

# Youth, Color, and Conduct Violations in Prison

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## Abstract

Juveniles sentenced to correctional facilities present many challenges for administrators and staff members. One of these challenges relates to the commission of conduct violations by youthful inmates. The current study examined prison misconduct among a sample of 951 juveniles in northwestern state prison system in comparison to their adult counterparts. Results show that juveniles commit rule infraction at a higher rate than adults over the age of 21, but not as high as a comparison group of nearest age adult inmates, 18 to 20 years old. The influence of race/ethnicity on offending varied depending on the type of rule violations studied.

**Keywords:** Disciplinary Infraction, Incarcerated Juveniles, Prison Misconduct, Prison Violence, Rule Violation

## Introduction

Disparities in incarceration rates by race/ethnicity reveal that Black and Latino men are being arrested and imprisoned at a significantly higher rate than their Caucasian counterparts. West, Sabol, and Greenman (2010) reported data from the National Prisoners Statistics showing that incarceration rates for Black men were 3,119 per 100,000 and Hispanics/Latinos were 1,193 per 100,000 versus 483 for White non-Hispanic males. This disparity is even more pronounced for juveniles sentenced to adult correctional facilities, a population which presents many additional challenges for administrators and staff members (Rudell and Gottschall, 2014).

One of these challenges relates to the commission of conduct violations by youthful inmates. Research studies have variously found that once incarcerated, racial and ethnic minorities to commit rule violations at higher rates than Whites, the same rate as Whites, or even lower rates than Whites (Gendreau, Goggin, & Law 1997; Listwan et al., 2014; Useem & Piehl 2006;). The current study examines prison misconduct among a sample of 951 “waived” juveniles in a northwestern state prison system. Results show that juveniles commit rule infraction at a higher rate than adults over the age of 21, but not as high as a comparison group of nearest age adult inmates, 18 to 20 years old. The influence of race/ethnicity on offending varied depending on the type of rule violations studied. While offenders who are less than 18 years old at admittance to prison represent a minority of inmates in adult prisons nationally, they are an increasing presence in need of study.

## Literature Review

Research shows that age is a consistent catalyst of involvement in disciplinary infractions (Bonner, et al, 2016). The younger the inmate, the more prone to misconduct he is while the order he is the less likely he is to engage in misconduct. Many researchers believe that this is because of the “aging out” process. Alongside age, researchers have also established that

minority status is a predictor of misconduct. Many researchers believe that because of the multitude of emotions associated with race/ethnicity, minority status can be considered a social psychological predictor of crime (DeLisi et al., 2010; Trulson, 2007).

The Importation Model is often used to better help understand the behavior of the juveniles while they are in adult facilities. The Importation Model emphasizes that a person's pre-prison characteristics manifest themselves in the prison environment (Kolivoski, & Shook, 2016). This means any biases, feelings, or attitudes that the juveniles may feel towards authority, correctional officers, or the prison experience itself will become present once they are incarcerated. Also, the developmental process throughout adolescents is often considered in the explanation of the behavior while incarcerated. Being that the decision-making process for adolescence and adults differ, and the juveniles are more impulsive and susceptible to peer influence, this would help to explain some of their behavior while incarcerated (Kolivoski, & Shook, 2016).

A recent large-scale study of the experience of incarcerated male juveniles relied on data from the Michigan Department of Corrections, which was part of a larger dataset of 13,518 individuals committed to adult prisons in 1984-2003, 763 of whom were under the age of 17 at commitment (Kolivoski, & Shook, 2016). The outcome variable relied on the total number of official misconducts that an individual accumulated during a prison sentence, while predictor variables included the age of the juvenile at commitment, race (Caucasian, African American, and other racial categories), mental health issues, and drug/alcohol use (Kolivoski, & Shook, 2016). A Poisson regression model was used to classify the correlation between predictors and prison behavior.

Results from their study indicated that juveniles who were younger when committed engaged in more misconduct (Kolivoski, & Shook, 2016). The authors also found that African Americans and juveniles with more extensive criminal records committed more disciplinary infractions. Their findings supported previous research identifying developmental differences associated with prison behavior among incarcerated youth. Kolivoski and Shook also pointed out that juveniles may be at a disadvantage in adult facilities because their behavior is associated with longer sentences.

Another large-scale study of 703 juveniles in the Florida prison system research sought to determine the extent to which juveniles committed violent misconduct in comparison to adult inmates (Kuanliang, Sorenson, and Cunningham, 2008). The results of the study showed that juveniles committed more violent infractions, from fighting to serious assaults, than adult inmates. The most consistent correlates of prison violence were low educational attainment and gang status. Unfortunately, the study did not include information on the race or ethnicity of prisoners in the sample.

A study by Leigey and Hodge (2013) sought to understand the effect of being incarcerated as juveniles once they reach adulthood. The study relied on data from the 2004 nationwide Survey of Inmates in State and Federal Facilities which included information on 173 inmates incarcerated as juveniles and more than 10,000 inmates incarcerated as adults. The authors focused on 12 different categories of institutional misconduct and discovered that inmates who were incarcerated as youth were overrepresented among 11 of the 12 categories. The authors concluded that although the population of juveniles serving their sentences as adults was less than 1% of the prison population, they still posed a great risk to correctional administration and staff due to management issues.

After logistic regression models were run on the remaining 11 categories, however, the results indicated that there was little variance in outcomes based on whether inmates had been incarcerated as a juvenile, the only exception being the stolen property violation model. Instead, it was age at the time of the survey which accounted for the variance in disciplinary offending across models (Leigey, and Hodge, 2013). The authors did note that there were

significant differences between race/ethnicity in the entrance status of inmates. Those entering as juveniles were much more likely to be minorities than those entering as adults; however, the effect of race/ethnicity on outcomes was not analyzed in the models.

## **Research Methodology**

Samples were drawn from a northwestern (NW) state with a small prison population. The data from NW state were collected on a cross section of the inmate population serving a one-year observation period, fiscal year (FY) 2008 (September 1, 2007 through August 31, 2008). The study population from NW state included all incarcerated inmates who had served at least 1 year of their sentence confined in prison at the time of data collection (December, 2008), but included information on disciplinary violations retrospectively since December, 1996. The sample size included a total 23,277 inmates who were serving 1 year or more. The follow-up period spanned December 1, 1996 through January 31, 2008. The group of interest included 951 juveniles who had been waived from juvenile proceedings during that period and remitted to adult custodial confinement.

Control variables include: gender, with female assigned a 1; custody level, with maximum security assigned a 1; rate of prior arrests, including all prior arrests divided by the number of years since the age of 12; current offense of conviction, including sexual assault, robbery, assault, drug offenses, and statutory offenses (a catchall category consisting mainly of unlawful possession of a weapon), with property offenses and all other crimes (those not significantly different from property offenders) serving as the reference category. The independent variable of interest are age 16 - 17 and their nearest age category, 18 - 20, at entrance to an adult correctional facility; and race, with Black assigned a 1; ethnicity, with Hispanic assigned a 1. The reference category for age includes all inmates 21 and older at entrance to prison, while the reference category for minority status include all inmates identified as White, or Other.

Outcomes included three dependent variables consisting of the most serious disciplinary violations in the institutions. Assaultive violations included levels 1 through 4 from mutual fights through assaults that result in serious injury or death to other inmates or staff. Level 1 violations include: arson, assault, disturbance, distribution, escape, extortion, hostage taking, weapon possession, racketeering, sexual assault, and unauthorized organization. Serious violent acts include: taking hostages, sexual assault, physical injury to staff, serious injury to inmate, and injury by weapon.

Negative binomial regression was relied on to simultaneously discern the effects of the independent and control variables on the outcomes. The reason for utilizing this procedure was its appropriateness in analysis where the dependent variables include a large proportion of zeros and associated positive skew of the data distributions. Due to the large number of control variables under consideration a backward selection procedure was employed. Only those that were significantly related to at least two of the three outcomes at  $p < .05$  were ultimately included in the models and presented herein.

## **Research Findings**

Findings related to control variables are as expected. The strongest coefficients found were related to the level of prison custody assigned. Inmates serving time under maximum security confinement were most likely to commit serious acts of misconduct. Similarly, inmates with the most extensive criminal records were more likely to commit serious acts of violence. While related to custody levels assigned, these main effects of prior criminal record are separate from those of the level of custodial confinement. The results for offense of conviction were also as expected. Inmates whose offense of conviction was sexual assault were the least likely to commit serious acts of misconduct in prison relative to the reference category, followed by

those convicted of drug and statutory offenses. Inmates whose conviction offenses involved robbery or assault were relatively more likely to commit serious acts of prison misconduct. Also as expected, female inmates were less likely to commit all three categories of serious prison misconduct relative to males.

The two key findings related to age and minority status are mixed. First, overall, the findings related to age were expected in that inmates in the lowest two age groups at entrance to prison committed more serious rule violations in comparison to older inmates at entry, when other factors were held constant. However, somewhat surprisingly, while inmates who entered prison as juveniles committed more serious violations than the adult reference group (21 and older), they did not commit infractions at the same level as their nearest age cohort, controlling for other factors. The youngest “adult” category, inmates entering prison at ages 18 to 20 committed all categories of serious rule violations at a much higher rate than those entering prison as juveniles.

Second, findings related to youth of color present even more disparate findings. First, controlling for other factors, Blacks had higher rates of serious rule violations relative to other racial/ethnic groups in one of the categories: assaults. They had lower rates of level 1 infractions in comparison to other racial/ethnic groups and did not differ significantly from the other groups in the commission of violent infractions. The influence of ethnicity was more consistent in that Hispanic inmates were more likely than their counterparts to commit Level 1 infractions and assaults overall; however, they were significantly less likely than other racial/ethnic groups to commit severely violent infractions.

The Omnibus Likelihood Ratio  $\chi^2$ s for all the models were significant at  $p < .001$ . Further, the goodness of fit statistics suggest that the models are predictive of various outcomes. Table 2 shows that collinearity among predictor variables is not problematic. While many of the correlations are statistically significant, only 3 reach a level of .2, all of which are related to dichotomous indicators of offense type, as expected. VIFs ranged 1.013 to 1.426 ( $M = 1.151$ ), further suggesting a very low level of multicollinearity when the effect of all predictor variables were considered simultaneously.

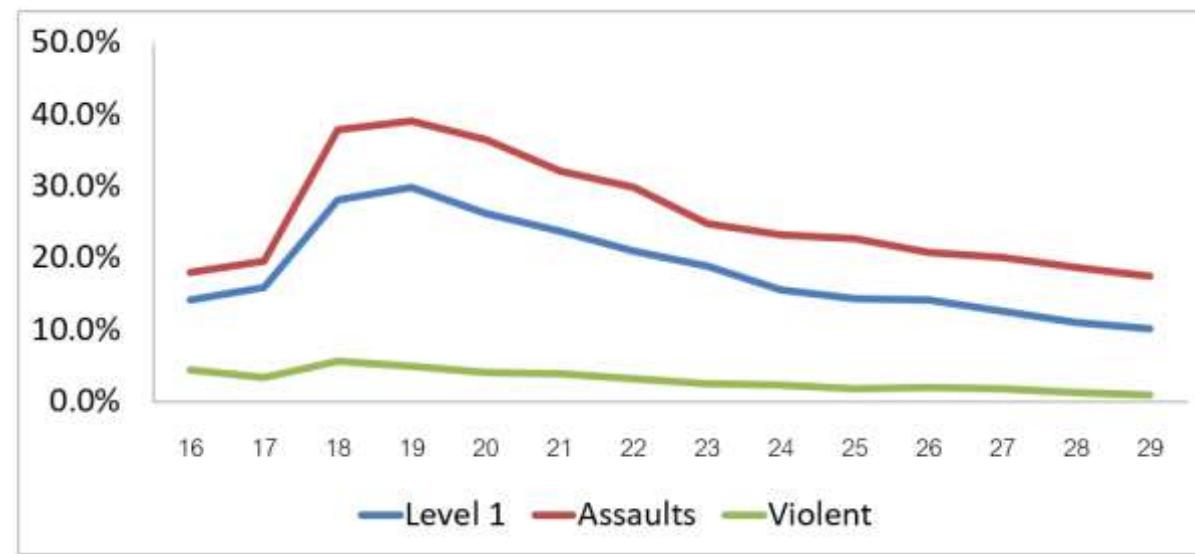
**Table 1** Negative Binomial Regression Models

Predictor	Level 1	Assaults	Violent
Female	-.162*	-.151*	-.038*
Black	-.078*	.075*	-.020
Hispanic	.141*	.210*	-.031*
Maximum custody	.684*	.643*	.494*
Rate prior arrests	.149*	.197*	.045*
Sexual assault	-.258*	-.263*	-.077*
Robbery	.201*	.164*	.027
Assault	.008*	.149*	.044*
Drug	-.070*	-.100*	-.023
Statutory	-.070*	-.117*	-.022
Age 16 - 17	.211*	.113*	.067*
Age 18 - 20	.503*	.522*	.144*
Deviance	17654.249	18736.957	4569.087
Pearson's $\chi^2$	54751.413	36959.200	37262.272
Log likelihood	-15446.146	-18641.357	-3176.081
AIC	30920.292	37310.714	6380.162
BIC	31033.064	37423.485	6492.933
Likelihood Ratio $\chi^2$	4161.047*	3634.163*	735.761*

\* $p < .05$ .

**Table 2** Correlation Matrix for Independent and Control Variables

	1	2	3	4	5	6	7	8	9	10	11	12
Female	-											
Black	.002	-										
Hispanic	-.009*	-.119*	-									
Maximum custody	-.018*	.028*	.004	-								
Rate prior arrests	-.015*	-.014*	-.057*	.015*	-							
Sexual assault	-.153*	-.086*	.032*	-.052*	-.258*	-						
Robbery	.013	.117*	-.037*	.092*	-.011	-.198*	-					
Assault	-.019*	.033*	.025*	.051*	-.013*	-.245*	-.162*	-				
Drugs	.097*	.010	.087*	-.056*	.030*	-.213*	-.141*	-.175*	-			
Statutory	.010	-.022*	-.004	-.030*	.086*	-.151*	-.100*	-.123*	-.108*	-		
Age 16 - 17	-.014*	.046*	.008	-.005	-.087*	.019	.124*	.040*	-.072*	-.038*	-	
Age 18 - 20	-.049*	.054*	.021*	.047*	.055*	-.068*	.128*	.044*	-.079*	-.049*	-.074*	-

**Figure 1.** Serious Disciplinary Violations in Northwest Prisons Decrease for Youngest Inmates (Actual Prevalence)

## Conclusion and Discussion

Many different reasons could account for the results described herein, but were expected in the sense that the overall conclusion based on other research found no substantial or consistent connection between race and misconduct (Bonner, et al, 2016). The link that researchers found depended on cultural adaption, perspectives on crime, and the way that different cultures view authority. Inmates tend to respond to confinement in a manner to which they were socialized (Ng, Sarri, & Stoffregen, 2013). Inmates who are Black bring a background of stigma to correctional authorities, police, and the entire criminal justice system different than their White and Hispanic counterparts. Further, their responses to certain situations and authority may differ depending on their view relating to the legitimacy of that authority (Reisig & Mesko, 2009).

Additional research is called for examining factors that influence the different responses to rule violations. There needs to be research into age and racial/ethnic invariance and the many probable dissimilarities in prison punitiveness in responding to misconduct across the nation. (Ng, Sarri, & Stoffregen, 2013). The current study looked only at those rule violating behaviors that were recorded by the correctional staff. There are many reasons why the information relating to misconduct may not have been recorded. One group of inmates may have been more closely supervised than the other, and therefore the officers were more inclined to catch rule violating behavior (Hepburn, 1985). For instance, there could have been some favorable sections of the prison that were treated better and allowed a less strict supervision than others (Kupchik, 2007).

Another limitation of this study was that it was not able to record an exact time of occurrence for the behavior. Therefore, it was not certain if the juveniles were more likely to engage in rule violating behavior as juvenile or adult inmates (Leigey, and Hodge, 2013). Another limitation is that certain important elements, such as gang affiliation, psychiatric symptoms, educational level, etc., which may account for variance in offending by age and minority status were not available in the database for consideration in the current study (Kuanliang et al., 2008; Murrie et al., 2009).

While the current study had limitations and provided mixed results, it should serve as one piece in building on the knowledge that researchers have amassed on juveniles and rule violating behavior. In particular, the finding that inmates who entered prisons as juveniles were not the most disruptive group in terms of the commission of serious rule violations begs further study. It may be that juveniles become better adjusted to the adult prison environment or simply more capable of concealing their misconduct. More in-depth research including qualitative study of inmates transitioning into adulthood while incarcerated as juveniles could further assist in explaining the transition from juvenile to adulthood in prison.

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