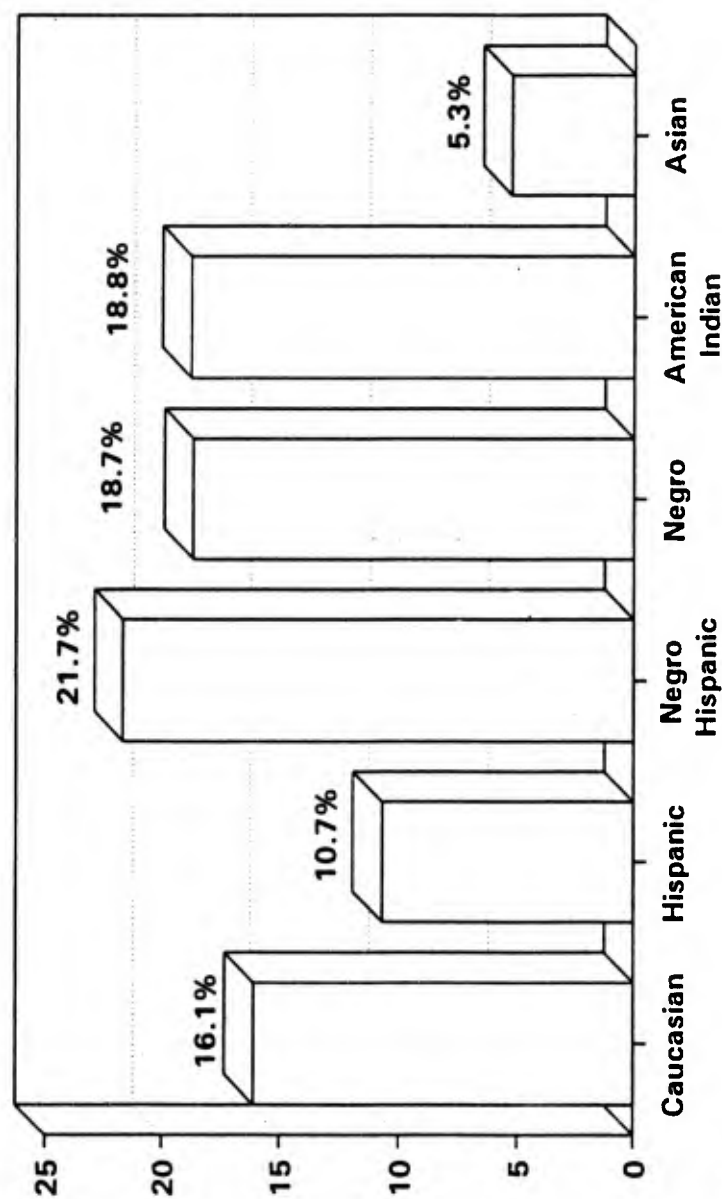


Figure 7

# GENERAL POPULATION EDUCATION LEVEL

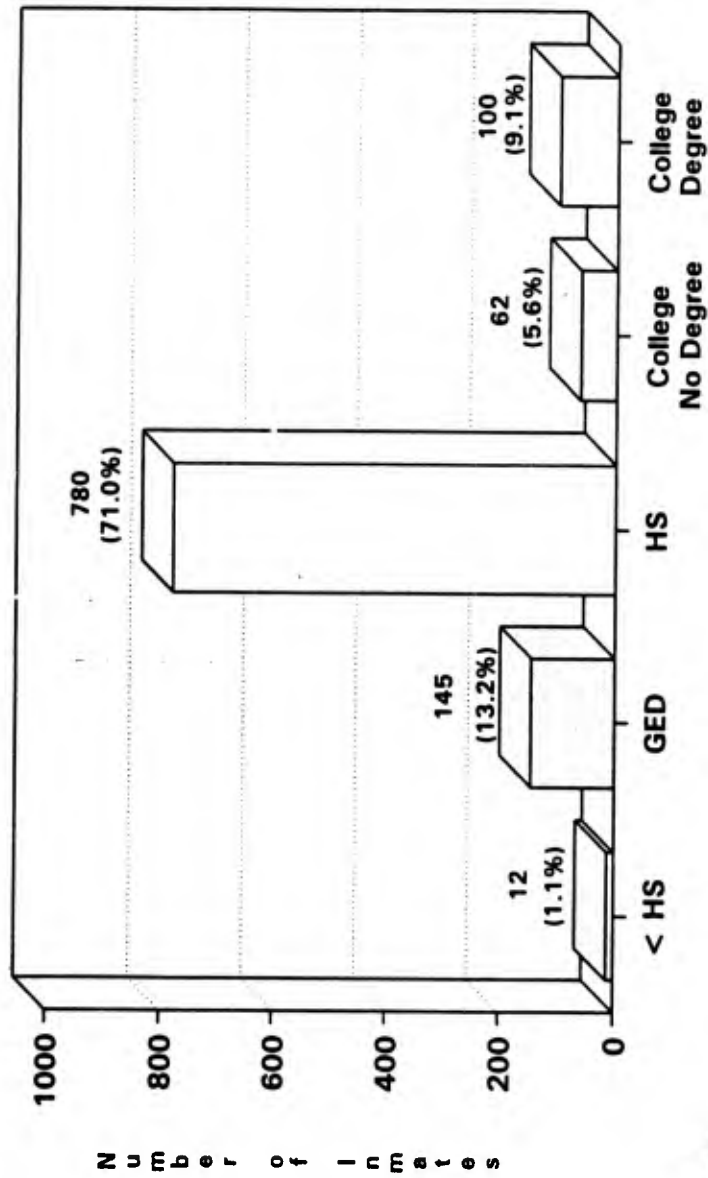


Figure 8

# 1991 D&A BOARDS

## EDUCATION LEVEL

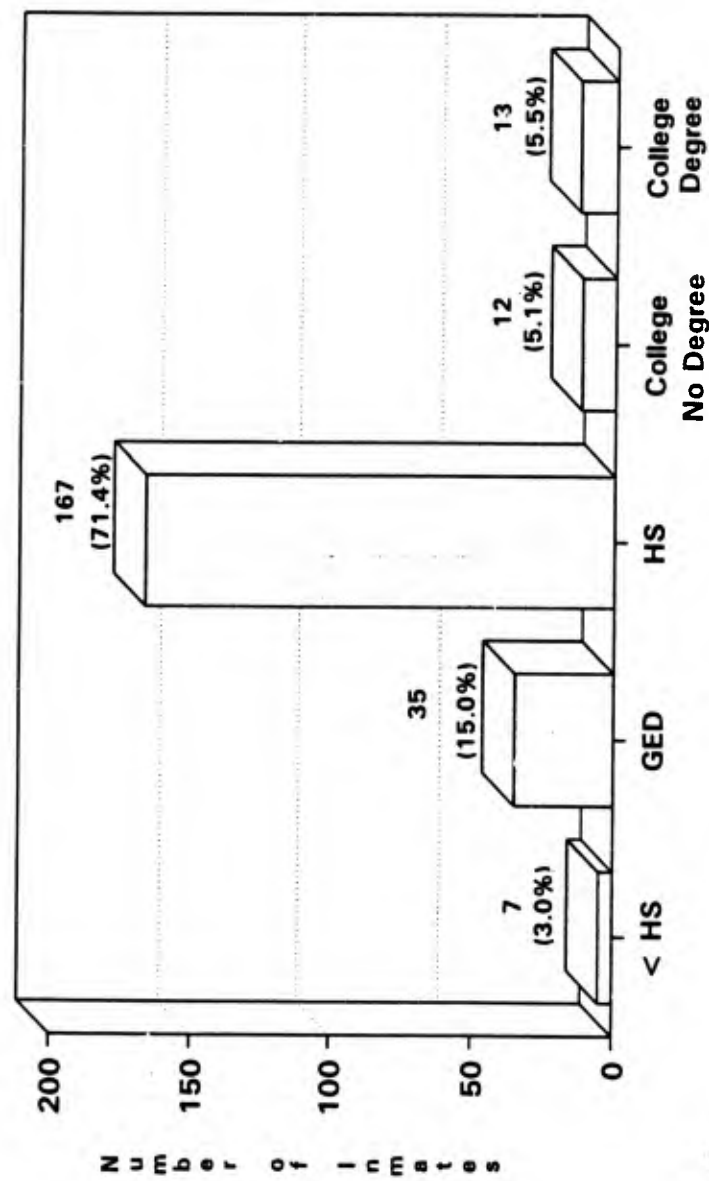


Figure 9

# GENERAL POPULATION EDUCATION LEVEL

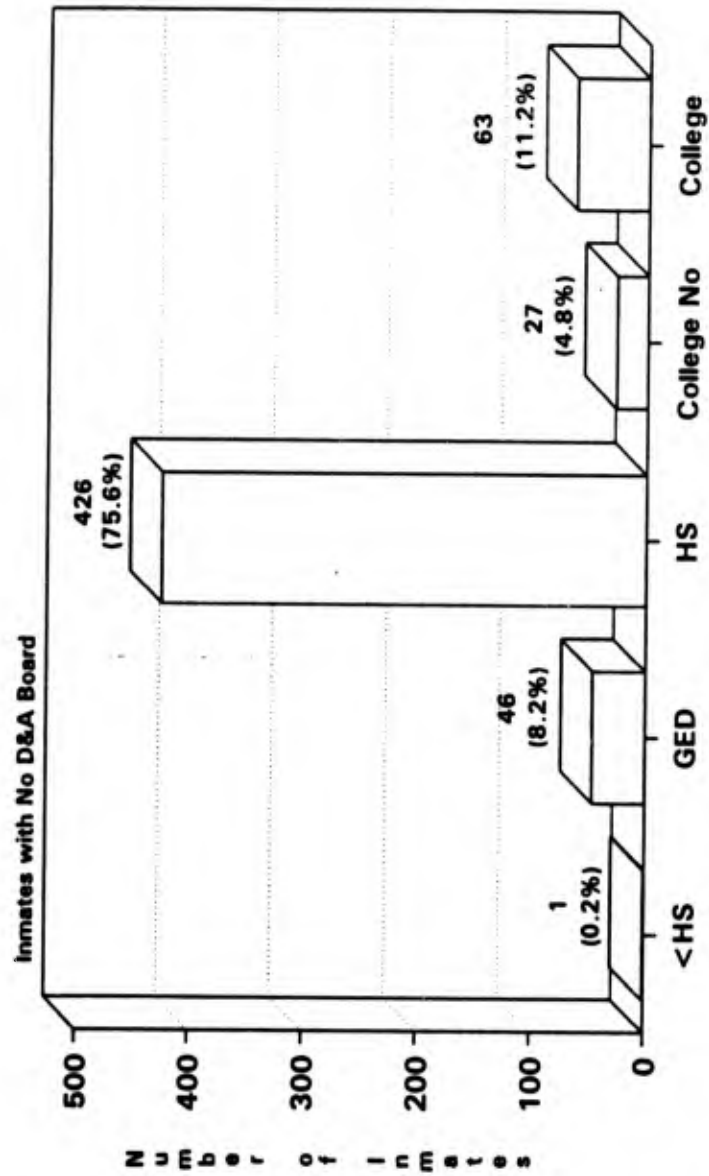


Figure 10

# 1991 D&A BOARDS

## EDUCATION LEVEL

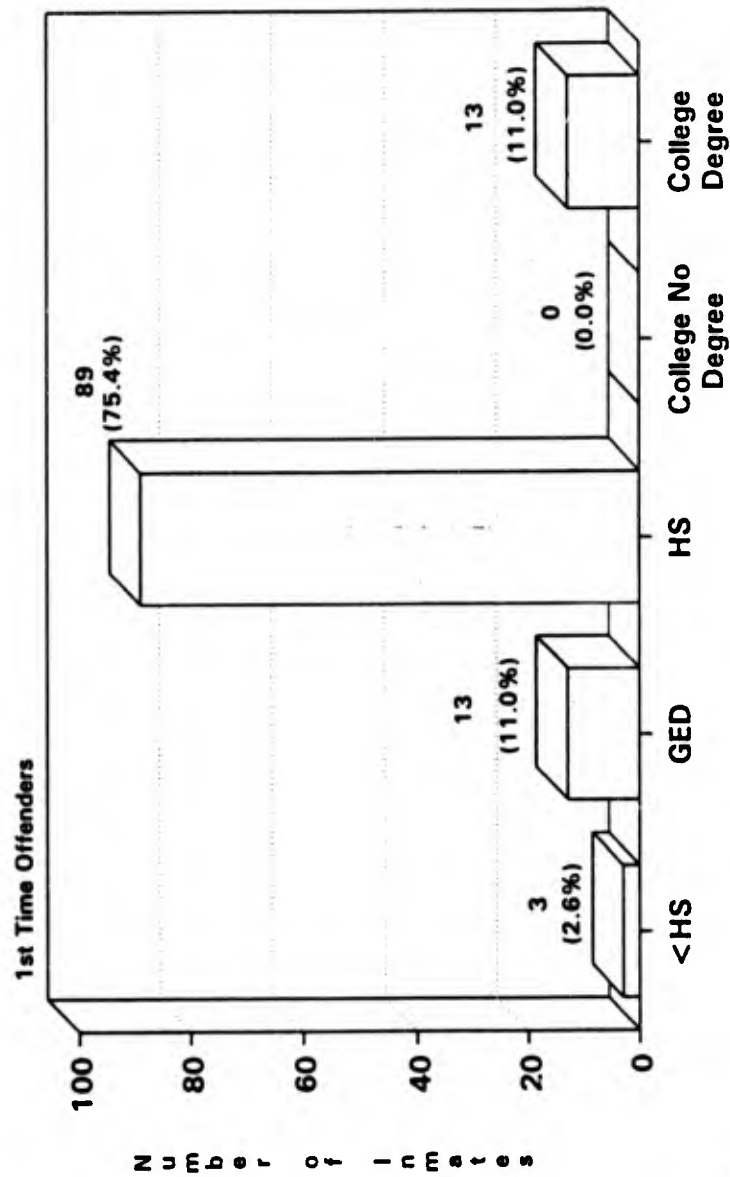


Figure 11



# 1991 D&A BOARDS

## EDUCATION LEVEL

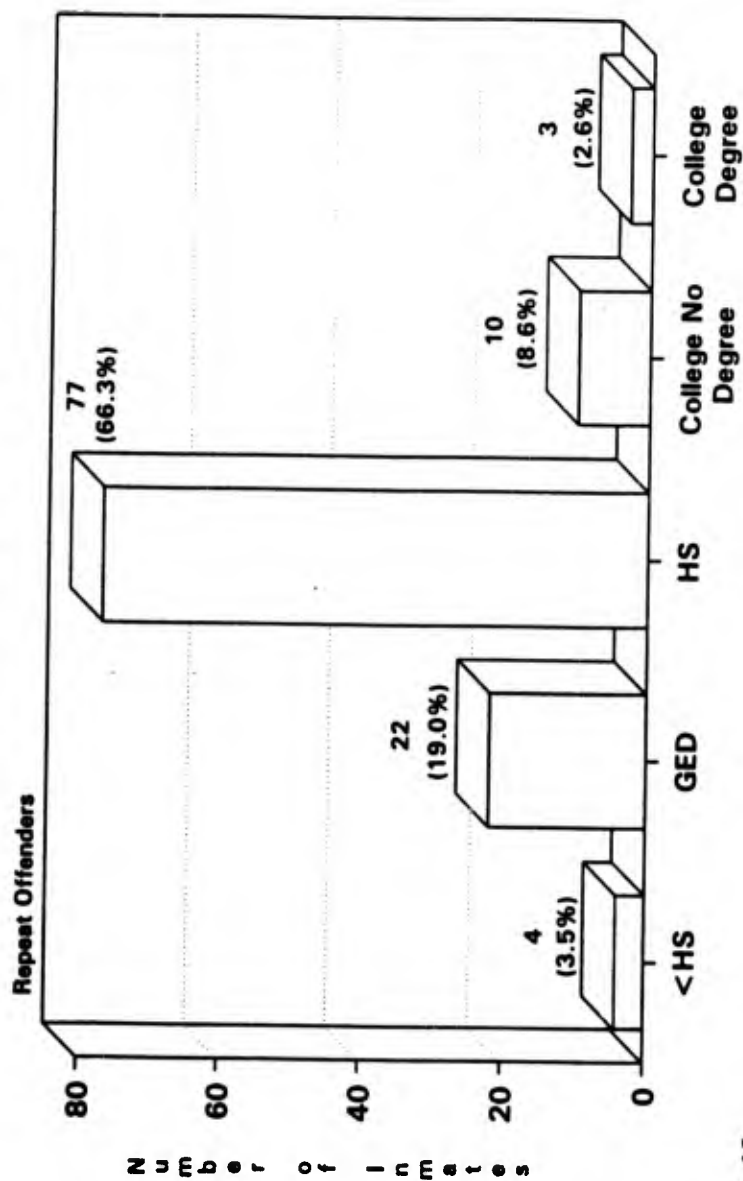


Figure 12

# PROBABILITY OF D&A BOARD GIVEN EDUCATION LEVEL

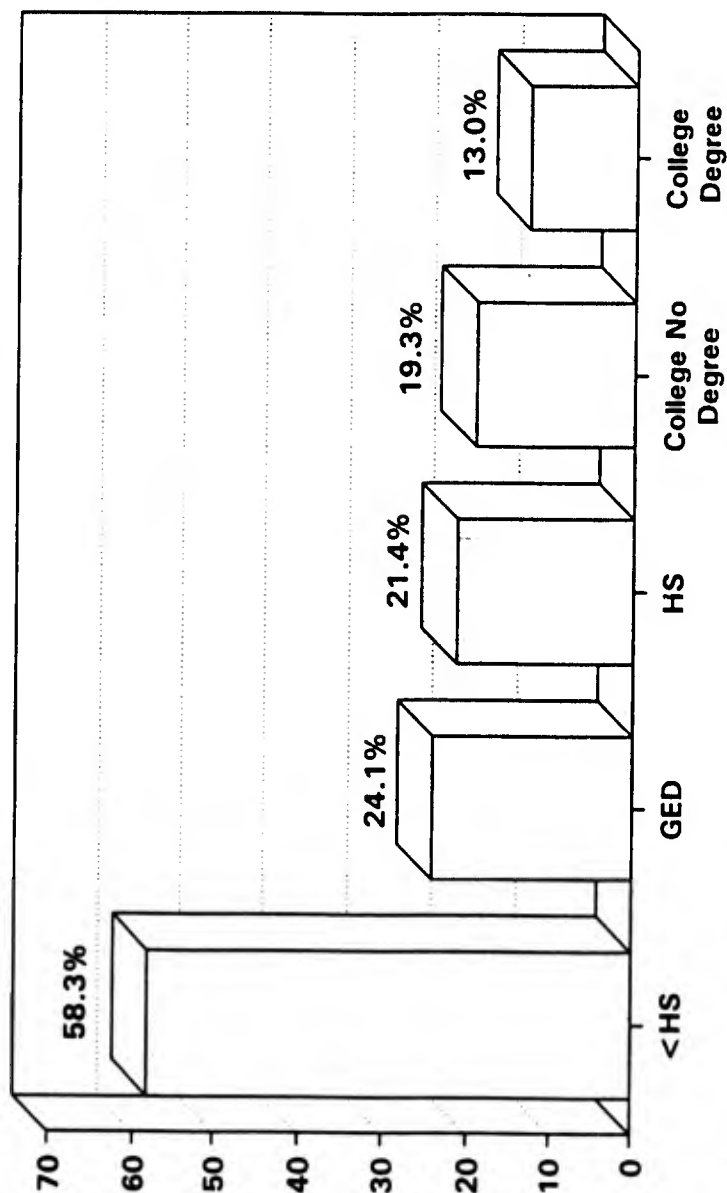


Figure 13

# GENERAL POPULATION MARITAL STATUS

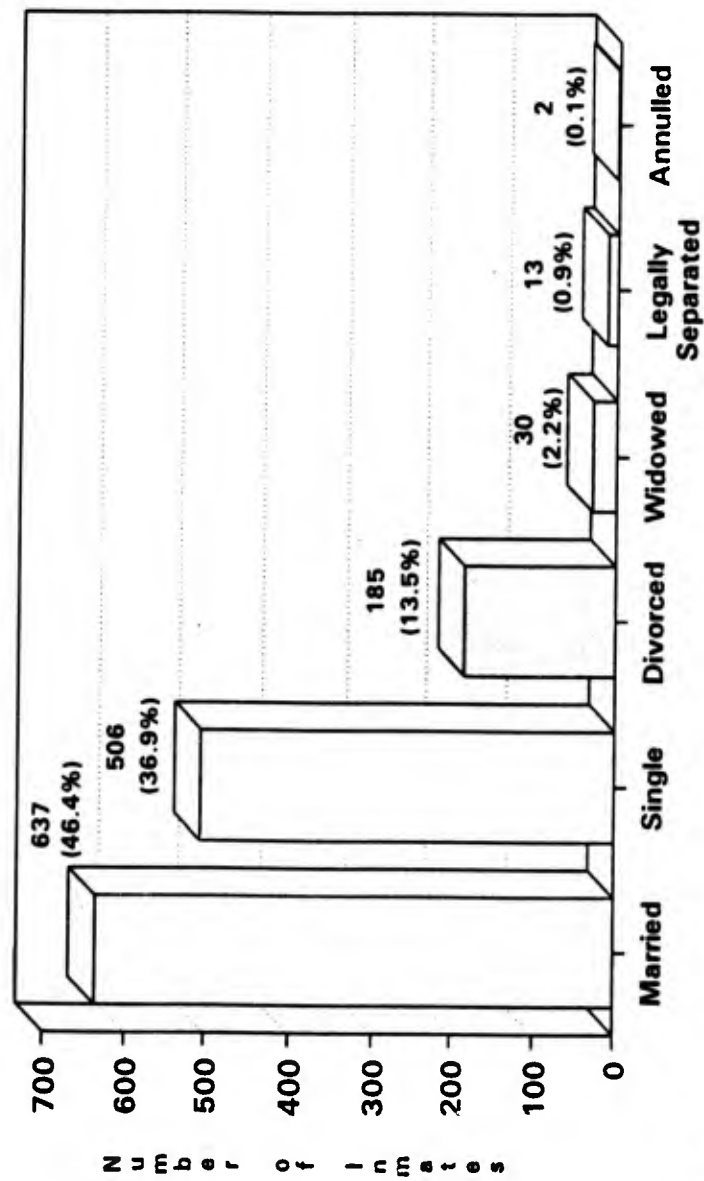


Figure 14

# 1991 D&A BOARDS

## MARITAL STATUS

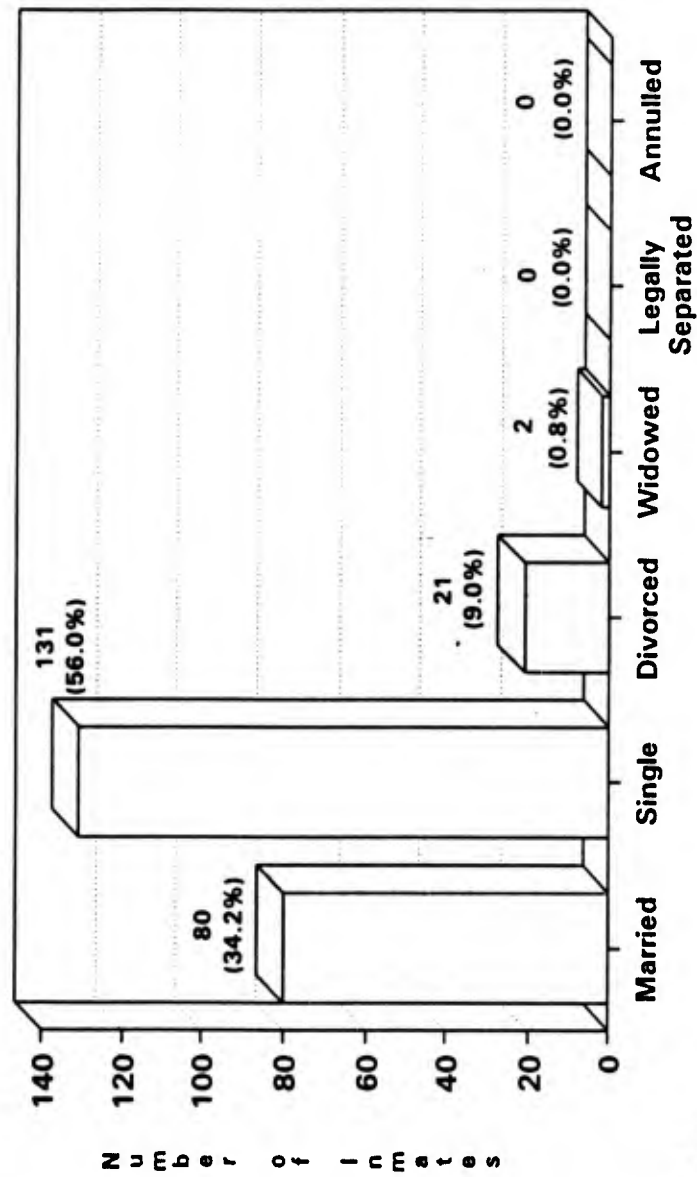


Figure 15

# GENERAL POPULATION

## MARITAL STATUS

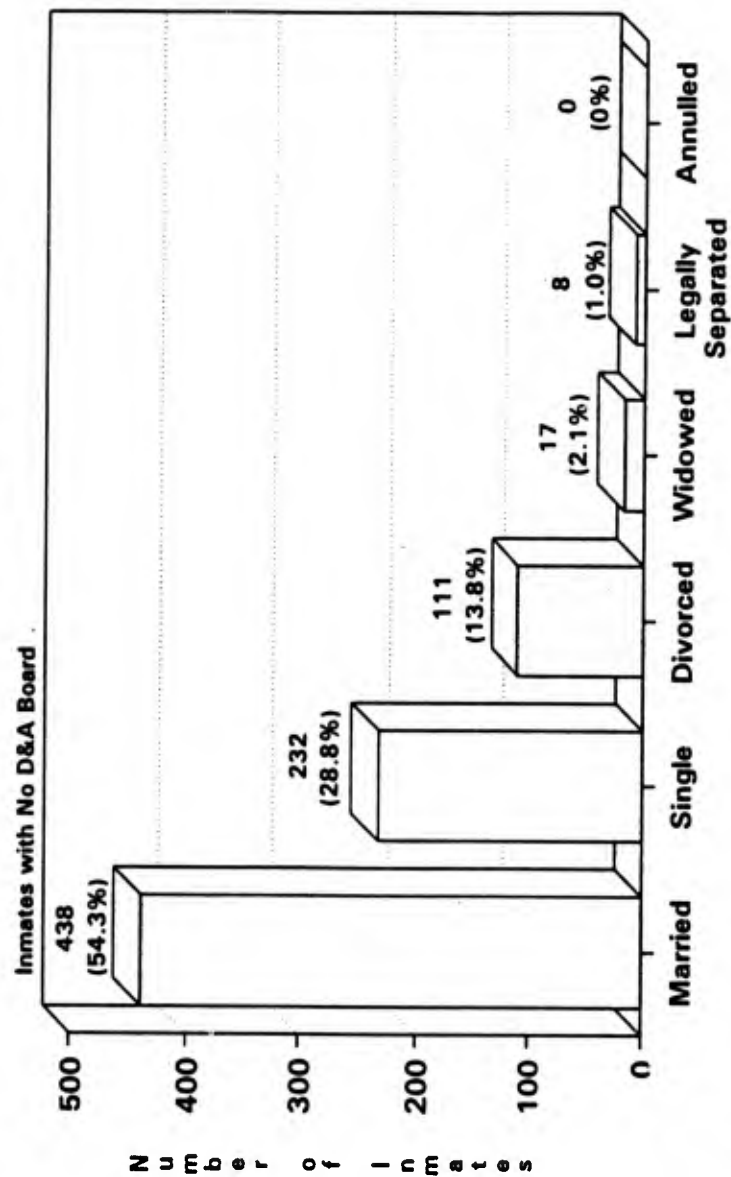


Figure 16

# 1991 D&A BOARDS

## MARITAL STATUS

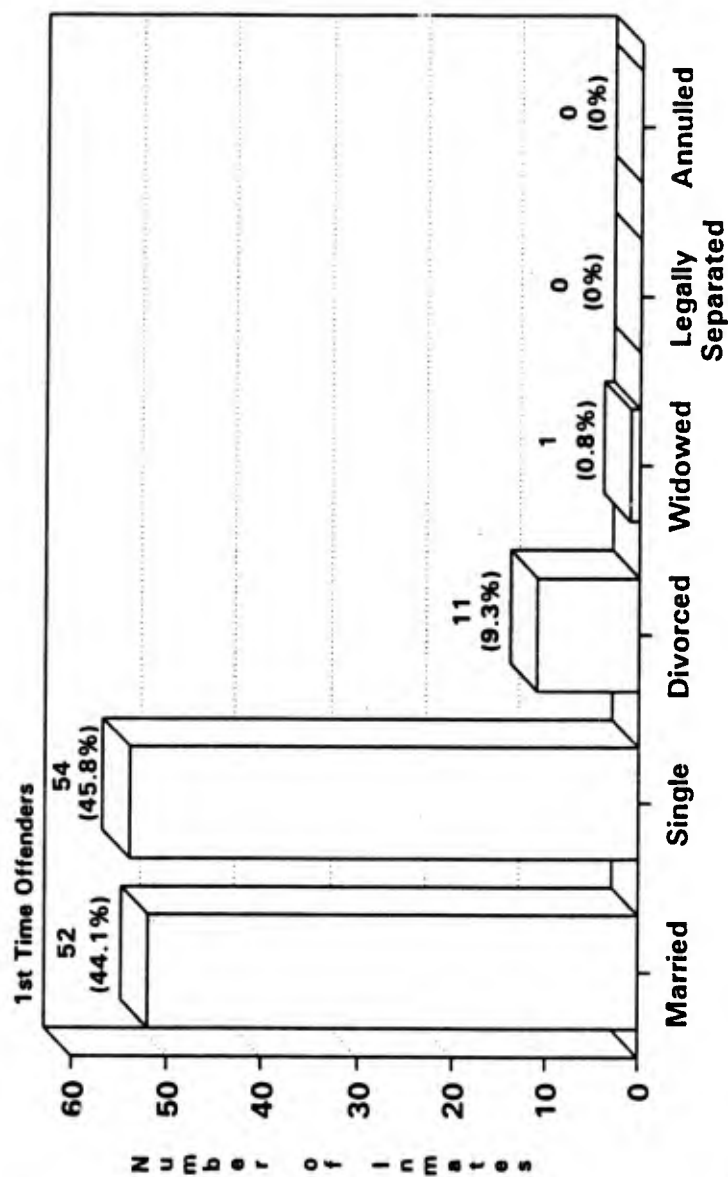


Figure 17

# 1991 D&A BOARDS

## MARITAL STATUS

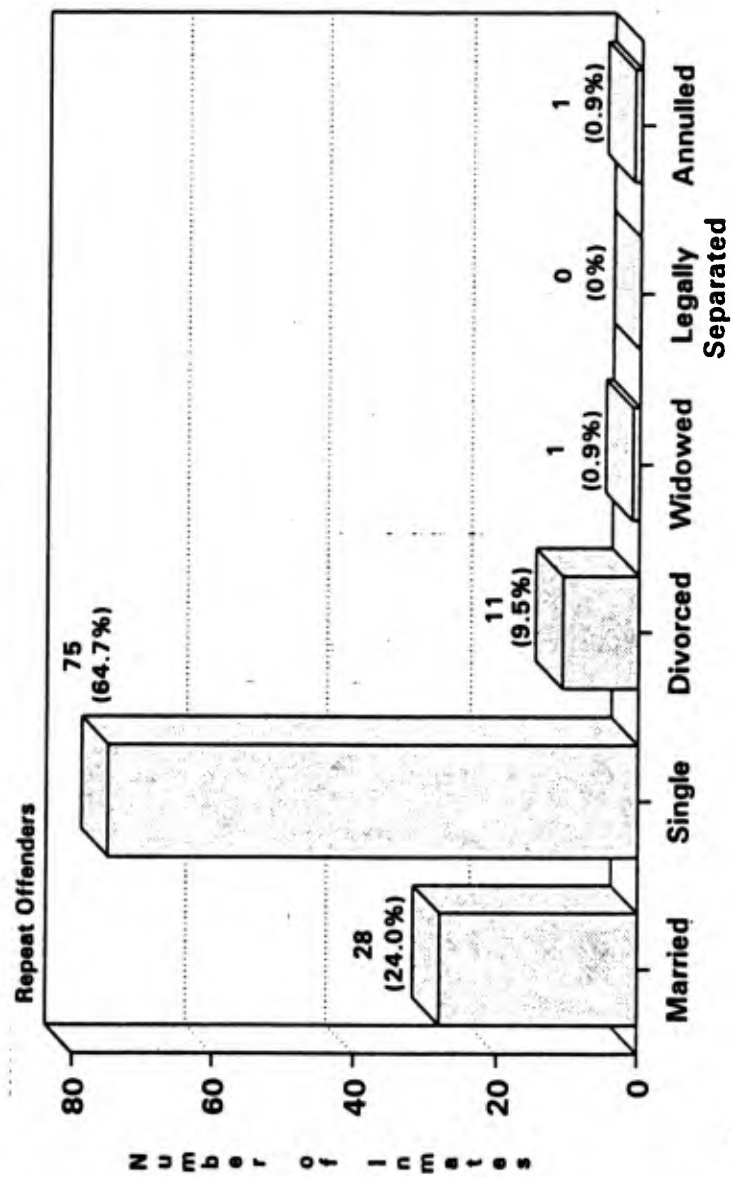


Figure 18

# PROBABILITY OF D&A BOARDS GIVEN MARTIAL STATUS

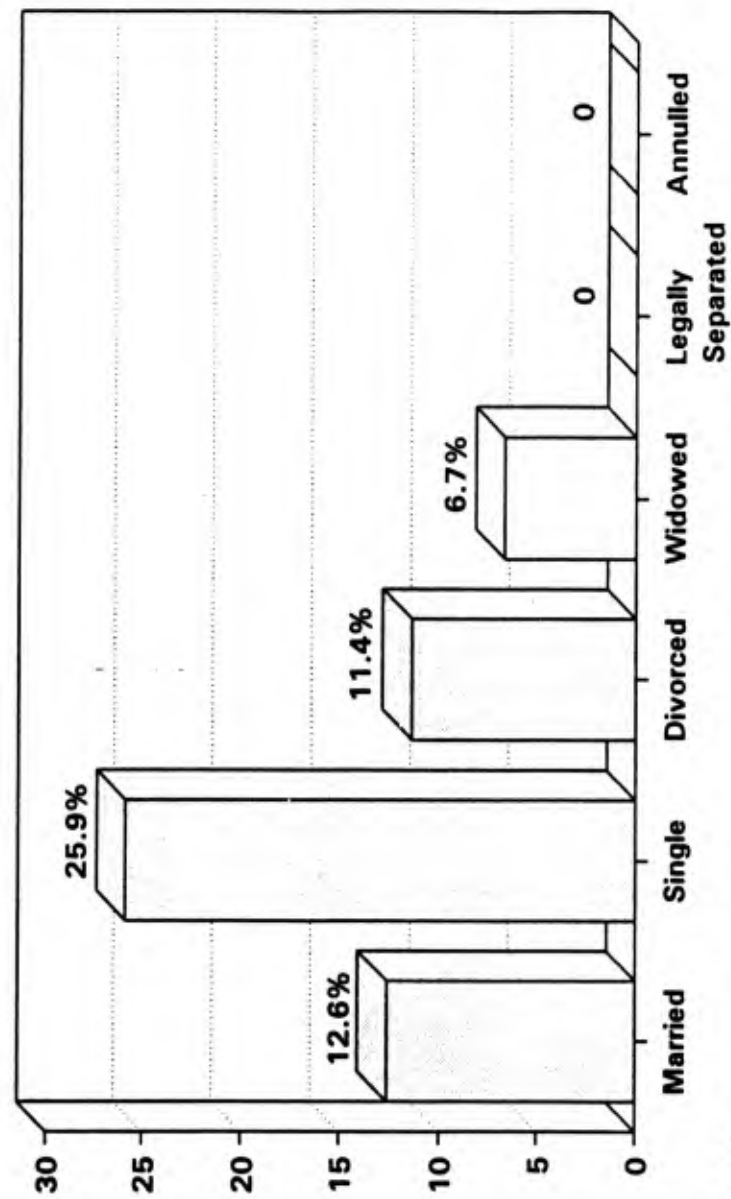


Figure 19



# GENERAL POPULATION

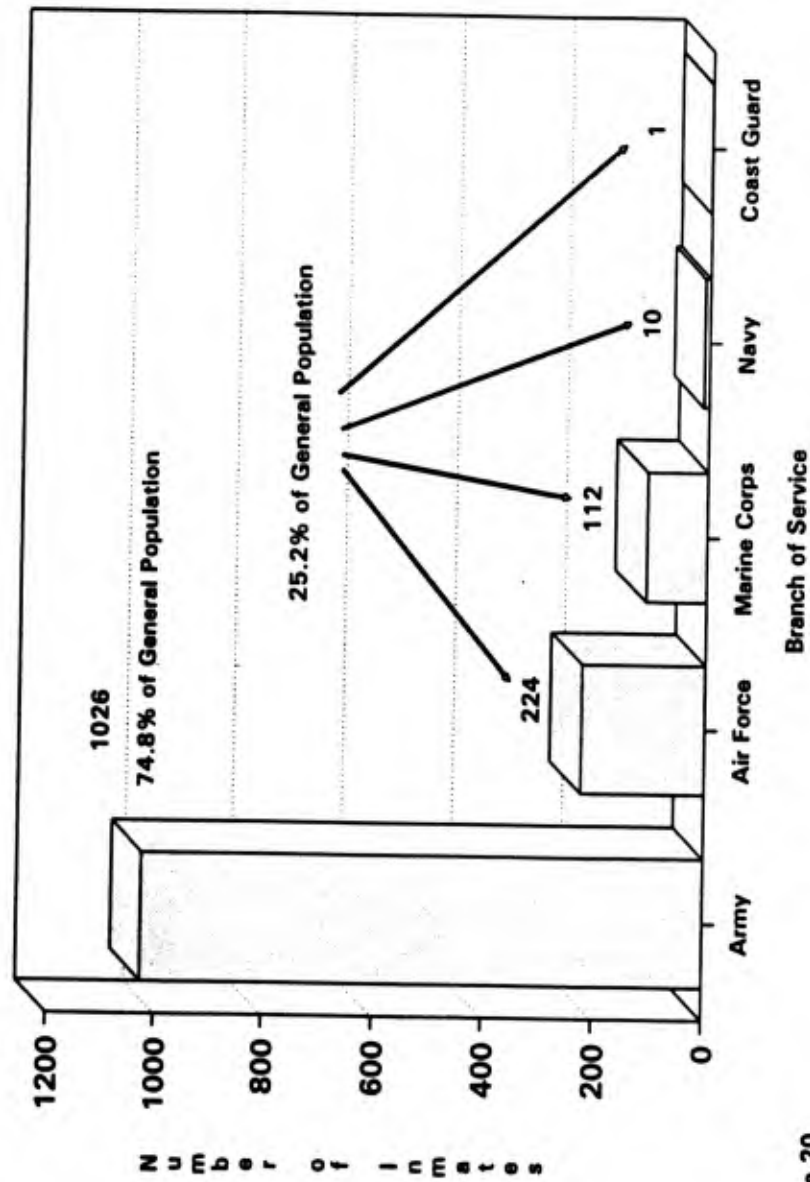


Figure 20

# 1991 D&A BOARDS

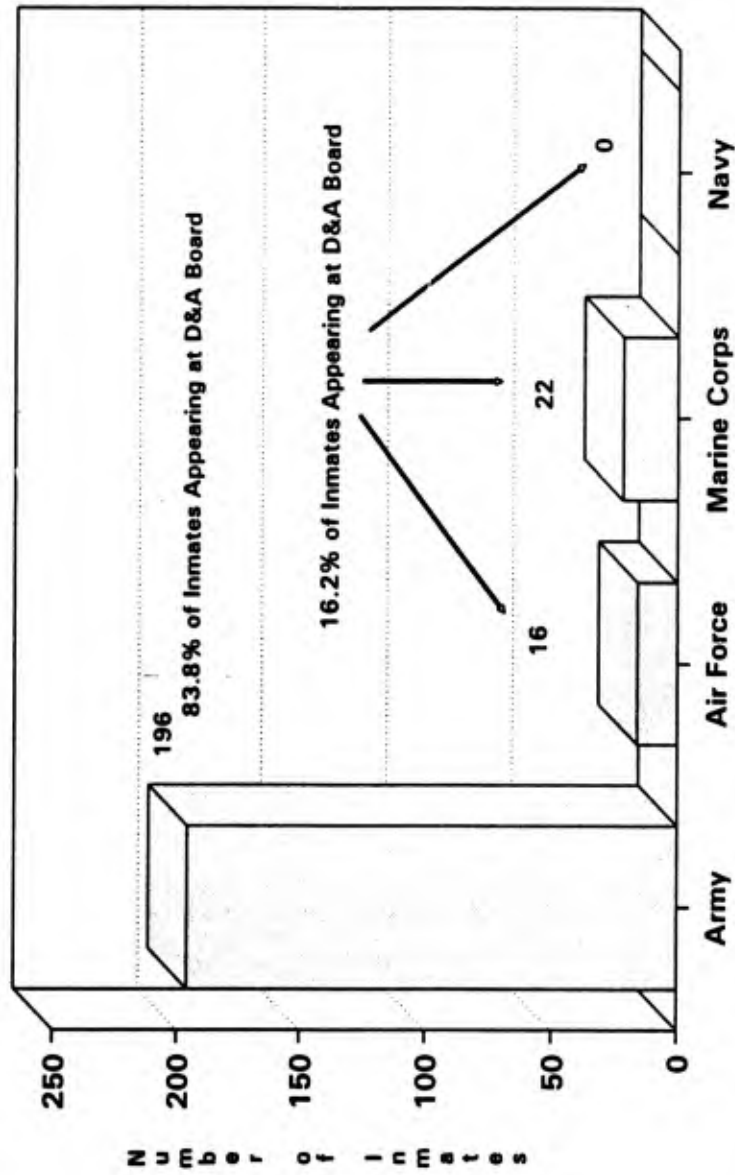


Figure 21

# GENERAL POPULATION

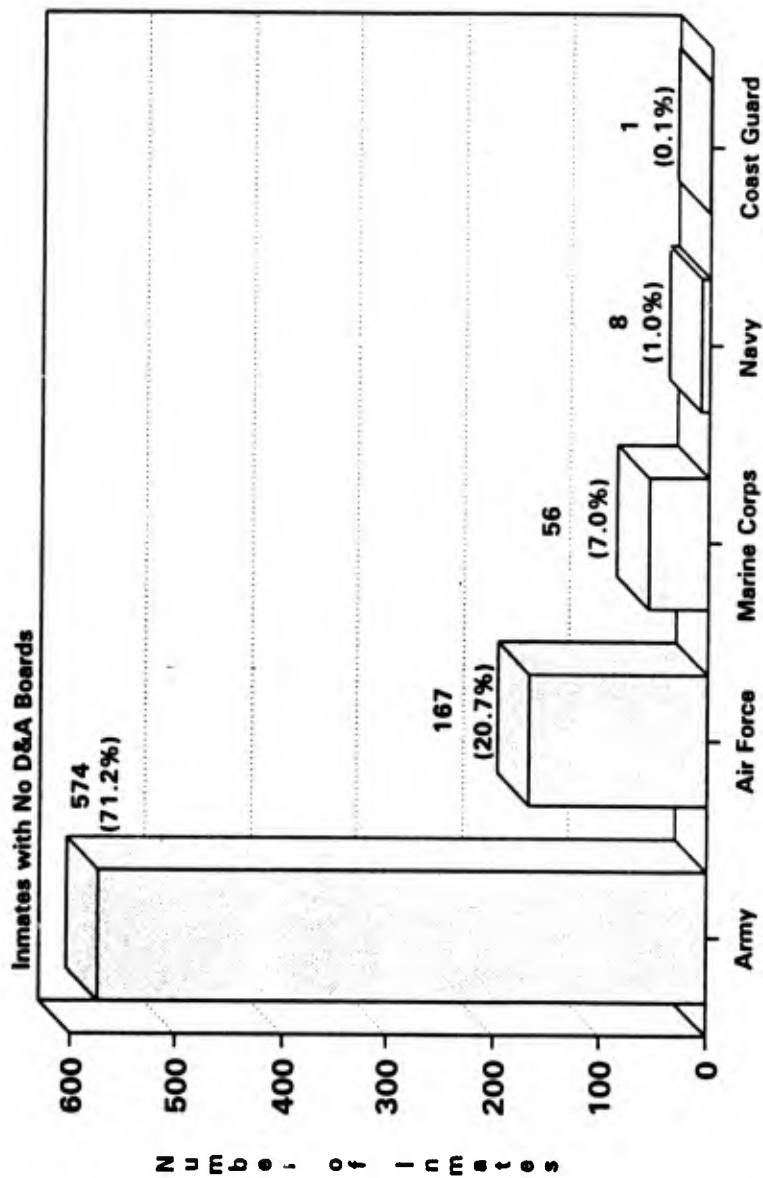


Figure 22

# 1991 D&A BOARDS

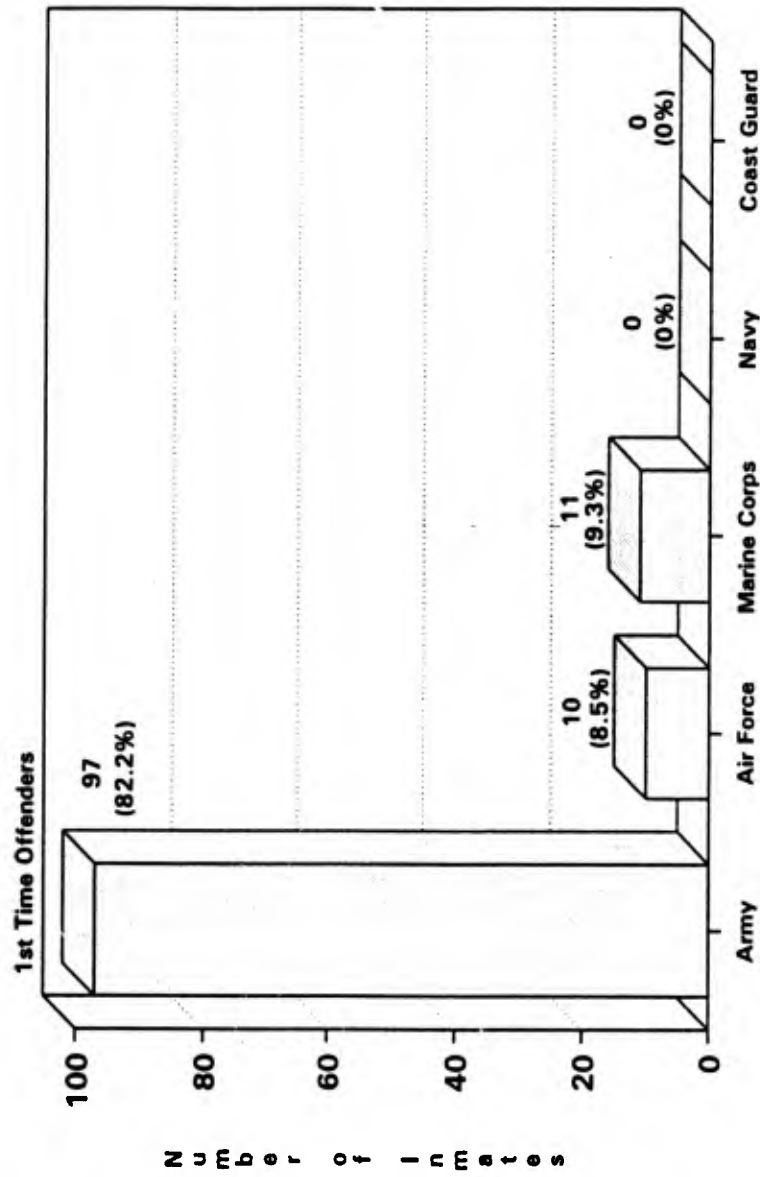


Figure 23

# 1991 D&A BOARDS

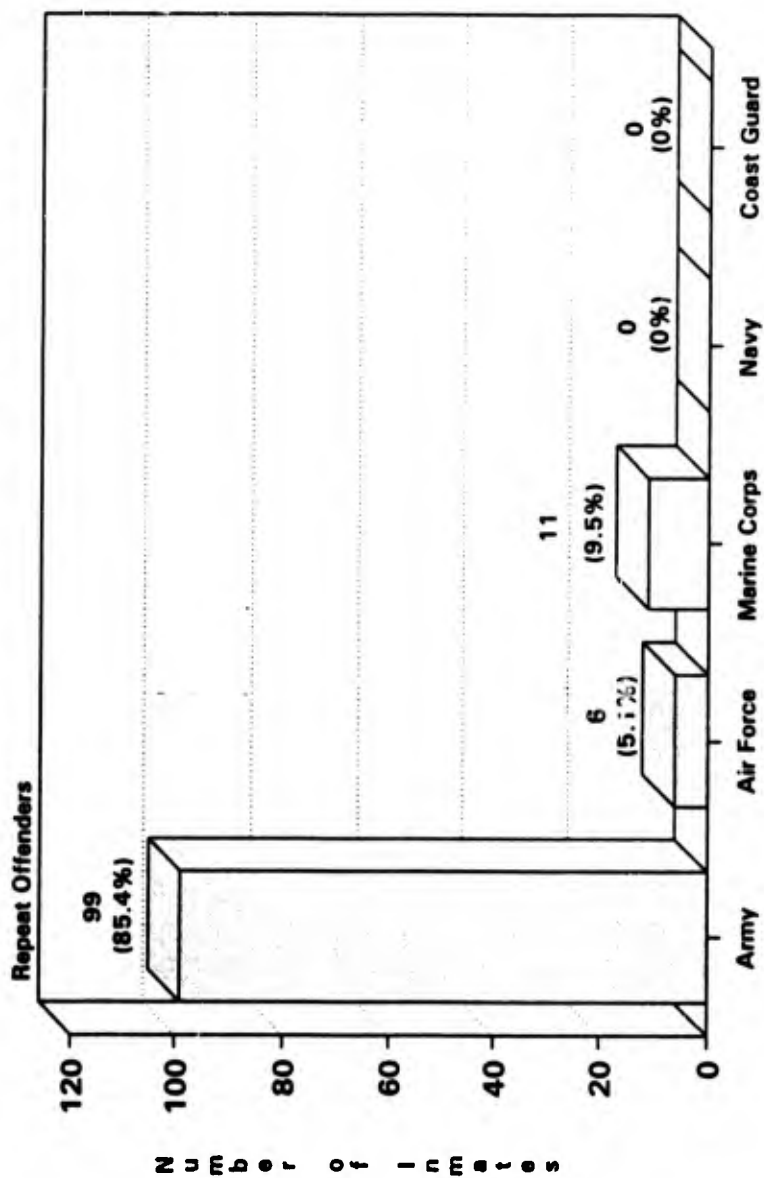


Figure 24

# PROBABILITY OF D&A BOARD GIVEN BRANCH OF SERVICE

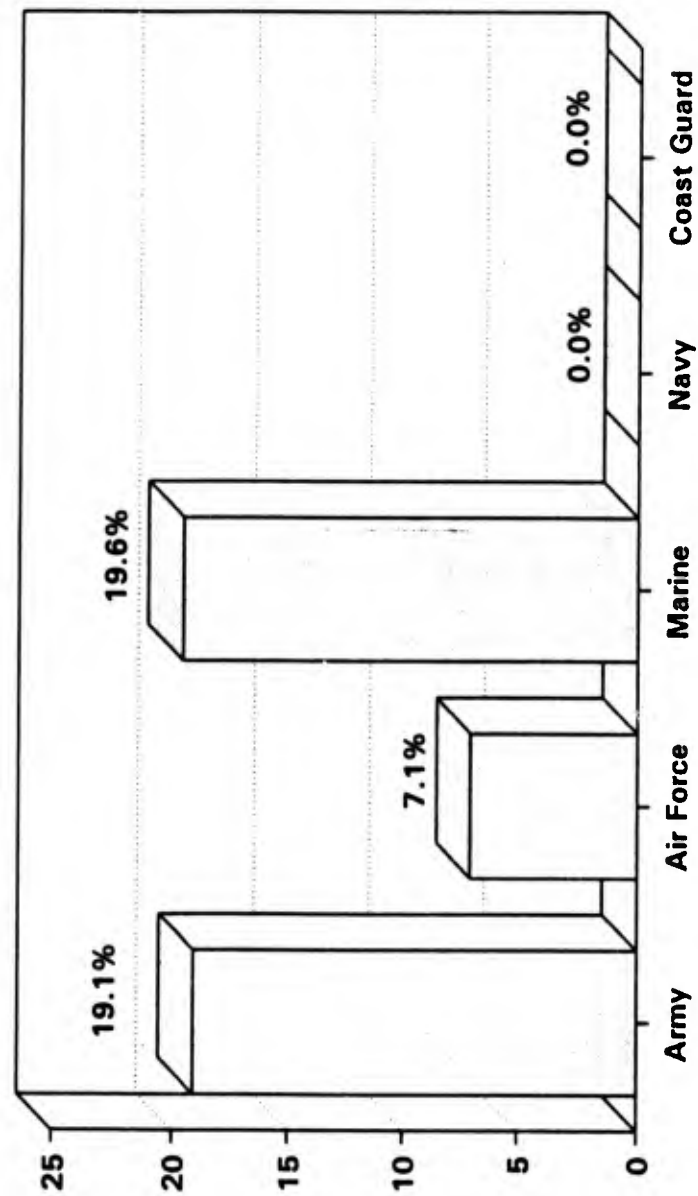


Figure 25

# GENERAL POPULATION GT SCORE

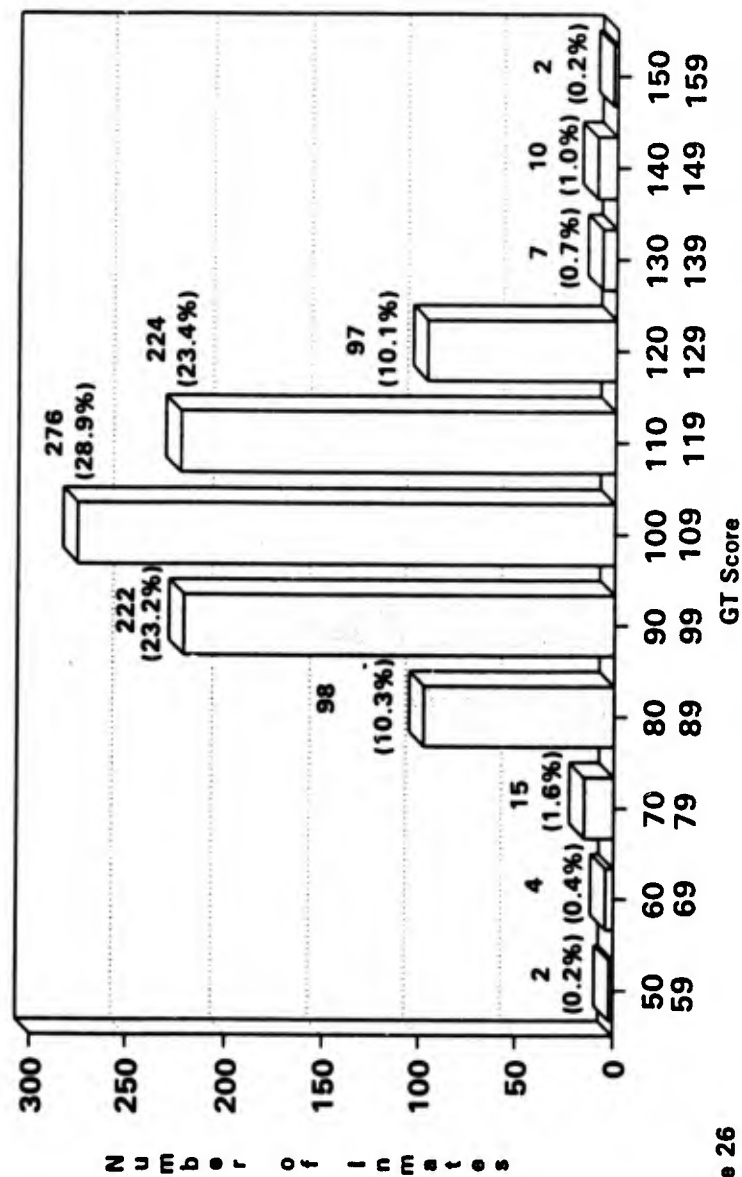


Figure 26

# 1991 D&A BOARDS

## GT SCORE

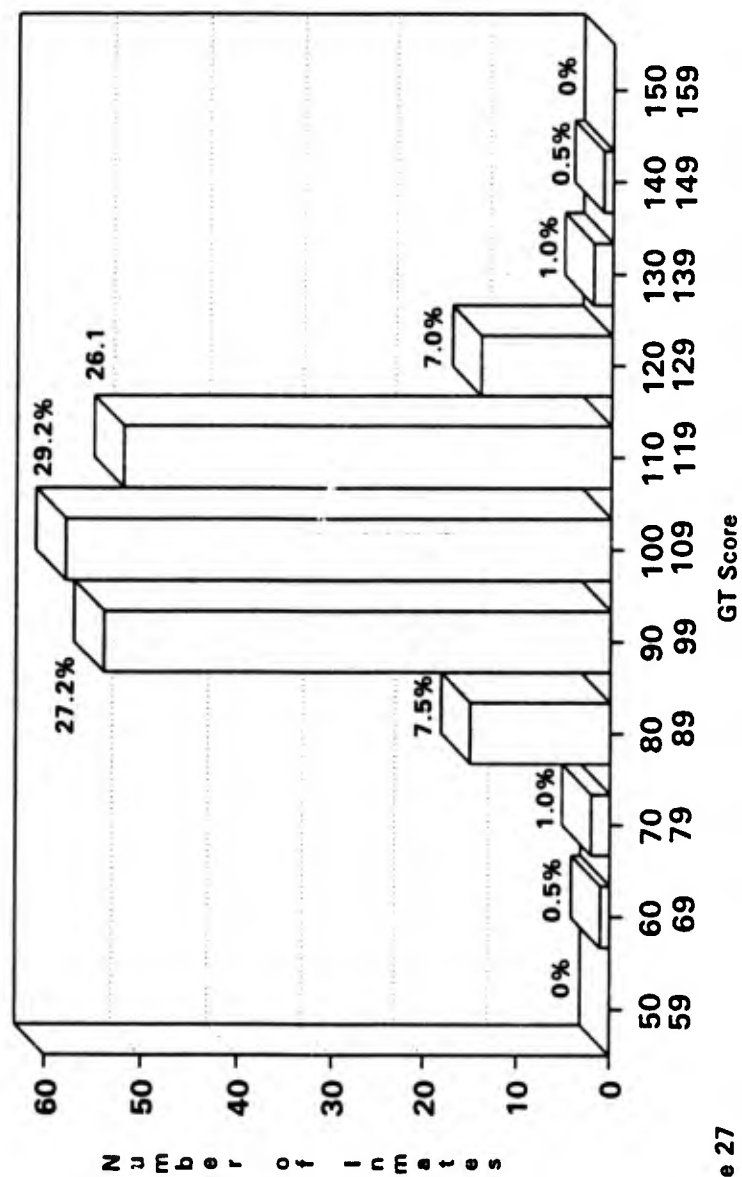


Figure 27



# GENERAL POPULATION

## GT SCORE

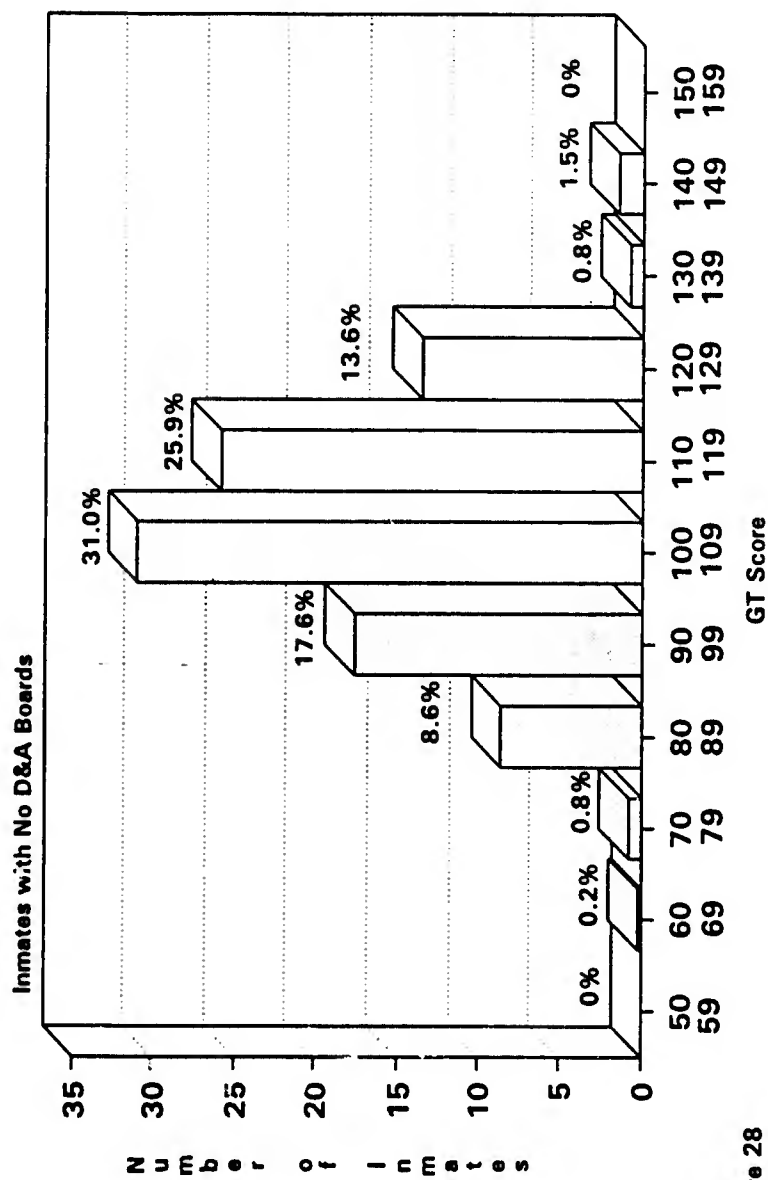


Figure 28

# 1991 D&A BOARDS

## GT SCORE

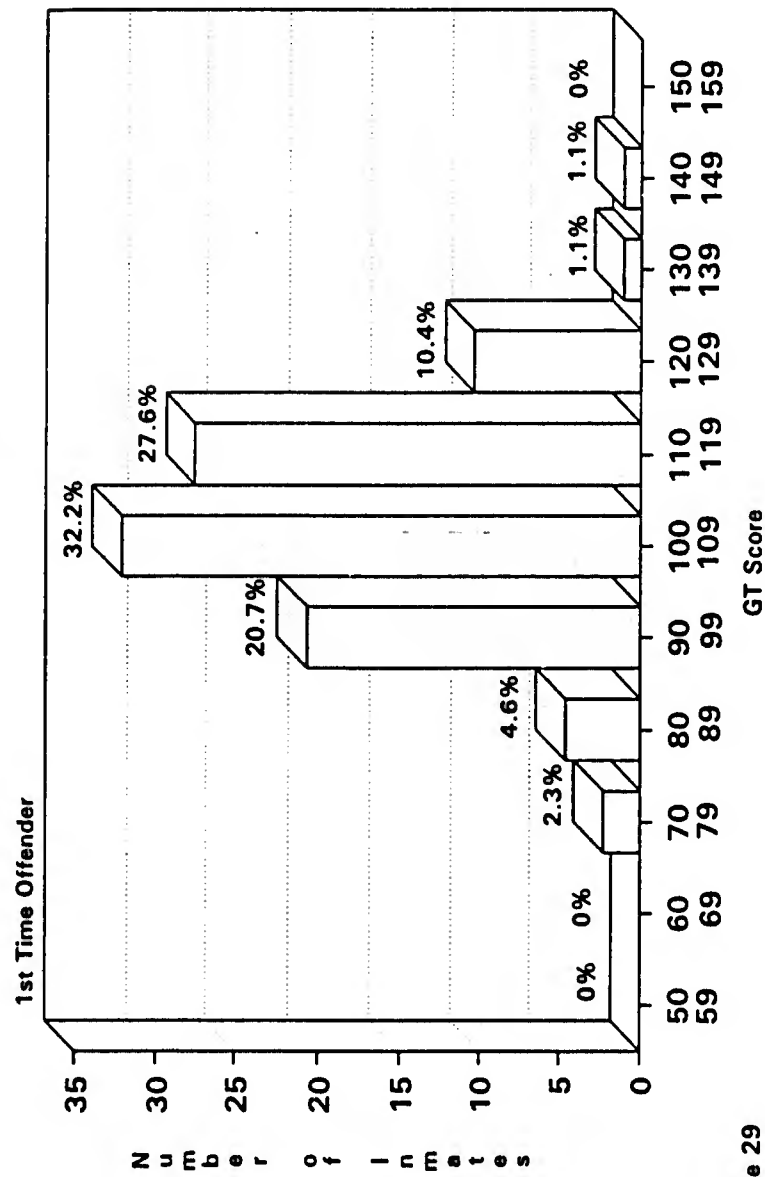


Figure 29

# 1991 D&A BOARDS GT SCORE

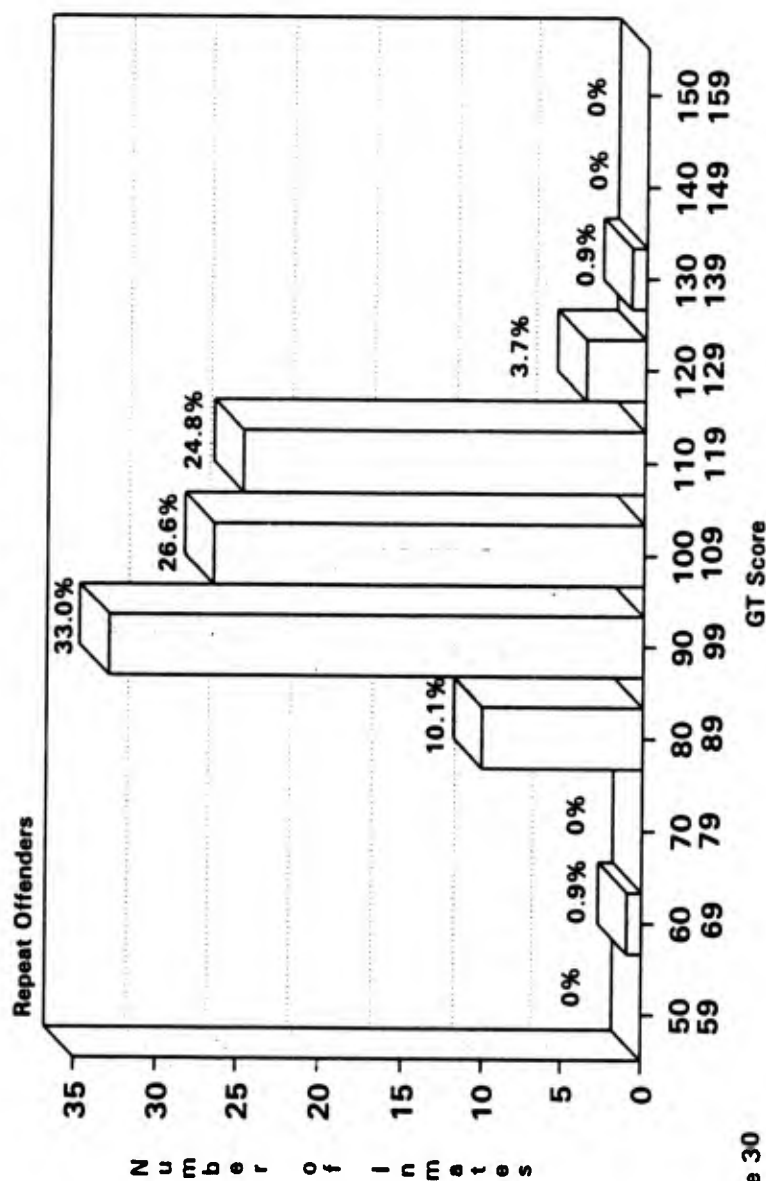


Figure 30

# PROBABILITY OF D&A BOARD GIVEN GT SCORE

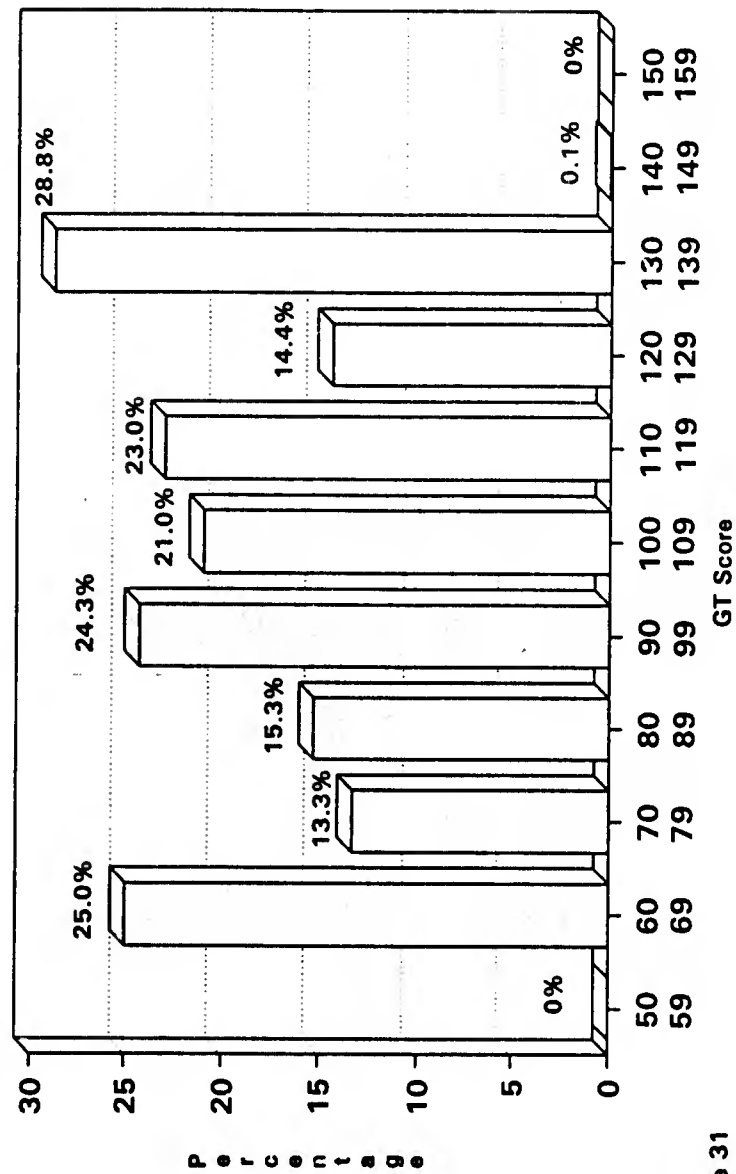
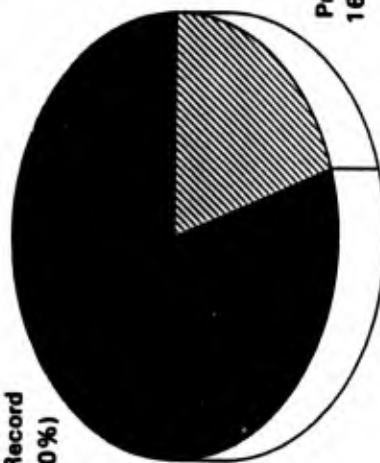


Figure 31

# GENERAL POPULATION

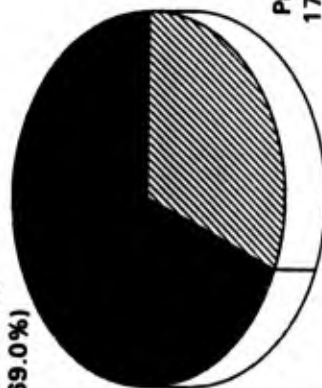
**NO D&A BOARD**  
(806)

No Prior Record  
645 (80.0%)



**D&A BOARD**  
(567)

No Prior Record  
391 (69.0%)



Prior Record  
161 (20.0%)

Prior Record  
176 (31.0%)

Figure 32

# 1991 D&A BOARDS

## Prior Record

1st Time Offender      Repeat Offenders

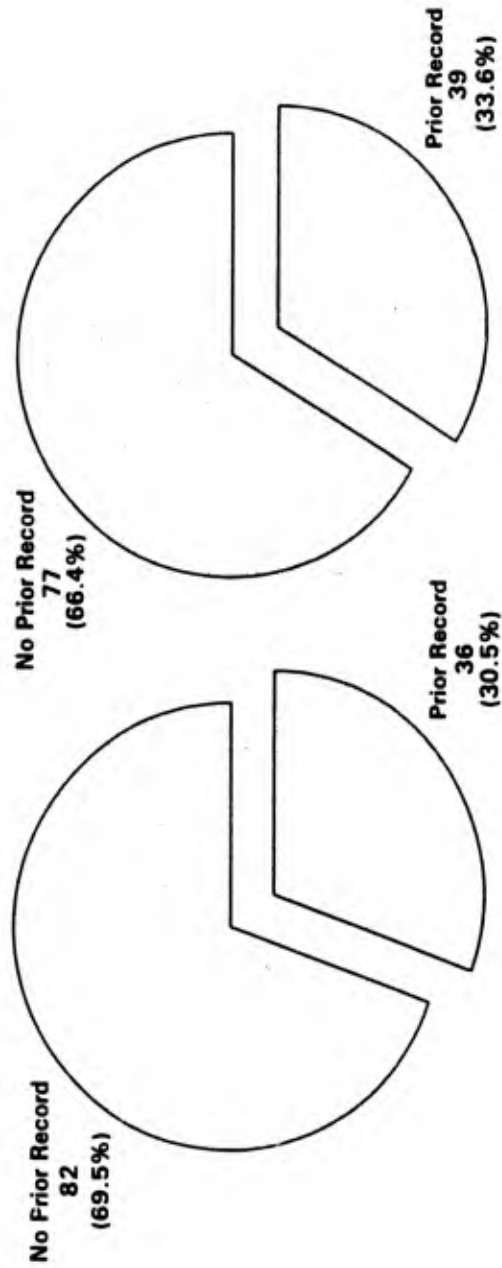


Figure 33

# GENERAL POPULATION

## ARTICLE 15's

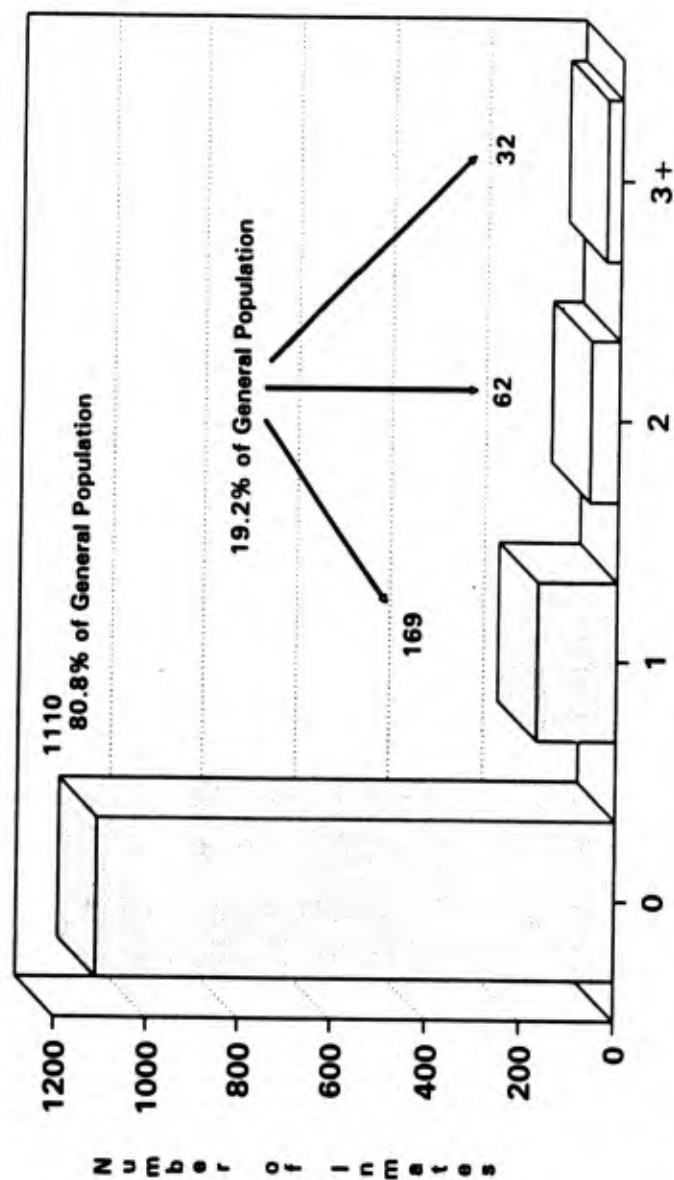


Figure 34

Number of Article 15's

# GENERAL POPULATION

## ARTICLE 15'S

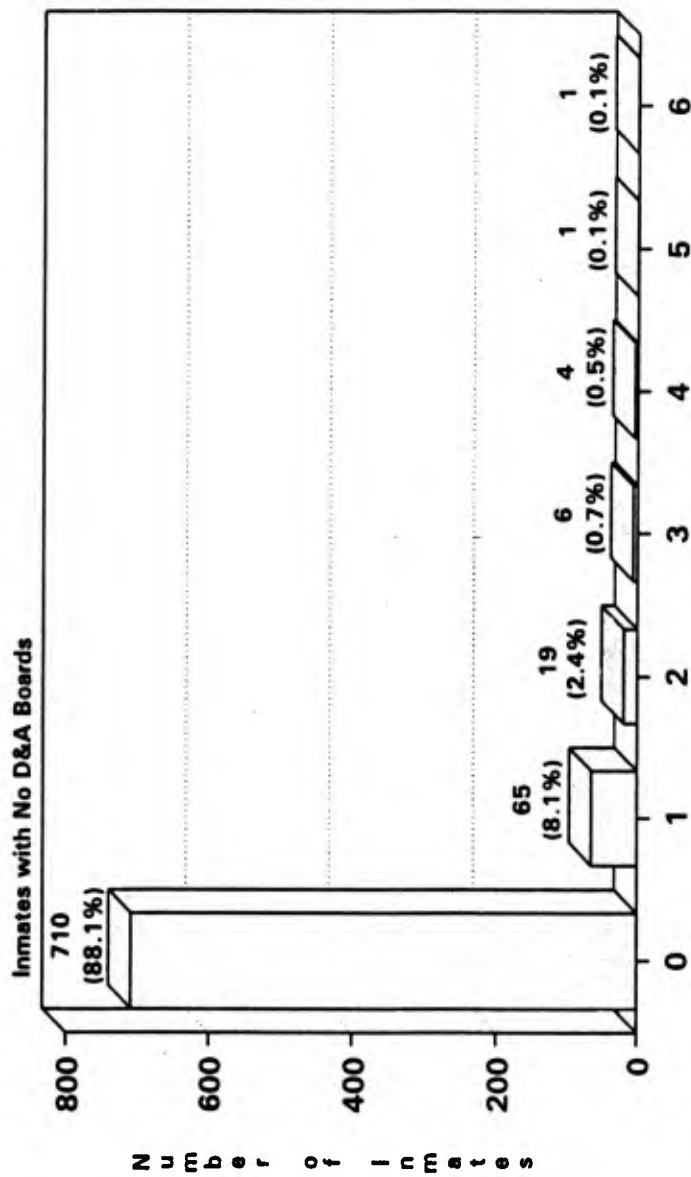


Figure 35

Number of Article 15's



# 1991 D&A BOARDS

## ARTICLE 15's

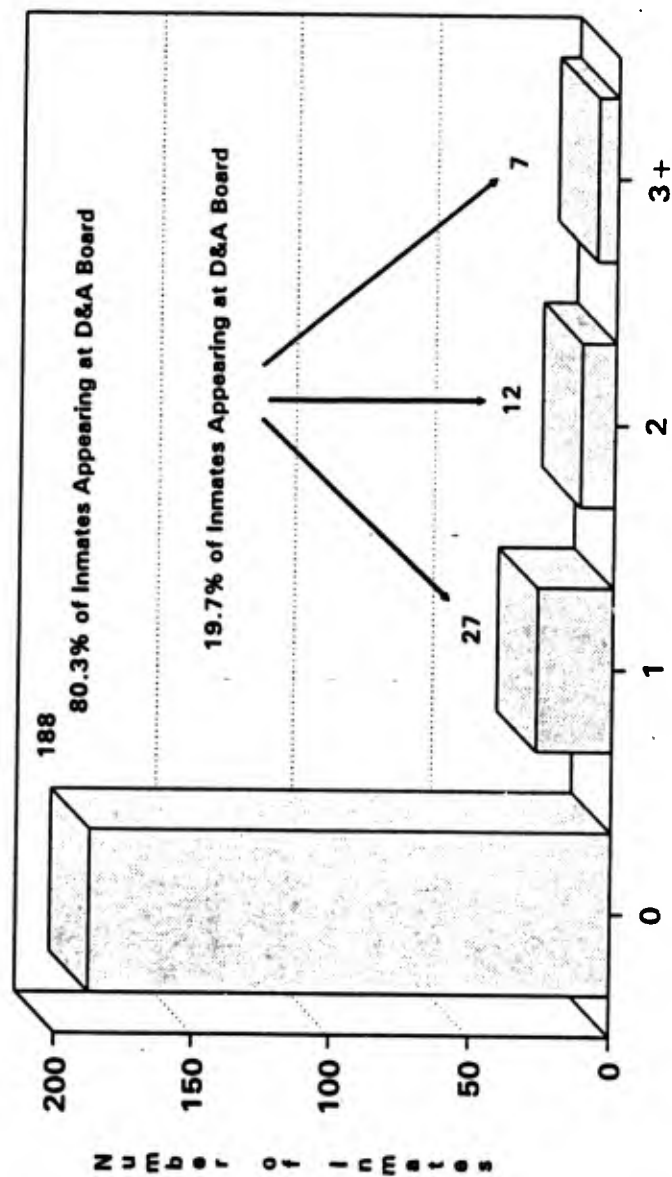


Figure 36  
Number of Article 15's

# 1991 D&A BOARDS

## ARTICLE 15's

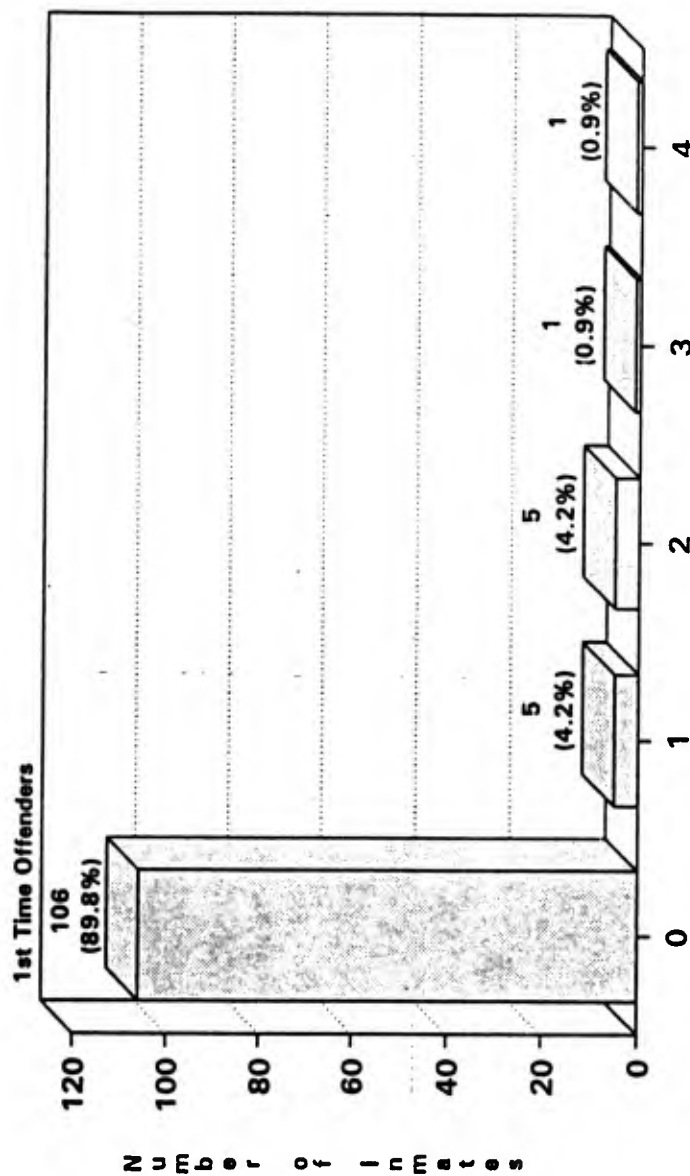


Figure 37

# 1991 D&A BOARDS

## ARTICLE 15's

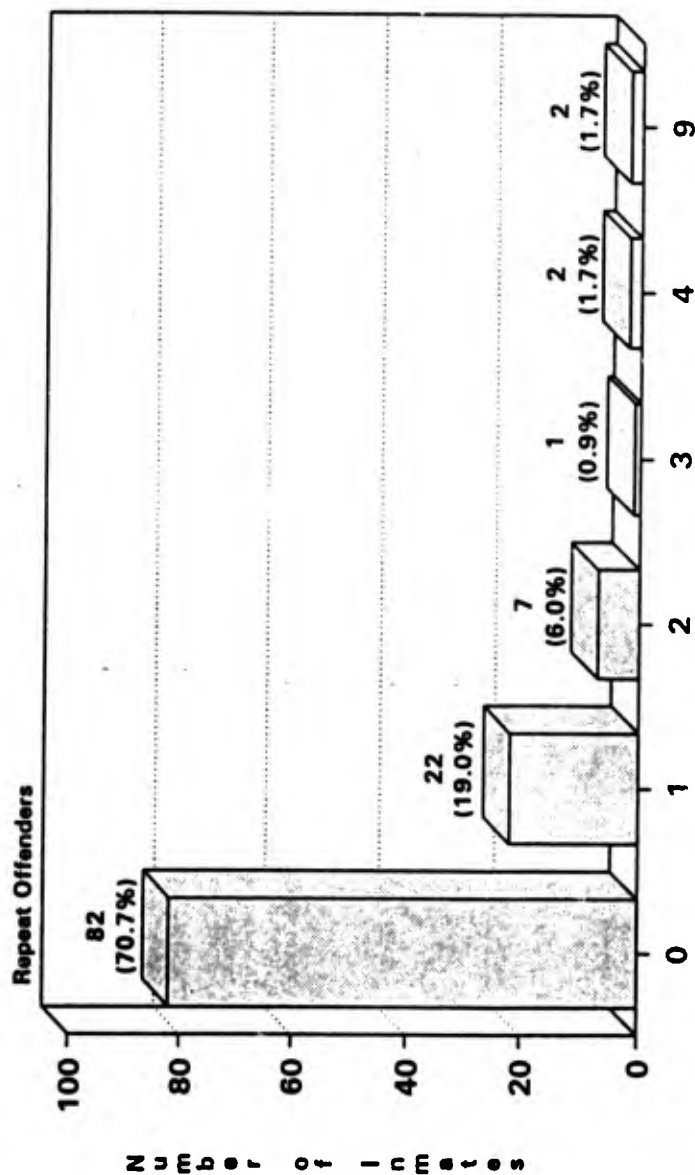


Figure 38

Number of Article 15's

# PROBABILITY OF D&A BOARD GIVEN ARTICLE 15's

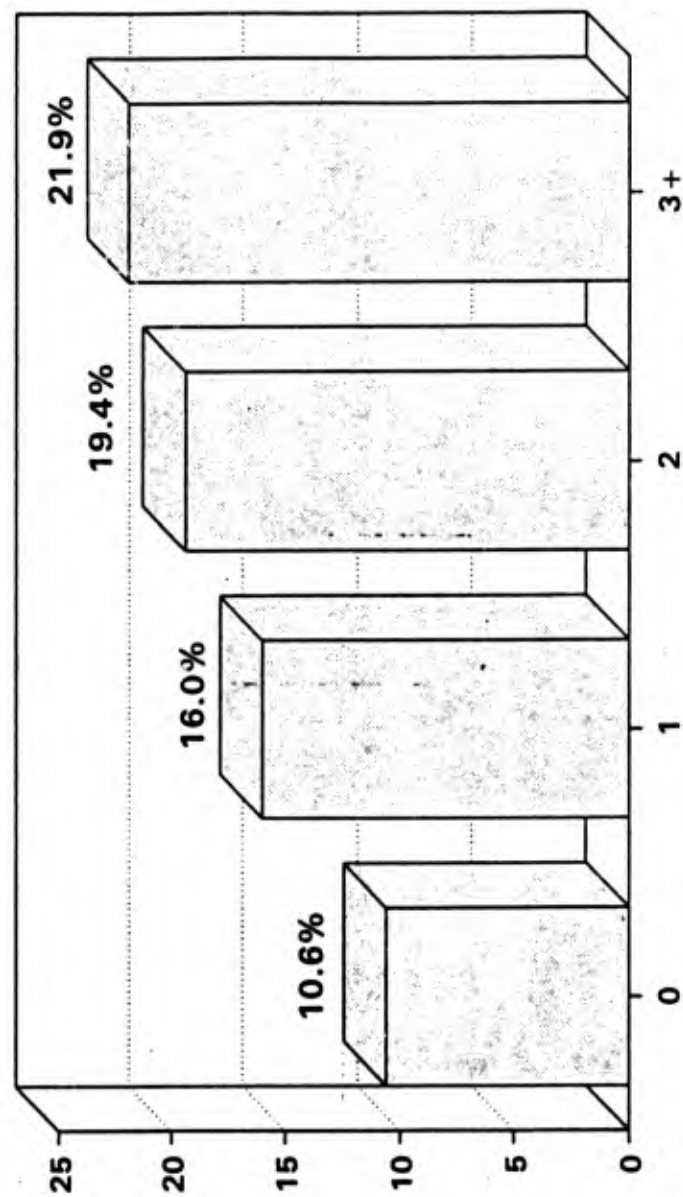


Figure 39

# GENERAL POPULATION CONFINING OFFENSE

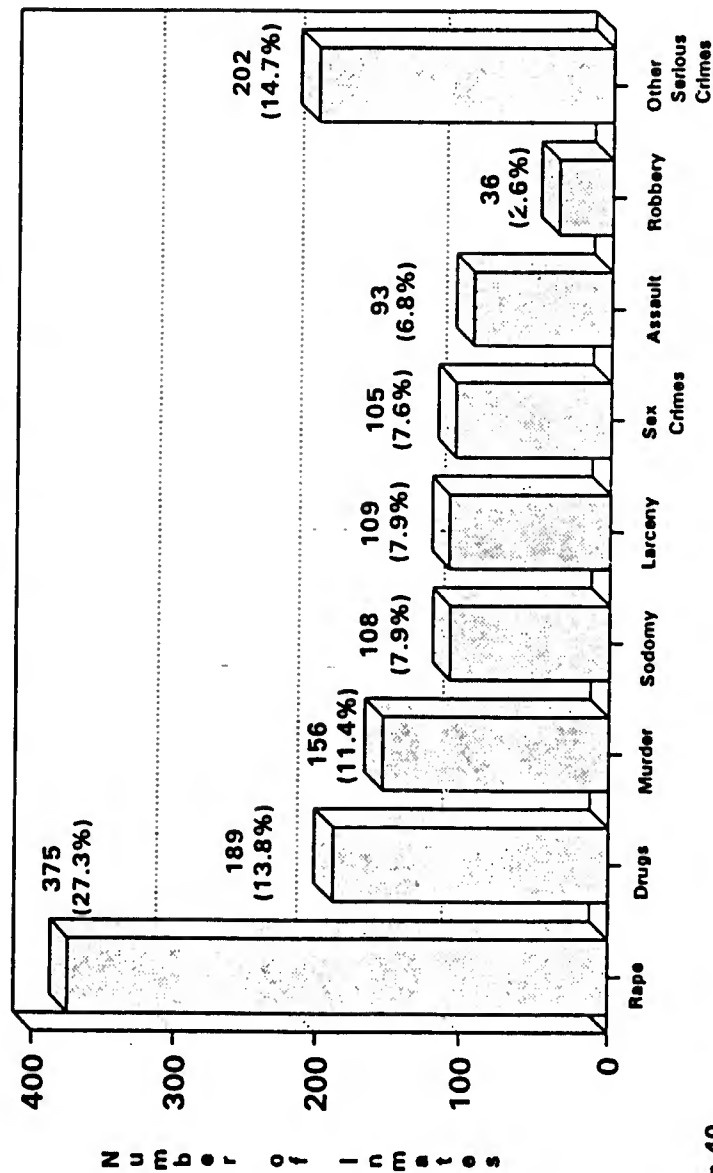


Figure 40

# 1991 D&A BOARDS CONFINING OFFENSE

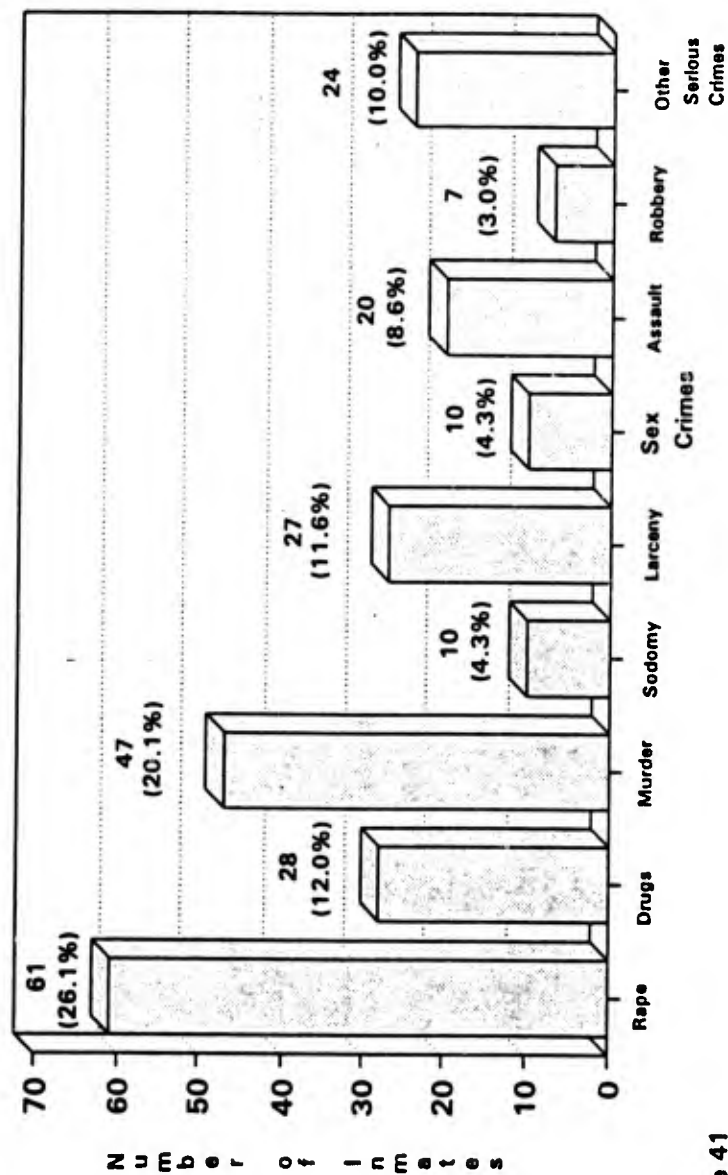


Figure 41

# GENERAL POPULATION CONFINING OFFENSE

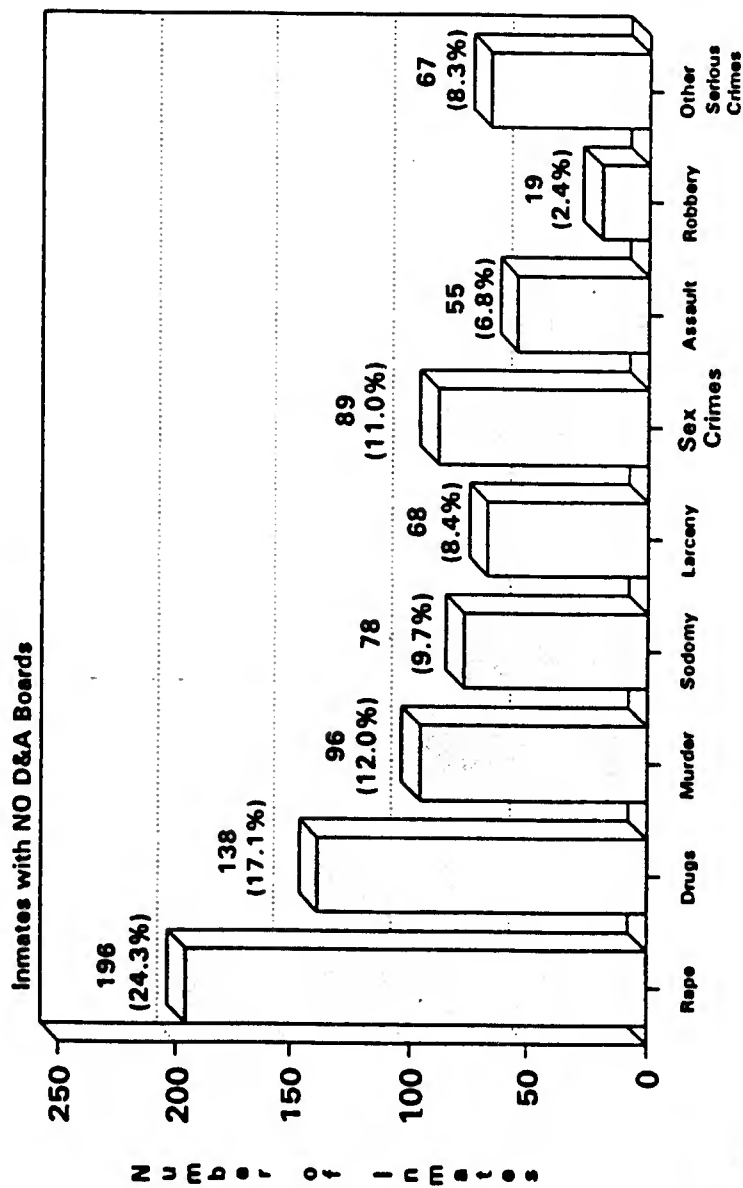


Figure 42

# 1991 D&A BOARDS CONFINING OFFENSE

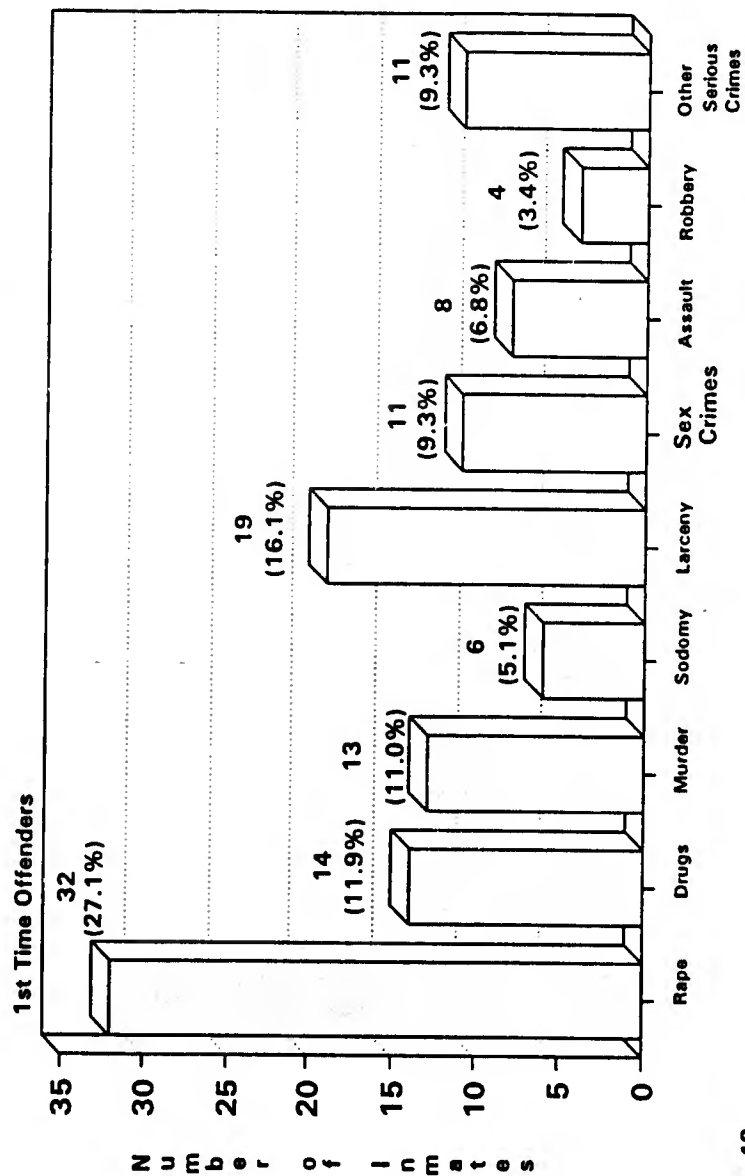


Figure 43



# 1991 D&A BOARDS CONFINING OFFENSE

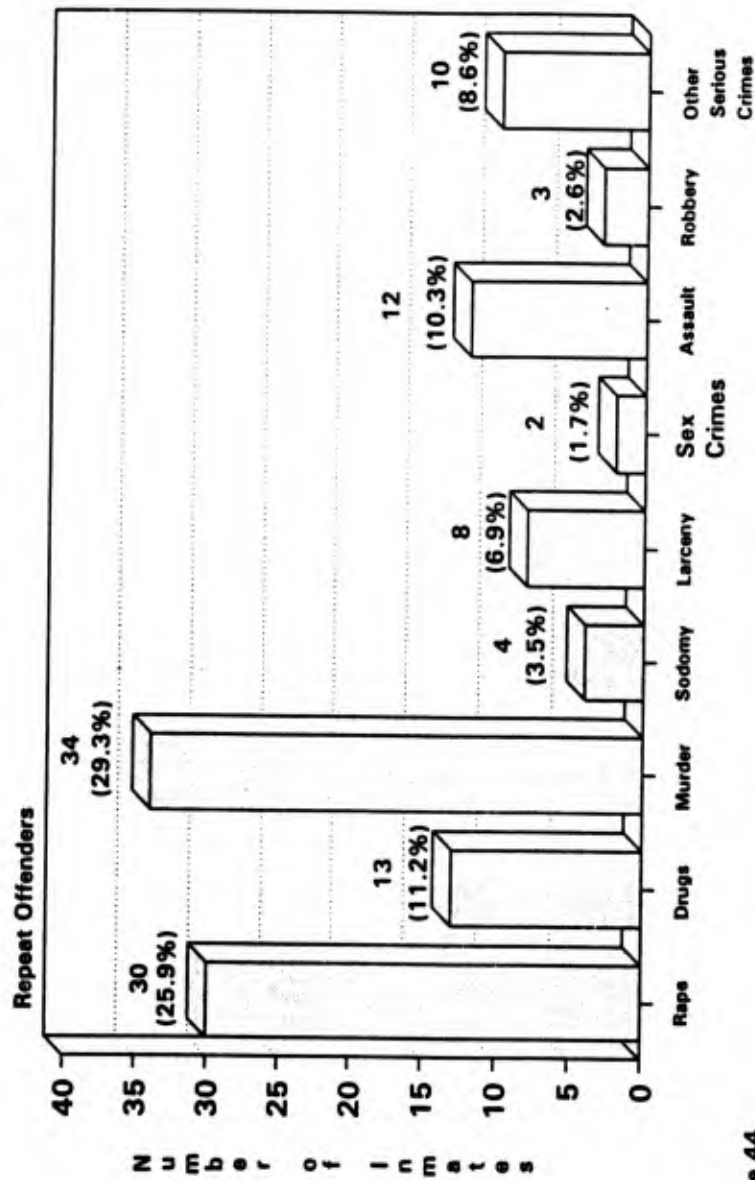


Figure 44

# PROBABILITY of D&A BOARD GIVEN CONFINING OFFENSE

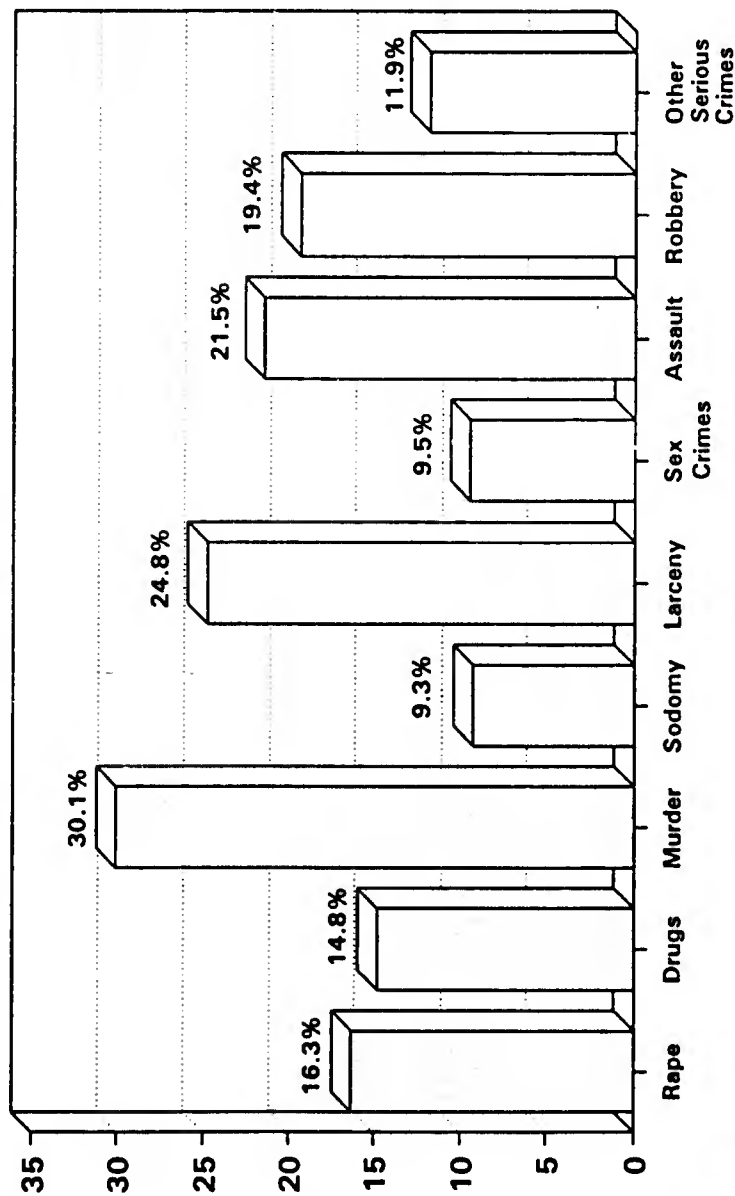


Figure 45

# GENERAL POPULATION CONFINING SENTENCE

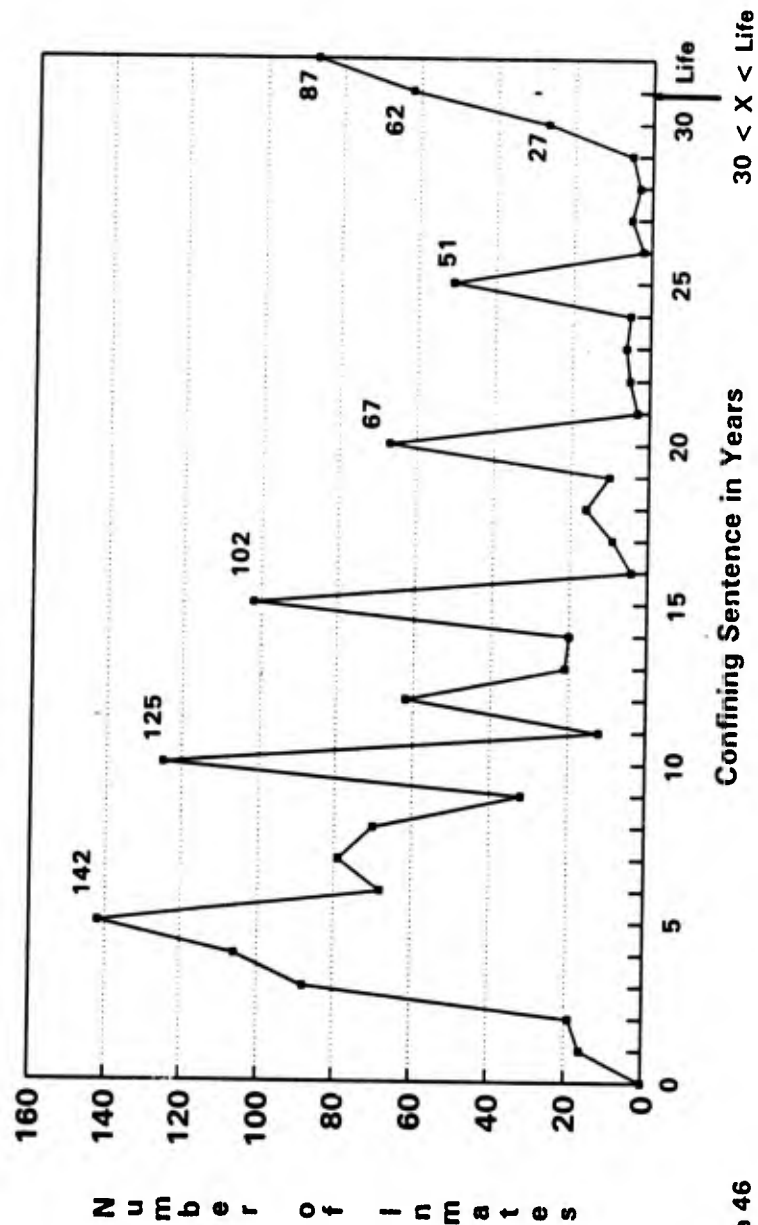


Figure 46

# 1991 D&A BOARDS CONFINING SENTENCE

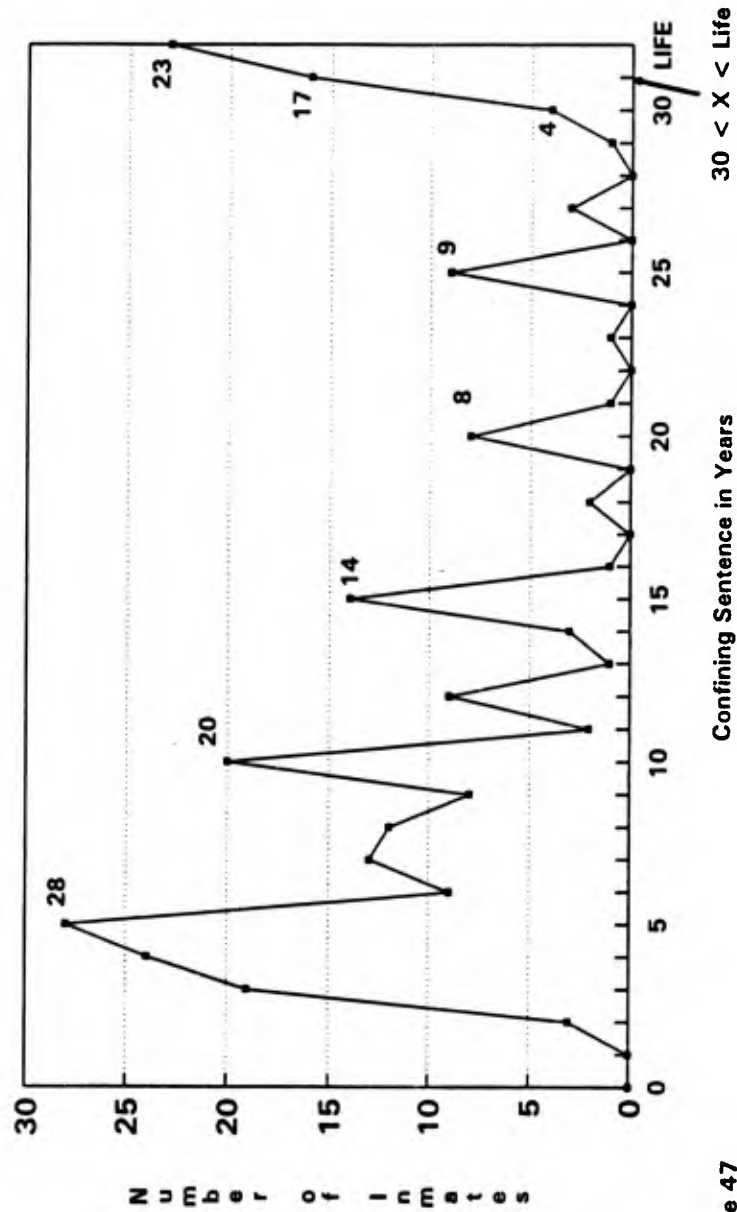


Figure 47

# GENERAL POPULATION CONFINING SENTENCE

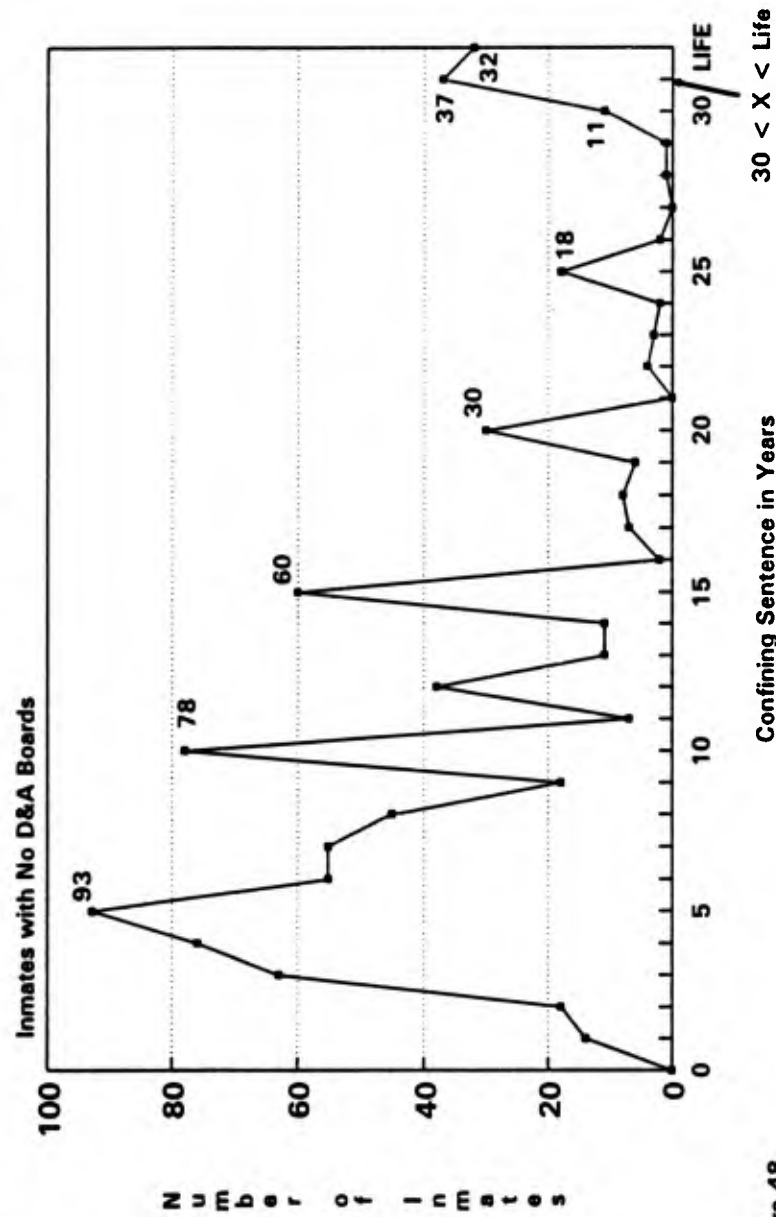


Figure 48

# 1991 D&A BOARDS CONFINING SENTENCE

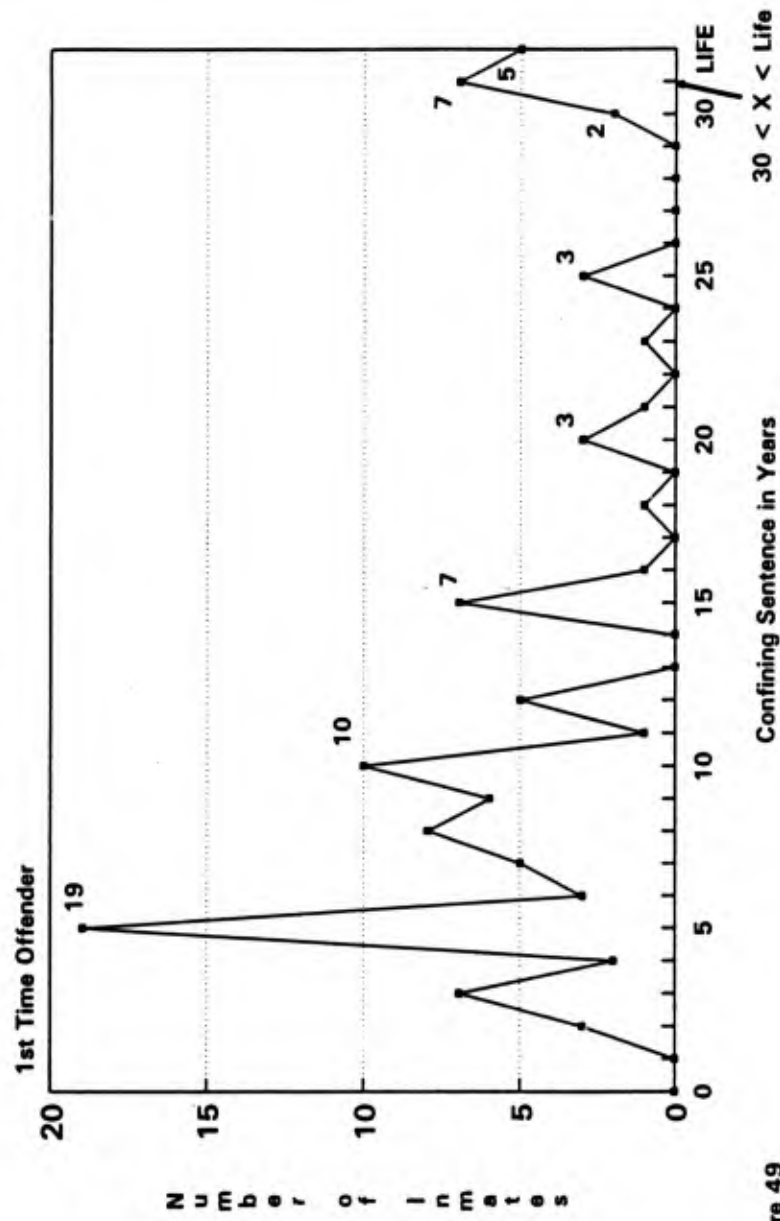


Figure 49

# 1991 D&A BOARDS CONFINING SENTENCE

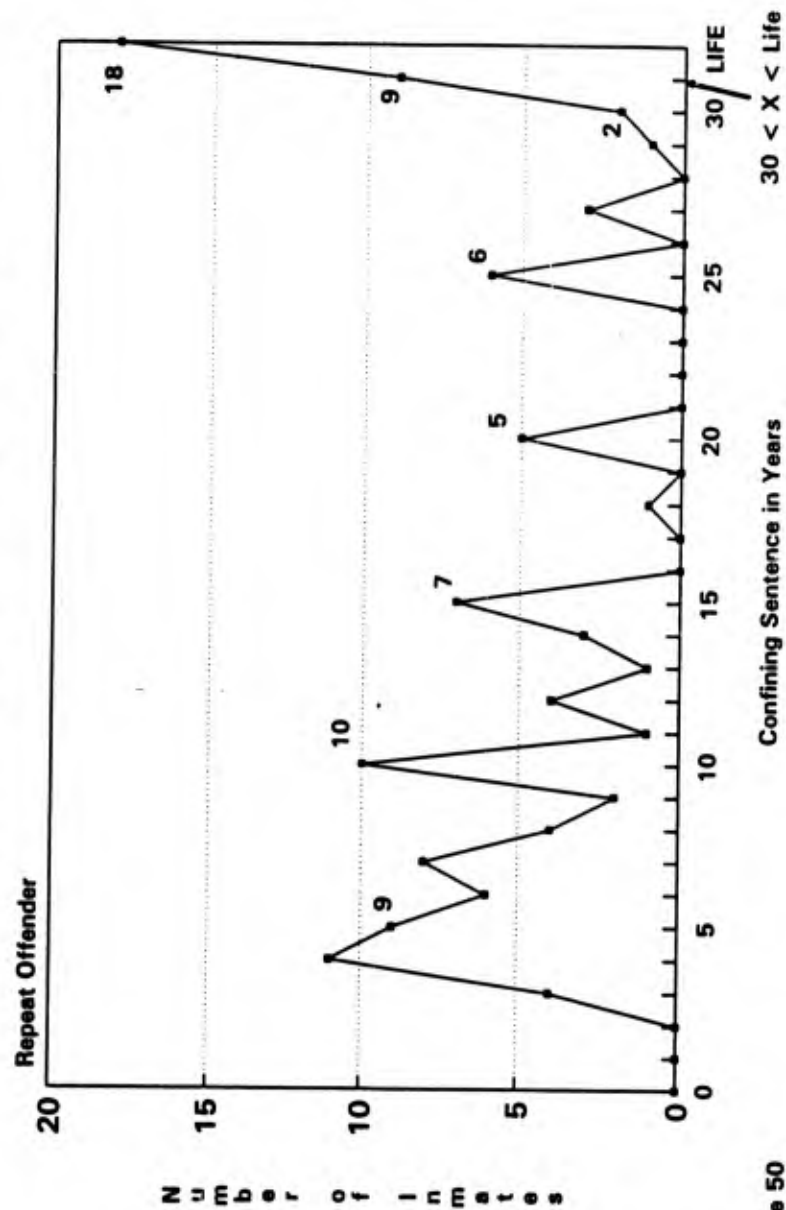


Figure 50

# **PROBABILITY OF D&A BOARD GIVEN CONFINING SENTENCE**

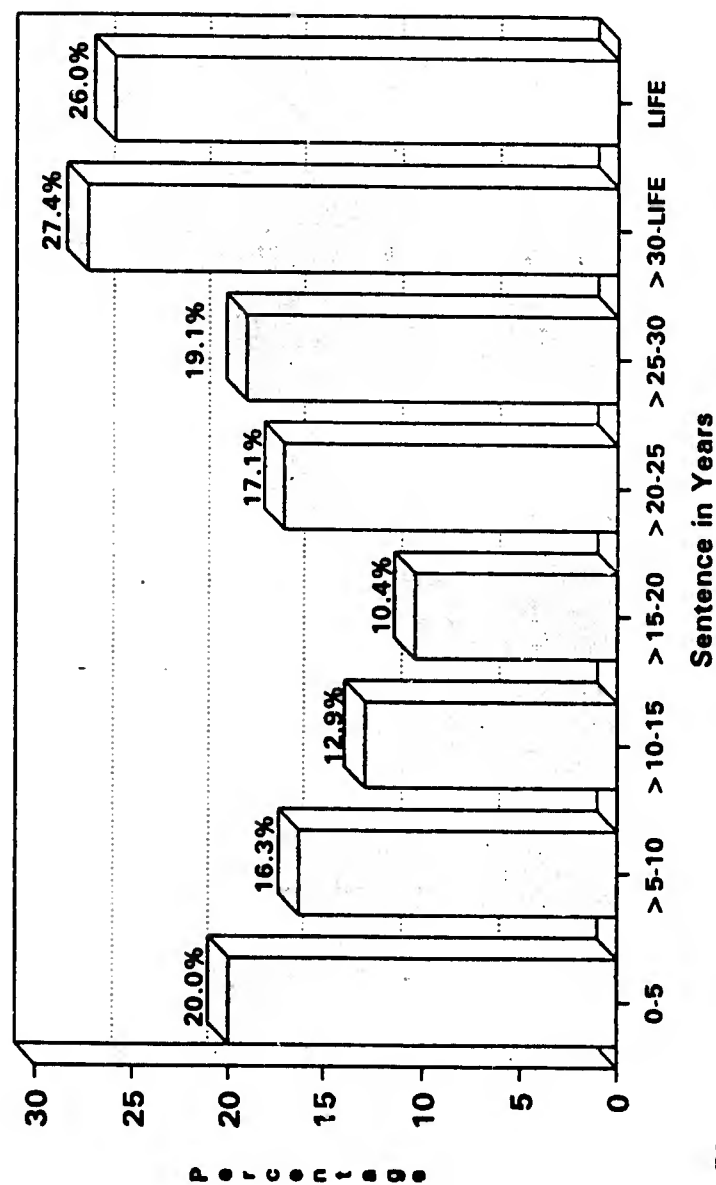


Figure 51



# GENERAL POPULATION CUSTODY LEVEL

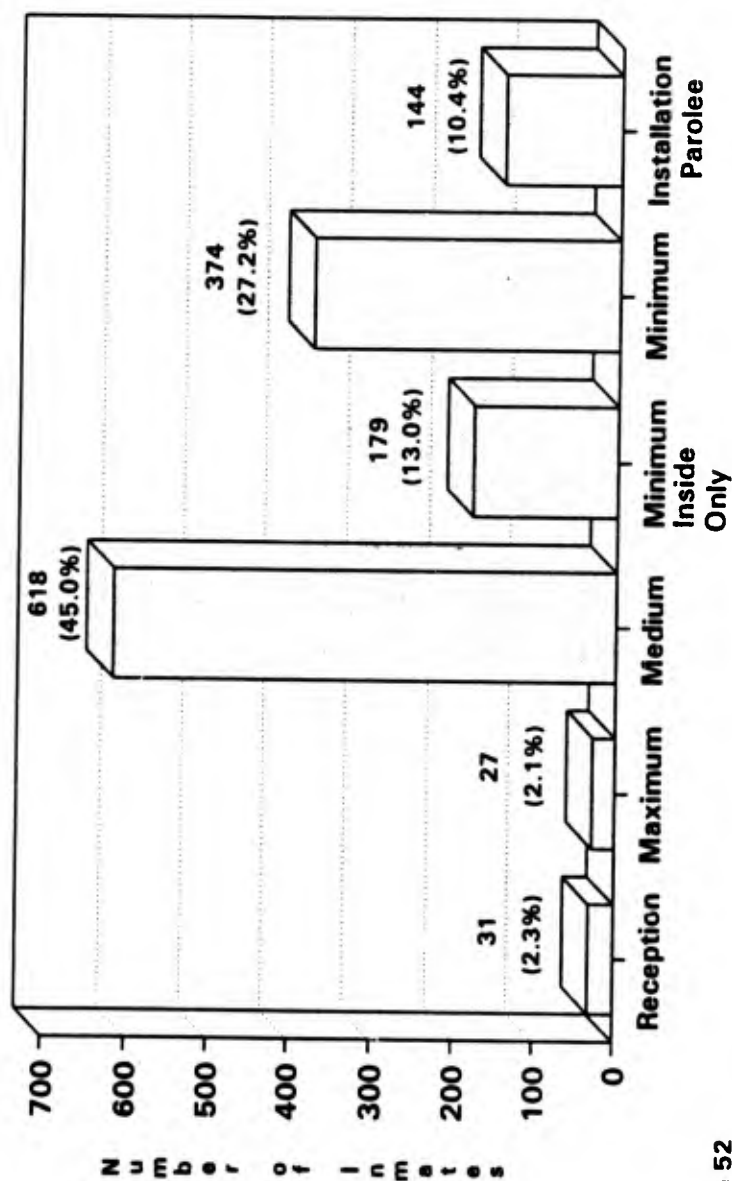


Figure 52

# PROBABILITY OF D&A BOARD GIVEN CONFINING SENTENCE

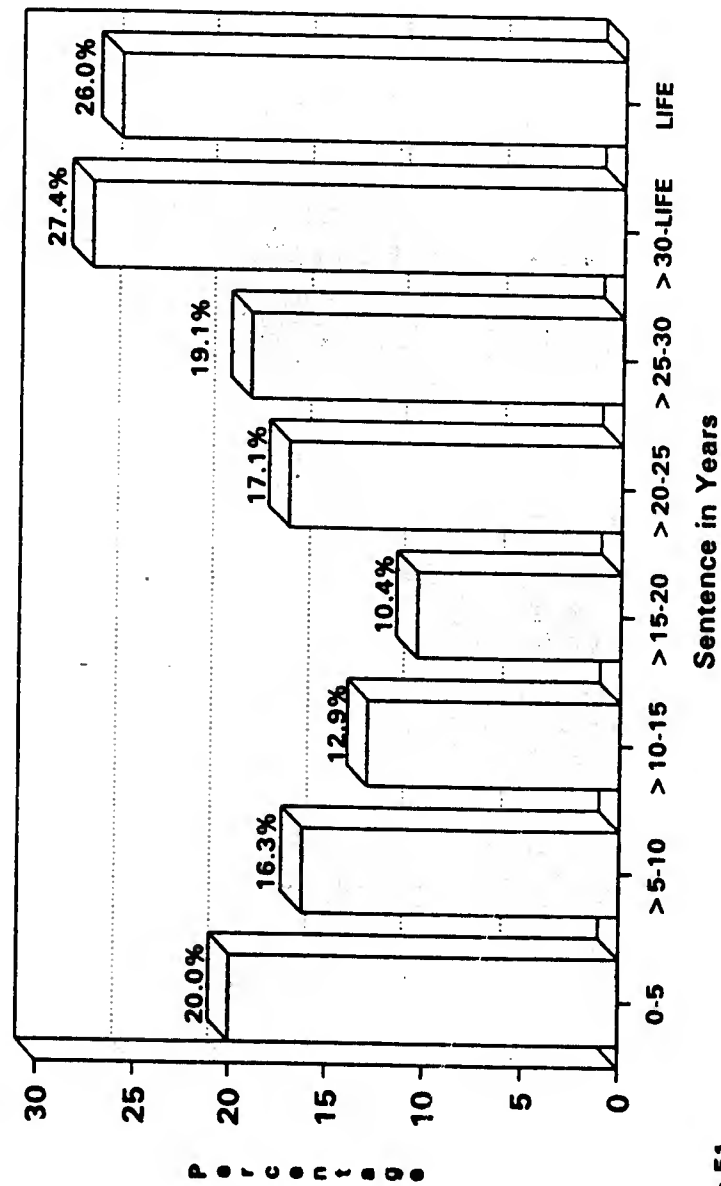


Figure 51

# 1991 D&A BOARDS CUSTODY LEVEL

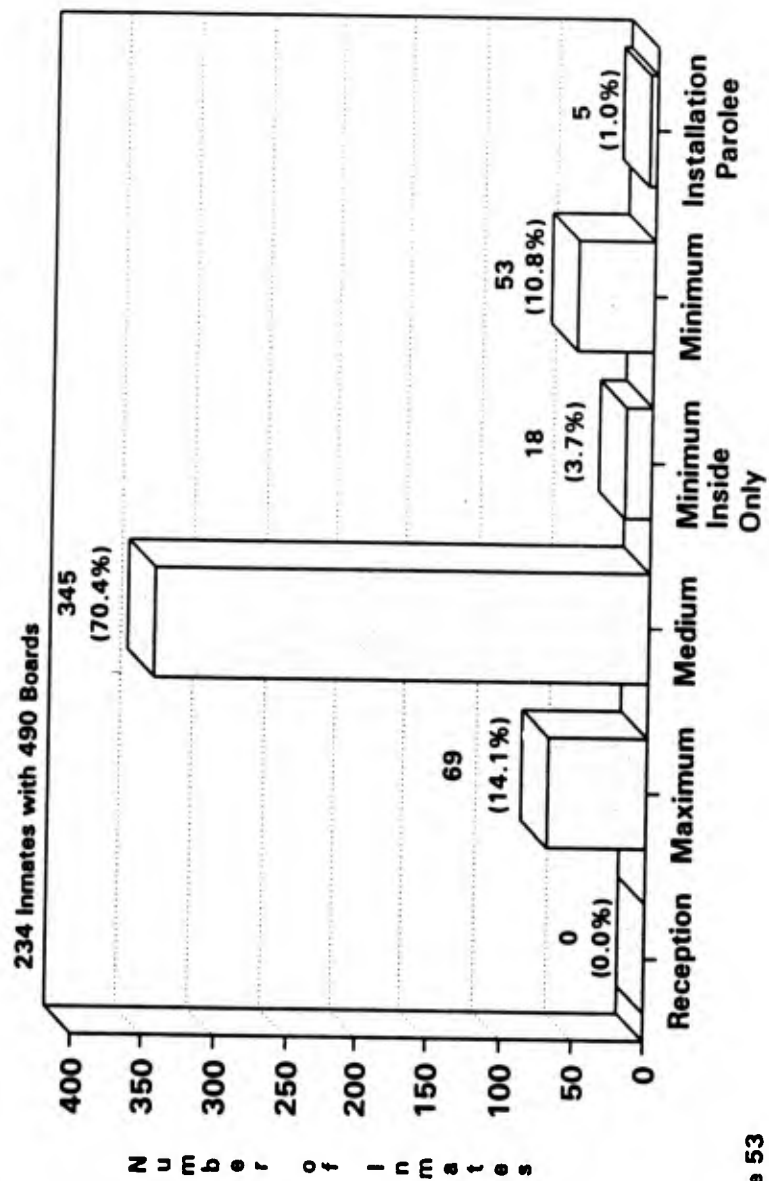


Figure 53

# GENERAL POPULATION LIVING AREA

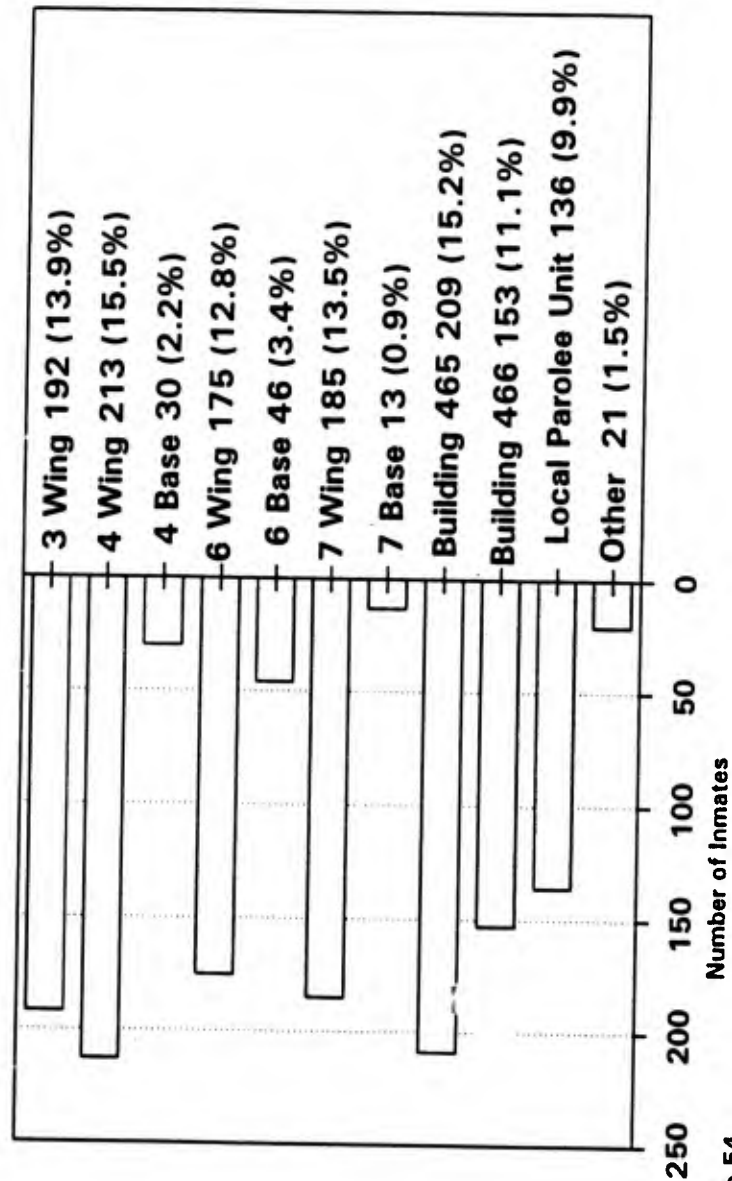


Figure 54

# 1991 D&A BOARDS

## LIVING AREA

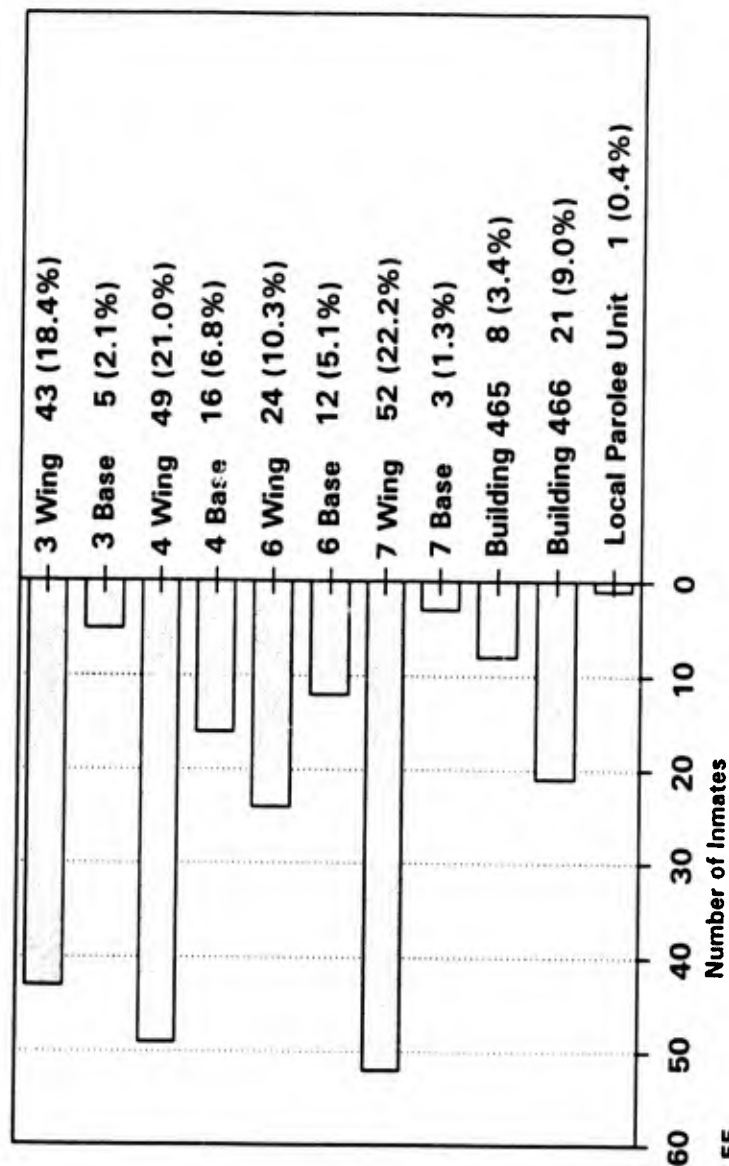


Figure 55

# PROBABILITY OF D&A BOARD GIVEN LIVING AREA

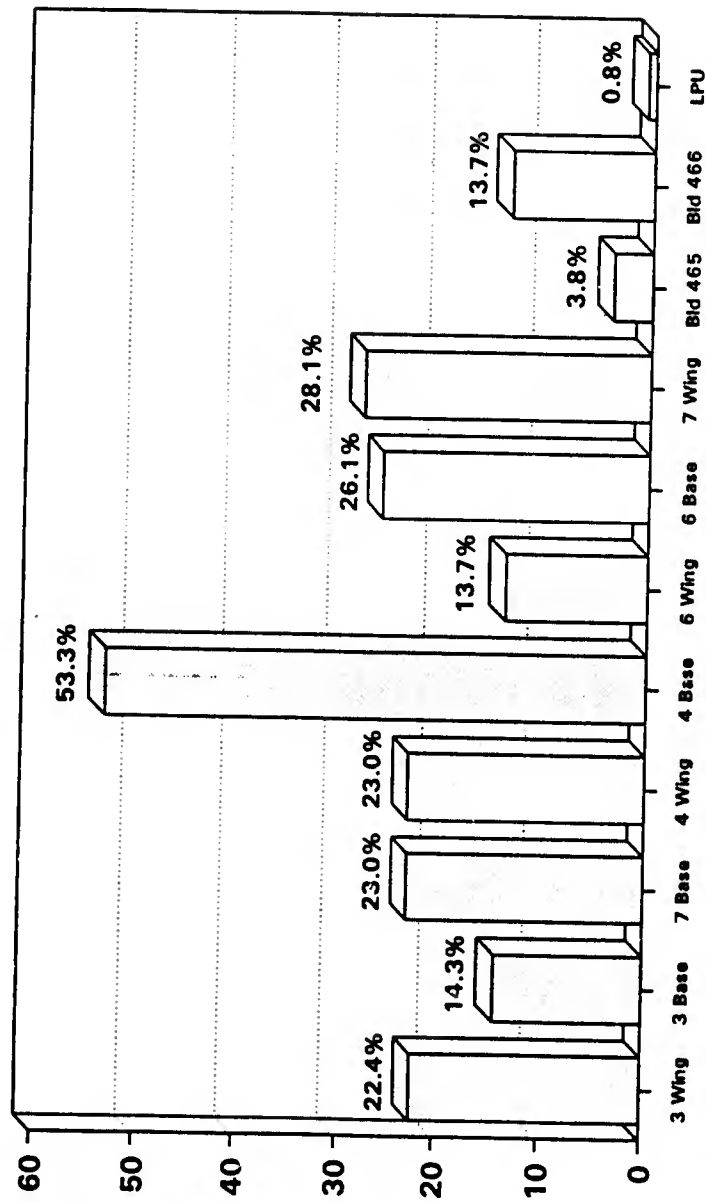


Figure 56

# GENERAL POPULATION DETAIL ASSIGNMENT

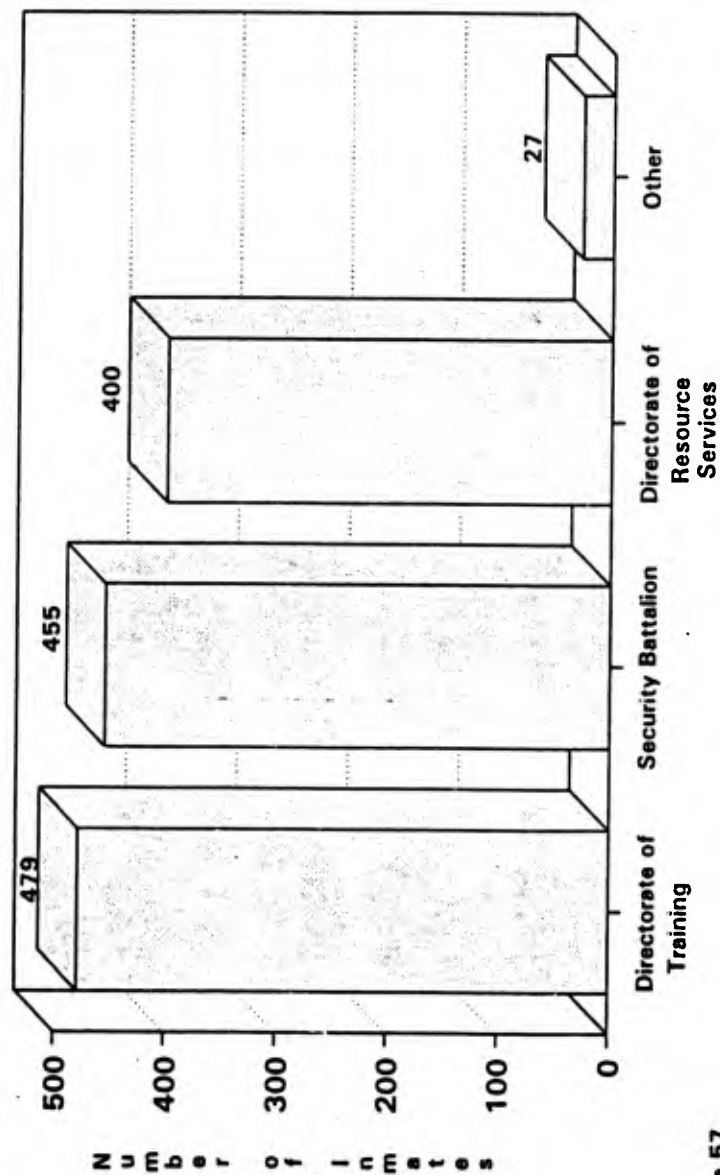


Figure 57

# 1991 D&A BOARDS DETAIL ASSIGNMENT

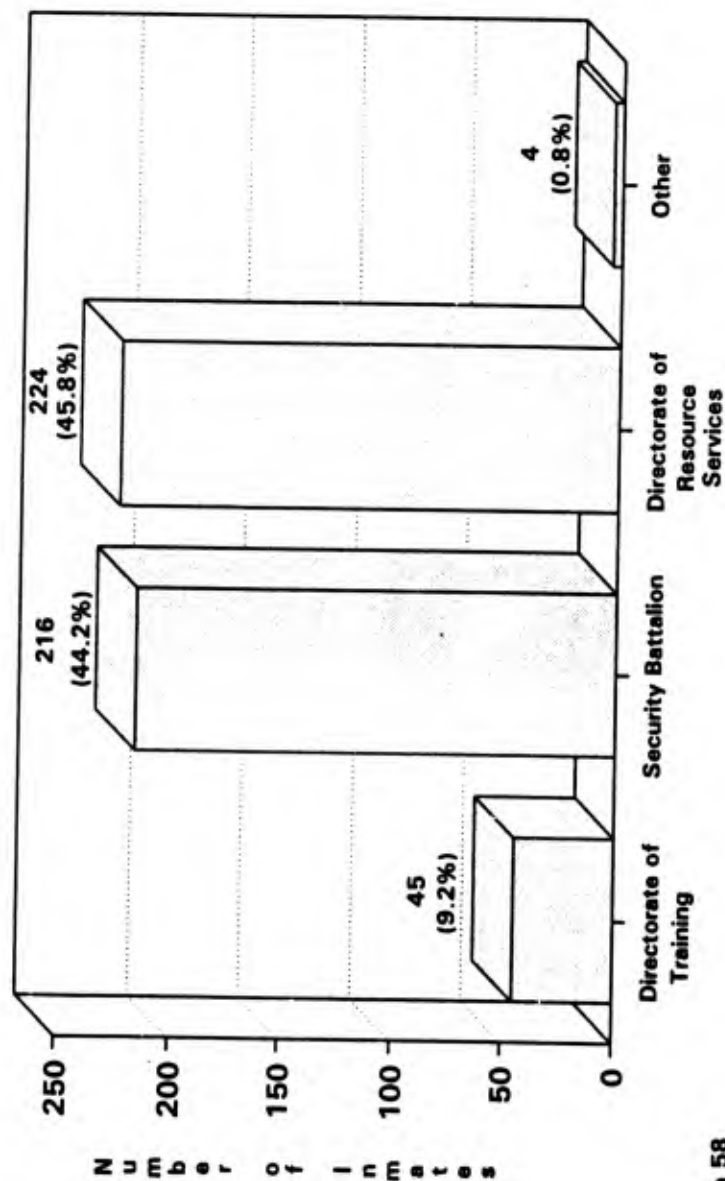


Figure 58



# PROBABILITY OF A D&A BOARD GIVEN DETAIL ASSIGNMENT

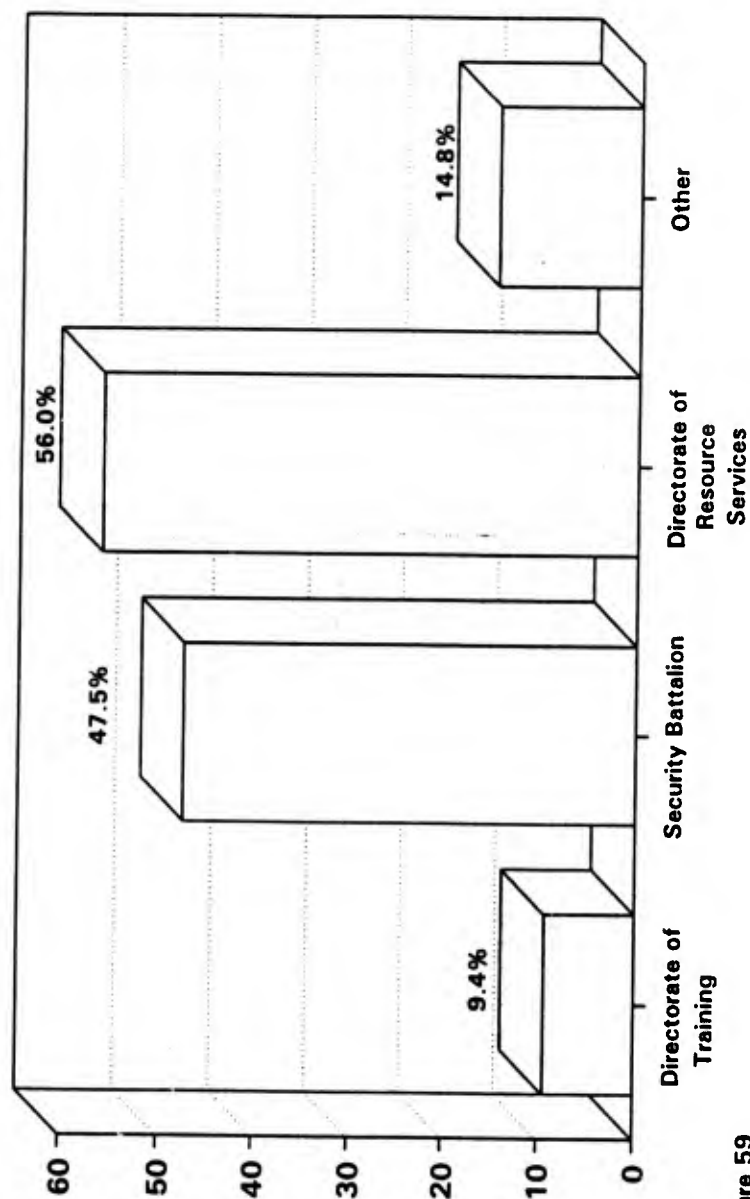


Figure 59

# GENERAL POPULATION

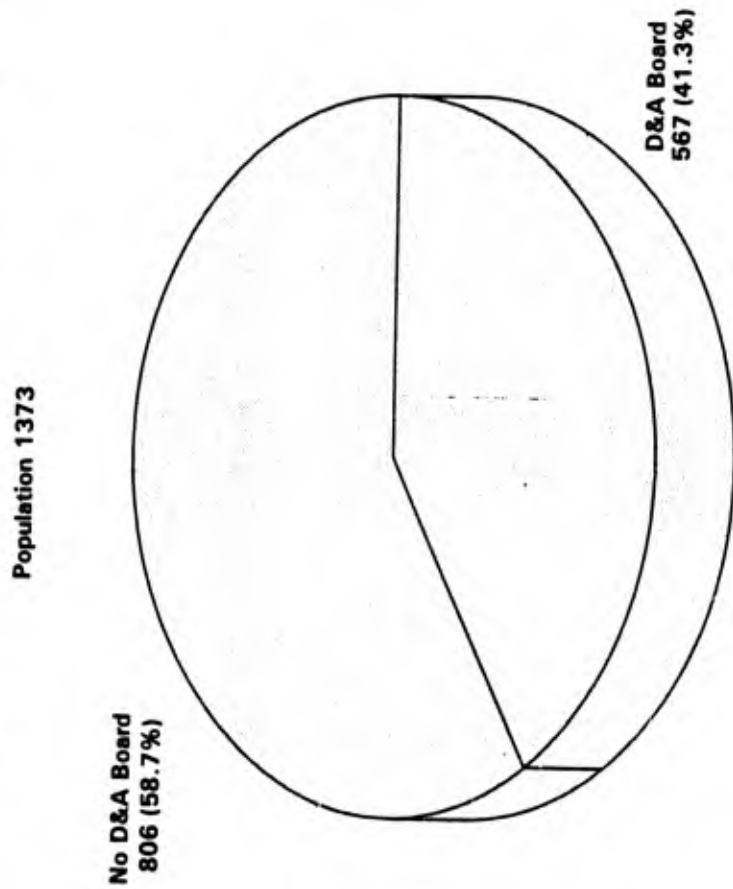


Figure 60

# GENERAL POPULATION NUMBER OF D&A BOARDS

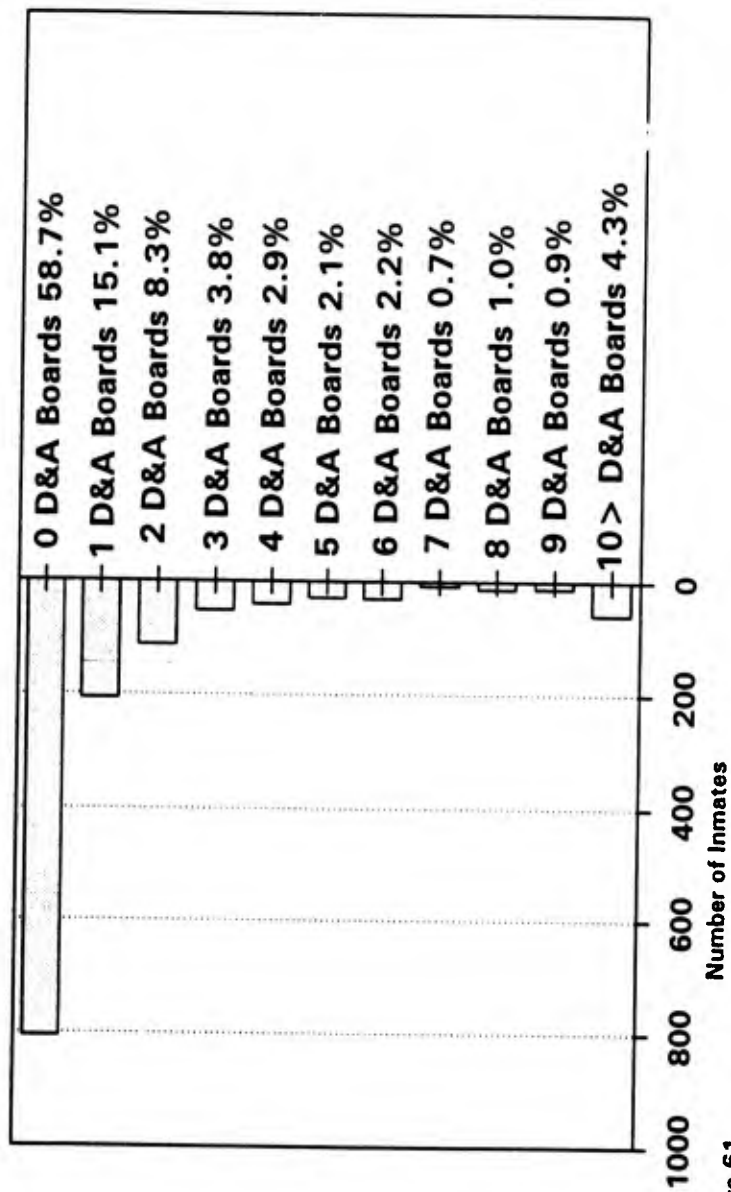


Figure 61

# GENERAL POPULATION

## NO D&A BOARDS

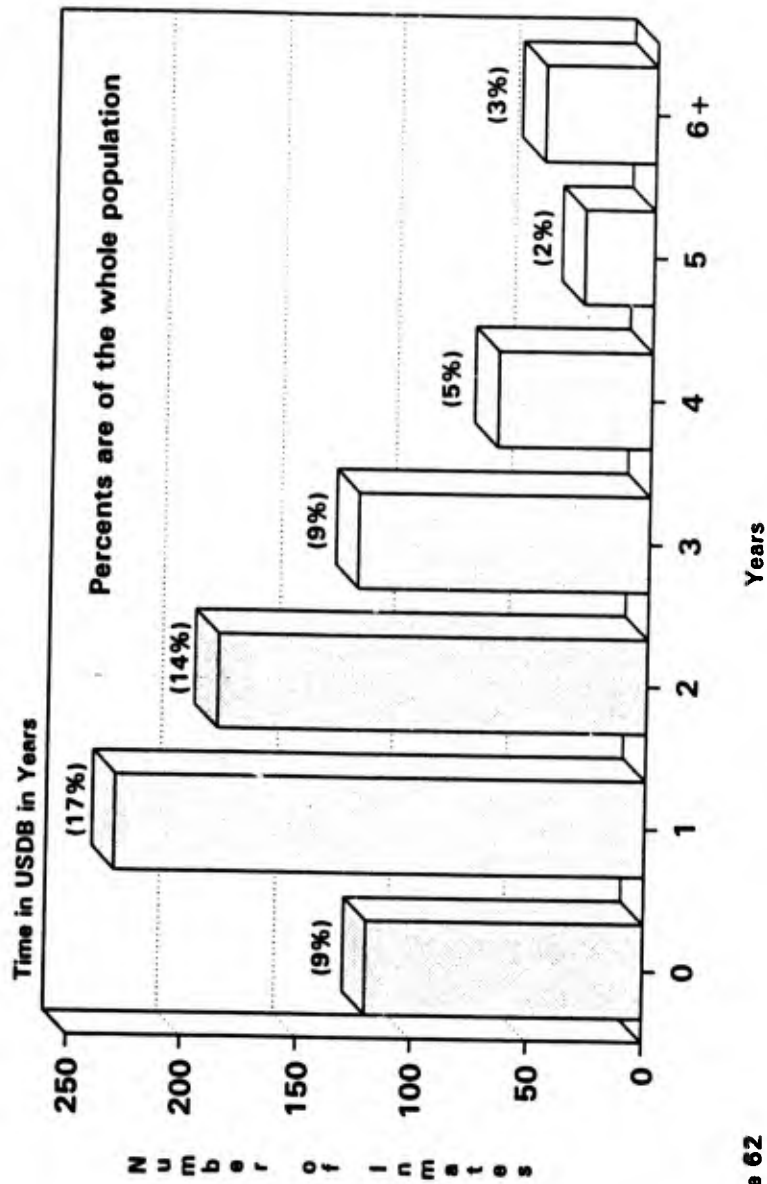


Figure 62

# 1991 D&A BOARDS FIRST APPEARANCE BY MONTHS

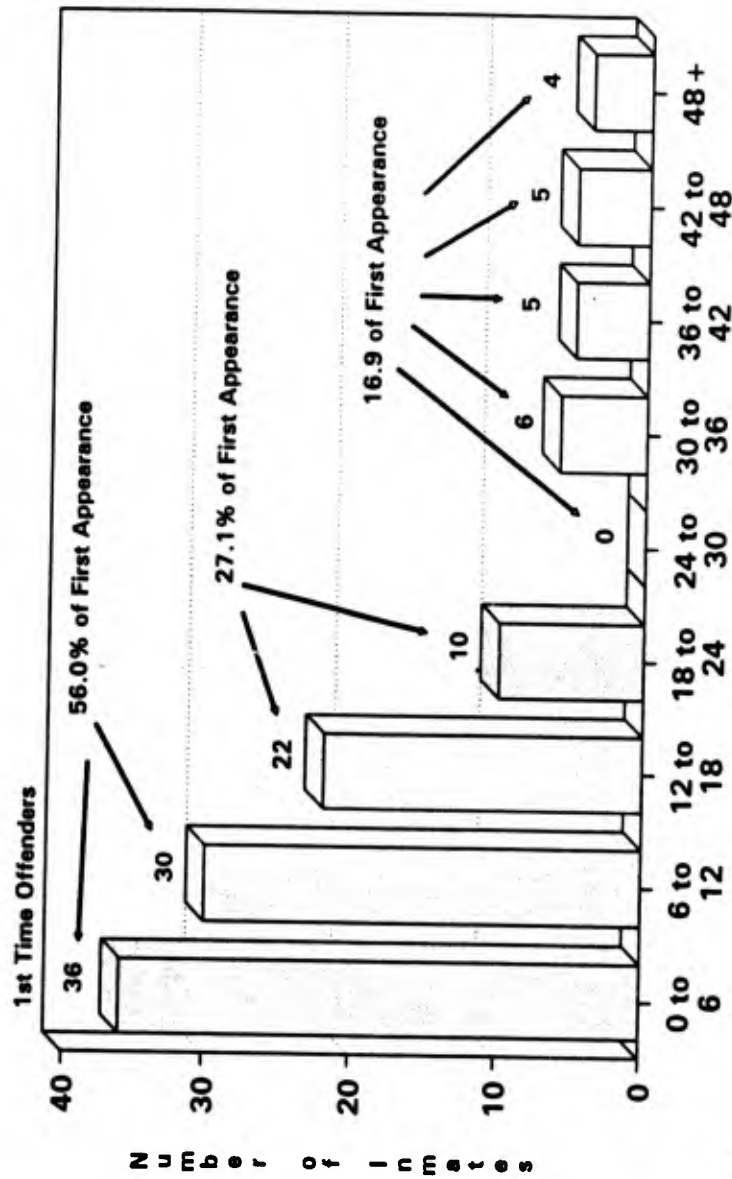


Figure 63

# 1991 D&A BOARDS

## MONTH OF OFFENSE

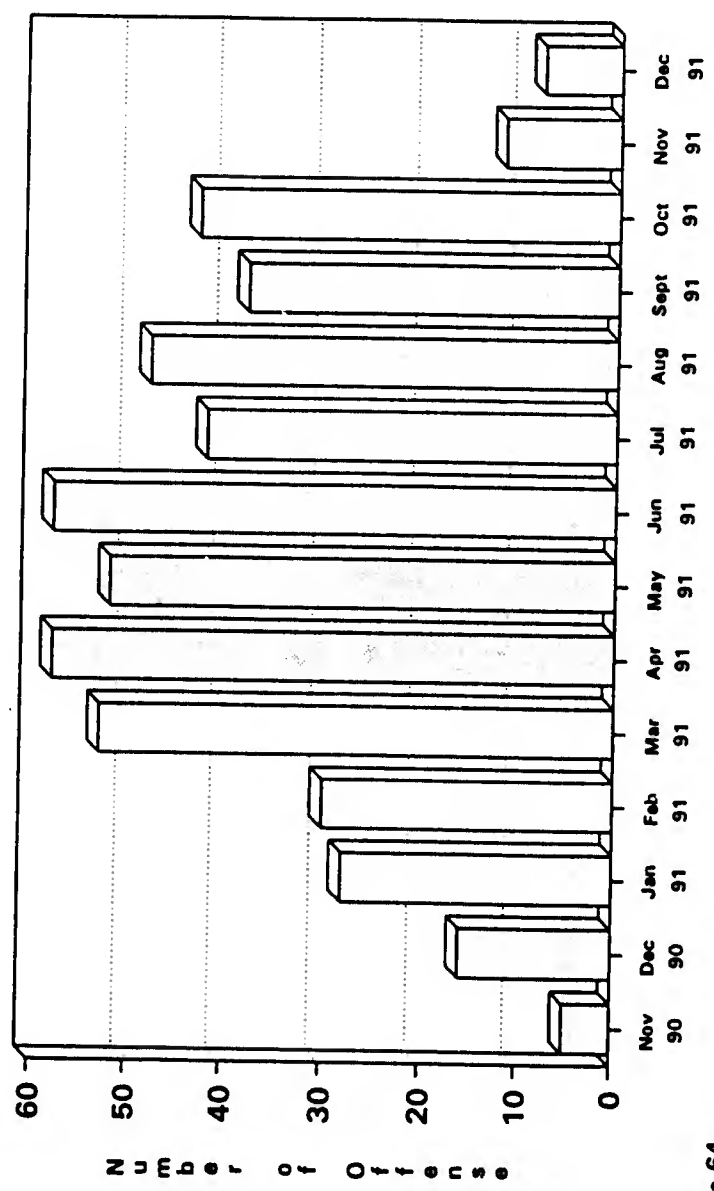


Figure 64

# 1991 D&A BOARDS

## DAY OF WEEK OF OFFENSE

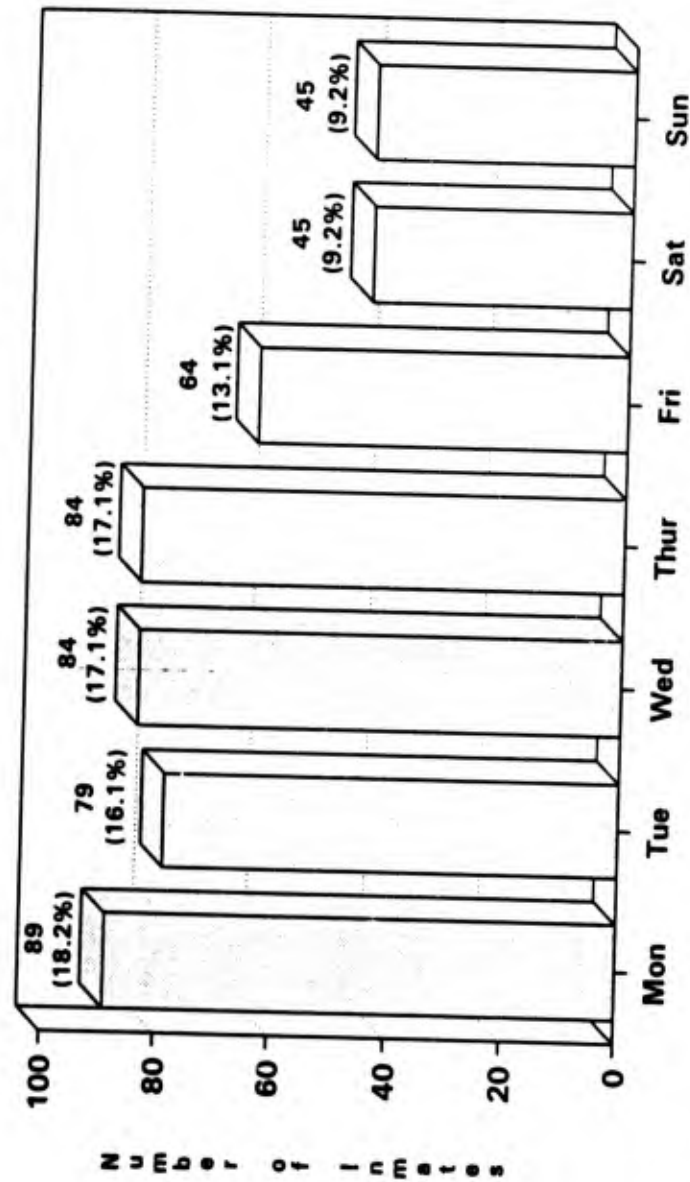


Figure 65

# 1991 D&A BOARDS

## TIME OF OFFENSE

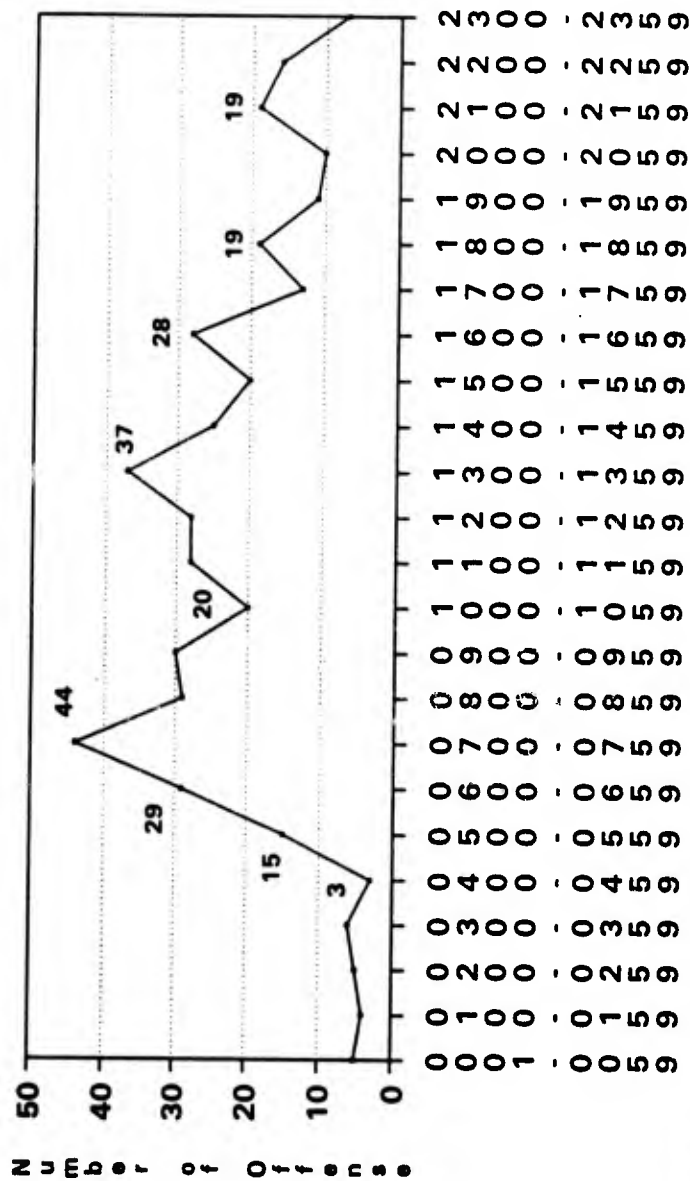


Figure 66



# 1991 D&A BOARDS LOCATION OF OFFENSE

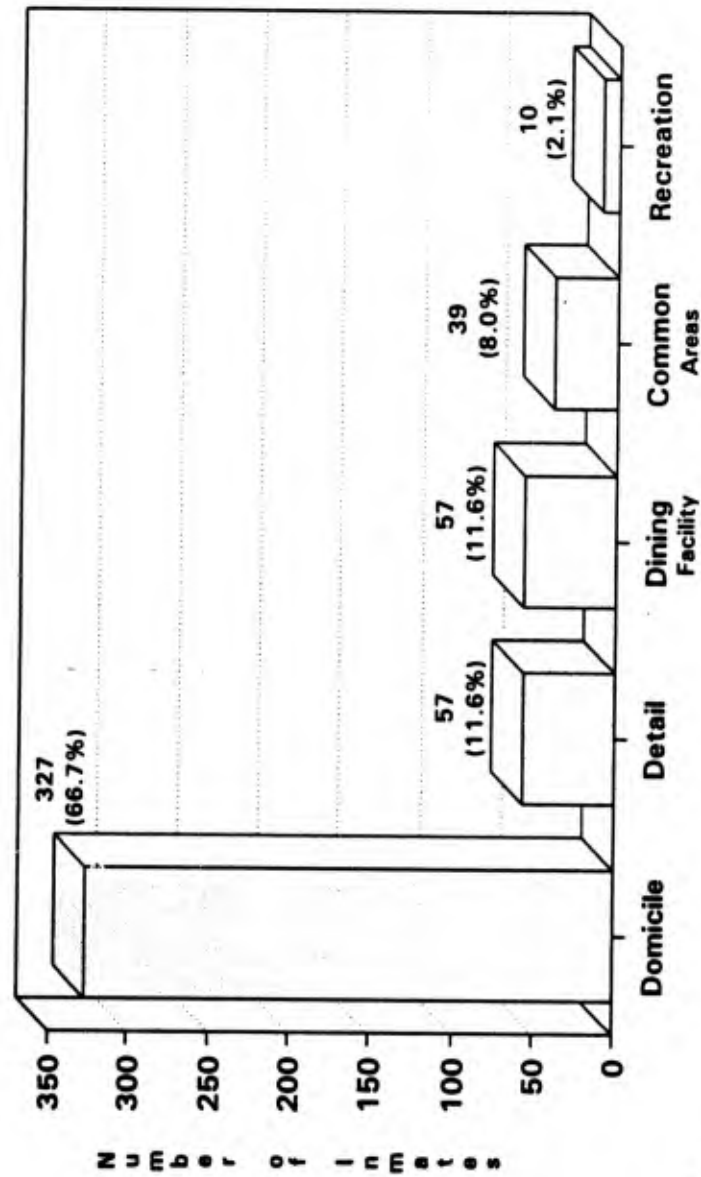


Figure 67

# 1991 D&A BOARDS FINDINGS

Total Offenses: 830

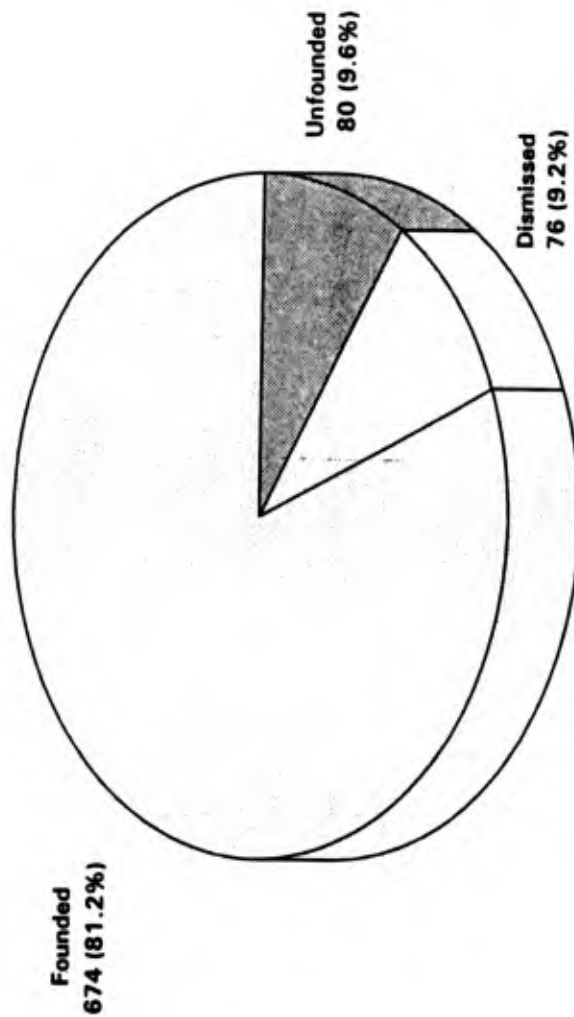


Figure 68

# 1991 D&A BOARDS CATEGORY OF OFFENSES

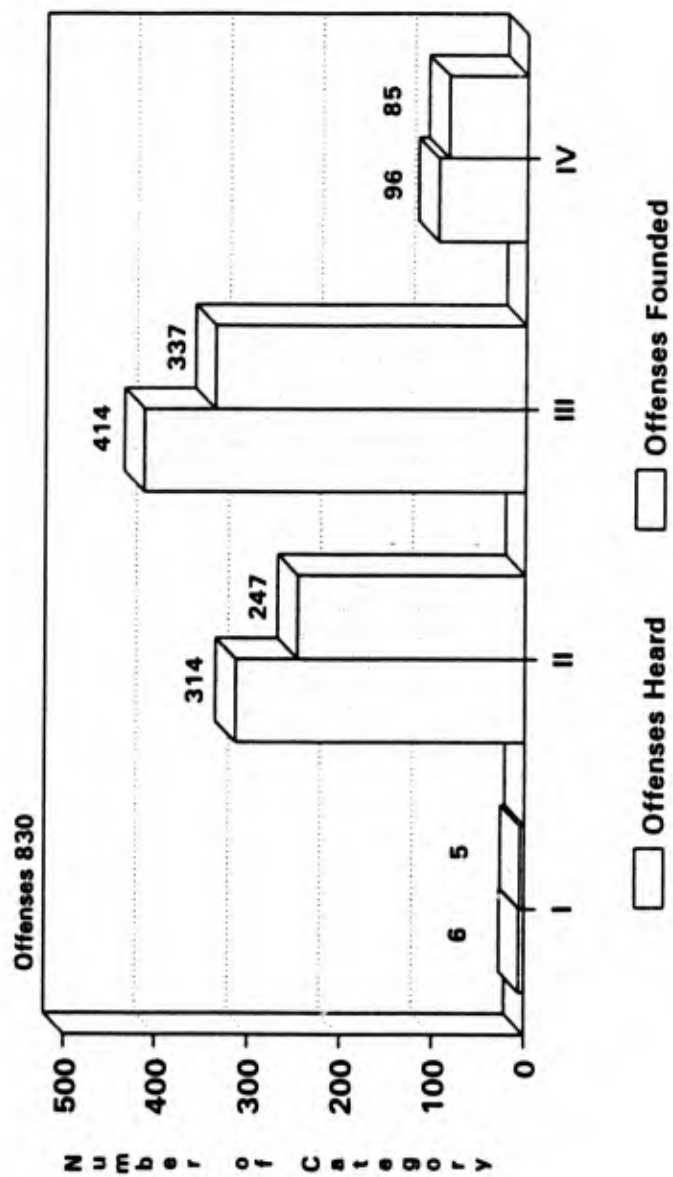


Figure 69

# 1991 D&A BOARDS

## TYPE OF OFFENSE

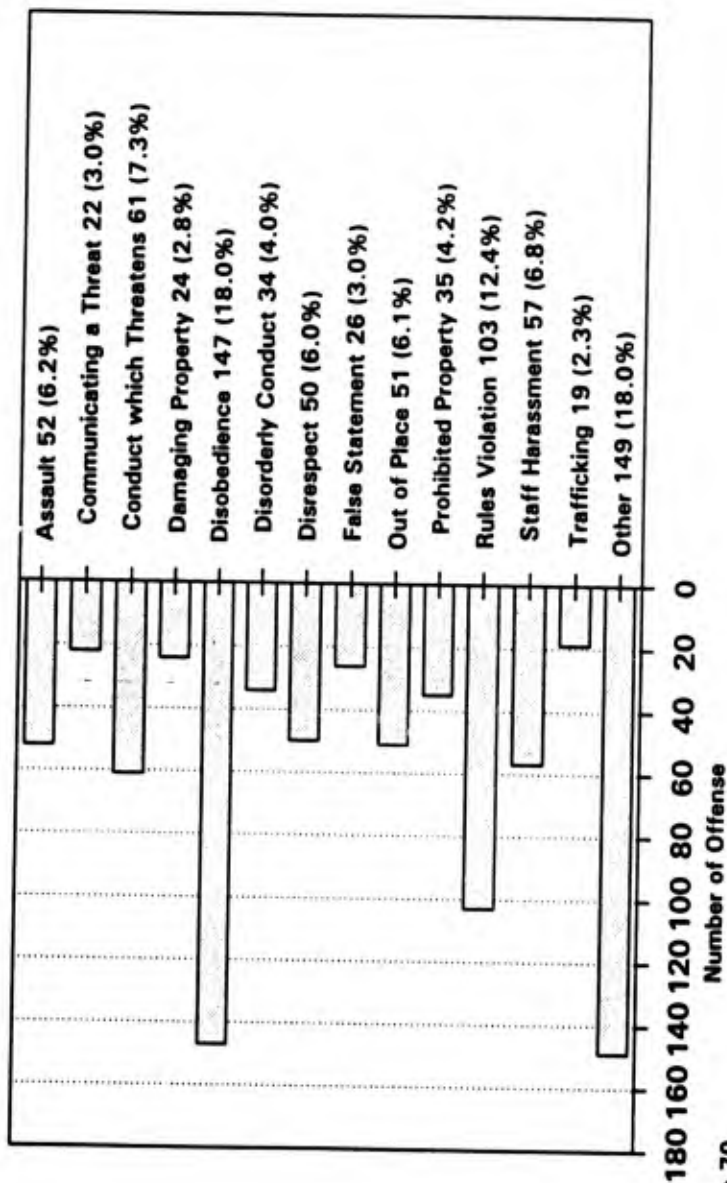


Figure 70

# 1991 D&A BOARDS ADMINISTRATIVE DISCIPLINARY ACTIONS

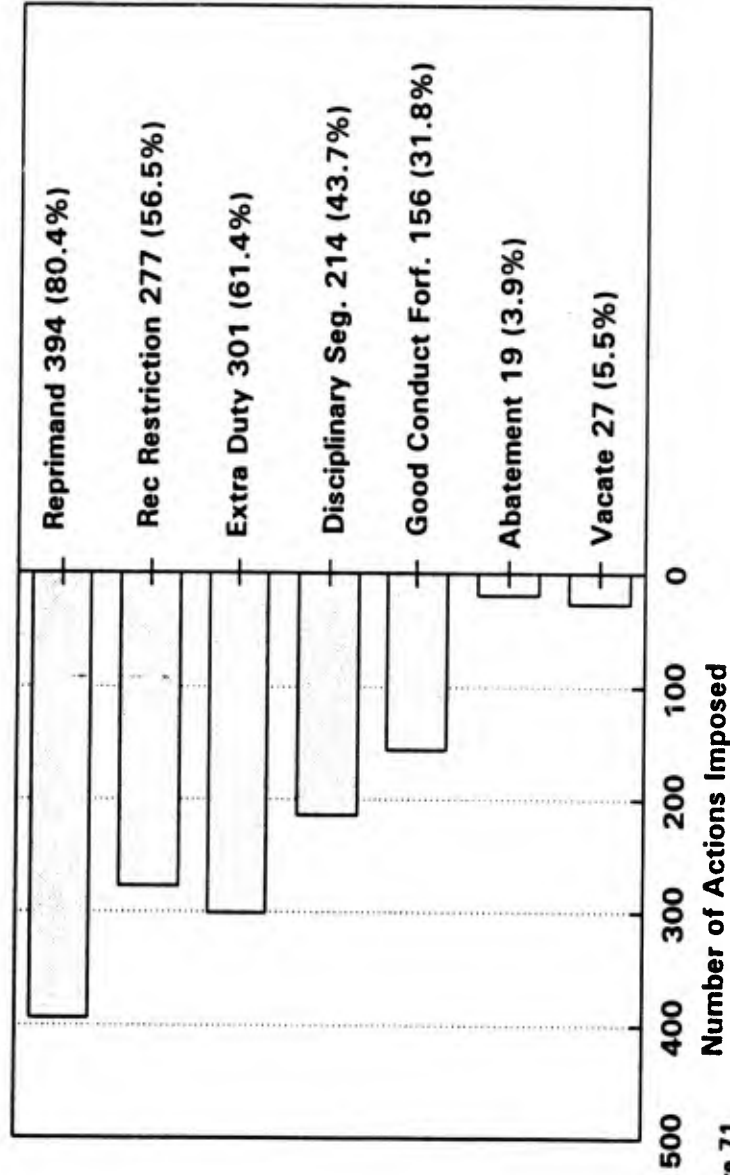


Figure 71

# 1991 D&A BOARDS MANAGEMENT ACTIONS

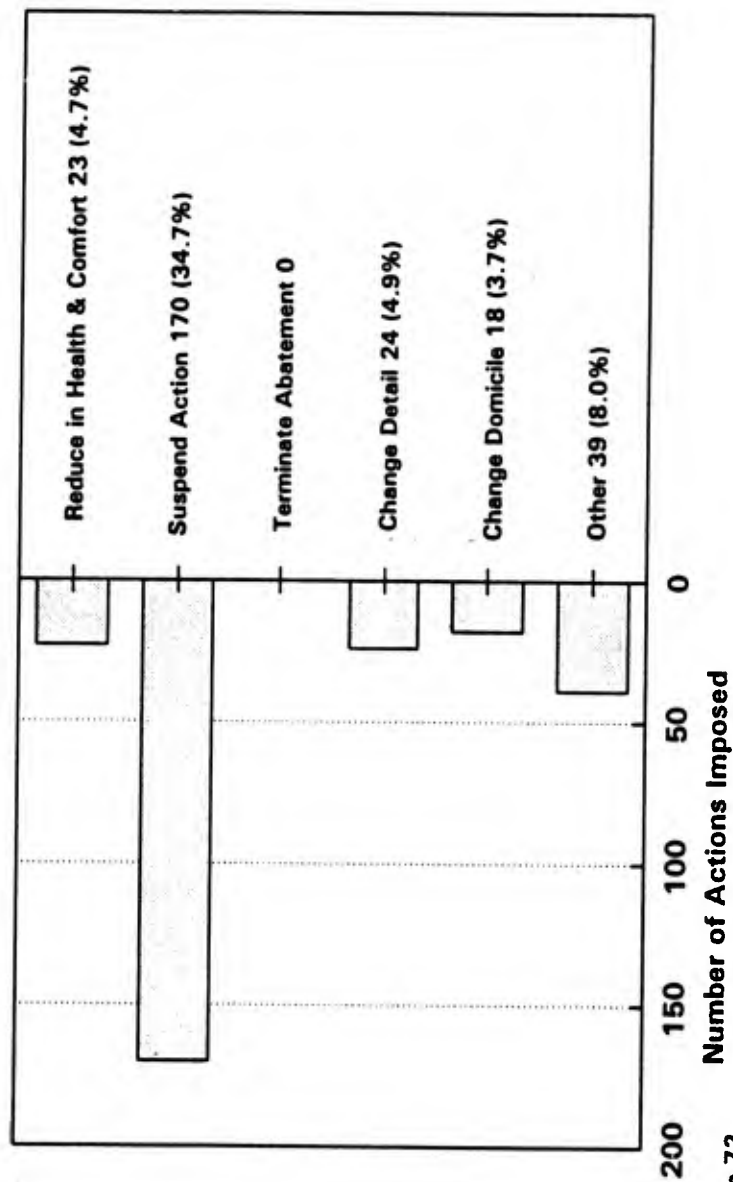


Figure 72

# 1991 D&A BOARDS SUMMARY OF ACTIONS

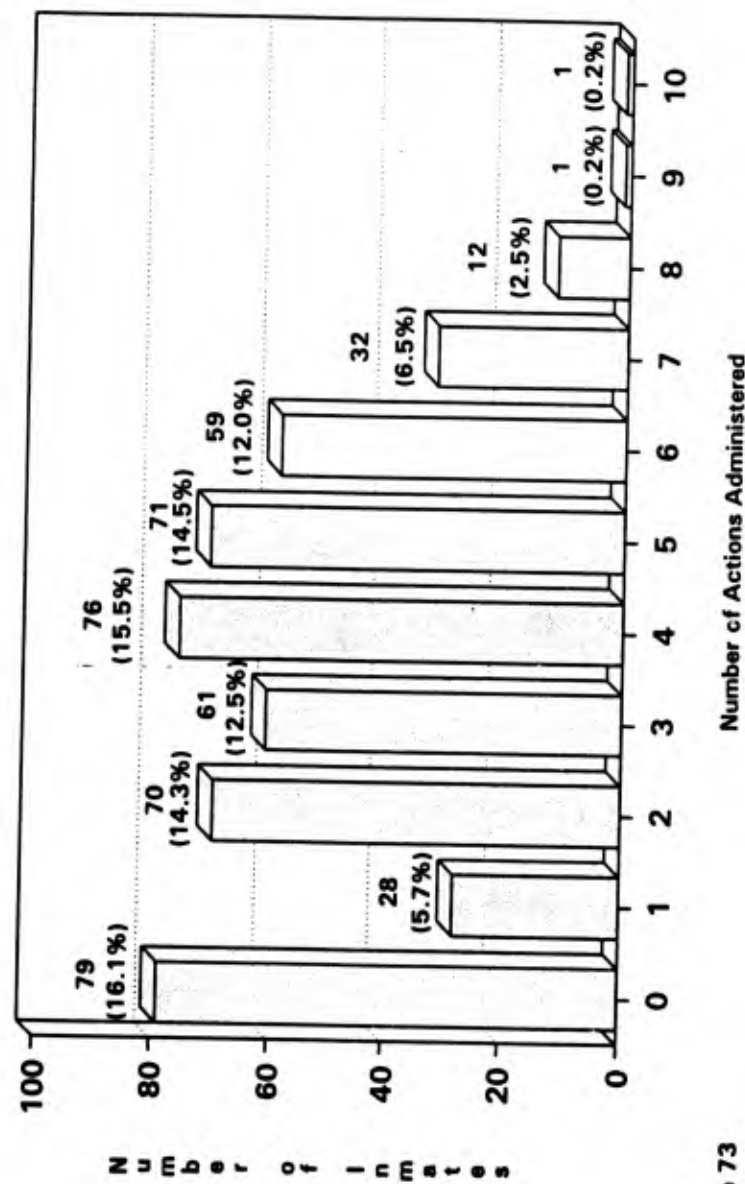


Figure 73

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