PUNISHMENT TO PROTECTION: SOLITARY CONFINEMENT

IN THE WASHINGTON STATE PENITENTIARY,

1966 - 1975

DISSertation

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By

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* * * * *

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Department of Sociology
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1978
To my wife and parents who spared
nothing in bringing me to this point in my life.
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Chapter One

Voices from the "Hole"

This study is concerned with a very old and painful method of punishment in prisons—solitary confinement. Solitary confinement encompassing punitive isolation, segregation, administrative segregation and protective custody is a sanction which expresses the frustration and helplessness of prison managers. To the prisoner it may well be the ultimate deprivation in that it denies him that which is characteristically human—social interaction. There is nothing more pathetic in the criminological and the sociological literature than prisoner accounts of the deprivation and dehumanization of solitary confinement.

This investigation examines the uses and abuses of solitary confinement as a traditional method of maintaining "law and order" behind the walls and as a means of protecting an increasingly large proportion of inmates who fear their victimization at the hands of other prisoners. The problems involved in the use of solitary confinement as an institutional sanction have recently become particularly acute, if only because of the increasing outrage of prison reformers against it and the subsequent intervention of the courts.

It is alleged and widely believed that during the last decade, "total institutions" in the United States in general, and maximum security prisons in particular, have experienced a drastic change in the character and nature of their "clientele." It also has been alleged that there has been a lessening in the traditionally perceived cohesiveness, solidarity and unity of the inmate subculture within the prison.
community. A study of solitary confinement is likely to reflect these purported shifts—from a monolithic prison inmate subculture and inmate code to a pluralistic prison of different subcultures and corresponding inmate codes.

The use of segregation and isolation as punitive and/or protective social measures is as old as the Old Testament. Throughout biblical history, individuals exhibiting socially undesirable behaviors were placed in solitary. One of the oldest examples of its application can be found in the Scriptures when Jeremiah, otherwise also known as the "Prophet of Wrath," was placed in the "dungeon" for engaging in what then was perceived as socially harmful conduct. The following excerpt provides a brief description of the events, reasons, and conditions in which solitary confinement was applied:

"3 Thus saith the Lord, This day shall surely be given into the hand of the king of Bab-y-lon's army, which shall take it.

4 Therefore the princes said unto the king, We beseech thee, let this man be put to death: for thus he weakeneth the hands of the men of war that remain in this city, and the hands of all the people, in speaking such words unto them: for this man seeketh not the welfare of this people, but the hurt.

5 Then Zed-e-ki-ah the king said, Behold, he is in your hand; for the king is not he that can do any thing against you.

6 Then took they Jer-e-mi-ah, and cast him into the dungeon of Mai-chi-ah the son of Ham-me-lech, that was in the court of the prison; and they let down Jer-e-mi-ah with cords. And in the dungeon there was no water, but mire: so Jer-e-mi-ah sunk in the mire.

7 Now when E-bed-mel-ech the E-thi-o-pi-an, one of the eunuuchs which was in the king's house, heard that they had put Jer-e-mi-ah in the dungeon; the king then sitting in the gate of Ben-ja-min:

8 E-bed-mel-ech went forth out of the king's house, and spake to the king, saying,
9 My lord the king, these men have done evil in all that they have done to Jer-e-mi-ah the prophet, whom they have cast into the dungeon: and he is like to die for hunger in the place where he is: for there is no more bread in the city.

10 Then the king commanded E-bed-mel-ech the E-thi-o-pi-an, saying, Take from hence thirty men with thee, and take up Jer-e-mi-ah the prophet out of the dungeon, before he die.

11 So E-bed-mel-ech took the men with him, and went into the house of the king under the treasury, and took thence old cast clouts and old rotten rags, and let them down by cords into the dungeon to Jer-e-mi-ah.

12 And E-bed-mel-ech the E-thi-o-pi-an said unto Jer-e-mi-ah, Put now these old cast clouts and rotten rags under thine arm-holes under the cords. And Jer-e-mi-ah did so.

13 So they drew up Jer-e-mi-ah with cords, and took him up out of the dungeon: and Jer-e-mi-ah remained in the court of the prison."1 (Jeremiah, 38: 3-13)

Whether it is called a "dungeon," the "hole," the "strip cell," a "lockup" or any other more "modern" term, such as "Adjustment Center," "Treatment Unit," "Selection Unit" or "Security Housing Unit," the fact remains that there are few institutional penalties which foster more hatred, contempt, and even madness than an experience in solitary.

**Life in the "Hole"**

In order to understand the nature of being confined in solitary, one first must be aware of the prevailing conditions in the disciplinary and/or protective units of American prisons.

Without a clear understanding of the physical setting into which these inmates are placed, one cannot adequately appreciate the pains and cries of those being disciplined in segregation units.
Of the numerous statements describing conditions relevant to solitary confinement, one of the most concise is to be found in Judge Ziorpoli's detailed description of the "hole" of one of America's best known megaprisons--San Quentin. In his court decision, the judge stated that:

"The most notorious S.H.U. [Security Housing Unit] of all is the Adjustment Center (AC) at San Quentin... The first floor of the AC has 34 cells, approximately 6 ft. wide, 8 ft. deep and 9 ft. high in two rows back to back divided by a maintenance alley...

Each regular cell is occupied by only one inmate and consists of a concrete floor, steel sleeping slab extending from the wall, a sink with hot and cold water and a seatless toilet. No shelves or cabinets for such items as clothing, books, letters and other possessions are provided....

Recessed into the cell's wall is a 200 or 250 watt light bulb...protected by a heavy gauge metal screen and wire-permeated safety glass... Each segregation cell is now also equipped with radio outlets and the inmates are permitted to listen to the same radio station listened to by the general prison population...

The walls, floors, and ceilings of the cells are of concrete construction. The front of the cell is barred, including a barred door equipped with a tray slot. The tray slot is locked closed except when the inmates are fed their breakfast and dinner meals or handcuffed for out-of-cell movements. It is not opened for their bag lunch...

All meals are served in the cell... When the repetitiveness of the menu causes prisoners to "burn out" on the fare, the inevitable result is that they often throw their food out of the cells onto the tier floor or at the guard providing the same...

Clothing is the same as for the general prison population except that the inmates receive only one set of blues each week... Verbal and visual contact, but not physical contact is allowed with other inmates...

They are confined to their cells 24 hours a day... the records in this case show a number of instances in which privacy of correspondence has been violated. Inmates may not leave the cell for academic or vocational purposes... individual teachers are available... Many have large amounts of "revolutionary" literature in their cells....
There is substantial conflict between the prisoners and the correctional authorities on the adequacy of the heating and ventilating system...

Plaintiffs complain, and the evidence supports their complaints, that the cells, which are without drains, are often flooded by water from broken pipes, stopped-up toilets or overflowing basins as well as by water which cascades from upper tiers...

While officers receive from two to five weeks of instructions in officer training academies, as well as orientation and in-service training at the prison, the court seriously doubts based on the record in this case, that such training adequately alerts the officers to the sensitivities, danger, despair and background of the various groups of inmates. One detects a definite atmosphere of tension between officers and inmates in which hostility, resentment, frustration, despair and fear predominate as the controlling emotional reactions...

Inmates are permitted to take their exercise (in the corridor) [but] never permitted any yard or outdoor privileges or exercise whatsoever.

Hot showers are scheduled twice a week and the time allotted therefore is fifteen minutes...

During...visits they are at all times required to wear the white overalls and are subject to the mechanical restraints of hand manacle, waist belt, leg chains, and neck chains. They are strip searched before and after...

The anteroom has a solid steel front, including a solid steel door. Both the door and the front wall have windows which can be closed by a steel flap. If the inmate persists in loud noises or the throwing of food or debris or otherwise engages in conduct proscribed by the guards, the door and windows are closed, and [it] becomes a "quiet" cell, which in fact amounts to the equivalent of solitary confinement... Two cells have only an "oriental" hole-in-the-floor type of waste eliminator and have been called "strip" cells... Presumably, the strip cells are used only as a last resort, usually in cases where an inmate has destroyed the toilet in his regular cell and repeated that destruction...

Plaintiffs live in an atmosphere of fear and apprehension and are confined under degrading conditions without affirmative programs of training or rehabilitation and without possible rewards [or] incentives from the state which will give them a semblance of hope for their transfer out of the A.O." (Labyrinth, 1976).
The picture is not very different in other prisons in the United States. Four inmates wrote about their experiences and trials at the Indiana State Prison in their volume, *An Eye For An Eye*. Griswold, Nusenheimer, Powers and Tromelahouser, (1970) describe prison discipline as follows:

"When [Warden] Lane arrived at I.S.P. [Indiana State Prison] he inherited a typical northern prison's version of Solitary Confinement. After an inmate had been found guilty in the institution court, which was comprised of three or four officials serving as the prosecution, but no lawyer for the defense, he was stripped, given a pair of overalls, and placed in a bare cell for three to seven days... The surface of the floor was broken only by a round hole... that served as toilet facilities. It was covered by a piece of cardboard that did little to prevent the odors of human waste from permeating your abode...

Your breakfast consisted of two pieces of toast and that cup full of milk. If you saved one of those pieces of toast, you could also have lunch, or even dinner if your will power was that great..." (p. 48)

And, if this is not enough and does not control the behavior of the inmate, apparently there are situations in which inmates are placed in even less acceptable conditions than those described above. Griswold et. al. also testify that:

"The real abomination of I.S.P.'s prison discipline was the "dungeon." Transgressors were stripped and chained to a concrete slab in the basement of the Seclusion Unit. That's [where] Big Steve was beaten senseless... That's [where] many cons were beaten and left chained down to suffer in their own urine and excrement. Seven days wasn't the maximum sentence in the dungeon. There was no maximum...

When word occasionally leaked to a member of the press about this method of punishment, and when a reporter bothered to inquire, Dowd and his regime denied the very existence of such a place. No journalist ever pushed the inquiry far enough to be able to walk down the Seclusion stairs and see for himself...

Once, when the prison newspaper editor came to the parole office and asked me to give him an article on something, I proposed writing about the Seclusion Unit, including the dungeon.
The editor gave the go-ahead but expressed doubt that Warden Lane would allow it to be printed. It was while writing that article that I did the research on the recidivism rate of solitary confinement. I wrote the article, stressing the obvious futility of trying to change a man's behavior pattern by taking away his food, clothes, toilet, and dignity for seven days. I cited the large number of repeat offenders who went back to the hole time after time for petty offenses, indicating that solitary confinement, like prison, had no deterrent value.

After going that far, I had no qualms about condemning the dungeon, even though its existence had never been acknowledged to the public. I fully expected, though, to be called on the carpet by Lane, told to stay in my place, and watch him tear the article up. What did happen was that Lane returned the article to the editor with an OK to run it only if I changed one word in it. I had written about a man being chained to a cement and wrote the word "concrete" in its place. Of course I made the change."(p. 50)

Any attempt to characterize the existing situation in the disciplinary units, tiers or designated areas in American prisons would be incomplete without the views of the inmates on the effects of solitary confinement. It is these individuals who have been confined by five concrete or metal walls and one steel-barred front door. Freedom in modern society has been taken for granted; it seems confining an inmate in the "hole" imposes the utmost in the deprivation of freedom for the purpose of maintaining law and order. Thus, it is not surprising that much of inmate literature focuses on describing prisoner emotions, feelings, and thoughts with respect to their ordeals in the "hole." Clearly, the functions of solitary confinement are perceived differently by inmates and the administration of the prison. This is in part evident from the results of a survey conducted by the Fortune Society, a non-profit organization of ex-convicts and other interested persons.

In the March, 1976 issue of "Fortune News," the society reports the responses of ex-convicts to these questions: "Where and when were you
in solitary confinement? For how long? For what reason were you sent there? What was solitary confinement to you? Does it have any place in the prison experience?" and finally, Why do you think it is used?"
(Fortune News, 1976).

The following are some excerpts from comments made by the subjects in this survey:

"It was called the Creech Tank in Orange County, Florida County Jail. It was a four foot by four padded cell with no place to go to the bathroom... It had a mesh screen on top and they blew cold air in it. It was used to dry out the drunks... Since I had just been arrested, I was six weeks pregnant and miscarried while in the Creech Tank. They didn't take me out until I had been hemorrhaging for three days. They used solitary confinement for revenge. The concept of solitary is legalized violence, in a psychological manner.

In Puerto Rico, it was Administrative Segregation and I was there for two weeks... I did not deal well with solitary. I met people. I cried and slept. The feeling was that no one in the whole world knew I was there and no one cared. It was helpless frustration, and all my anger was at the public for letting this happen and to continue. My homosexuality was the cause for all my solitary confinement... Solitary is an attempt to break the spirit and modify the behavior. It is the single most effective way of destroying the ego.

After the riot in Attica I was in solitary confinement for eight months... It was death for me... all you did was worry every time the shifts were changed... Solitary makes you angry so it serves no purpose. It is used by the institution to break a person, psychologically and physically... I remember cigarette butts being put out on our bodies and in our food...

...in Bedford Hills... They called it orientation... They used it to teach me a lesson. I was in jail anyway, so it just seemed to be a prison inside of a prison... That time I became physically ill out of nerves and fear. I felt doomed.

On Rikers Island, they called it the Bing. It was 1970 and I got it for five days for making a remark to one of the nurses. She told me that I had to call her Miss--so I told her she would have to call me Mr. Jones. She reported me to the Captain and I went to court... It was miserable for me because I don't like to be alone. I was given one meal every three days. All I did is stare at the walls and look out the window.
...At Dannermore... they put me in the Solitary cell for fighting and this one was recessed and they flooded it. I was given a rag and was cold to mop it up if I wanted to sleep on a dry floor. I had to sleep sitting on the toilet bowl with my feet hanging in the water. That lasted four days. Solitary is inhuman type of treatment. You spend your time hating and plotting. They made me an animal. It is used to break the prisoner. All you do is hate. It creates hate and it keeps hate in you.

...The Auburn cells were always filled--so you could talk with other people. But it was a period [of time of waste.] Solitary is control.

At Rahway prison... It played havoc with my nerves, my emotions and my mental condition... There is no purpose for solitary. They use it to destroy confidence." (p. 4)

The situation in some prisons in other countries apparently is not much different than that in United States' prisons, as a statement from a recent article in the "Sunday Times" testifies with respect to the situation in the "cages" of a Scottish prison.

"A newsletter, circulated unofficially by members of the Scottish Association for the Care and Rehabilitation of Offenders (SACRO), described the conditions in the cages:

"The caged area was approximately nine foot by six foot. The only movable objects were a small plastic chamber pot, lidless, a woolen blanket, and one book that was issued each week. Human contact was made three times each day when the screws entered to search the body of the prisoner within. His mouth, armpits, anus, and the soles of his feet were searched each time. If a prisoner was being particularly awkward then the punishment would take the form of leaving his food out of reach behind the caged bars until it was very cold, or, alternatively, he would receive it with spittle in it."

These reactions to solitary confinement have two main things in common. First, one or more experiences in solitary left the responding inmates with a need to get even and a very hostile attitude toward the prison administration. Second, with respect to the perceived functions of solitary, there seems to be unanimity among the inmates that solitary is used by prison officials to (a) break the inmate's
spirit, (b) destroy his confidence in himself, and (c) destroy inmate resistance to prison control. Obviously, this widely used mechanism of social control leaves a great deal to be desired. What it fails to do is to teach the inmate a positive lesson useful for his reformation, rehabilitation, and treatment.

These excerpts were drawn, in the main, from the popular and prison literature only. Surprisingly little, if anything, is available in the criminological, penological, sociological and psycho-psychiatric literature. It is not by choice, then, that only these materials were presented. Despite an intensive literature review, few references were found to the problems of solitary confinement as a mechanism applied by officials in corrections.

Thus, this study amounts to a pioneer effort into an unexplored but important subject in corrections. A special effort will be made to view the problems emanating from the use of disciplinary confinement as a method of punishment both at the micro as well as at the macro-sociological levels of analysis. In this study we will attempt to provide an objective account and analysis of the use of solitary confinement from the standpoint of the prison inmate, on the one hand, and the organization of the prison and its officials who impose this sanction on the other. The guiding principle of this study will be to provide an accurate picture of the use and possible alternatives to the use of punitive segregation.

In greater detail, this study of policies and practices surrounding solitary confinement focuses on a number of components, which include:
1. An analysis of the relationship between organizational and personnel changes—reflecting basic philosophical and ideological shifts—and the implementation of policies and practices relevant to solitary confinement. In this context, our investigation will focus on:
   a. A time sequence analysis of the impact of external turbulence on the characteristics of the prison population in general and on the segregation units in particular;
   b. An in-depth analysis of the major types of solitary confinement (i.e., segregation, isolation, administrative segregation, protective custody, suspended segregation, and suspended isolation) and their fluctuations over time; and
   c. The changing nature of institutional law-breaking by inmates as it relates to the changes in the nature of institutional sanctioning patterns across time.

2. An analysis of data on inmates who had spent time in segregation with the focus on:
   a. The relationship between socio-demographic variables and the length and type of solitary confinement sentence(s) imposed upon the inmate;
   b. The relationship between the inmate's criminal record and the type and length of time in solitary confinement experienced by him.

3. An analysis of four hundred comparison group subjects, sampled at their release from the institution, to determine patterns and characteristics of inmates who experienced and did not experience solitary confinement during their stay in prison.
To address these questions, we have gathered data from maximum security prisons in five states in the country. This study will report the results of our investigation of solitary confinement in the Washington State Penitentiary in Walla Walla, Washington during the period 1966-1975.
Footnotes


3. These states include: Washington, Texas, Idaho, Minnesota, and South Carolina. Secondary sources on California and Illinois also were made available to us for similar analyses.
Chapter Two

The Modern Prison in a Socio-Legal Perspective

In a recent foreign newspaper article Lev (1977) reported the following:

"Mr. X could have soon completed his three year sentence on a burglary. But this was not the case.

On the 4th of this month [July, 1977], at 11:00 a.m. an officer passed by the central yard of the prison and heard some odd sounds. Upon his further investigation, he found Mr. X laying on the ground holding his chest with his hand and blood was dripping out through his fingers. He obviously suffered from a severe chest wound... The Sergeant sounded the institutional alarm, as the prison rules prescribe, and consequently guards from all over the institution moved into the central courtyard, while the guards on the towers cocked their machine guns. The inmates, on the other hand, acted as if nothing out of the ordinary had happened... Mr. X was immediately taken to the local hospital where he was pronounced dead, half an hour later on the operating table... The autopsy revealed that he died from severe chest wounds which were inflicted by a sharp long knife." (p. 3)

In recent years a prison event of this kind has become more frequent, than one would imagine. From the top of guard towers a prison seems like a small country town which is unusually tranquil. Everything that can be seen from this view—the various shops residents walking around in the yard, some persons working quite industriously—gives the illusion that this is a peaceful community. The truth of the matter is that only after entering the prison complex through the heavy steel-barred gates can one sense that this is a community in which life for most residents is one of "quiet desperation."

The prison as a community is actually a small enclave in which activities are regulated by a certain system of laws. These laws are not written in any book or stored on a shelf in some remote office.
Rather these are laws by which inmates live and which emerge out of everyday social interactions among the residents of this community. Life behind prison walls, despite the seeming tranquility, is like being in a "pressure-cooker." In this unhappy environment events occur very quickly and reach a "boiling point" when a homicide, a riot, a strike, or violence occurs.

The walls around the prison have a remarkable psychological effect on those confined behind them. They change the individual, his behavior, his conception of himself, and his future. Only prison routines conceal the desperate reality behind the walls. A prison shakedown that turns up improvised knives, razor blades, sharpened spoons, homemade explosives as well as other weapons and contraband, reveals this desperation and calls for a reexamination of institutional policies and practices.

This investigation attempts to study the prison in order to come up with alternatives to current practices. More specifically, as indicated in chapter one, this study focuses on the emerging and intensifying conflicts in correctional institutions as measured by the fluctuations in the uses and abuses of solitary confinement in American prisons.

**The Prison as a "People-Processing Organization"**

The penitentiary, or the prison, is often described in criminological theory and research in terms of its various goals and functions. There seems to be consensus in the literature that "whatever the prison is for, it is not for one clear and single purpose," as Fox (1952) observed. Similarly, Hawkins (1976) argues that: "The basic fallacy...lies in the search for one simple formula or single purpose as the overall primary
task of the prison system." For these reasons, Fox distinguishes between custody, coercion, and corrections as major goals. Others also mention containment, control, incapacitation, punishment, retribution, restraint, rehabilitation, and reintegration. It is not the purpose of this study to analyze these various social functions. Nor do we purport to adopt or introduce another function. However, it is the purpose of this section to examine some of the more salient organizational characteristics of the prison as a sub-societal organ charged with physically containing those who deviate from the legal behavior patterns prescribed by society.

The merits of an approach examining the organizational aspects of the prison have been recognized by both practitioners and scholars in the field of corrections. Research in the last twenty years demonstrates the growing degree of importance attributed to the relationship between the organization of the prison and the nature and type of prison conflicts and the inmate system found within these organizations. (Sykes, 1958; Grusky, 1959; Glaser, 1964; Street et. al., 1966; Berk, 1966; Cline, 1968; Thomas, 1973; Akers, et. al., 1974; McCleery, 1975; Jacobs, 1977; Beto, 1977) Hence it is quite fruitful at this point to embark on a brief organizational analysis in an attempt to place the prison in its proper perspective.

Sociological literature is replete with analyses of the characteristics of social and complex organizations. Blau and Scott (1962), Etzioni (1961; 1964; 1966) and Brim and Wheeler (1967), as well as many others, have explored the bases underlying social organizations in society. Without detailing each of their specific contributions, certain
organizational commonalities have been identified and documented. In his analysis of *Modern Organizations*, Etzioni (1964) includes corporations, armies, schools, hospitals, churches and the prison. Social units, such as tribes, classes, ethnic groups, friendship groups, and families are excluded from what he considers modern organizations. Nevertheless, he argues, along with Blau and Scott (1962), Parsons (1960), and Bennis and Wheeler (1967) that: "Organizations are social units (or human groupings) deliberately constructed and reconstructed to seek specific goals." In order to achieve their stated goals, organizations are characterized by:

"(1) divisions of labor, power and communication responsibilities, divisions which are not random or traditionally patterned but deliberately planned to enhance the realization of specific goals;

(2) the presence of one or more power centers which control the concerted efforts of the organization and direct them toward its goals; these power centers also must review continuously the organization's performance and re-pattern its structure, where necessary to increase its efficiency;

(3) substitution of personnel, i.e., unsatisfactory persons can be removed and others assigned their tasks. The organization can also re-combine its personnel through transfer and promotion." (Etzioni, 1964: p. 3)

Departing from this broad characterization of social organizations, Wheeler (1967) limits his analysis of organizations specifically to what he calls "processing organizations." He proposes a typology of processing systems which puts the prison as a processing organization in its proper perspective.

Wheeler (1967) argues that the prisons, along with other people-processing systems, should be perceived as a particular case of a broad spectrum of systems which process things. All of these systems fall
into his "Typology of Processing Systems." The characteristics that are common to processing systems according to Wheeler, include:

"...some more or less clearly defined point of entry for the thing that is to be produced, some notion of movement through a series of stages or steps, and finally some point of exit from the system. In all cases, the product that leaves the system is expected to be different from that of entry... The important point is that work is done on whatever entered in the hope that its state will be changed when it leaves." (p.56)

He further proposes that two dimensions are central to a typology of processing systems: (1) the degree of differentiation of the processing system, and (2) the nature and character of what is being processed. Specifically, on the first dimension, Wheeler (1967) claims that:

"At one pole are systems where a single task is performed by an individual. At the other pole are highly differentiated systems, where many specialized tasks are allocated to different individuals or groups."

On the second dimension, the nature of the object being processed, Wheeler asserts that an important characterization is:

"whether it is a social or a non-social object. The primary distinction is between people and things, though this is a distinction too crude for certain instances... Where the primary purpose is to change the knowledge, beliefs, attitudes or skills of those who pass through the system, the work is focused on a social object." (pp. 56-57)
The most important consequence of this treatment of social organizations by Blau and Scott, and Etzioni, on the one hand, and by Wheeler, on the other, is that the prison is classified under the same rubric as all other organizations in terms of its characteristics. Of all such typologies and discussions, the most refined conceptualization is Wheeler's treatment, which classifies the prison as belonging to a system of people-processing organizations, such as schools, mental hospitals, and trade training centers. This class includes organizations which process social objects, e.g., pupils, students, the mentally insane, prisoners and the like, through a relatively highly differentiated system; Wheeler labels these people-processing systems socializing organizations. (p. 57)

We would like to dissent from the position taken by organizational sociologists since we propose that the prison represents a radical departure from the usual conceptions in organizational theory. There are some special characteristics of the prison which set it apart from any other general social organization, or more specifically, from any other people-processing organization. Thus, classing the prison as an organization like others presents serious conceptual problems. The central question is this: What are the organizational conditions in a prison which distinguish it from all other people-processing social organizations? We submit that the prison as a social organization differs in at least five major respects from more typical social organizations such as the corporation, the military, the school, and the mental hospital. These factors are:

(1) The prison as a solidarity-opposition system;

(2) Control as the prison's raison d'être;
(3) The prison as a non-client-centered organization;

(4) Prison processes of recruitment, retention and release:
Lack of external (self-selection and organizational selection) and internal (expulsion and use of incentives for retention) mechanisms to induce conformity; and

(5) The criminal justice system's funnel effects on the prison.

**The Prison as a Solidary-Opposition System**

The major difference between the prison and other people-processing organizations is clearly related to inherent tensions built into prisons and their implications for internal dynamics. These tensions can best be identified as stemming from the Solidary-Opposition Model as a primary source of social order in the prison.

This unique feature of the prison can best be explained in the following manner. Every organization is, to a large extent, dependent on the nature and type of membership or clientele, in realizing its goals and the prison is no exception. Nonetheless, there are probably no other institutions in which activities of the members are in as much of a dialectical relationship as is the case in the prison. On the contrary, in most organizations one finds a great deal of congruence among the endeavors of the members. The prison, by contrast, clearly consists of at least two groups espousing diametrically opposed interests: the guards and the inmates. These opposing groups have been labeled the Ruling Caste vs. the Subordinate Caste (Grosser, 1968), the Custodians vs. the Captives (Sykes, 1958), and the Staff vs. the Inmates (Goffman, 1961).
Whatever the designations, the fact remains that their respective goals are quite contradictory. Conflict between these two groups is inherent in the system. Implications of these tensions have received a great deal of attention in criminological and correctional literature and research—most notably in the work of Clemmer (1940), Sykes (1958), Goffman (1961), Schrag (1961), Glaser (1964), and more recently in the work of Jacobs (1977) on the Stateville Penitentiary in Illinois.

The dialectical relationship and inherent conflict between guards and inmates, we propose, may be described in terms of the relationships between "boundary-maintainers" on the one hand and the "boundary-busters" on the other. The guards in this social organization occupy the role of enforcing the informal as well as the formal laws, rules and regulations of the prison. They are both the value carriers and value enforcers. In practice they define the normative limits of this community through their everyday interpretations of what constitutes expected behavior behind the walls. In this process of maintaining the status quo and the institutional rules, the custodial staff defines, contains and informally promulgates normative boundaries. Staff activities center on "boundary-maintenance." On the other extreme, the prison as a people-processing social organization must deal with problems presented by a much larger, if less influential group—the inmates. In fact, it is this group for whom this organization was created in the first place. Prisoners engage in behavior designed to advance inmate interests—goals which are contrary to those of the "boundary-maintainers." They go far beyond what Wheeler (1967) has so aptly observed in his distinction between agencies processing social objects and those which process non-social ones. He states that:
"Perhaps the most important difference in the movement [in Wheeler's typology] from physical to social objects is that people can talk back. Unlike the inanimate object, the person on the production line can respond to his environment and often significantly alter it. He may agree to go along with the program, or he may fight it. His own goals may be at variance with those of the socializing agent." (Wheeler, 1967: pp. 57-58)

We submit that this goal conflict in prison cannot be stated only in terms of a potential reality. On the contrary, goal variances are endemic to the prison as a people-processing organization. Inmates in correctional institutions not only "talk back" they routinely bedevil the administration by attempting to test the organizational tolerance level. As a matter of routine they are involved in efforts to test the limits of acceptable conduct and "bust" them when and where this is possible. These thus are the "boundary busters" in the prison. Research shows that despite the conflicting atmosphere in the prison, these opposing groups coexist in a state of uncomfortable equilibrium and mutual accommodation, (Sykes, 1958; Sykes and Messinger, 1960; Giallombardo, 1966; and others). This uneasy truce between the custodians and the captives partially explains the relative stability in prisons.

However, this tension has serious organizational consequences, for ordinary operations and especially for discipline and the use of solitary confinement. As indicated above, all organizations, people-processing or otherwise, are designed to accomplish a certain goal. The prison, however, is a unique people-processing organization in which contradictory goals coexist, if not by design, at least in reality. From the standpoint of societal demands, particularly in an era in which treatment, reform, rehabilitation and reintegration have ceased to be primary goals, the prison has become predominantly control-oriented. The inmate body also
has changed so markedly in character that resort to greater control by prison officials is imminent and the attainment of the original goals is mostly a dream. In sum, thus, the prison in the above discussed respect is quite a unique entity, primarily in terms of its internal dynamics and the implications of these for the attainment of its organizational goals.

Control in the Prison as raison d'être

Enforcing conformity to stipulated standards and norms of conduct is the central activity in the prison as a social organization. Moreover, the exercise of formal control is the dominant technique through which compliance to prison rules is accomplished. It is quite evident that when all else fails, this organization, unlike most others, routinely resorts to more control in an effort to preserve the power balance. Thus, control is both the goal and the means to the goal for the prison organization. By contrast, in nearly every other social organization control is applied only as a means to other ends. Etzioni (1965) has pointed out that "the aim of organizational control is to ensure that rules are obeyed and orders followed." Thus, only if and when it is necessary, do organizations activate control measures which are designed to facilitate the accomplishment of their stated goals.

In the prison, on the other hand, we find that control is not just a means to other ends but rather the end in itself. Traditionally, the role created for the prison has been the "storing" or "warehousing" of offenders who have been removed from their communities. This goal was thus a negative one, namely, the maintenance of an orderly prison community always completely under control, and it was without a real
concern for the offender. This goal of doing "easy time," to use prison terminology, has become more significant as the more positive goals of rehabilitation, reintegration and correction have come under increasingly severe attack (Bailey, 1966; Ward, 1967; Martinson, 1974; Lipton et. al. 1975). Thus, it seems that this control characteristic of the prison is so central that it does differentiate the prison from all other people-processing organizations.

It is desirable to point out in this context still another aspect which enhances the distinction of the prison from other people-processing organizations. It is evident that society readily tolerates the slackening of control in other social organizations such as the public schools, political organizations, and at times even the military. However, it vigorously rejects any such attempt in the prison.

Related to this central function of control in the prison is also an existential prison paradox which further sets the prison apart from many other people-processing organizations. When the equilibrium in prison is upset, more control is invoked to maintain internal law and order. Specifically, in the face of unrest by inmates, staff respond to this threat to stability by invoking additional measures of control to contain the "boundary busters"—from bringing in the National Guard to a total prison lock-down. (Solitary confinement is only one common measure used in these situations.) Inevitably, the lock-up entails even greater control and further deprivation of inmate freedoms. Thus, when the central prison goal—control—is threatened, there is resort to greater control in order to control. No similar pattern is associated with other types of object or people-processing organizations.
Consequently, it can be stated that it is precisely this conditio sine qua non -- emphasis on control in the prison -- which renders the prison qualitatively distinct from many other people-processing organizations.

The Prison as a Non-Client-Centered Organization

We have claimed that the major, if not the only feasible goal of the prison stems from its imputed function to society, i.e., the control and temporary incapacitation of criminal offenders. Society insists upon the removal of those individuals who threaten its normative boundaries. As such, the prison performs its major function -- control of criminal elements -- for society rather than for the offender. From a sociological perspective, this primary concern with the protection of society, rather than with the welfare of the individual criminal offender, points to another aspect in which the prison radically departs from other people-processing organizations.

Within the framework of Wheeler's (1967) typology of processing systems, discussed above, we find the prison in the same analytical category as the school, the mental hospital and the trade training center. The common denominator in these processing systems has been neglected in Wheeler's schema, namely, that they are all client-centered processing systems. Whether it is the school, the mental hospital (even more so the general hospital), or any vocational or trade training organization, the fact remains that what defines its existence is the focus on changing the individual or group which it processes. From the standpoint of the "object," schools and universities are concerned with their pupils and students, mental hospitals purport to provide services to mentally ill patients, and the trade training centers thrive on the provision of
vocational services to trainees seeking to acquire a trade. In all of these cases, the organizations direct activities so as to satisfy the needs of prospective clients,\(^2\) based upon their particular characteristics. Furthermore, these organizations, by design, demonstrate client-centeredness in their inherent interest in the post-organizational conduct and future opportunities for their clients. Specifically, and from the viewpoint of services they render, schools attempt to "produce" a better educated and more informed individual, the hospital for the mentally ill delivers therapeutic services to "produce" a more "normal" or adjusted individual, and the trade training center transforms the individual into a more productive and presumably more economically secure person. Thus, it seems that the predominant interests of these people-processing organizations are anchored in the single individual and his needs as he relates to his immediate environment.

This is not the case in prison. While it, too, is a people-processing system of sorts, its major function is to serve society and not the individual prisoner. This conception of the prison as a society-centered processing organization is evident, for example, in Galtung's (1958) treatment of the social functions of the prison. He viewed the role of the prison as:

"The prison as a physical constraint. Incarceration in an efficient prison obviously concentrates the future violations of the convicted violator to a small area -- the prison -- because of the prison walls. This does not prevent the inmates from illegal acts, but the very high rates of criminal acts within the walls is not so immediately dysfunctional to the society as a whole because of the very low degree of visibility for members of the society outside of the prison..."
The prison as a biological constraint. Incarceration can imply that the prison turns out an older and somewhat physically reduced violator after his period of incarceration -- at least if the sentence is sufficiently long... Retribution - the punishment shall equal the offense in negative value, to satisfy the offended party or generalized norms of justice in the culture.

Outlet for general aggression or sadism in part of the population, i.e., those who press for severe punishment... Satisfaction of masochistic needs and general needs for expiation and atonement, both in the prisoners and in others who feel that the prisoners expiate for them...

Social sanitation by decreasing to zero the visibility of selected types of deviants..."\(^3\) (p. 128)

The common thread which seems to run through this description of the prison and its functions clearly testifies to the fact that it is a social structure designed, in the main, by society and for society. All the rest is irrelevant, if often desirable.

Prison Processes of Recruitment, Retention and Release: Lack of External and Internal Mechanisms to Induce Conformity

The third important characteristic which differentiates the prison from other people-processing organizations is also related to the goal of control and is reflected in the paucity of prison options in inducing conformity to organizational rules and regulations. Central to our argument is the fact that the prison is an ideal typical model of a coercive organization; nearly all prisoners are "recruited," "retained" and released on an involuntary basis.

In his treatment of "Organizational Control and Leadership," Etzioni (1964) suggests that:

"Nowhere is the strain between the organization's needs and the participants' needs... more evident than in the area of organizational control... To the degree that the two sets of needs are compatible, little control is necessary. The
participants will tend to do what is best for the organization in order to gratify their own needs, and the organization in seeking to serve its needs will serve theirs. But such meshing of needs is never complete... Hence deliberate efforts have to be made to reward those who conform to its regulations and orders and to penalize those who do not."4 (p. 58)

As we have stated above, the prison is a people-processing organization in which the meshing of the needs of the organization and the needs of the inmates is impossible because the goals of those two groups are contradictory. For this reason, there must be organizational means to induce compliance from the prisoners. Moreover, these means are even more important when the institution, as now, focuses specifically on control as a goal.

Social organizations seeking to attain their goals have at their disposal, among other things, at least two sets of mechanisms by which they try to fulfill their objectives. We refer to these as external and internal mechanisms depending on whether they are used prior to or following a person's joining the organization. The first set -- the external mechanisms -- includes two procedures -- "self-selection" and "organizational selection" -- and pertains mainly to the process of recruitment of members (Etzioni, 1975). Organizations, being voluntary in nature, enjoy the benefits of "self-selection," which is the process of self-screening exercised by potential members. "Organizational selection" usually is applied by the organization which screens its recruits prior to accepting them as full-fledged members. These two screening procedures are used prior to a person's admission into the organization. Both are voluntary and depend upon the free will of the parties involved. Additionally, at least two internal mechanisms can
be utilized in an effort to advance organizational interest among the members: expulsion and/or incentives. In the first place, members who fail to meet an appropriate level of compliance and commitment to organizational directive(s) or goal(s) can voluntarily or involuntarily be removed from the organization (Thomas and Peterson, 1977). This practice in its extreme form, involves expulsion and banishment. Second, and primarily in instances in which the organization desires the continued services of a member, it uses incentives to assure his stay within the organization. These incentives may be material or symbolic (Etzioni, 1964). Presumably, through a rational application of these mechanisms and other means of control, an organization assures optimal performance of its members in striving for the organization's goals.

On these points, too, the prison departs radically from its organizational counterparts. By design, individuals are sent to prison only because they were found guilty of violating the law. Few, if any, inmates in correctional institutions are there by choice. Thus, self-selection is clearly inoperative in the prison as a method of advancing organizational interests. In fact, given prisoner preferences, there would be no prisons at all. For this reason, it is not surprising that prisoners attempt to "bust" the rules within the institution where they are being held against their will. Similarly, the administration of this organization, compared to others, has little input into the process by which their prospective members are chosen. They must accommodate to the orders of the courts and cannot apply organizational selection principles. They do not have the option of rejecting those whom they do not desire because of inadequate or incompatible "credentials." In this fashion, and
because of society's expectations, prisons are given the task of containing a volatile and difficult group of individuals.

The situation is even more critical in these respects after offenders have taken on the status of prisoners. While most people-processing organizations achieve control and desired attitudinal and behavioral change through the potential use of expulsion, e.g., in the public schools, prisons cannot exercise this mechanism since it contradicts the primary function of containment of criminals. On the contrary, non-conforming inmates are kept in the organization--most likely for a substantially longer period of time than the conformists. As a result of lacking post-entry selection mechanisms to expel problem inmates, the prison's only remaining recourse is to "banish" them to segregated maximum custody units.

The complexity of the situation is made more apparent when one examines what happens to members who adhere to the organizational rules and gear their activities to advance its goals. Through the use of incentives, such as promotions and salary increases, organizations try to make sure that valued individuals remain with the organization. In this way incentives are used to retain the most productive and conforming individuals. Model members are reinforced, glorified, rewarded, and promoted, e.g., the Stakhanovite. In the prison, on the other hand, "model-inmates" earn a speedier release--through good time, early parole, work furlough, work release, etc.--by conforming. Those remaining in the prison for longer periods are inmates who do not respond to the incentives and are frequently the "chronic troublemakers." Unresponsive to positive rewards, members of this group can only be removed to the "hole" or the "lock-up,"
as the situation justifies their removal. Consequently another prison paradox emerges. On the one hand, the prison should use incentives to facilitate the earlier release of inmates. From an organizational viewpoint and for the smooth running of the institution, however, "well-behaved" prisoners are the ones whom the prison should attract and retain for maximum tranquility. Parenthetically, there is no conclusive evidence that conforming inside the walls is highly correlated with law-abiding conduct after release. In sum, on this front, too, the prison should be viewed as a distinctive people-processing organization, quite unlike many others.

The Criminal Justice System's Funnel Effects on the Prison

Another general point that needs to be stressed in relation to the uniqueness of the penal institution is the impact of the criminal justice system on the operation of the prison. The question is: what are the significant organizational implications of the fact that the prison is structurally located at the small end of the criminal justice system funnel? Does its location have any bearing on the focus of this study—the use of solitary confinement units—primarily from the standpoint of social policy?

When we discussed the organizational methods used to induce conformity (i.e., self-selection and organizational selection) we noted that the prison cannot use these techniques in the same way as most other organizations. This should not be construed to mean that no selection of any kind is involved. On the contrary, there are few social organizations whose members are pre-screened by such an elaborate stair-step system as are prisoners.
The prisoners are negatively selected by the criminal justice system. Individuals who end up in the prison have been "pre-screened" by the police, the prosecution, and the courts, to name but a few. Their selection into the prison is based on their personal characteristics, their act(s), their past history, criminal and otherwise, and frequently the availability of "membership vacancies" in the prisons and other correctional programs, e.g., probation or other community facilities. By the time a prisoner gets inside the walls he has already met certain negative conditions, which include committing a major crime or being a repetitive offender. Thus, the selection clearly takes place, but on totally different grounds than is the case in other people-processing organizations.

Determination of the presence or absence of these salient negative characteristics and/or conditions does not fall into the province of the prison. Rather it is vested in the hands of other segments of the criminal justice system. Thus, both the prisoner's negative selection into the prison and the prison's lack of substantial input into this systemic process of "pre-selection" taking place on the macro-organizational level set the prison apart from other social organizations in which selection is positive and in which it is carried out by the organization itself in its own interest.

The implications of this selection process cannot be overemphasized. These characteristics represent the maximum intrusion of social policy into the organizational operations of the prison. Specifically, while most people-processing organizations enjoy considerable autonomy, the prison, by virtue of its imputed goals and structural location in the
criminal justice system, is primarily bound by decisions made by others. Since the prison is the last link in the criminal justice system chain, it must adapt itself to the sentencing policies of the courts, the actions taken by prosecutors, and the activities of the police at the enforcement end of the system. Moreover, if parole is abolished, as has occurred in the states of Maine, Illinois, Indiana, and California, prisons must respond by making facilities available for the prolonged stay of many of the serious violators. This forces policy changes with regard to the internal operation of the institution, such as acceptance of increased population density, which have the potential of triggering undesirable effects. Thus, the prison is one organization in which the internal operation is or potentially can be decreed by policies promulgated by outsiders. Because the prison is located at the narrowest end of the criminal justice system funnel, it lacks autonomy in terms of the determination of policy issues relevant to its operation as a social service organization. Needless to say, the inmates also have less autonomy than members of other people-processing organizations.

In synthesizing these issues, one must relate them to the focus of this study -- the use of solitary confinement. It has been argued that the prison is a social organization stressing control as an ultimate goal. Furthermore, and as a consequence of its systemic characteristics, its membership is composed mainly of dangerous, refractory, and recalcitrant individuals who are committed against their will. In this context, it would be surprising if serious management and discipline problems did not emerge. These conditions, coupled with the apparent lack of
conventional organizational controls, would lead one to expect violence and other disruptive behaviors.

In order to maintain its boundaries, the prison relies on one of the oldest "modern" forms of punishment -- solitary confinement. Segregating or isolating the disruptive inmate is a widely used organizational response to the challenge imposed by the internal prison environment. In the absence of other means of control, the prison is compelled to resort to ever greater coercion in order to control, and this often takes the form of solitary confinement.

The extent and magnitude of the application of solitary confinement as a control method in the prison clearly varies from one correctional system to another and from one prison to another. Informed practitioners suggest that no two prisons are alike in this respect. Similarly, no two maximum security units, "holes" or "lock-ups" are alike. Not only do they differ in physical design, i.e., type of structure, lighting conditions and ventilation, these units also vary in terms of the composition and characteristics of the population, the past criminal records of the confinees, and the reasons for their temporary banishment. It is a fact that the correctional community (beginning in the 1970's) began to increase its use of this method of handling institutional deviants who could not be handled through conventional control methods. Management has rediscovered the "prison within the prison" to deal with the problem prisoner who is more violent, more criminally sophisticated and experienced, more educated, more skeptical about prison rules and regulations, and consequently more disobedient and dangerous both to his
fellow inmates and to institutional security than his predecessors of the 1960's.

If, indeed, the correctional scene is witnessing the rediscovery of an archaic method of punishment behind the prison walls, the question is: what accounts for the reintroduction of this unquestionably painful method of punishment in the prison? Phrased in slightly different terms: what conditions in society facilitated the re-emergence of the use, and abuse, of solitary confinement in contemporary American prisons?

We shall address these questions on two levels: first, on the general macro-sociological and political level, and second, on the specific legal level -- due process of law. In both cases we attempt briefly to account for some socio-legal landmark changes which influenced the correctional scene. Specifically, we advance the thesis that certain socio-political and legal changes and events occurring in concert, particularly during the 1960's and early 1970's, produced two outcomes in the area of corrections. The first outcome is manifested in prisons' attempts to "experiment" with various management styles (at times by choice, at other times by necessity). The second result is evident in changes taking place in terms of the characteristics of those incarcerated in American correctional institutions. In other words, we submit that changes in the socio-legal realities of American society had a remarkable impact on both the nature and type of prison administration and its management, and on the nature and type of the prison inmate.
The Street Revolution and its Effects on the Prison

The prison does not exist in an environmental vacuum. It is not a "sealed" social entity immune to the penetration of the existing patterns and problems of the larger society. The prison as a criminal justice organ resembles other "law-related" and "legally-oriented" bodies in society in that it exhibits substantial resistance to social change and is slow to adapt to innovation. Despite these factors, however, prison practices eventually "catch-up" with other social innovations in society.

This analysis rests principally on a structural-functional assumption of interconnectedness within the social system. Specifically, policies and practices within the prison must be viewed not only within the context of the prison itself, but also as reflections of more general social patterns. This notion and its relation to the prison, its character, and its practices was recognized as early as 1940. Clemmer (1940), a pioneer researcher in this area points this out in the first edition of his book, The Prison Community. He notes that it is of central importance to view the prison community within the overall social context. His deep commitment to this notion is even more evident in a later edition of his book in which he stated that:

"The data for the Prison Community were collected in the Depression years of the 1930's and throughout the book there are references to the fact that the culture of the prison reflected the American culture, for the prison was a culture within the larger one. Since then to employ just a few word symbols we have seen World War II, urbanization, television, Korea, a peace time draft, rocketry, cold war, automation, sputnik, inflation and so on. It's a different world, and it is guided by legislators and administrators, operated by employees, and peopled by inmates who have, in varying degree, a part of this dynamic environment." (Clemmer, 1958: p. XI)
In another study, Sykes (1958) reports the results of his investigations at the Tranton, New Jersey maximum security prison. He too emphasizes the importance of the relationships between the prison and its social milieu. Sykes observed that:

"In reality, of course, the prison wall is far more permeable than it appears, not in terms of escape...but in terms of the relationship between the prison social system and the larger society in which it rests. The prison is not an autonomous system of power, rather, it is an instrument of the State, shaped by its social environment, and we must keep this simple truth in mind if we are to understand the prison. It reacts to and is acted upon by the free community as various groups struggle to advance their interest...At...times...prison authorities find themselves receiving demands raised by a variety of business, political, religious, ethnic and welfare interest groups. In addition there is the fact that the personnel in the prison -- both the inmates and the custodians -- are drawn from the free community, whether voluntarily or involuntarily, and they bring with them the attitudes, beliefs and values of this larger world. The prison as a social system, does not exist in isolation any more than the criminal within the prison exists in isolation as an individual; and the institution and its setting are inextricably mixed despite the definite boundary of the wall." (Sykes, 1958: pp. 8-9)

Clemmer, Sykes and others (Grosser, 1968) have thus recognized this important connection between the prison and its social environment. Moreover, they felt that their accounts of the state of American prisons were temporal in nature and as social conditions in society changed, a reformulation of their statements would be forthcoming.

Similar ideas were expressed by Street, Vinter and Perrow (1966), who pointed out that the organizational goals of the six midwestern juvenile institutions they studied depended upon three major aspects: first, the penal philosophy of the chief administrator; second, the acceptance of the institution by the local community; and third, the type of agency controlling the institution. On this basis, one can conclude, as
Jacobs (1977) recently did, that: "The social organization of the prison was thus dependent upon the complex relationship of the institution and its elite to the organizational, political, and social environment." (p.5)

It is thus the purpose of this section of our discussion to examine some of the more important recent extra-prison developments which have had dramatic effects on correctional policy and practice.

A. The General Effects of the Civil Rights Revolution

The last two decades have seen an upsurge in the continuing struggle for prison reform. Public opinion polls show that a growing number of citizens in the United States now accept rehabilitation as one purpose of incarceration in the prison (Harris, et. al., 1968). This development did not occur in a social vacuum, and the forces most central to its development include some socio-political events which substantially affected the criminal justice system.

The wave of social consciousness that swept the United States in the 1960's sparked an intensive period of social unrest. Clearly the civil rights protests were in part an outgrowth of a conflict between stated American ideals and actual life circumstances of many American citizens. Increasing awareness of this discrepancy, coupled with a decreasing willingness to tolerate it any longer, produced a social climate that was steadily more conducive to social disorder and turmoil.

The radical disorders...in part reflect the failure on all levels of government--federal and state as well as local--to come to grips with the problems of cities. The ghetto symbolizes the dilemma: a widening gap between human needs and public resources and the growing cynicism regarding the commitment of community institutions and leadership to meet these needs.” (U.S. Riot Commission Report, 1968: p. 283).
This statement was one of the conclusions of the National Advisory Commission on Civil Disorders, which was given the task of investigating the causes of the racial disturbances of the 1960's. This commission also concluded that several developments converged to produce the volatile situation in the ghettos. It stated that one such major development was:

"...the widening gulf in communications between local government and the residents of the erupting ghettos. As a result, ghetto residents developed a profound sense of isolation and alienation from the processes and programs of government. This lack of communications exists for all residents in our larger cities; it is, however, far more difficult to overcome for low income, less educated citizens who are disproportionately supported by and dependent upon programs administered by agencies of local government. Consequently, they are more often subject to real or imagined official misconduct ranging from abrasive contacts with public officials to arbitrary administrative actions." (p. 283)

From the standpoint of criminal justice and corrections, only a year before the first Commission published its report, the President's Task Force on Corrections expressed a similar view by stating that crime, at least in part, represents a failure in the organization of society itself.

In its report, the Task Force (President's Task Force Report: Corrections, 1967) suggested that:

"The general underlying premise for the new directions in corrections is that crime and delinquency are symptoms of failures and disorganization of the community as well as of individual offenders. In particular, these institutions are seen as depriving offenders of contact with the institutions that are basically responsible for assuring development of law-abiding conduct: sound family life, good schools, employment, recreational opportunities and desirable companions, to name only some of the more direct influences. The substitution of deteriorous habits, standards, and associates for these strengthening influences contributes to crime and delinquency." (p. 7)

In the final analysis, therefore, the criminal justice system in the 1960's was responding mainly to intense external pressures to recognize that the crime problem exists not so much in the heads of the nation's
offenders but rather in the streets of American cities and in unjust American social institutions. The civil rights movement and the violence in the urban ghettos together created an atmosphere where the basic workings of the entire social system were called into question. Major efforts were made to change the educational system, the health system, and the responsiveness of local governments to their citizens. The correctional system, because it symbolizes the "law" and the "establishment" to so many, came under particularly intense scrutiny and attack during this period of reassessment and reconstruction of the goals of American society. The growing consciousness of society's role in crime made the punishment and treatment of individual offenders seem largely inhumane and unreasonable.

Of the many developments triggered by events of the 1960's, at least two are most illustrative of the emergence of concrete efforts to translate the newly emerging philosophies into realities. Specifically, the civil rights revolution resulted, on the correctional scene, in growing racial consciousness in society and later in the prison and in the erosion of the established barriers between the prison and the community.

First let us consider the growing racial consciousness. After the serious disorders involving whites and blacks broke out in the streets of major American cities, such as Birmingham, Savannah, Chicago, and Philadelphia, many university campuses experienced a wave of unrest and riots. While there were differences in terms of what motivated these social turmoil and the subsequent violence--the former being clearly racial in nature and the latter primarily ideological--one salient factor can be identified as a common end product of both. Both eventually produced a
social climate in which there was growing significance of race consciousness and ethnicity among minority citizens in the United States, especially during the middle and late 1960's. It was during this time that members of minority groups—blacks in particular—began to harvest the fruits of the civil rights revolution, which resulted in significant gains in legal and other rights for them as citizens of the United States.

The racial militancy of the streets soon penetrated into the prison, as reported in a number of studies of maximum security institutions (Irwin, 1970; Wright, 1973; Davidson, 1974). More specifically, these events led Carroll (1974) to study Hacks, Blacks and Cons, in which he investigated the hypothesis that "as a result of humanitarian reforms within the prison [in Rhode Island] and racial-ethnic social movements outside the prison, the structure of social relationships within the prisons is increasingly taking on the character of race relations." (p. 10). On a broader basis, too, Jacobs (1977) observed that: "Like other marginal groups in America, imprisoned felons...have come to take increasing claims to the right of citizenship...just as blacks demanded social and political equalities in the 1950s, so too did prisoners of that decade and the next press for a redefinition of their situation within society." (p. 7). The results of these efforts were evident in the accomplishments made by prisoners in terms of their rights of association, extension of legal rights, abolition of mail censorship, visitation rights, good time, living conditions, health care, removal of restrictions concerning religion and speech, and many other basic civil rights which were granted by prison authorities. The practical implications of these changes to an orderly running of a correctional institution are fairly obvious and need not be discussed in this context.
The second major identifiable consequence of the civil rights revo-
revolution in the streets concerns the gradual erosion of the barriers be-
tween the community and the prison which began to take place during the
1960's. Before the 1950's the prison was an isolated island in society.
By the 1960's, various community interest groups emerged and focused their
activities on legislative lobbying and judicial tests of the rights of
prisoners. This movement must be perceived as an integral part of the
trend of extending the rights of citizenship to marginal groups in society,
such as the poor, racial minorities, and the imprisoned. As a result of
these activities on the behalf of prisoners, the prison received a great
deal of exposure in the media and prisoners were no longer insulated from
events and developments in the community.

Jacobs (1977) captures the main reasons which eventually led to the
"opening-up of correctional institutions" in the United States:

"Daily newspapers make their way into the prison, including
many copies of the radical underground press. In addition
inmates have access to the news over the radio and especially
over the television. In some prisons, including Stateville
since 1975, each inmate can have a television set of his own.
In other prisons TV sets are placed in areas of work assign-
ments and on the [gallaries.]

Media coverage of prison matters has sharply increased in re-
cent years, reflecting the fact that the prison has become a
central issue of concern in American society. Prisoners are
thus provided with limited access to the public through which
they can state their grievances. In several instances of pri-
son rebellions, inmates have asked for press conferences and/or
press and television coverage... The role of the media at
Attica has been a subject of voluminous debate." (p. 8).

In another context, Jacobs (1977) also observed that:

"Participation in riots, exposure to nationally recognized civil
rights leaders, and a widely disseminated vocabulary of politi-
cal and social protest became part of the life experience of many
of those later confined in the large industrial states during
the late 1960s and 70s. Often the actors most directly involved in these political movements were themselves committed to prison and continued their struggle from behind the walls." (pp. 6-7).

Thus the prison during the 1960's and the early 1970's became more and more exposed to public scrutiny. Various advocacy groups were granted the right to go into prisons. While at the same time prison authorities were pressured to allow inmates to go out into the community to address various groups and clubs. This community involvement in prison affairs is particularly critical and evident in the area of the impact of legal aid groups on prisoners and prison staff and managers. Particularly during the 1960's, legal aid societies brought idealistic young attorneys into close contact with prisoners and prison officials. One such group still operates today on the Minnesota correctional scene. This group, known as the Legal Aid to Minnesota Prisoners (LAMP), consistently advocates, and often litigates prisoners' rights. LAMP's involvement has been so intense that its representatives have become an integral part of the Minnesota State Prison picture. In most cases, upon the request of the prisoner, a LAMP representative will defend him in cases coming before the Minnesota State Prison's Disciplinary Committee, thus overseeing and constraining the scope and actions of this committee.

In summary, we clearly can state that the civil rights revolution made significant gains possible for various underprivileged groups in society in general and for prisoners in correctional institutions in particular. These accomplishments were especially great in matters related to the legal rights of both the accused and the incarcerated. For this reason, we next devote a special section of discussion and analysis to
issues pertaining to the penetration from the outside of the movement for due process of law behind the prison walls.

B. Due Process and Civil Liberties in Correctional Institutions

The decade of the 1960's was unquestionably a period in which American society was challenged at almost every level to prove the validity of its claims to democratic principles of governance, its commitment to human rights and its stated tradition of the rule of law. This critique of American society which was so intense at that time, has subsided but its impact on social institutions still remains to be fully assessed. One lasting result cannot be denied—no longer may any class or group in society, even the incarcerated, be denied civil rights. Prisoner rights in particular, have been well defined. Their prior status of "civil death"—being "slaves of the state" was largely abolished in the 1960's.

This process of redefining the convicts' standing did not occur overnight. It must be viewed within the societal context and the period during which it took place. As Jacobs (1977) observed: "The extension of the rule of law into the prison was a natural outgrowth of the judicial activism of the sixties under the leadership of the Warren Court and of the "legal revolution" that brought fuller rights of citizenship to racial minorities, the poor, the illegitimate, and the criminal defendant." (p. 9). It is only in a social climate, which is conducive to the intrusion of activist groups into the prison that prison conditions can be challenged in the courts as unconstitutional. An atmosphere was created in the 1960's which was aptly described by Mueller (1971) in his address to The Ohio
Citizens Task Force on Corrections: "Unless corrections straightens out its own house, the Supreme Court will have to do it". Let it be said that "it did it," as will be seen later in our brief analysis.

As noted, legal institutions are notoriously slow in adapting to social change. As a result, the introduction of the rule of law into the prison took place in an evolutionary framework (except to staff and administrators who saw legal decisions as revolutionary). Historically, the courts have avoided intervening in the operations and management of prisons. Typifying this judicial attitude was the "hands-off" doctrine of non-intervention by courts in prison issues other than the legality of confinement. As late as the mid-1960's, courts at all levels were reaffirming this doctrine. Most indicative of this is a case in the State of Maryland which specifically relates to the subject of this study—solitary confinement. In that case, the inmate's petition asserted that he was placed naked in a solitary strip cell in 40 degree temperature without blankets and a mattress for 27 hours. He was further denied baths and toilet articles for 16 days. The court concluded that even if these allegations were true, the facts were not so extreme and exceptional as to override the established principle that matters of prison discipline are solely matters of discretion for the prison authorities (Roberts v. Peppersack, 256 F. Supp. 415; D.Md. 1966).

In "Grim Fairy Tales for Prison Administrators," Kutak (1970) points out three major justifications for the "hands-off" doctrine:

"First, it serves as an effective method of disposing of unreasonable and frivolous complaints that inmates are likely to devise. Second, it is consistent with the court's traditional functions of reviewing administrative decisions for abuse, not substituting the court's judgment for that of the
administrative body. Third, it is consistent with the doctrine of separation of powers since the administration of prisons was thought to fall exclusively within the jurisdiction of the executive branch." (p. 56).

Nevertheless, and despite these arguments, this doctrine had to be reassessed, particularly when abuses of administrative discretion disclosed in prisoners' complaints were considered along with an increasing concern for the violations of human rights and dignity.

The first fissure in the courts' adherence to the "hands-off" doctrine regarding prisons occurred as early as 1944. In this case a prisoner suffered severe injuries from assaults by his fellow inmates and guards. The Court of Appeals for the Sixth Circuit, in reversing the lower court's dismissal of the complaint, stated that:

"A prisoner retains all rights of an ordinary citizen except those expressly or by necessary implication taken from him by law. While the law does take his liberty and imposes a duty of servitude and observance of discipline for his regulation and that of other prisoners, it does not deny his right to personal security against unlawful invasion." (Coffin v. Reichard, 143 F. 2nd. 443 (6th Cir. 1944)).

The next two decades were marked by relative judicial inactivity in this area. Courts were reluctant to intervene in the management of the prison until the mid 1960's, when the social climate was "right" and there was increasing frequency of abuse of administrative discretion.

By the middle of the 1960's the courts assumed a new activism in their approach to the prison and its workings. This can be attributed to the fact that the courts had become impatient and intolerant of eighteenth and nineteenth century penal methods, as Morris and Hawkins (1970) have observed. Thus, the courts began a reexamination of their role in this area and in 1966 the Court of Appeals for the Fourth Circuit gave life to a new
principle of judicial intervention, i.e., the "hands-on doctrine." In Edwards v. Duncan the court stated that:

"The hands-off doctrine operates reasonably to the extent that it prevents judicial review of deprivations which are necessary or reasonable concomitants of imprisonment. Deprivations of unreasonable medical care and of reasonable access to the courts are not among such concomitants." (Edwards v. Duncan, 335 F. 2nd 993 (4th Cir. 1966).

Following this statement, courts across the country began to "carve out" significant areas of prison life which they considered to be beyond the "necessary concomitants" of prison life. Although a listing of these conditions is bound to be incomplete, certain significant gains soon became evident. The conditions and practices addressed by the courts included: assaults in prisons (Bethea v. Crous, 417 F. 2nd. 504 (10th Cir. 1969)), the permission to bring into the prison Negro (black) newspapers and magazines (Jackson v. Godwin, 400 F. 2nd. 529 (5th Cir. 1968)), cell conditions (Wright v. McMann, 387 F. 2nd. 519 (2nd. Cir. 1967)), and the "dry" and the "strip" cells (Hancock v. Avery, 301 F. Supp. 786 (M.D. Tenn. 1969); and Jordan v. Fitzbarris, 257 F. Supp. 674 (M.D. Cal. 1966)).

In cases in the States of Arkansas, Louisiana, Rhode Island and New York (all in 1970), the courts handed down landmark decisions confirming beyond doubt their break with the "hands-off" judicial doctrine. While this trend can be seen in numerous other court rulings, these four decisions are of special significance because in each instance the court did not restrict itself only to the specific grievance brought before it. Rather, it undertook a complete examination of the entire correctional system. As Kutak (1970) has observed:
"Four decisions this year [1970] suggest that the courts may take the lead in protecting the rights of prisoners with the same intensity and thoroughness that they have exercised for many years in the fields of race relations, rights of accused and reapportionment. These cases signal a changing judicial attitude that must be recognized by those involved in the correctional process." (p. 49).

Elsewhere Kutak (1970) summarizes the issues that were under consideration in each of these litigations. In Arkansas (Holt v. Sarver, 309 F. 2nd 1185 (8th Cir. 1969)):

"...the court ordered the submission of a comprehensive program to eliminate the unconstitutional aspects of prison life in that state. The court did not just condemn existing practices, but required prison officials to submit a plan for change much as courts have done in desegregation and [reappointment] cases."6 (p. 53).

In Louisiana (Hamilton v. Schiro, Civil No. 69-2443 (E.D. La. June 25, 1970)):

"...the court required city officials to make extensive repairs at the New Orleans city jail. The court's decision shows that local jails as well as state prisons are subject to judicial scrutiny. The court was simply unwilling to accept deplorable physical conditions in correctional facilities."

In the court's own words:

"Prison life inevitably involves some deprivation of rights, but the condition of plaintiffs' confinement in Orleans Parish Prison so shocked the conscience as a matter of elemental decency and are so much more cruel than is necessary to achieve a legitimate penal aim that such confinement constitutes cruel and unusual punishment in violation of the United States Constitution." (Hamilton v. Schiro, Ibid., p. 6).

In the Rhode Island case:

"...the court took the unprecedented step of mediating bargaining between counsel for the inmates and prison administrators over rules and regulations for classification. It also solicited inmate opinion regarding the proposed rules before allowing them to be put into effect." (Morris v. Travissano, 310 F. Supp. 857 (D.R.I. 1970)).
Similarly, in the State of New York, the court:

"...granted judicial protection against the deprivation of the inmate's rights. To insure such protection, the court provided procedural safeguards as well as awarded compensatory and punitive damages. The court also required prison officials to submit new rules for all proceedings in which the punishment includes punitive segregation or loss of good time." (Sostre v. Rockefeller, 312 F. Supp. 863 (S.D.N.Y. 1970)).

It seems fairly clear from these cases that the courts had embarked on a different road in terms of their involvement in setting guidelines for correctional policy and practice. Their views clearly express the view of Kadish (1962) that:

"A first tenet of our governmental, religious, and ethical tradition is the intrinsic worth of every individual no matter how degenerate. It is a radical departure from that tradition to accept for a defined class of persons, even criminals, a regime in which their rights to liberty is determined by officials wholly unaccountable in the exercise of their power and through processes which deprive them of an opportunity to be heard on the matters of fact and policy which are relevant to the decisions made." (p. 904)

The same concern also was expressed by the President's Commission on Law Enforcement and Administration of Justice (Task Force Report: Corrections, 1967) some five years later.

The specific results and ramifications of these developments are fairly obvious. It was the intention of the court to limit administrative discretion in the prison in an attempt to protect the individual prisoner from actual and potential abuses. To a large extent, this was accomplished.

How much further the courts eventually will have to go to "straighten out" prison practices is still not clear. It may be contingent upon the level of cooperation of the correctional community.
Recent court rulings show signs of a halt and possibly some retreat in involvement in matters relevant to the administration of the prison. (Durrough v. Hogan, 563 F. 2nd. 1259, CA5, 1977). Even if this proves to be the case, correctional managers will no longer exercise unbridled power and discretion. The court has now become a partner in corrections— for good or evil, depending on one's ideology and role in the system.

In this gradual and evolutionary process, solitary confinement was one of the major issues debated by the courts. One concrete result of this debate is evident in the efforts of various professional associations that deal with prisoners "voluntarily" to set guidelines for their operating procedures. One such example is the rules and regulations developed by the National Sheriff's Association governing, among other things, segregated confinement. In its statement of the inmate's legal rights (A Handbook on Inmate's Legal Rights, 1974), the association insists that:

"An inmate may be placed in segregation at his own request (protective custody), as punishment for violation of a jail rule (punitive segregation), or as an administrative measure (as during an investigation or to prevent self destruction). Regardless of the motivation, segregation has an inherently punitive quality that requires the imposition of special safeguards.

1. Except in emergencies, segregation should be imposed only after a full hearing. No inmate should be kept in segregation more than one hour without the express authorization of the highest ranking official on duty, and the sheriff or jailer must be advised of the prisoner's status at the earliest practical moment.

2. Conditions of segregation should meet the following standards:
- The cell should be as large as others in the jail. It should be clean, well lighted, and with adequate heat and ventilation. It should be provided with a toilet, bedding, water for drinking and washing. The inmate may be moved to an unequipped cell if it is necessary to prevent suicide or other self-destructive acts or damage to the cell or equipment.

- Every segregated prisoner should receive the same meals as those provided to the rest of the jail population.

- Under no circumstances should a prisoner in segregation be deprived of normal jail clothing except for his own protection. If such deprivation is temporarily necessary, he should be provided with a one-piece garment and bedding adequate to protect his health.

- Segregated prisoners should be able to maintain the same level of personal hygiene as other prisoners. They should be provided with the same toilet articles and have the same bathing and shaving schedule as the rest of the jail population.

- Prisoners in segregation should be given an opportunity for exercise and should have the same rights to mail and reading matter as other prisoners.

- When a seriously disturbed prisoner is placed in segregation, the medical officer should be notified immediately. All segregated prisoners should be examined by medical personnel upon being placed in segregation or within 24 hours thereafter and also upon discharge from segregation. Regular visits by medical personnel every 24 hours may be omitted if the prisoner can see such personnel at sick call.

- The length of segregation will depend on the underlying cause and the inmate's behavior while segregated. Except in the most unusual circumstances (and then only on authorization of the sheriff or jailer) a prisoner should not be kept in segregation as punishment for more than 10 days for any one offense.

The cases of inmates in administrative segregation or those in protective custody should be reviewed at least every two weeks.

- Writing and visiting privileges should not be denied prisoners in segregation, except in unusual and specific circumstances which do not extend to access to the courts. An uncontrollable prisoner obviously should not be permitted visits under normal conditions. However, if it is felt that a visit may be beneficial, it could take place in some secure area.

- A log must be maintained and the staff in charge of the segregation unit should be responsible for recording all admissions, releases, visits to the cell, medical care, disciplinary board action, and any unusual events concerning a segregated prisoner. Such records are essential to the proper jail administration and would be helpful in the event legal action is filed by prisoner or his family." (p. 28).
The degree to which prisons and jails across the country meet these standards varies from place to place and from jurisdiction to jurisdiction.

It is safe to assert that no correctional practice invited so much criticism, controversy, and litigation as the use of solitary confinement in correctional institutions. The courts have never ruled out the use of solitary confinement as violating the Eighth Amendment to the United States Constitution. In numerous decisions, however, they have restricted its use by declaring certain solitary conditions as constituting cruel and unusual punishment. Moreover, court decisions have brought about drastic changes in many prison practices, all of which are essentially anchored in their attempt to restore basic human rights and civil liberties for those behind bars. With the introduction of the "hands-on" principle, a new era came to corrections. Few, if any other events or developments in U.S. history were as significant for the social transformation of the correctional system and the prison community. With reference to corrections, however, the recent socio-political and legal activism merged to produce at least two significant changes. These include changes in the style of prison management and transformations in the nature and character of the population managed—the convicts. These shifts are discussed in the following chapters.
Footnotes

1. This analysis should not be construed to mean that every inmate in the prison takes on the role of a "boundary buster."

2. This analysis should not be construed to mean that other external factors do not intervene to shape the activities and structure of these organizations. We only mean to highlight the predominance of the client-centeredness notion over all other considerations.

3. The underlining in this quotation is ours. We tried to highlight the emphasis on society and the social structure embedded in Galtung's conception.


5. A more detailed analysis of the extension of legal rights to prisoners will be provided later in this chapter.


Chapter Three

A Taxonomy of Prison Management Styles

A prison, organizationally, can be analyzed on three levels. First, it can be viewed as a structure at the small end of the criminal justice system funnel. Second, it can be viewed as it relates to its umbrella agency, the State Department of Corrections. Third, it can be examined sociologically as a small society. We shall confine our analysis primarily to the third level. Our thesis is that changes in prison administration styles determine the changes in the utilization of solitary confinement in correctional institutions. Rothman (1971) put forth a thesis that prevailing conceptions of the nature of deviancy determine the ways in which inmates are treated in prison. We argue that the same principle applies to the use of solitary confinement as a punitive, protective, and/or administrative measure.

Historically, four types of prison management models can be identified in corrections. These are:

The Authoritarian Model;

The Lawful Community Model;

The Citizen Inmate Model; and

The Inmate Control Model.

These models of prison management can be distinguished from each other in at least two major dimensions. First, they differ in terms of who possesses and exercises primary authority in running the institution; and second,
they differ in regard to the basis of the normative order in prison. These four systems of prison management can be viewed as falling along a continuum on these dimensions. The Authoritarian Model can be placed on one end. In this model, authority and power are in the hands of the warden, and the inmates and guards have little or no input into the policy-making and management of the prison. At the other extreme is the Inmate Control Model, where the situation is reversed. Inmates exercise great power. The management of the prison can react to decisions but lack the authority to shape and direct institutional decision-making.

Before presenting a more detailed description and analysis of these four models, two caveats are in order. First, these models are set forth in the form of Weberian "ideal types." Most prison management systems cannot be classed as entirely one or another of these types. Nevertheless, what distinguishes one prison's style from another's is the predominance of certain central characteristics of a particular model. Second, no particular importance is attached to the time dimension and the order of the emergence of these styles. Some of these administrative models have been on the correctional scene for many years. Moreover, all of these models exist today in the various correctional systems of the United States.

However, what differs across time is the dominance of each of these systems as it typifies an era in correctional history. Thus, this proposed taxonomy should be viewed as an analytical tool used for studying these different models of prison management and their development and change through time.
The Authoritarian Model

The authoritarian model dominated nineteenth century corrections in both theory and practice (Barnes, 1930; McKelvey, 1936; Barnes and Teeters, 1951; Rothman, 1971). Since an apathetic public did not care much about prisons, this model persisted until the middle of the twentieth century. Some practices in some prisons still reflect this style of management.

The chief characteristics of this model are:

1. An arbitrary system of centralized power - one-man-rule;
2. Repressive social control; and
3. Confinement in solitary for all.

1. An Arbitrary System of Centralized Power - One-Man Rule

Prison management in virtually all respects was in the hands of one individual, the warden. The warden normally remained in power as long as he was in good standing in the governor's office. Clemmer (1938), in his description of the personnel of the prison he studied, devotes special attention to the warden:

"...a Republican, had been warden for eight years. He had been prior to his appointment as warden, a postmaster in a small city and a deputy United States Marshall. His social vision was limited to the narrow boundaries of the state over which he was political boss. He was known as a strong party man and had many affiliations. He was kind to his friends and severe with his enemies. His guidance of the penal colony was uneventful; he fostered no reforms...He had no particular penological policies other than to keep the prison clean, prevent riots and escapes and use his position for the strengthening of old or the making of new political ties...He was either held in contempt or vigorously hated by all but a few inmates who served as his flunkies." (p. 61)

While this portrait is of one warden in one prison, it is safe to conclude that wardens in most prisons resembled this description in
varying degrees. Most wardens could do as they pleased, so long as they stayed within the extremely broad limits of their authority (Clemmer, 1958; Lewis, 1965; Jacobs, 1977). In this sense, the prison was a totalitarian island within a democratic political system.

In the authoritarian model prisoners had virtually no rights beyond that of physical survival. Even physical survival was often tenuous in the state correctional institutions, then known only as prisons. This difference in terminology is not merely a semantic one; little consideration was given to corrective efforts as they are conceived today. ¹

2. Repressive Social Control

The warden controlled and managed large prison populations as best he could, by a combination of terror, often brutal corporal punishment, some rudimentary incentives, and favoritism to keep his charges fearful and most of all uncertain. Through the exercise of his almost unlimited powers over those under his authority, the warden managed to terrorize even the guards (Sykes, 1958), who, like the convicts, were dependent upon his favors for their job security and future promotions (Jacobs, 1977).

Terror was also used to fragment the inmate body. This technique received greater momentum with the introduction of the silent rule in the Pennsylvania system of discipline (about 1830). The silent rule did not permit inmate associations and frustrated the formation of convict groups within the prison. Even when the silent rule was abolished, wardens established elaborate internal intelligence systems, thus assuring that no one could trust anyone else. Whenever disruptions occurred, wardens responded with swift, certain, and sometimes terrible control measures.
In his description of "The Authoritarian Prison," McCleery (1966) aptly captures this component of social control:

"A high degree of discipline was maintained with a minimum of direct sanctions. A vital basis of social control lay in procedures of regimentation - frequent counts and assemblies - which imposed a psychology of domination and placed the subject in a posture of silence, respect and awe. Recognition of distinctions in rank was imposed in all inmate-official contacts by the requirements of a salute and special forms of address.

More punitive forms of control rested on summary procedures and a few rules as broad in their import as the officer's sense of insubordination. Control, rather than "justice" in the familiar sense, was the object. Hence, there was no place for a body of principles or "constitutional" rights to restrain disciplinary procedures. Secret accusation was the rule, and the accused had no notice, hearing counsel or appeal. The resulting atmosphere of "terror", produced as much by secrecy as by the actual use of informers, was vital to formal control and a key to values and social structure in inmate society..." (p. 381)

This state of affairs was possible primarily because of the absence of any due process guarantees for prisoners and the lack of public accountability on the part of prison officials. Abuses of power, authority and privilege are the inevitable results of an authoritarian system. The potential for the abuse of power instilled even more fear into the convict and the guard populations, which in turn led to further centralization of power and authority in the hands of the warden and his aides.

3. Confinement in Solitary for All

It is fairly obvious that the use of solitary confinement did not and could not escape the abuses of power and authority inherent in the authoritarian prison structure. Putting prisoners into solitary confinement was not perceived as a problem because it was the modal way for treating prisoners. However, solitary confinement under this system was much different (and more "solitary") than it is today. No sensory
or perceptual stimulation was permitted. The maximum security units consisted of dark, unventilated, small cells used today in many U.S. prisons for storage. What little food was allowed these inmates was slid under the steel door once or twice a day. Even if one physically survived this ordeal, the psychological stress was enough to disorder many of these prisoners.

During this period no specific procedures were needed to place a convict in solitary. The warden, and at times even the guards, could isolate an inmate for as long as they desired. Standards for release were equally vague. As with all other management issues, they were determined quite arbitrarily by the warden or delegated to the captain. Convicts were placed in isolation for periods of years for behaviors ranging from suspected disrespectful attitudes to violence and attempted escape. Often there was no differentiation in the length of time spent in solitary between those who were there for insolence to staff and those there for violent acts. The arbitrariness which dominated the administrative style of the warden also dominated the procedures governing solitary confinement, possibly to an even greater extent than in other spheres of prison life.

This system of one-man rule, whether benevolent or despotic, took nearly a century to supplant, and even now the job is far from complete in a few fortress prisons. Many forces brought about its decline, most notably the results of the civil rights revolutions, but also, the opening of the prisons to official inspection, the introduction of professional services, the new commitment to the ideal of rehabilitation and, finally, the bureaucratization of the prison following World War II.
The fall of the authoritarian administrative style coincided with other significant changes which altered the field of corrections and specifically affected the use of solitary confinement as a prison control mechanism.

The Lawful Community Model

As is so often the case, the abolition of one dysfunctional social structure often impels the establishment of new structures which are equally extreme in the opposite manner. In other words, the pendulum usually tends to swing from one pole to the other and a new and different social system evolves. This process is followed by modifications in the new structure; there is a gradual return toward the "middle of the road." The lawful community model represents a style of management which clearly evolved in reaction to the authoritarianism and arbitrariness of its predecessor. For this reason it is predicated upon principles which are radically different from those of the authoritarian style. These principles are:

1. The bureaucratization of the prison
2. Decentralization and the diffusion of power; and
3. Atomization of the inmate community.

1. Bureaucratization of the Prison

Perhaps the greatest impact on the abolition of the medieval fiefdom model of prison management was the demand, after World War II, that departments of corrections be established in the states. Governors and legislatures called for the establishment of chains of formal command and accountability similar to those in other governmental departments. And thus began the bureaucratization of the prison system. This bureaucratization meant that state departments of corrections were created to
carry out the responsibilities associated with the management of the prison system.

In this process of the bureaucratization of the prison, legislatures and governors demanded that principles, rules, and regulations be formulated to rationalize (in the Weberian sense) correctional policy and practice. Adherence to these principles were required by personnel at all levels of the bureaucracy, from the Director to the State Department of Corrections to the prison warden, his aides, the prison guards and the inmates. In this way formal chains of command within the Departments of Corrections were created and institutionalized through regulations and practices. At about the same time, there was an increasing insistence on running the prison like a private corporation—the prison had to be cost effective in its operation. The usual bureaucratic procedures and processes were established, not known to and practiced in the correctional community. Feedback from the warden was required as a vital component of this system. Quarterly reports submitted to the central office became mandatory.

To process this paperwork an elaborate bookkeeping system had to be developed, and professionals were brought into the prison and into the central office to handle these newly emerging needs and demands. There was the typical resort to memos (the to, from, subject) communications that clutter the in and out baskets of desk bound managers. The prison had become just another special bureaucracy. The flow of memos, reports, forms and other trivia, coupled with the continuing increase in prison populations, necessitated resort to the computer in order to facilitate the effective operation of the Department of Corrections and
its prisons. In a short time, the prison came to process more paper than people and to do so more effectively.

2. **Decentralization and the Diffusion of Power**

In all this change, without a demonstrated benefit, the warden's role was changed more than any other. His role was altered from that of a "singular ruler" to that of a "prison manager" or a "prison bureaucrat." The warden's raw power was undercut by bureaucratic processes; the balance of power had been drastically altered to the detriment of the autonomous warden and to the benefit of the central office. The warden's previous freedom and discretion was severely restricted under the lawful community model. Wardens, like their charges, were compelled to abide by edicts from the Department of Corrections or, in some states, a larger umbrella agency, e.g., Department of Human Social Services. In the same way, guards were divested of some of their power and authority, since they were bound by regulations formulated in the warden's office. Departures from these rules do not now go unattended. Since the warden is legally responsible for what occurs in his institution, usually he insists that his rules are strictly followed.

An example of the curtailment of the wardens' power and authority is the introduction of civil service rules. These regulations dictated the qualifications for the various positions in the prison and the wardens could and can do very little to change these rules. This governance by rules, laws and directives from above cost the wardens much of their traditional authority and the fealty owed them by their staffs.

While the wardens lost a great deal through bureaucratization, the guards made some impressive gains in power--power which they previously
lacked. Most recently, the unionization of staff has been used to pressure the prison administration to meet work and professional requirements as the price for service. At the same time, the professionals on which the prison increasingly relied, e.g., psychologists, social workers, and teachers, use their associations as leverage in advancing their own interests. Both of these developments, in addition to the wardens' power less to the central office, have essentially shattered any attempt to rule a fortress prison in an authoritarian manner.

Another agency which intervened in the prison and contributed to the erosion of the wardens' power, was the courts. Federal and state courts (as well as many civil libertarians) have consistently tested the prison administration. Compliance or non-compliance with rules of constitutional due process is still the basis for endless litigation. Through this intervention, the courts in the last two decades have taken on a new role in terms of their influence in the running of prisons. Whatever the outcome of the present conflicts and power struggles, it is unlikely that the old prison will reemerge. Like the medieval baronies, the autonomous satrapies are gone forever.

3. Atomization of the Inmate Community

This new style of prison management by directives and litigation also requires the complete atomization of the prison community in the name of control. The lawful community model relies on control, at least as much as did the authoritarian model, for the maintenance of social order. In the authoritarian model maintaining order was contingent upon the degree to which one feared the warden; in this model it is dependent on the extent to which the inmate is convinced that the administrative
response occurs within the framework of law. Inmates have expressed both relief and great concern with the lawful community structure. On the one hand, they know that they will not be grossly abused by the administration if only because of the constraining hand of the law and the central office. However, they also recognize that when rule violations occur, rule infraction procedures will be noncapricious and the penalty meted out according to regulations.

This bureaucratic style relies on incentives and disincentives to atomize the prison population. The Texas system is the current prototype. An egocentric state of mind is fostered by an emphasis on individual goals rather than collective goals. In this system, if you "keep your nose and house clean" you will "do better time" and be released sooner. Since laws govern this system, inmates generally are aware of their target release dates and if they do not "mess up," the administration releases them at their expected time. Thus the formation of groups of dissident inmates is usually difficult and often contrary to inmate self-interest.

To recapitulate, the transformation of the "sovereign" warden into a bureaucrat was fairly rapid. It began with the discontinuation of the old and brutal methods of maintaining law and order in the prison. These methods were clearly inconsistent with the emerging goals of rehabilitation and of internal control for purposes of rehabilitation. The result has been the decline of the power held by the warden. A new form of prison management which was predicated on the principle that a prison community can be managed primarily by lawful control came into being. This system is grounded in stated laws and regulations. It has
been achieved with considerable depersonalization which is implied by the insistence on adherence to bureaucratic regulations. As a consequence, there were improvements in conditions of incarceration, although, as critics insist, they are still very far from satisfactory in many correctional settings. The significance of this transition should be construed only as a step in the ultimate demise of the old authoritarian style. The field of corrections has since seen other phases of adaptation which mark the loss of authority and further decentralization of power. This time, however, the loss has not been the responsibility of the central office but of the inmate social system and the prison community.

The Citizen Inmate Model

It is important to emphasize again that these models do not necessarily represent an evolution over time. It is true, of course, that nearly all prisons were once managed in accord with the authoritarian style, at least those prisons which go back to the nineteenth century. However, once the era of the absolute prison ruler ended, prisons made various adaptations. Some immediately adopted the lawful community model while others moved into the citizen inmate model, skipping the lawful community style.

In the citizen inmate model, inmates have been granted some power in the governance of the prison. They thus share, along with local management and the central office, a voice in the operation of the institution. This model is characterized by:
1. A rehabilitative and democratic ideology;

2. The loss of administrative power by the recognition of legitimate rights of group association in the prison; and

3. Ongoing conflicts between the custodial staff and the administration.

1. The Rehabilitative and Democratic Ideology

One of the most significant factors in the erosion of administrative power and control in the prison was the growing emphasis on rehabilitation and the related changes in the conception of the nature of man. For example, external physical control is, in principle, diametrically opposed to rehabilitation (Caltung, 1958; Cressey, 1959; Cressey, 1960; Grosser, 1960). Insisting that only the minimum and absolutely necessary levels of control be maintained in order to facilitate reform and rehabilitation in prison, outsiders managed further to reduce the authority of prison officials. Thus, inmates entered the prison disadvantaged and deprived but ended up having a voice, if no vote, in their struggles with prison authorities.

The extensive use of correctional professionals required by this ideology created a new group which began to voice correctional policy-related concerns. Prisons were perceived by these persons as potential therapeutic communities aimed at preparing convicts to return to the world outside. The treatment-oriented professionals insisted that a substantially more democratic prison system was necessary to achieve this end. Although the attempt to democratize the prison actually began late in the first quarter of this century, significant gains were achieved only some fifty years later, when the internal pressures merged with
the pressures exerted on the correctional community from the outside during the 1960's.

These two sources of pressure converged to produce changes in the details of prison life. These changes should not be underestimated. Reforms were instituted regarding inmate civil rights, such as visitations, correspondence, and censorship; canteen rights were introduced, furlough programs developed, and law libraries came to be commonplace in correctional institutions. Pressures to advance treatment (therapeutic) ideals created conflicts between treatment and custody personnel, which undermined what little was left of the legitimate power and authority of the warden and his captains in the prison. Clearly, this push for democratization (in the name of therapy) created a power vacuum to which inmates as well as guards responded quickly by attempting to advance their respective interests.

2. **The Recognition of the Legitimate Rights of Group Association in the Prison**

Inmate leaders soon emerged in this hospitable milieu and vied with one another in their espousal of group interests. Substantial gains were possible if only inmates could be organized.

Two main forms of association in the prison developed. The first type presages the development of specific groups grounded in some ideology. The most notable of all of these groups is the Black Muslims. Conard, (1977) suggests that:

"...this movement endured and prospered. Its leaders were systematically separated from their followers, usually by administrative segregation. Muslim groups were denied the right to meet, but met anyway. Outside imams and ministers were kept outside; the right of chaplaincy was rigidly closed off. Nevertheless the commitment to doctrine, the
observance of discipline calling for complete loyalty to brothers in the movement, and the impermeability of the group to subsersive infiltration combined to establish the Muslims as a prisoner organization that had to be legitimized. By 1977, of course, public opinion and appellate court decisions have long since allowed the Muslims equal status with other religious faith." (pp. 7-8).

This group exerted pressure on the management for recognition and in due course the management succumbed. The Muslims were recognized as legitimate entities in the prison.

From the management's perspective, and in hindsight, granting formal recognition was probably its gravest error. Control became much harder to maintain particularly when the warden was now confronted with such collectivities in a "total institution" situation. In the earlier models, only individuals could lay claim to legitimate rights and interests. These individuals, known as "troublemakers", could be identified and administratively removed from the population. However, when groups replaced individual "troublemakers", it was no longer possible to maintain control by isolating a few individuals. Furthermore, the neutralization of an entire group creates a potentially explosive situation brimming over with conditions conducive to a prison riot and occasionally a total lock-down.

The second type of association which emerged in the prison was the advocacy group. These groups try to advance all inmate rights--locally, statewide and even nationally. Under the citizen inmate model, we witnessed the return of the Inmate Government Councils (I.G.C.) and the first flowering of prisoner unions in many American prisons.

The idea of Inmate Government Councils is not completely new. Sporadic attempts to establish these councils were made in the past
with little success. Nearly every attempt to establish effective inmate Government Councils in maximum security institutions failed, although some enjoyed some limited success for a time. The reason for this failure lies in the fact that I.G.C.'s are predicated on a prison paradox, namely, the effort to grant a certain level of autonomy to the inmate body while at the same time retaining effective control of the institution. These two objectives are clearly incompatible and present serious problems in the management of a prison.

The administration, even when allowing I.G.C.'s into the prison, saw the Council not as a safety valve to ventilate inmate grievances, but as a form of pressure from the inmates to try to change traditional prison practices. Through a Council nearly every procedure can be challenged. Council frequently composed of the most verbal and activist minority, inevitably becomes the acceptable and legitimate "boundary busting" entity. The Council's goal is seeing just how far to go in pushing self-determination in the prison. As a result of the introduction of this body into some correctional facilities, inmates were assured greater representation and participation in institutional committees, e.g., superintendent's staff meetings, adjustment and classification committee hearings, and many others. In this way, prisoners managed to gain some power and authority at the expense of the custodial staff.

The renewed implementation of these democratic principles behind the walls, (after a 30-year hiatus) had serious consequences in some prisons. The threat of an institutional sit-down strike, for example, can be a powerful threat to institutional operations. For the administration to regain control becomes exceedingly difficult, once the Council is
in place, and, as a matter of fact often leads to outbreaks of violence and disruptions. Experience suggests that this development adds to the woes of the already alienated prison management.

The other type of advocacy association, with more comprehensive goals, is the prisoner unions. Beginning in the late 1960's and the early 1970's, prisoner unions modeled on the Scandinavian example emerged in U.S. prisons. The stated purposes of these prisoner labor unions are much different than those of ordinary labor unions. Irwin and Holder (1973), for example, indicate the following as the stated goals of the California Union:

"(1) the abolition of the indeterminate sentence system and all its ramifications.

(2) the establishment of workers' rights for the prisoner, including the right to collectively organize and bargain,

(3) the restoration of civil and human rights to the prisoner."

(p. 1).

Of these three, only one is strictly a labor-related end; the others are more encompassing and address the general conditions in modern prisons.

In states where efforts to organize prisoner unions were and are underway, prison administrations have tried to kill the idea from the outset: Huff (1974) has observed, in Ohio, for example, that:

"The prisoner's union has been opposed by state corrections departments, largely on the basis of perceived threats to institutional order and security and (more latently) because of the pressure of the guards and unions representing guards."

(p. 192).
The fact remains that despite objections expressed by prison officials, these prisoner unions today (in a very few prisons) are a reality which the prison administration must face.

3. **Conflicts between the Administration and the Custodial Staff.**

The same problems have been introduced by the organizational efforts of the guards. In the lawful community model the demands for better wages and working conditions by guards were present, but guards had little leverage to enforce these demands. In the citizen inmate model things changed. Once the administration recognized inmate associations, groups, clubs and quasi-unions, the recognition of guard unions could no longer be avoided. Thus, an additional source of pressure was built into the system creating another impediment to social order in the prison. Now the warden is faced with "non-negotiable" demands from both guard and inmate organizations.

As the inmates gained power, this further antagonized the custodial staff, who, along with the warden, were losing power and authority. To regain this loss, they began to unionize and present demands as a united force. However, their focus was not only on the traditional "bread and butter" issues, but also on issues relevant to their personal safety and security behind the walls. For example, guards have demanded that they be armed when assigned to the yard and cellblocks. As with many other things, inmates oppose these measures vigorously. These developments inevitably fostered a great deal of hostility. Some custodial staff eventually reduced their commitment to their job and the institution, resulting in more administrative problems.
In sum, in the citizen inmate model the inmate has become politicized and "recitizenized." The guards, and, most of all, the management have paid the price in loss of power. Weakened administrative authority is a cardinal characteristic of the citizen inmate model. All in all, in this model the prison is still run by the staff but there is no question that power is being shared overtly with the inmates as compared to the covert arrangements in other prison models. Moreover, it should be noted that the mechanisms of power allocations are different in the citizen inmate model than in the former models of prison management. While some power previously was usually delegated to certain inmates in the prison in order to facilitate the tasks of custody and internal order (Sykes, 1958; Sykes and Messinger, 1960; Cloward, 1960; Goffman, 1961; Schrag, 1961; Grosser, 1968; Irwin, 1970), in this model, power has been taken by the inmates from the administration.

Thus, the changing penal orientation both inside and outside the prison, which brought about the formal recognition of inmate groups or "clubs" within the prison, hastened the erosion of authority and power of prison officials. The unionization of both inmates and guards augmented these problems by exerting even more pressure on the administration.

These trade-offs in the citizen inmate model of prison management illustrate the uncertainties which ensue from the clash of conflicting interests in a generally liberal social context. This uncertainty also represents the results of an attempt to liberalize a traditionally conservative social institution.
The Inmate Control Model

The fourth style of prison management, the inmate control model, represents a logical extension of the citizen inmate model. This model pays the dues for the bureaucratization and democratization of the prison community. In this "ideal type" (again in Weber's sense) inmates, through formal or informal group associations, determine (and not merely provide input into) prison policy. They also try to execute it. Although controlled by walls, gates, cells, guards and rules, they exercise real control of the prison. While this model of management does not yet characterize many prisons in the United States, it is possible that the slide from the citizen inmate into the inmate control model is inevitable. The differences between the previous model and the inmate control model are largely a matter of degree, which, when emphasized, renders these styles (following a transition period) qualitatively distinct.

Researchers in this area have identified two prison systems in the United States which approximate the ideal-typical inmate control model—California and Illinois (Jacobs, 1977; Conrad, 1977; Conrad and Dinitz, 1978). In other prison systems we find more moderate versions of the features characteristic of inmate-controlled institutions. Nevertheless, we can highlight some of the more unique features of this model which set it apart from the conventional prison. These characteristics focus on the internal dynamics of prison interaction and structure. They are:

1. The growth of ethnic and ideological prison gangs;
2. Gang involvement in illicit activities:
3. Gang control of central prison domains; and

4. Nearly complete loss of conventional administrative power and control.

1. The Growth of Ethnic and Ideological Prison Gangs

Probably the feature most characterizing this model concerns the changes in the nature of inmate groups. In the citizen inmate model we stressed the emergence of various inmate interest groups and movements within the prison. These were organized around ideological and religious grounds. In the inmate control model, inmate groups resembling criminal gangs outside the prison have achieved dominance. As Conrad (1977) has observed about one prison group:

"The Muslims proved that prisoners could organize. Their example was not lost on prisoner groups with far less exalted objectives. The combination of ethnic solidarity, intimidating discipline, and common cultural backgrounds made possible the open functioning of gangs aiming at temporal power rather than spiritual benefits." (p. 8)

The replacement of groups, clubs, or movements by gangs in the prison is not merely a semantic difference—group versus gang. Rather, it reflects a change in the composition and internal order within the prison.5

In his study of 1,313 street gangs, Thrasher (1968) defined a gang as follows:

"The gang is an interstitial group originally formed spontaneously and then integrated through conflict. It is characterized by the following types of behavior: meeting face to face, milling, movement through space as a unit, conflict and planning. The result of this collective behavior is the development of tradition, unreflective internal structure, esprit de corps, solidarity morale, group awareness and attachment to a local territory." (p. 46)
In relating prison gangs to Thrasher's conception, it seems evident that virtually all of the features observed in street gangs are also present among prison gangs, at least in the California prison system (Park, 1976). Much like the gangs in the streets, the prison gangs display a relatively well organized structure. They have an established and recognized leadership, a chain of command, a visible hierarchical system of authority, as well as subdivisions on the basis of functions. In addition, gangs in the prison threaten or use strong-arm practices (when necessary) to control their members, their turf, their meetings, etc. Testimony to the effect of the tightness of control of gang leaders, for example, can be found in the following statement made in 1972 by a fifty-year-old inmate doing time in Stateville, Illinois:

"The gang leaders have absolute control. T. could just have told his men to tear it down (the prison) and they would - a lot of these guys would die for their gang - dying doesn't mean anything to them. They'd rather die than let it be said that they wouldn't go all the way." (Jacobs, 1977: p. 138).

One other aspect, however, now seems to be universal among prison gangs, namely, their ethnic and racial tone. The gang members in the prison are identified and organized along an ethnic-racial dimension. This should not be surprising since we advanced the argument that a major loss of power by prison administrators began with the recognition granted to the Black Muslims. Thus, since the emergence of groups in the prison was originally accomplished by this racial-religious group, it is not surprising that later groups would take on the same ethnic-racial-centered character.
Park's (1976) description of the gangs in one prison system in the U.S. captures this ethnic-racial and ideological feature of prison gangs. He noted that:

"Biggest and most deadly in terms of numbers of assaults and deaths are the two Mexican-American groups: The Mexican Mafia and Nuestra Familia. Most ideological of all groups, the Black Guerrilla Family seems more involved in rhetoric than action... The Aryan Brothers is a small group of aggressive white inmates whose ideology is theoretically National Socialist, but in practice is no more than a simple antiblack position... The Mexican Mafia incorporates the most aggressive Chicano inmates from the many neighborhood gangs... Nuestra Familia draws its membership from the smaller, agricultural towns... the Aryan Brothers attract the most violently inclined members of the motorcycle gangs... The ideologically oriented Black Guerrilla Family may have links with the Black Liberation Army..." (p. 92)

These gangs in correctional institutions draw their members in two major ways. First, in some cases newly arriving convicts have been members of a gang while on the outside, so they naturally make the transition to membership on the inside. The second mechanism involves the recruitment of members inside the prison. In this case, gangs try to attract or frighten unaffiliated prisoners into joining them.

2. Gang Involvement in Illicit Activities

Prison gangs, not unlike street gangs, are involved in illicit criminal activities. These activities are oriented to illegal gains. Some gangs are "into" extortion, others engage in trafficking in contraband and drugs and still others control gambling operations. To maintain control over these endeavors, the gangs have made violence an integral part of the inmate control style. Intimidation is central. In fact, "A man proves his worth to the gang and his worth as a man by carrying out dangerous and sometimes homicidal assignments for his superiors."
(Conrad, 1977). His values are conditioned by the necessity to inflict violence and to face it from others as proof of manhood and as the only proper way of resolving conflict. In much the same vein, homosexual imposition also defines manhood. In this setting, a subculture of violence, similar to the one portrayed by Wolfgang and Ferracuti, emerges and defines the legitimate victims of the gang member's acts of violence. Violence is expected and often dictated by the gang leader, who does not tolerate double allegiance. Commitment to the objectives of the gang justify virtually any means to accomplish gang ends.

3. Gang Control of Central Prison Domains

The prison gangs do not confine their actions solely to the support of deviant behavior behind the walls. They also focus on efforts to gain power which, in turn, will provide them even greater leeway in their illicit actions. Gang control of the turf in a prison or even several prisons is well known, especially to incoming inmates. In California they know that, as Conrad (1977) has observed: "The Mexican Mafia have exclusive rights to the turf at San Quentin and Soledad, but cannot be moved to Tracy, which belongs to the Nuestra Familia." (p. 3) This territorial consciousness has important ramifications for the maintenance of law and order by the custodial staff. Often guards fear going into the cell blocks unarmed and alone, and this further enhances gang control. Furthermore, in many prisons the gang and its leadership control job classification, housing assignment, and even freedom of movement. Gang intimidation may compel prisoners to request job changes so that a gang member can take over a desirable job. Saddest of all, prisoners who belong to groups not recognized by the dominant prison gang leadership
must be transferred if they are to escape harm. Moreover, even prior to arrival of a prisoner in a specific prison, the classification committees or boards must consider the degree to which the prisoner's affiliations on the outside are compatible with the gang(s) in the prison to which he is to be sent. In California, for example, the chances of a member of the Nuestra Familia avoiding physical harm or even surviving at San Quentin are not very great. Unfortunately, as this discussion suggests, the gangs have virtually taken over the prison and now share its management with the staff.

4. Nearly Complete Loss of Conventional Administrative Power and Control

It seems obvious that in a gang-dominated setting it is nearly impossible to maintain legitimate control. In prisons plagued by gangs we are witnessing the helplessness of traditional and formal custodial controls. In this situation the gang has "granted" staff the authority and power to handle some of the less important and less serious business. Much of the institutional balance is maintained not by the actions of the management, but through inter-gang negotiations, particularly among gang leaders. By the same token, the formal prison administration has reached a point at which it can only react rather than move according to stated policy objectives. Administration has become management-by-reaction rather than by action. This distinctive feature points to the extent to which the administration has lost most of its options except for the lock-down, which usually proves to be ineffective in the short run.
The California correctional system exemplifies the extent to which prison management is predicated on reaction (in this case to the enormous growth of violence in prison) rather than on action which attempts to head off these developments. Obviously, violence cannot be tolerated in the prison, and to combat its increase the California Department of Corrections has had to convert its Adjustment Centers (AC) to Security Housing Units (S.H.U.), reserved for violent prisoners. The capacity of this facility (S.H.U.) is 600 and it is nearly always full. Under somewhat less restrictive conditions, the Department holds 150 less aggressive convicts in its Management Control Units (M.C.U.). In addition, the system confines 800 potential victims (who cannot be protected in the general prison population) in protective custody. The corresponding protective custody figure twenty years ago was less than 80 (Conrad and Dinitz, 1978). It is only too evident that, under the inmate control model, the administration is incapable of adequately protecting many of its prisoners.

This completes our analysis of one of the most pronounced effects of the social changes which took place during the 1960's and early 1970's. We have suggested in our discussion a taxonomy of administrative styles in the prison. The shifts from one style to another were and are adaptations of the correctional community to mounting pressures from outside the prison, but even more so, to pressures from the inside.

In the next section we will focus on changes in the prison population and their implications for the maintenance of law and order behind the prison walls. There have been some significant shifts in the demographic characteristics and criminal histories of the incarcerated population.
These changes will be related to discipline and solitary confinement in correctional institutions.

The Old Con is Gone

We have claimed that at least two major developments in prison life resulted from the civil rights and due process revolutions. The first of these occurred in the styles of prison management. The second development relates to important changes in the nature of the criminal population in the United States—both of those arrested and of those incarcerated. Available statistical data demonstrate that "the old con is gone." In examining this phenomenon, our analysis is confined to the changing characteristics of arrests in the United States and the changing population in correctional institutions.

A. Arrest Data: An examination of the police arrest data reported in the Uniform Crime Reports reveals that between 1965 and 1975 there has been an overall increase of 268.2 percent in the rate of arrests per 100,000 population. This figure includes all seven Index Crimes. The percent increase in the rate of arrests for violent crimes and property crimes in the same period was 160.8 percent and 284.1 percent respectively. A summary of these findings is shown in Table 1.

We have generated the same data for the State of Washington, the locale of the solitary confinement study. In Washington, the magnitude of the increase in the rate of arrests was even greater than in the nation. Table 2 reveals that the overall increase in rate in arrests was 350.4 percent during ten years between 1965 and 1975. This greater than national rate of increase in arrests held for both the violent
<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Total Index Crimes</th>
<th>Violent Index Crimes</th>
<th>Property Index Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>193,818,000</td>
<td>2,780,015</td>
<td>357,894</td>
<td>2,422,121</td>
</tr>
<tr>
<td>Rate per 100,000 population</td>
<td></td>
<td>1,434.3</td>
<td>184.6</td>
<td>1,249.7</td>
</tr>
<tr>
<td>1975</td>
<td>213,124,000</td>
<td>11,256,566</td>
<td>1,026,284</td>
<td>10,230,282</td>
</tr>
<tr>
<td>Rate per 100,000 population</td>
<td></td>
<td>5,281.7</td>
<td>481.5</td>
<td>4,800.2</td>
</tr>
<tr>
<td>Percent Increase in Rate, 1965-1975</td>
<td></td>
<td>268.2</td>
<td>160.8</td>
<td>284.1</td>
</tr>
</tbody>
</table>

### TABLE 2. ARREST TRENDS IN VIOLENT AND PROPERTY INDEX CRIMES IN THE STATE OF WASHINGTON (1965 - 1975) 

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Total Index Crimes</th>
<th>Violent Index Crimes</th>
<th>Property Index Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>2,990,000</td>
<td>40,766</td>
<td>3,081</td>
<td>37,685</td>
</tr>
<tr>
<td>Rate per 100,000 population</td>
<td>1,363.4</td>
<td>103.0</td>
<td>1,260.4</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>3,544,000</td>
<td>217,634</td>
<td>13,851</td>
<td>203,783</td>
</tr>
<tr>
<td>Rate per 100,000 population</td>
<td>6140.9</td>
<td>390.8</td>
<td>5,750.1</td>
<td></td>
</tr>
<tr>
<td>Percent Increase in Rate, 1965-1975</td>
<td>350.4</td>
<td>279.4</td>
<td>356.2</td>
<td></td>
</tr>
</tbody>
</table>

Index Crimes and the property Index Crimes. Specifically, the increase in rate of arrests for violent crimes in Washington was 279.4 percent (in comparison to 160.8 percent nationally); the increase of 356.2 percent in rate of arrests for property crimes compared to 284.1 percent on the national level.

The same data source also reveals another change in the crime picture in America—that the criminal population or, more precisely, those arrested have become increasingly younger. In 1975, more young people were arrested for violent Index Crimes than in 1965. This is shown in Table 3, which indicates that the greatest percentage increase in arrests for violent crimes occurred in the 19 to 21 age category. With the exception of the under 18 age bracket, the percentage increase in arrests decreased with age in a linear fashion, i.e., the older the age, the smaller the percentage increase in arrests for violent Index Crimes. Thus, it seems reasonable to conclude that much of the decade's increase in arrests for violent Index Crimes is attributable to younger adults.

On another level, in 1965, of all narcotic drug-related arrests reported to the F.B.I., 11.3 percent were suspects under the age of 18; in 1975 those under 18 constituted about one-fourth of the total arrests on drug-related charges. This increase amounts to 113.3 percent during the decade.

The arrest situation with regard to race is quite surprising. While we expected a great increase in the proportion of blacks arrested for violent Index Crimes, the data do not support this. Quite the contrary, between the years of 1965 and 1975 the rate of increase in arrests for violent crimes was greatest among whites—185.1 percent; among blacks
### TABLE 3. PERCENT INCREASE IN ARRESTS FOR VIOLENT INDEX CRIMES BY AGE (1965 - 1975)\(^a\)

<table>
<thead>
<tr>
<th>Age</th>
<th>Percent Increase 1965-1975</th>
</tr>
</thead>
<tbody>
<tr>
<td>under 18</td>
<td>186.3</td>
</tr>
<tr>
<td>19-21</td>
<td>198.7</td>
</tr>
<tr>
<td>22-24</td>
<td>165.9</td>
</tr>
<tr>
<td>25-29</td>
<td>160.4</td>
</tr>
<tr>
<td>30-34</td>
<td>105.4</td>
</tr>
<tr>
<td>35 and above</td>
<td>69.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year/Age</th>
<th>Under 18</th>
<th>18 or Older</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>11.3</td>
<td>88.7</td>
</tr>
<tr>
<td>1975</td>
<td>24.1</td>
<td>75.9</td>
</tr>
</tbody>
</table>

TABLE 5. PERCENT INCREASE IN VIOLENT AND PROPERTY INDEX CRIMES AMONG WHITES, BLACKS AND "OTHER" (1965-1975)a

<table>
<thead>
<tr>
<th>Race</th>
<th>Percent Increase in Violent Index Crimes</th>
<th>Percent Increase in Property Index Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>185.1</td>
<td>131.0</td>
</tr>
<tr>
<td>Black</td>
<td>125.7</td>
<td>120.2</td>
</tr>
<tr>
<td>&quot;Other&quot;</td>
<td>158.3</td>
<td>140.3</td>
</tr>
</tbody>
</table>

the increase was 125.7 percent. The arrest of blacks for property crimes from 1965 to 1975 also increased less than for whites. (See Table 5). The same trend, especially with regard to arrests for violent crimes, is confirmed (see Table 6) with age controlled. The proportion of arrests of the younger and the older whites increased by 9.6 percent and 4.8 percent respectively. On the other hand, among the blacks there has been a decline in proportion of arrests in both age groups across time, dropping from 62.1 percent to 52.4 percent among those under 18 and from 50.8 percent to 45.5 percent among those 18 and older.

B. Prison Data: There seems to be a consensus among prison officials that the prison population has changed dramatically, and for the worse, in recent years. These changes are thought to reflect changes at the level of arrest. Since the California Department of Corrections maintains a relatively sound record system and data are also readily available, we chose to use California data to highlight some of these changes in the prisoner population.

A review of the statistics from California reveals that there has been a significant increase in total commitment rates per 100,000 population for the four violent Index Crimes (murder and homicide, forcible rape, robbery, and aggravated assault), as Table 7 shows. What these data indicate is that in the space of seven years there was an increase of 51.1 percent in the rates of commitment for the major violent crimes. The California data also verify another important change, i.e., the increasing youthfulness of the prison population. Conrad and Dinitz (1978) observed that:
**TABLE 6. PERCENT OF ARRESTS FOR VIOLENCE IN EACH RACIAL/ETHNIC GROUP CONTROLLING FOR AGE (1965-1975)**

<table>
<thead>
<tr>
<th>Race</th>
<th>1965</th>
<th>1975</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Under 18</td>
<td>18 or Older</td>
<td>Under 18</td>
<td>18 or Older</td>
</tr>
<tr>
<td>White</td>
<td>36.1</td>
<td>47.5</td>
<td>45.7</td>
<td>52.3</td>
</tr>
<tr>
<td>Black</td>
<td>62.1</td>
<td>50.8</td>
<td>52.4</td>
<td>45.5</td>
</tr>
<tr>
<td>&quot;Other&quot;</td>
<td>1.8</td>
<td>1.7</td>
<td>1.9</td>
<td>2.2</td>
</tr>
</tbody>
</table>

## TABLE 7. RATE OF COMMITMENT FOR VIOLENT INDEX CRIMES IN THE STATE OF CALIFORNIA (1970-1976)\(^a\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>8.70</td>
</tr>
<tr>
<td>1971</td>
<td>9.22</td>
</tr>
<tr>
<td>1972</td>
<td>9.18</td>
</tr>
<tr>
<td>1973</td>
<td>10.06</td>
</tr>
<tr>
<td>1974</td>
<td>10.68</td>
</tr>
<tr>
<td>1975</td>
<td>12.16</td>
</tr>
<tr>
<td>1976</td>
<td>13.15</td>
</tr>
</tbody>
</table>

\(^a\)These rates are per 100,000 population. Source: California Prisoners: Summary Statistics of Felon Prisoners and Parolees: 1970-1971, 1972, and 1973 (Sacramento, Health and Welfare Agency, Department of Corrections, Research Division, Administrative Information and Statistics Section). Data for 1974-1976 was obtained from the Research Division, Administrative Information and Statistics Section, California Department of Corrections.
"The median age of felons newly received from court in 1950 was 30.0; the percentage under 21 years was 2.4. In 1976, the median age was 26.8 and the percentage under 21 was 11.3. These figures are hardly surprising in a country in which, over the same period of time the age composition in the general population has dramatically fallen. However, a youthful prisoner tends to be a more difficult prisoner; the 3.2 year drop in median age and the marked increase in the percentage under 21 signals difficulties in control which are not subject to precise measurement." (p. 13).

In contrast to the F.B.I. arrest data, there have been some dramatic changes in terms of the racial composition of the prison. In his article "The Survival of the Fearful," Conrad (1977), in comparing the traditional prison with the new prison realities, observed that:

"It [the traditional prison] was predominantly white; the black admixture in the population seldom rose above 10 percent, if that high. Black prisoners were usually docile, outnumbered as they were and accustomed as they were to an intimidated minority status in the community." (p. 122).

Elsewhere, he notes (Conrad, 1977) that:

"The demographic change in American prisons has reduced the feasibility of traditional arrangements. From a typical representation of 10 percent in most prisons, the black percentage has risen to 40 percent in some and up to 80 percent in exceptional situations. Chicano prisoners in Western states number as many as 30 percent." (p. 113).

It seems that these differences in the ethnic factor between arrest and prison data can be accounted for partially by the differential sentencing of the courts. The fact remains that the modern prison is charged with handling inmates who are "younger, more volatile in mood, more violent in disposition, and tending to serve longer sentences." (Conrad and Dinitz, 1978:13).

The extent to which the prison population is more violent and consequently more problematic is even more evident if one examines specific incidence rates both in terms of assaults on staff and on other inmates.
For example, in California, assaults on staff members in 1960 totaled 9, in 1965, 26, in 1970, 59 involving 78 staff members. Assaults peaked in 1974 at 93 such incidents involving 131 members of the staff. An examination of the number of assaults on other inmates revealed a similar pattern. In 1970 assaults on inmates totaled 79, in 1971 there were 124 such assaults, 189 in 1972, 197 in 1973, and 220 in 1974, the peak year so far. A corresponding pattern can be observed in the increase in inmate-on-inmate assaults which resulted in the death of the victim. In 1970 these numbered 11. These assaults reached 35 in 1972 and totaled 20 in 1974. These figures are even more illuminating when viewed on the basis of assaults per 100,000 population. Between 1970 and 1974 the rate increased by 2.9%, from 1.36 to a high of 1.30 in 1974 (Park, 1976; Conrad and Dinitz, 1978).

So far we have shown that a younger and more violent and drug-prone individual is being arrested for committing, earlier in his life, a higher percentage of violent crimes than before. We also find that the high rate of arrest for violence, when coupled with public pressure on the courts, results in severe dispositions and a relatively high rate of commitment of violent offenders.

The consequences of these trends and developments have their greatest effect behind the walls. The prison is now confronted with even greater limitations imposed on its control options, because of these "new cons" sent up by the courts. Whether measures available to the traditional authoritarian warden would have succeeded any better with the "new con" and the power of the prison gangs (in California and Illinois) is debatable. The fact remains that while the prison population has clearly
hardened, prison officials have at their disposal a much more limited repertoire of control mechanisms.

For the maintenance of an orderly prison, this situation in American prisons presents a serious dilemma. This dilemma is best reflected in the focus of this study, namely the use, abuse and alternatives to the use of maximum security units in American correctional institutions. In the section which follows, we shall attempt to demonstrate how these forces--the revolution in civil rights and in due process of law, and the resultant transformations in prison administrative styles--have affected the use of solitary confinement in the prison.

Solitary Confinement and Prison Management Styles: A Summary

Violence in the prison is as old a problem as the prison itself. As indicated in chapter one, predatory elements are still removed into segregated units in our fortress prisons. Prisoners considered to be violent or disruptive are still consigned to specially designed maximum security facilities within the prison.

For the purpose of this discussion, we shall refer to these cell blocks or buildings as solitary confinement units. Solitary confinement in this study refers to the practice of isolating an inmate from the rest of the prison population either because of his propensity to resort to violence ("administrative segregation") or subsequent to his being found guilty of violating a prison rule or regulation ("segregation" and/or "isolation"). Also included are those inmates isolated for their own protection ("protective custody"). These protective custody inmates
spend time in isolation under conditions generally indistinguishable from those imposed upon predator convicts.

That violence is endemic in prisons is obvious. However, one area which probably has most influenced this violence is the area of prison discipline. The increase in prison violence is evident in the dramatic upswing in the population of inmates in solitary confinement across the United States. This great increase in virtually all forms of solitary confinement, i.e., segregation, isolation, administrative segregation, and protective custody, has posed serious problems for prison managers. The prison has had to adapt and modify the rules, regulations, policies and procedures governing admission to and release from these maximum security units. The situation has become so grave that some states have set aside entire buildings (or even an entire prison in the case of California) to house recalcitrant inmates and/or their potential victims.

To put the problems resulting from the growing use of solitary confinement in proper perspective, it is useful to relate punitive sanctions to our taxonomy of prison administrative styles.

Solitary confinement was not invented in recent times. Rather, its origins are lost in antiquity. However, it is reasonable to argue that the more modern forms of solitary confinement came into being with the discovery of the prison. At the time, the correctional scene was dominated by the rule of authoritarianism. Prisons were managed, or mismanaged, by powerful individuals who succeeded in maintaining order through repressive techniques. These czars were known to make and as frequently break the rules by which both convicts and guards had to live. At the same time, they saw to it that adherence to these rules
was complete. Under these conditions, the use of solitary confinement was tied to a system of autarchy which was capricious and very often ruthless. No challenge to the authority or power of the warden or his custodial staff went unsanctioned for very long. The degree of ruthlessness was limited only by the imagination and the social conscience of the warden and an occasional oversight committee of the governor or legislature, both of whom—along with the public—cared very little about life behind prison bars. Within reasonable limits, the staff, through the warden, could do no wrong.

Under this system of governance the application of solitary confinement was infrequent. Some claim that it was almost an unnecessary mechanism (McCleery, 1966), since the modal form of incarceration was already confinement in solitary. Thus, if and when invoked, this penalty entailed even greater deprivations of the already limited rights allowed prisoners. Moreover, in order to maintain the proper level of fear and terror, and in an attempt to deter potential disruptions in the prison, a disciplinary sanction almost always also involved the infliction of public corporal punishment prior to literally "throwing the convict into the dungeon." Thus, those inmates who experienced punitive solitary confinement under the old-style authoritarian rule were punished for gross violations of prison norms and, most frequently, for major violent acts and/or escape attempts from the institution. Another group of convicts also was placed in solitary confinement. These were convicts found guilty of conduct subjectively defined as "dog-eyeing," insolence to staff members, violations of dress code, as well as for behaviors exhibiting disrespectful attitudes toward an officer
or any other member of the staff. Not very many inmates attempted to test the boundaries and limits of acceptable conduct in the authoritarian prison—primarily because of their great fear. This fear was aggravated by the warden's autonomy and freedom to do much as he wished within broad limits.

In prisons managed under the doctrines related to the lawful community model, the situation changed markedly with regard to punitive solitary confinement. The implications of the bureaucratization of the prison which swept corrections for the use of punitive solitary confinement are not difficult to assess. Formal rules and regulations governing the processes connected with admissions and release from solitary had to be introduced. As in other areas of prison life, the central office handed down general policy statements, and the wardens were required to put them into practice. Corporal punishment became unacceptable. Both the length of time and the nature of infractions for which an inmate was subject to punitive confinement were codified and specified, i.e., the length of time per infraction type. Since the process became formalized, wardens saw to it that rules were followed to avoid problems raised by the central office and to minimize the potential of court litigation.

Thus, the prison changed from an informally managed, arbitrary, and often ruthless entity, into a highly formal, well defined, and presumably more regulated system. Theoretically, only the most inveterate malefactors (the proverbial 20 percent) found themselves in segregation units.
With continuing bureaucratization of the prison, leadership eventually became routinized. The custodial staff in prisons soon began to feel the consequences of this process when previously acceptable and traditional control methods—which formerly assured their unchallenged authority as well as their safety and security in the yard—were diminished in the name of a new ideal called the Rehabilitation Model. Rehabilitation implied, among other things, that only the absolutely minimum level of custodial control be applied in the prison since control was antithetical to rehabilitation, however loosely defined. As some liberals suggest, control is inevitably anti-therapeutic. Correctional liberals also insisted on the introduction of some rudimentary democratic principles into the prison, including the recognition of inmate groups and "clubs." Inmates in correctional institutions saw an opportunity to pressure the by now demoralized management into minor and even major concessions. These developments antagonized the guards who organized and began to present their collective demands to the management.

By the time these events reached full flower, a new model of prison administration emerged: the citizen inmate model. This model envisions a great deal more inmate participation and input into the management of the prison than did previous models.

Under the authoritarian and the lawful community models inmate violators who could not be managed in the general population or who committed proscribed acts could be given segregation sentences, subject to periodic review only in the latter type. These inmates were kept in separate sections of the institution specifically set aside for this purpose. There was relatively little use of protective custody—except
for effeminate inmates who were easy prey. With few exceptions, segre-
gation was used mainly for punitive purposes. The citizen inmate model,
on the other hand, gave use to a new or, at least, vastly expanded
function for segregation, namely, the isolation of the inmate for his
own protection. Inmates are placed in protective custody for various
reasons: they may be targets of sexual aggression; they are perceived
as informers; they may be under the threat of retaliation because of
outstanding debts for gambling or drugs; and at times they are "suffering
from generic fears or phobias." (Toch, 1977).

Along with the "discovery" of protective custody, there were also
significant changes in regard to punitive segregation. The infractions
list was codified and the sentences for violations shortened. (See
the W.A.C. rules in Appendix B.) Many state correctional systems have
gone through reexamination and revision of their disciplinary practices
and procedures. For example, the state of Minnesota established a dis-
ciplinary system which attempts to simulate, almost in its entirety,
the judicial procedures on the outside. The state of Washington has
also introduced the monstrous Washington Administrative Code which
describes in great detail all possible infractions. The result of these
changes is reflected in the elimination of minor infractions, i.e.,
infractions which do not present an immediate threat to the safety and
security of the institution.

Although, over time, the prison administration has lost a good deal
of power, prison discipline remains one domain that is still under the
control of prison officials. Even this power has been attenuated in
prisons operating under the inmate control model. In its ideal-typical
form, administrative control has been supplanted by gang control. Prison gangs have become directly involved in the making of policy, both directly and indirectly. Their direct involvement is evident in their control of jobs, cell block assignments and the selection of prisoner representatives on vital institutional committees. Indirectly, they have influenced inmate classification since no classification committee can in conscience assign an inmate to a prison if he does not possess the proper "credentials."

The most vital area appropriated by the inmates in the inmate control model is that of the administration of discipline in the institution. It is quite obvious that running a disciplined institution in a gang-dominated atmosphere is a nearly impossible task. Partly because of administrative impotence in the face of organized gang activity and inter-gang conflict, the rates of violence behind the walls have mushroomed. Management weakness and gang strength have made prison discipline a more acute problem. It may be that administrative segregation is inadequate in confronting the highly organized gangs. Even the total lock-down of a whole institution of prolonged periods of time has seemingly failed to contain predatory gang activity. In this situation the administration must resort to a reactive posture i.e., doing something after the occurrence of disruptive events rather than heading them off since the real disciplinary control is now in the hands of gang leaders. Ironically, inmate strongmen also rely on segregation and more hideous sanctions (i.e., beatings or even murder) to control their turf. A gang leader can order someone into protective custody, and neither the warden nor the inmate dare defy his order.
The rising rates of prison violence attest to the fact that some prisons in their present state are incapable of neutralizing violent inmates; nor are they able to provide adequate protection for potential victims. The use of isolation, administrative segregation, and protective custody ease the problems only temporarily. The maximum security units in many institutions have been filled up time and again. In fact, in some prisons (Pontiac Correctional Center, in Illinois) new space has had to be allocated to accommodate an ever increasing population in segregation for either punitive or protective reasons. As soon as these units are allocated, they are filled.11

Prison authorities are thus confronted with serious issues in regard to prison discipline. The critical questions are: how much and with what frequency should solitary confinement be used, particularly when even a complete lock-down of the institutions fails to produce significant and long lasting "positive" results? Need we return to doctrines of solitary confinement for all, given that even solitary (in the historic sense) does not yield the desired effects?

In the chapter which follows we shall outline the methodology of this study of the isolated prisoner in the State of Washington.
Footnotes

1. One must bear in mind that efforts at reform were made from time to time. These were anchored predominantly in a religious system of beliefs. The reformers usually were committed to the proposition that reform could be achieved only by and through stern discipline, obedience, work and penitence.

2. The Inmate Government Council has been used as the vehicle for prisoners to become more involved in the operations of the prison. The Council usually consists of an elected group of inmates representing the inmate body. They are the voice of their fellow convicts and the challenge to the prison administration.

3. Informed practitioners suggest that this idea may be relatively successful in minimum security institutions.

4. Based on personal conversations with the Academy for Contemporary Problems' Correctional Consultant on the Dangerous Offender Project, Mr. Robert Freeman, the former Associate Superintendent, Classification and Treatment, the Washington State Penitentiary, Walla Walla, Washington.


7. Violent Index Crimes in this analysis include murder and homicide, forcible rape, robbery, and aggravated assault. The property crimes are burglary, larceny and auto theft.

8. However, a recent study on the violent juvenile offender seems to discredit this hypothesis. Academy for Contemporary Problems, 1978, unpublished.

9. See Appendix B.

10. Data relevant to the extent, nature, magnitude and type of violence involved was presented previously in this chapter.

Chapter Four

Methodology and Procedures

The data for this study were gathered from the Washington State Penitentiary, Walla Walla, Washington. The penitentiary, first opened during the waning years of the nineteenth century, serves the whole state of Washington as its only maximum security institution designed for adult felons above the age of sixteen. The penitentiary's stated population capacity, based upon information drawn from the American Correctional Association Directory (1978: p. 204), is about 1600 inmates. The prison is located in Walla Walla, a small town of approximately 25,000 people located in the southeast corner of the state.

In this section we shall provide a detailed description of:

a. The organizational setting of the Washington State Penitentiary; and

b. The methodology used in the study, including the research design, the procedures followed in the collection of the data, the data gathering instrument, and the population and samples.

A. History of the Washington State Penitentiary

In order to appreciate the relationships between administrative changes and their effect on the practices at Washington State Penitentiary, it is necessary to recount the major historical antecedents and details of the past twenty-five years. Washington gained statehood in 1889 after being a territory for 36 years. During these years as a
territory, adult criminals were kept in primitive jails. There was severe overcrowding and related problems in these jails. There were also problems with the quality of services provided criminals by private contractors. Finally, in 1883 the territorial legislature authorized the territorial government to select a site for a prison. Three years later an act was passed which directed that this prison be located near Walla Walla. As a result, some 100 acres of land were purchased at a cost of $6,000.

Once Walla Walla was selected as the location for the territorial prison, events moved rapidly. A compound was erected, cell blocks were constructed and prisoners were moved to their new quarters. The maximum security facility was recognized as the state penitentiary in 1891 and was managed by a board of directors which chose the warden. By the time the territory gained statehood in 1889, the prison at Walla Walla was a relatively well-organized institution in terms of the prevailing ideas of that era. Following the principles of the Auburn prison system, the first cell blocks were made up of single cells built in the interior of the building. Prisoners were occupied during the day in farming activities or the institutional tailor shop and were locked up at night in their individual cells.

The establishment of the penitentiary at Walla Walla did not mean that a bright new era had come to the State of Washington's penology. It took nearly six decades before the ideas of treatment and rehabilitation—in the modern sense—would replace the then-accepted approach of using the penitentiary primarily as a place for punishment under conditions of maximum custody. The Washington State Penitentiary has
suffered from the same handicaps which have afflicted almost every prison in the Union--overcrowding, lack of adequate industry and work opportunities, and overly harsh and repressive methods of handling prison inmates.

The following description of certain periods affecting adult corrections in Washington during the past quarter century is based upon objective as well as subjective views and personal experiences of the former Associate Superintendent of Classification and Treatment at the Washington State Penitentiary and the views of some of the penitentiary's staff members. It is not claimed that this is an exhaustive account of events from the mid-fifties to the present. However, based on a small survey conducted among some of the more experienced "old-time" custody officers at the penitentiary, there is a consensus about the landmark changes and their significance.

Practices at the penitentiary are directly related to the policies handed down from the central office. Thus, it is necessary to view events at the local level and relate them to those who are/were in positions to make policy at the state level. For this reason we have divided the last 20 years in the history of the Washington state correctional central office into four periods. These will be identified by the name of the person who headed that office at that particular time. These periods correspond in the penitentiary to the lawful community, citizen-inmate, and inmate control-anarchic transition stages. The periods are:

1. Dr. Garret Heyns' Period (1957-1966);
2. Dr. William Conte's Period (1966-1971);
3. The Thomas Period (1971-1973); and


The following discussion presents the contributions of each of these central office directors. Emphasis is placed upon the relationship between the central office and the prison.

Dr. Heyns became the director of the Washington Department of Institutions in 1957, following a distinguished career in education and corrections, primarily in Michigan. He made significant contributions to all areas of his department. His most notable influence was, however, in the field of corrections.

During his tenure as director he succeeded in establishing the bureaucratization of the Department of Institutions (Corrections). Among his central goals was the unification of the autonomous institutions into a central system. These institutions were given similar objectives and procedures to follow in all phases of the correctional process. New programs were developed, while many existing ones were "modernized" and upgraded, in such an efficient and timely fashion that the Washington correctional system achieved recognition as one of the most progressive penal programs in the country.

Heyns was admired and well-liked by nearly everybody in corrections. Staff and inmate morale during this time was excellent. This was reflected in an extremely low rate of staff turnover.

With respect to maximum security, he issued a set of rules, regulations and directives relevant to discipline and punishment in the prison. In March of 1957, the interpretation of his policies was left to the discretion of the superintendent of each institution. In this period
there was relatively little use made of protective custody, while viol-
ators of major prison rules and regulations who could not be managed
in the general population were sentenced to indefinite periods in segre-
gation subject to periodic staff review. Despite the indefinite period
that an inmate could be kept in segregation, this was the first time
that prisoners who wanted to express grievances had the right to appeal
directly to the director. While the Heyns regime can be described as
a relatively tranquil period, the Conte regime which followed brought
with it a great deal of turmoil into corrections in Washington. Dr.
William Conte, a psychiatrist by formal training and the former mental
health supervisor under Heyns, replaced the latter when he retired in
1966. The correctional personnel felt that Conte, given his background,
was a "foreigner" in the area of corrections.

Staff suspicion and distrust of Dr. Conte peaked in November of 1970,
when Conte imposed a number of radical changes in the correctional
system. These were mostly concerned with the everyday operations of
the institutions. They also included the abolition of all "strip cells,"
the introduction of mail reform (elimination of censorship), the install-
lation of telephones in the inmate quarters, and the establishment of
the Resident Government Council (R.G.C.). It was not only the substance
of these measures that were the targets of staff criticism; it was
also the way in which the reforms were implemented.

Traditionally, new programs are presented by the central office
and discussed at superintendent and staff meetings. In this way, most
staff members share some of the responsibility for the introduction of
new programs even though their own responsibility may be minimal.
This was not the case under the Conte regime. His reforms were imposed directly from above and no opportunity was given the staff of the penitentiary to come to terms with and digest the reforms. The sudden introduction of these policies generated a great deal of misunderstanding, primarily among the rank and file staff and the inmates. Both of these groups traditionally resist any drastic changes in their daily routines, and the Washington State Penitentiary contingent was no exception.

Of all the reforms introduced by Conte, the most significant and consequently the most controversial one was the Resident Government Council. The establishment of the R.G.C. meant that the prisoners were given some of the responsibility for the running of the institution. Conte the liberal, insisted that prisoners be made "partners" in the governance of the prison and removed some of the power of the guards and the warden. Conte may not have been too sure about these policies and he certainly was not willing to listen to staff opinions. When questioned about his overall policy and its implications, Conte replied: "Just give the new concepts fairly free rein, and they will find their own water level." Such answers created a good deal of uncertainty, particularly among the officers at the Washington State Penitentiary of whom stated that they suffered abuse by inmates. In fact, "residents"--a term introduced by Conte--were told that they were full-fledged partners in "managing" the institution and consequently their own fate.

This power shift led to persistent "testing" by the inmates of the extent and the limits of authority of the officers. The leaders
in the inmate population did not necessarily reflect the will of the majority but that of a verbally aggressive minority. Their main objective was to see just how far they could extend inmate authority vis-a-vis the custodial staff. A massive effort to "bust the boundaries" of prison rules and regulations was launched by the resident body, and "gained ground" nearly every day. For example, the central office instructed that residents should be included as participants in the superintendent's staff meetings, the Adjustment Committee hearings, the Classification Committee, as well as on all other important standing committees. A focus on "inmate rights" rather than on "inmate obligations and duties" came to be a rallying point in the power struggle. As one example, inmates in the hospital area vigorously questioned not only medical diagnoses, but also medical decisions about treatment.

In contrast to the Heyns period, this stage in the history of the Washington Department of Institutions (Corrections), and particularly with respect to events at the Washington State Penitentiary, also witnessed a marked increase in problems with staff morale. These problems were reflected in staff resignations, early retirements, and general discontent. As for the inmates, there were more fights, more stabbings, and greater disregard for the disciplinary rules at the Washington State Penitentiary. Officers felt that the institution was slipping out of their control, in the guise of reforming the Washington state correctional system. The correctional personnel felt that Conte and Assistant Attorney General Don Horowitz, who exerted a great deal of influence over Conte, were more concerned with fighting battles for the inmates than with the safety and rights of the staff.
Another event which took place during the Conte period was the establishment of the Department of Social and Health Services in July of 1970. What was formerly the Department of Institutions was "swallowed up" by this mega-agency which was given charge of adult corrections, juvenile corrections, the health and welfare departments, mental health and many other areas. This introduced another source of confusion since the staff was now even more unclear as to the chain of command within this new organizational structure.

It should be noted at this point that these changes inside the walls coincided with dramatic social changes in American society. It was a time marked by unrest on college campuses, demonstrations against the Viet Nam war, racial tensions and unrest and, finally, emergence of renewed concern with civil liberties and "due process of law."

During Dr. Conte's regime, radical departures from traditional methods were imposed from above the correctional community, without adequate preparation of the prison, its personnel and its inmates. It is possible that had proper steps been taken to prepare all concerned for the implementation of these policies, much of the unrest and disturbances could have been avoided. This reformist period ended with the resignation of Dr. Conte in July of 1971.

It is important to emphasize that prison policies do not change on the day that an outgoing director leaves office. As a rule, prior policies and practices remain in effect for a long time and only in due course are they replaced by the new director.

Probably the most salient characteristics of the Thomas regime which followed Conte's resignation, is that it was a period marked
by indecisiveness and lack of identifiable initiatives. There was one exception to this rule, i.e., the introduction of formal disciplinary procedures in 1973. The central office correctly anticipated major court rulings overturning arbitrary disciplinary procedures in correctional institutions. To get out in front of these rulings, the Washington Administrative Code rules were developed and sent to Walla Walla for review. Despite the criticisms and objections expressed by the institutional staff in regard to some portions of the proposed procedures, the Code was nevertheless instituted. This had a devastating effect on the staff level. To the staff, the due process requirements embedded in the Washington Administrative Code seemed to favor the inmates at the expense of management and justice. The spirit of the rules limited the discretion of the average correctional officer no less than that of the warden. The central office had to be consulted about the application of the new rules and procedures, thus curtailing further the power and authority of management and staff. It was also in this period that the current administrative segregation policies were developed by the central office. Placing a man in administrative segregation required a formal hearing. If it was determined that an inmate was potentially dangerous to the general prison population, he could then be administratively removed and segregated. However, review hearings were required every thirty days.

Our interviews with the staff turned up another aspect of the Thomas period. It was necessary for an incident to occur before any remedial action could be taken. There were no provisions to "head-off" potential breakouts of violence.
All in all, Thomas' tenure was marked by consolidation rather than innovation. The spirit of Conte's policies continued to dominate the correctional scene during the Thomas regime. During Conte's tenure his policies were mostly formulated and only tentatively applied. During Thomas' tenure these policies were institutionalized in the <i>Washington Administrative Code</i>.

The last three months of this period, which ended in January of 1974 when Bradley took over the directorship of the central office, witnessed one major change that was implemented by Thomas' successor. The new Director, Patterson, who came to Washington from California to evaluate adult corrections, succeeded in limiting the influence of Horowitz, now attorney general, in the correctional sphere. The dominance of Conte's ideas during Thomas' years was facilitated by continuing Horowitz involvement in correctional matters. Patterson put a stop to this by insisting that the duty of the attorney general was to "interpret policy and not to make it."

The application of solitary confinement in the interim periods between Conte and Bradley, as reflected in our 1971 and 1973 samples, was marked by a sharp decline in the use of segregation for restraint or protection. Beginning early in 1974 Bradley reinstituted the more conventional administrative controls. The use of segregation showed a dramatic upswing. Under the Bradley regime the percentage of inmates in solitary confinement reached an all-time high of 12.7 percent of the total institutional population. Thus, during the Heyns administration the application of solitary confinement was not restricted by any specific rules and regulations. Placing a man in segregation was left
to the discretion of the officer. In contrast, during the Conte-Thomas-Patterson periods solitary confinement was applied sparingly. The pendulum swung back during Bradley's time. Despite the restrictive procedures and practices, more inmates were segregated in 1975 than ever before, demonstrating, inter alia, the adaptive capacity of the organization to new rules and regulations.

In sum, Walla Walla had a typically stormy history between 1966 and 1975. In addition to general controversies imported into the prison from the outside--ideological, racial and ethnic, and human rights--this prison suffered through the ambiguities of frequent changes in the central office. The 1966 closed prison philosophy gave way to an open door, the custodial to a therapeutic and the restrictive to a participating milieu. The revolution has peaked and the trend is back to a more conservative administrative style. Most inmate gains are likely to be maintained, but the administration is clearly ready to reclaim its power and authority.

It is important to stress that, despite all these administrative and personnel changes, in Olympia, the Walla Walla prison management team remained stable. The same warden, Mr. Robert J. Rhay, remained throughout all of these years. (At the time of the study, Mr. Rhay had the longest tenure of any warden in the United States. In 1977 he finally resigned to accept the position of Director of Corrections in Montana.) Thus, the changes taking place in the Washington State Penitentiary cannot be attributed to the revolving door in Walla Walla prison management.
B. The Research Design and Procedures

This research is an exploratory effort which examines the problems relevant to disciplinary procedures and administrative segregation. An "ex post facto institutional time series" design was used to assess changes in the use of segregation over time. It is important to emphasize that this research design departs from a classical time series design, as conceived by Campbell and Stanley (1963) and Kerlinger (1964). It does, however, approximate such a design when the institution is the unit of analysis. This design facilitates research on the central domains of the study, i.e., institutional changes and the transformations in the characteristics of the prison community. For this reason we chose institutional measurements that would reflect significant shifts in the use of solitary confinement. Special attention was devoted to the characteristics of those who experience maximum security in prison--the inmates.

To capitalize on the upheavals in the Washington correctional system, we felt that the years 1966, 1971, 1973, and 1975 were particularly critical ones, reflecting the management uncertainty at these points in time. Of these cohort years, the two extremes--1966 and 1975--were chosen to represent systemic and institutional stability, while the two middle years--1971 and 1973--were marked by great unrest and turmoil. Consequently, for each of these years two groups of subjects were sampled--a research group and a comparison group--to reflect institutional policies and practices in the four different administrative periods in the Washington State Penitentiary.
The Data Gathering Procedures

To facilitate the data gathering process, contacts were made with prison authorities both at the Washington central office and at the local level at Walla Walla. The central office in the State of Washington is located in Olympia, some 350 miles northwest of the Washington State Penitentiary. The Department of Social and Health Services is the umbrella agency for social and health services in the State of Washington and includes the area of adult corrections. We contacted the Superintendent of the Washington State Penitentiary and were fortunate to get Mr. Robert Freeman, the retiring Associate Superintendent of Classification and Treatment, to assist us in designing and overseeing the procedures connected with the collection of the data.

The following information was gathered: a. socio-demographic data on all subjects; b. data relevant to the criminal, alcohol, drug, escape, and incarceration history of every inmate subject; c. data concerning the instant offense, including type and the maximum length of sentence; d. in-depth information pertaining to prison experience(s) with solitary confinement while in prison; and, e. information relevant to the actions taken by the Washington Parole Board. A storage room at the Washington State Penitentiary yielded the necessary records. However, some of the desired information was not available even in these institutional records and we had to go to the Archives of the Department of Social and Health Services in Olympia to obtain it. The Archives are the main record storage for the "dead" files of the Washington correctional system.
The following bases of information were taped at various locations and subsequently was recorded on our "data" take-off sheet.5

a. The Admission Summary: This document or file of documents is located at the Washington Correctional Center, in Shelton, Washington. The Washington Correctional Center is a correctional facility which also serves as a reception and diagnostic center for the State of Washington. All adult felons are first committed to the Washington Correctional Center for processing. After approximately six to eight weeks of evaluation, inmates are transferred to the institution deemed most appropriate to their particular needs.

The admission summary file thus includes a summary of the diagnostic work-up. It contains all pertinent legal information, test scores, recommendations made by vocational counselors and social workers, and psychological and medical data. The summary provided us with specific information on education, marital status, history of alcohol and drug use, escape history, and criminal record.

b. The Record Card: This card is located in the record office at the Washington State Penitentiary. A record card is kept on every inmate and contains other (but sometimes duplicate) legal information as well as parole board actions. From this data source we obtained information on the instant offense, the maximum instant offense sentence, occupation, age-related information, race, date of receipt at the penitentiary, and date of release from the prison. This card is an integral part of the central file which, in turn, is the main institutional working file for personal data, commitment papers, admission summaries, correspondence, and the like.
c. The Control Card: This card is found in the prison's control room. The control room is the main office within the prison walls and controls and records inmate movement and custody status. It is the "hub" of the institution.

The control card is the working document recording all institutional movements of prisoners as well as all disciplinary actions. From this card we assembled information relevant to the segregation experience(s) of each inmate subject. In addition to the inmate's medical status, we recorded the date of the disciplinary administrative infraction, the reason for the disciplinary administrative action, the type of solitary confinement sanction imposed upon the inmate, and finally, the length of stay in segregation. The control card is the only source which contains the movements into and out of the maximum security unit at Walla Walla for each prisoner. The maximum security unit contains prisoners in four types of special custody classification. These are: segregation, isolation, administrative segregation, and protective custody.

(1) **Segregation** entails the confinement of an inmate in a cell in the maximum security area. He retains a few privileges, including at least one hour of recreation and exercise per day.

(2) **Isolation** is the confinement in a single cell located in a special section of the maximum security cellblock. The isolated prisoner is granted only his basic legal rights.

(3) **Administrative segregation** is confinement under segregation status subsequent to a hearing which determined that the inmate represents a danger to the population.
(4) **Protective custody** includes only prisoners confined in the maximum security unit at their own request.

d. **F.B.I. "Rap Sheet":** To construct the nature, intensity and type of the inmate's post criminal behavior, we secured the F.B.I. "rap sheet" of each subject in our study. The information from the rap sheet was recorded on our data gathering instrument. This data set includes, among other things, a summary profile of the inmate's past criminal activity (major and minor violent crimes, property, and other non-violent crimes) and the subject's past jail and prison experience(s).

e. **Parole Board Files:** The Washington Parole Board, formally known as the Board of Prison Terms and Paroles, is composed of seven gubernatorial appointees who handle parole release and parole violation decisions. The board's files are located in its main office in Olympia. Parole Board records contain information dealing with parole adjustment and other data relevant to the current status of men released from the Washington State Penitentiary. From these files we obtained specific information on parole dates, the nature and type of the actions taken by the board, and reference to Parole Board assessment of post-institutional adjustment.

While most of the data needed for this study was obtained primarily through these five sources, updates and verification were done by using the files stored in the Washington State Archives prior to as well as after it was recorded on our data gathering instrument—the "Data Take-Off Sheet" (See Appendix C). Similarly, in order to establish population trends for the prison as a whole and particularly
for the maximum security unit, information was also obtained from the institutional switch sheet. This sheet records each individual's housing movements and was found in a storage room at the prison. By counting these movements, trend figures were computed and used in the data analysis phase.

The logistics involved in the data collection process is described below. Mr. Robert Freeman maintained constant contact, through actual visits and correspondence, with the Academy for Contemporary Problems in Columbus, Ohio, where this study was administratively headquartered. He also hired and trained personnel from the Washington State Penitentiary's record office who abstracted the records. Mr. Freeman, managed, supervised, and directed the data gathering phase. When this was completed at the end of May of 1976, the questionnaires were delivered to us for purposes of analysis. The information was examined, a coding manual was constructed, the information coded, punched, verified and placed on tape. Finally, the data were subjected to conventional central tendency parametric and statistical tests of significance.

Description of the Population and Samples:

Our "ex post facto institutional time series" research design requires that for each of the four relevant years two samples of subjects be drawn. To represent the segregation policies and practices of four correctional regimes in Washington, we selected a total of eight groups of inmates consisting of a research group and a comparison group for each of the four index years, i.e., 1966, 1971, 1973 and 1975. Thus, there were four research groups and four comparison groups. The size of the samples in each group is shown in Table 8.
TABLE 8. SAMPLE SIZE OF RESEARCH AND COMPARISON GROUPS IN EACH STUDY YEAR

<table>
<thead>
<tr>
<th>Year</th>
<th>Research Group</th>
<th>Comparison Group</th>
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<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>100</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>100</td>
</tr>
<tr>
<td>1973</td>
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<td>100</td>
</tr>
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<td>1975</td>
<td>107</td>
<td>100</td>
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<tr>
<td>Total</td>
<td>306</td>
<td>400</td>
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The research sample consisted of 306 subjects. This group is composed of inmates who were consecutively placed in the Washington State Penitentiary's maximum security unit for punitive, administrative or protective purposes in the month of September of each of the four index years. Originally, sample sizes were designed to be fifty, one hundred, fifty, and one hundred for 1966, 1971, 1973, and 1975, respectively. However, because of oversampling and some attrition, the final sample sizes were a bit different than planned (See Table 8). There is every reason to believe that these sample subjects describe the population of inmates who had experienced segregation, isolation, administrative segregation, and protective custody.

The comparison samples are composed of one hundred subjects in each index year. These groups were selected by retrieving from the logs of the records office the names of one hundred consecutive discharges from the penitentiary, beginning on September 1 of each index year. The cut-off dates varied across the four index years. Also, the comparison groups are mixed in the sense that some of the inmates may have experienced solitary confinement while others completed their sentences without infractions resulting in a solitary confinement sentence. An investigation of the records of the comparison group subjects yielded comparable but slightly more limited data than that obtained for the research groups.

One important aspect in regard to the comparison group must be emphasized. In this research, the comparison group is used in two major ways. First, it is used to highlight similarities and differences between its members and the men in solitary. Second, since it represents the entire institutional population, it serves also as a source of the best
available estimate of institutional trends, primarily in terms of the frequency and extent of the use of solitary confinement in the institution. Moreover, it provides an empirically based estimate and "baseline" as to the nature and magnitude of the over time fluctuations in the utilization of solitary confinement at the Washington State Penitentiary.

In this chapter we have outlined the methodology and procedures followed in the gathering of the data. In the next chapter—chapter 5—we will restate our central research questions and report our findings.
Footnotes

1. We are grateful to Mr. Robert Freeman, (former Associate Superintendent of Classification and Treatment at the Washington State Penitentiary) for his assistance in preparing this historical account.

2. The Washington Department of Institutions was the administrative arm located in Olympia, Washington. It covered services in mental health, corrections, and youth training schools. It later was absorbed into The Department of Social and Health Services in Washington.

3. An excerpt from the Washington Administrative Code is provided in Appendix B.

4. We are indebted to Mr. Harold Bradley, the former director of the Washington Department of Corrections, and Mr. Robert Rhay, former Superintendent at the Washington State Penitentiary, for granting us permission to conduct this study. Very special thanks are due Mr. Robert Freeman, former Associate Superintendent of Classification and Treatment at the Washington State Penitentiary. Without his assistance and helpful input into our conceptualization and data gathering processes, this study never would have been possible.

5. See Appendix C.

6. This study is part of the Academy's "Dangerous Offender Project." The Dangerous Offender Project studies the management of the repetitively violent offender. The primary points of reference are the
criteria of fairness and effectiveness. The study will review the laws, assess the kinds of treatment available, document the measures of control, and determine what impact the present system has on the individuals with whom it is concerned and what, if any, improvements may be available from the existing fund of knowledge. It will make an intensive assessment of the proportion of violent crime for which repetitively violent offenders are responsible, and it will examine the measures taken by the courts to use existing laws in disposing of charges against them.
Chapter Five

Findings

Restatement of the Research Questions

The focus of this study centers on the policies and practices of using the "hole" as a punitive and/or protective lever of social control in prison. It would be useful at this juncture to restate the major questions addressed in this research before proceeding with the results.

The first major concern of this study is an exploration of the relationship between correctional administrative style (in Washington) and the use of punitive and/or protective custody. The question(s) include: Do changes in administrative styles have an effect on the administration of discipline and the use of punitive and/or protective confinement? What was the effect of the revolutionary changes in the management of the Washington system, including the introduction of the Washington Administrative Code rules, on the use of segregation, isolation, administrative segregation, protective custody, and suspended segregation and isolation sentences at the Washington State Penitentiary?

The second concern of this study focuses on the relationship between changes in the characteristics of the prison population in Washington and the use of solitary confinement in the state penitentiary. We demonstrated earlier that the institutionalized criminal population in the U.S. has "hardened." If this hardening also occurred in the Washington State Penitentiary, would it not also have affected the problems of

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discipline in the institution? Thus, we will address the following questions: What were the changes in the convict population at the Washington State Penitentiary in the period 1966-1975? Are these changes reflected in the use of segregation, isolation, administrative segregation, protective custody and suspended segregation and isolation? If so, how?

The third central interest in this research concerns those inmates who spent time in solitary confinement. Can we identify significant patterns and/or types of violators of prison rules and regulations? Is the group of "confinees" essentially homogeneous in terms of the type and intensity of their involvement in law-breaking behavior behind prison walls?


In the absence of records and figures on solitary confinement in either the Washington central office or the Washington State Penitentiary, it was necessary to generate our own data on solitary. In so doing, we had to go back to the switch sheets at the institution and count, day by day, the number of inmates in the general population. The same was done for the Walla Walla maximum security unit population. When this phase was completed, the data were transformed into average monthly counts of the general population as well as of the population in maximum security. The results of this effort are presented in Table 9.

A number of findings in Table 9 deserve comment. First, throughout the decade the prison population fluctuated markedly, from an all-time high of 1,604 inmates at the beginning of the study in September, 1966
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<tr>
<td>Max. Population percent</td>
<td>2.7</td>
<td>3.2</td>
<td>3.9</td>
<td>3.0</td>
<td>2.6</td>
<td>3.0</td>
<td>3.3</td>
<td>2.5</td>
<td>2.6</td>
<td>3.7</td>
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</tr>
<tr>
<td>1973</td>
<td>978</td>
<td>988</td>
<td>980</td>
<td>974</td>
<td>1006</td>
<td>1002</td>
<td>997</td>
<td>984</td>
<td>981</td>
<td>959</td>
<td>953</td>
<td>951</td>
</tr>
<tr>
<td>Max. Population percent</td>
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<td>2.7</td>
<td>2.2</td>
<td>2.2</td>
<td>2.4</td>
<td>2.2</td>
<td>2.7</td>
<td>2.8</td>
<td>3.5</td>
<td>2.8</td>
<td>3.4</td>
<td>2.4</td>
</tr>
<tr>
<td>1974</td>
<td>963</td>
<td>944</td>
<td>951</td>
<td>922</td>
<td>975</td>
<td>994</td>
<td>1013</td>
<td>1049</td>
<td>1076</td>
<td>1072</td>
<td>1070</td>
<td>1080</td>
</tr>
<tr>
<td>Max. Population percent</td>
<td>2.7</td>
<td>3.0</td>
<td>3.3</td>
<td>3.1</td>
<td>3.6</td>
<td>3.5</td>
<td>3.7</td>
<td>4.2</td>
<td>4.6</td>
<td>4.2</td>
<td>4.3</td>
<td>4.0</td>
</tr>
<tr>
<td>1975</td>
<td>1114</td>
<td>1151</td>
<td>1178</td>
<td>1196</td>
<td>1228</td>
<td>1266</td>
<td>1313</td>
<td>1323</td>
<td>1327</td>
<td>1322</td>
<td>1330</td>
<td>1362</td>
</tr>
<tr>
<td>Max. Population percent</td>
<td>4.0</td>
<td>4.3</td>
<td>4.3</td>
<td>5.2</td>
<td>5.5</td>
<td>6.2</td>
<td>6.8</td>
<td>6.9</td>
<td>8.4</td>
<td>8.1</td>
<td>8.9</td>
<td>8.7</td>
</tr>
<tr>
<td>1976</td>
<td>1402</td>
<td>1429</td>
<td>1431</td>
<td>1465</td>
<td>1506</td>
<td>1530</td>
<td>1553</td>
<td>1569</td>
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<td>10.6</td>
<td>11.3</td>
<td>12.1</td>
<td>12.2</td>
<td>12.5</td>
<td>12.7</td>
<td>12.4</td>
<td>12.4</td>
<td>12.4</td>
<td>12.4</td>
</tr>
</tbody>
</table>
to a low of 922 residents in April, 1974. Thereafter there was a gradual but systematic increase in the population to a high of 1,588 in September, 1976. These census fluctuations describe a curve approximating a U shape. As seen in Figure 1, there was a systematic population decrease until about the middle of 1969, when the population began to rise for about a year. By February, 1971 it reached a peak of 1,321 inmates and then declined again to a low of 922 inmates in April, 1974. The population then increased until the termination point of our data gathering in September, 1976.

Second, the maximum security unit population varied in much the same way—with exceptions and considerable lag. The greatest population in solitary confinement did not coincide with the highest general population count—the 1,604 figure in 1966. In fact, the census was quite low at that time, ranging from 51 to 64 inmates per month, in comparison with the all-time high of 200 in August, 1976. The lowest maximum security population during the 1966-1975 period was in the months of March and June, 1973 when the unit housed an average 22 residents.

Graphically, these data yield a figure that most closely resembles a modified J shape, as in Figure 2. While there were fluctuations between 1966 and 1974, the dramatic and unprecedented growth in confinees began in mid-1974 and has continued unabated.

Third, the population changes in the solitary unit are even more dramatic when related to the general population at Walla Walla. The highest percentage in segregation occurred in August, 1976—12.7 percent of total population—in comparison with only 3.7 percent in September,
FIGURE 1. TOTAL WASHINGTON STATE PENITENTIARY POPULATION BY YEAR, 1966-1976
FIGURE 2. MAXIMUM SECURITY POPULATION AT WASHINGTON STATE PENITENTIARY BY YEAR, 1966-1976
1966. The all-time low of 2.2 percent was in March and June, 1973. These findings are also displayed in Figure 3.

These trends are also presented tabularly below. Table 10 shows the average annual total prison population, the average annual total maximum security population and the average annual percentage of inmates in the solitary confinement unit. Between 1966 and 1976, there were systematic swings in the general prison population, from an average of 1,583 inmates in 1966 to a low of about 979 in 1973, and back up to a high of 1,496 during the first three quarters of 1976. There were also fluctuations in the average number of percentage of the maximum security population during the same time. There were an average of 58.25 inmates in the maximum security population in 1966—comprising 3.67 percent of the prison population. That dropped to 26.25 inmates in 1973—2.68 percent—and increased to 172.66 inmates—11.53 percent—by 1976.

Clearly these results suggest that during the decade under scrutiny, something remarkable had taken place to cause these significant fluctuations in the practice and use of solitary confinement. They also indicate that specific years within the decade seem to be more important than others in terms of these changes. The findings show, beyond a reasonable doubt, that 1966 (3.67 percent in segregated facilities), 1971 (2.83 percent in segregated facilities), 1973 (2.68 percent in segregated facilities), and 1975 (6.56 percent in segregated facilities) were extremely critical years in Washington corrections.¹

We also investigated changes in the types of solitary confinement sentences imposed by the Washington State Penitentiary disciplinary committee. We examined the institutional conduct records of the 306
FIGURE 3. PERCENTAGE OF MAXIMUM SECURITY UNIT POPULATION AT THE WASHINGTON STATE PENITENTIARY BY YEAR, 1966-1976
TABLE 10. DISTRIBUTION OF AVERAGE PRISON POPULATION AND AVERAGE MAXIMUM SECURITY UNIT POPULATION AT THE WASHINGTON STATE PENITENTIARY: 1966-1976

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Annual Total Population</th>
<th>Average Annual Maximum Security Population</th>
<th>Annual Maximum Security Percent of Total Prison Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966&lt;sup&gt;a&lt;/sup&gt;</td>
<td>1583.00</td>
<td>58.25</td>
<td>3.67</td>
</tr>
<tr>
<td>1967</td>
<td>1404.10</td>
<td>47.08</td>
<td>3.35</td>
</tr>
<tr>
<td>1968</td>
<td>1292.25</td>
<td>43.66</td>
<td>3.36</td>
</tr>
<tr>
<td>1969</td>
<td>1192.00</td>
<td>54.75</td>
<td>4.59</td>
</tr>
<tr>
<td>1970</td>
<td>1289.92</td>
<td>57.17</td>
<td>4.43</td>
</tr>
<tr>
<td>1971</td>
<td>1213.50</td>
<td>34.40</td>
<td>2.83</td>
</tr>
<tr>
<td>1972</td>
<td>1054.08</td>
<td>31.92</td>
<td>3.03</td>
</tr>
<tr>
<td>1973</td>
<td>979.40</td>
<td>26.25</td>
<td>2.68</td>
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<tr>
<td>1974</td>
<td>1009.08</td>
<td>37.58</td>
<td>3.72</td>
</tr>
<tr>
<td>1975</td>
<td>1259.17</td>
<td>82.66</td>
<td>6.56</td>
</tr>
<tr>
<td>1976&lt;sup&gt;b&lt;/sup&gt;</td>
<td>1496.40</td>
<td>172.66</td>
<td>11.53</td>
</tr>
</tbody>
</table>

<sup>a</sup> Computed on a 4-month basis.

<sup>b</sup> Computed on a 9-month basis.
subjects in our research groups and recorded the dates of each of their infractions, the length of sentences, and the type of solitary confinement disposition which resulted from the disciplinary hearings. (This was necessary because neither the penitentiary nor the Department of Corrections had overall statistics on solitary confinement.) Since the years 1966, 1971, 1973 and 1975 were critical in the Washington correctional system, it is assumed that the practices connected with the application of solitary confinement in or about these years would reflect the policies dominant at that time. For that reason we examined the experiences of our 306 study subjects with solitary confinement(s) during four periods of time. These are: 1965 and 1966, 1970 and 1971, 1972 and 1973, and 1974 and 1975. The findings are presented in Figures 4 and 5. Figure 4 shows the number of solitary confinement sanctions by type imposed by the prison's disciplinary committee in the four periods of time. Figure 5 shows the frequency changes across the four periods by sanction type.

Since these frequencies do not actually show the rate of change across time and focus only on the change in the actual incidence, we have transformed these data into ratios adjusting for the appropriate sample size. The results of this transformation process are reported in Table 11. This table shows that the use of the punitive types of confinement—segregation and isolation—has declined from a ratio of 205.3 to 85.9, a decrease of 58.1 percent. In fact, this type was the only one that decreased. All other forms of solitary confinement increased markedly. The increase in protective custody was the greatest (705.5 percent);
FIGURE 4. TYPE OF CUSTODY BY YEAR
FIGURE 5. RELATIVE FREQUENCY OF SANCTIONS ACROSS YEARS
TABLE 11. DISTRIBUTION OF THE RATIO OF SOLITARY CONFINEMENT TYPES ACROSS TIME, 1965-1975

<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>Segregation and Isolation</th>
<th>Administrative Segregation</th>
<th>Protective Custody</th>
<th>Suspended Sentences&lt;sup&gt;a&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965-1966</td>
<td>56</td>
<td>205.3</td>
<td>48.2</td>
<td>3.6</td>
<td>62.5</td>
</tr>
<tr>
<td>1970-1971</td>
<td>98</td>
<td>169.4</td>
<td>12.2</td>
<td>7.1</td>
<td>60.2</td>
</tr>
<tr>
<td>1972-1973</td>
<td>45</td>
<td>175.5</td>
<td>53.3</td>
<td>6.7</td>
<td>115.5</td>
</tr>
<tr>
<td>1974-1975</td>
<td>107</td>
<td>85.9</td>
<td>68.2</td>
<td>29.0</td>
<td>143.9</td>
</tr>
</tbody>
</table>

Percent and Direction of Change

-58.1  +41.5  +705.5  +130.2

<sup>a</sup> These include both suspended isolation and suspended segregation sentences.
the increase was much lower for the suspended sentences (130.2 percent) and considerably lower for administrative segregation (41.5 percent).

These results also were confirmed in our cross-sectional examination of the inmates in the maximum security unit during the index months—Septembers of 1966, 1971, 1973 and 1975. In other words, we looked at the sanctions imposed upon the 306 subjects in our sample, serving time in solitary for the instant prison infraction—i.e., that infraction which led us to include them in the research sample. Table 12 shows their distribution by solitary confinement type by year. This table reveals that nearly three quarters (71.9 percent) were confined in punitive segregation or isolation. Only 19.3 percent of the inmates were removed from the general population by administrative order; of the 306, only 8.8 percent requested protection. The nature and direction of the charges between 1966 and 1975 shown in Table 11 is corroborated here as well. There was a 53.6 percent decrease in the use of the punitive sanctions—from 94.6 percent in 1966 to 43.9 percent in 1975. On the other hand, the use of both administrative segregation and protective custody increased by 32.8 percent and 17.8 percent respectively.

Thus, from September, 1966 to September, 1975 the Washington State Penitentiary increased its reliance on the use of suspended sentences, isolation by administrative order, and isolation for the purpose of protection. On the other hand, there was less resort to punitive segregation and isolation, to maintain law and order behind the walls. This is suggestive of the emergence of a new policy by 1975 which attempts

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Segregation and Isolation</th>
<th>Administrative Segregation</th>
<th>Protective Custody</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>N</td>
<td>Percent</td>
</tr>
<tr>
<td>1966</td>
<td>56</td>
<td>53</td>
<td>94.6</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>92</td>
<td>93.8</td>
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<td>1973</td>
<td>45</td>
<td>28</td>
<td>62.2</td>
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<tr>
<td>1975</td>
<td>107</td>
<td>47</td>
<td>43.9</td>
</tr>
<tr>
<td>Total</td>
<td>306</td>
<td>220</td>
<td>71.9</td>
</tr>
</tbody>
</table>

Percent and Direction of Change

-53.6 +32.8 +17.8
to avoid the need to use the Washington Administrative Code rules governing placement of inmates into the maximum security unit.

To further demonstrate this change, empirically, we also looked at the data on our 306 research group inmates by examining the nature of their institutional misconduct. Using the same principles applied in generating the data on sanctions (Figures 4 and 5 and Table 11), we looked at the inmates' histories of prison infractions during the four periods of time, i.e., 1965-1966, 1970-1971, 1972-1973, and 1974-1975. Figures 6 and 7 provide a graphic presentation of the incidence of four categories of prison infractions. The first category is violence and/or violence related infractions, which include homicide, assaults, holding hostages, possession of ammunition and/or guns, and the like; the second is violations of general and serious institutional rules, mainly those behaviors that constitute "prison status infractions", i.e., they would not be considered crimes on the outside. These include unauthorized presence in a specified area of the prison, unauthorized possession of money, clothing or other objects, disobedience and interference, and similar infractions. The third category is vice, which includes the possession, introduction, making and/or use of any narcotic or other controlled substances or alcohol, and gambling in the prison. The last category includes escape and attempted escape from the institution. Figure 6 shows the incidence of these four types of prison rule infractions in each of the four periods of time. Figure 7 shows the change in the incidence of each type of institutional misconduct across time.

To provide a more accurate measure of the nature and magnitude of change over time, we applied the formula used above to adjust for the
FIGURE 6. TYPE OF INFRACTION BY YEAR
FIGURE 7. RELATIVE FREQUENCY OF INFRINGEMENTS ACROSS YEARS
various sample sizes. The data transformation results are presented in Table 13. There was an enormous increase (887.3 percent) in the vice-related infractions in the prison—from a ratio of 7.1 in the first period under study to a 70.1 in the last period. The only other increase in the ratio of infractions was in the category of violent conduct. There was 28.5 percent growth in the ratio of prison crimes of violence, from 19.6 in 1965-1966 to 25.2 in 1974-1975. However, the change in violence-related crimes was even much greater between 1965-1966 and 1972-1973, when it reached a ratio of 40.0. This change marked a 104.1 percent increase over a seven-year period. The greatest decrease in the infraction incidence rates occurred in the category of escape and attempted escape. There was a 47.7 percent drop in the ratio of escapes, from a 17.8 figure in the 1965-1966 period to a ratio of 9.3 in the 1974-1975 period. Here, again, there was a greater change over a shorter period of time than over the entire decade; from 1970-1971 to 1974-1975 there was a 73.2 percent decrease in escape-related infractions, compared with only a 47.7 percent decline over the whole period of study. Finally, there was a 9.0 percent decline in infractions related to institutional rules over the ten-year study period. The figures dropped during the decade from a rate of 191.0 to a rate of 173.8. The fluctuations in this category are more striking when viewed at specific points in time between 1966 and 1975. There was a decrease of 14.9 percent—from 191.0 to 102.4—between 1965-1966 and 1970-1971. Then, within a two year time period (by 1972-1973) the ratio dramatically increased by 40.9 percent and finally dropped again by 24.1 percent toward the mid-1970's.
<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>Violence</th>
<th>Institutional Rules</th>
<th>Vice</th>
<th>Escape</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965-1966</td>
<td>56</td>
<td>19.6</td>
<td>191.0</td>
<td>7.1</td>
<td>17.8</td>
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<td>1970-1971</td>
<td>98</td>
<td>20.4</td>
<td>162.2</td>
<td>10.2</td>
<td>34.7</td>
</tr>
<tr>
<td>1972-1973</td>
<td>45</td>
<td>40.0</td>
<td>228.9</td>
<td>37.7</td>
<td>26.7</td>
</tr>
<tr>
<td>1974-1975</td>
<td>107</td>
<td>25.2</td>
<td>173.8</td>
<td>70.1</td>
<td>9.3</td>
</tr>
</tbody>
</table>

Percent and Direction of Change

+28.6   -9.0   +887.3   -47.7
The results presented thus far on the changing patterns of inmate misconduct at the Washington State Penitentiary tend to confirm the trends observed with regard to sanctioning patterns in the Walla Walla prison. One fact is crystal clear—that the importation of narcotic drugs and/or their production behind the walls increased enormously throughout the decade. This was clearly unavoidable when society on the outside was experiencing an unprecedented proliferation of the drug culture. The changes in the other three infraction categories may be attributed to changes in the administration of corrections in the state of Washington. The Conte-Horowitz spirit accounts for the sharp decline in institutional rule infractions during and toward the end of the Conte regime, which lasted from 1966 to 1971. Even after his resignation about the middle of 1971, Conte's legacy remained although management uncertainties led to an increase in institutional as well as violent infractions. Both peaked at unprecedented levels in the third period of our study—1972-1973—during which the Washington Administrative Code was brought into being in the name of reform. This document was activated in Washington in 1973, following a three-year period that was marked by riots, sit-down strikes, and numerous institutional lock-downs, all centering around inmate rights. Hence, the impact of the introduction of the Washington Administrative Code is demonstrated in the declines in prison crimes of violence and institutional rule infractions. The complications involved in isolating an inmate under the rules stipulated in the Washington Administrative Code, which emphasizes due process particulars, led prison officials to devise new techniques of coping with the difficult population. For that reason, under the more traditional
Bradley regime which followed (and its policies and practices are captured in our 1975 data), we saw a drop in the overall ratio of prison infractions, but at the same time an increased reliance on administrative segregation and protective custody.

Summary of Findings

Based upon our analysis of data pertaining to policies and practices governing the use of solitary confinement at the Washington State Penitentiary, we are now in a position to suggest the following as some of the major findings and results:

1) During the years 1966 to 1975 there were marked fluctuations in the number of prisoners confined in the penitentiary at Walla Walla. The years 1966 and 1976 are the ones during which population counts peaked, while in 1973 the number of inmates at the penitentiary was lowest.

2) While there were some fluctuations—both up and down—in the number of inmates in the Washington State Penitentiary maximum security unit, the most pronounced change began to occur in 1974, when there was a dramatic increase in the number and percentage of inmates under confinement in solitary.

3) The commitment of inmates into the Walla Walla maximum security unit varied, by type of solitary confinement condition, across time.

4) We observed a decrease in the use of punitive segregation and isolation, a great increase in protective custody, a substantially greater use of suspended segregation and isolation and finally, a growth
in the use of administrative removal of predatory inmates from the
general prison population under administrative segregation status.

5) The data examined showed the postulated change in the patterns
of institutional misconduct. First, the greatest increase occurred in
narcotic drug-related prison crimes. Second, violence behind bars grew
substantially (especially between 1966 and 1973). Finally, there was
a decrease in the rates of escapes and "prison status infractions."

6) These fluctuations and changes coincide with and may be attrib-
uted to management changes which occurred in the Washington state cor-
rectional system between 1966 and 1975.
Footnotes

1. Our study ended official data collection on May 31, 1976. However, we have kept updating our figures. Ex post facto, it may have been better to study a 1976 cohort instead of the 1975 group. The figures in Table 10 suggest that the segregation population rate has doubled from 1974 to 1975 and again between 1975 and 1976. Since the pattern is identical, our conclusions on the basis of 1975 data may describe the 1976 realities as well.

2. The following formula was used in the transformation of the data:

\[
\text{SPR} = \frac{Sf_i}{N_i} \times 100
\]

where: SPR is the sanction type prevalent ratio,

\( Sf_i \) is the frequency connected with the sanction type, and

\( N_i \) is sample size.

3. For examples, see Appendix B. Washington Administrative Code sections 001, 002, 501, 502, 503, 521, 601, 602, etc.

4. For examples, see Appendix B, Washington Administrative Code sections 051, 053, 210, 212, 303, 101, 103, 104, 201, 202, 203, 551, 552, 607, and the like.

5. For examples, see Appendix B, Washington Administrative Code sections 504, 603, 606, 655.

6. For example, see Appendix B, Washington Administrative Code, section 550.
7. \[ IPR = \frac{If_i}{Ni} \times 100 \]

where:  
- \( IPR \) is the infraction type prevalence ratio,
- \( If_i \) is the frequency connected with the infraction type,
- \( Ni \) is the sample size.

8. For more details consult Appendix A: History of the Washington State Penitentiary, 1966-1975 (Diary Form), prepared by Mr. Robert Freeman, for the purpose of this study.
Chapter Six
Who Is In The "Hole"

We have advanced the notion that there is a relationship between changes in correctional administrative styles (and their respective ideologies) and subsequent changes in policies governing the application of solitary confinement in the prison. Data on this matter, drawn from the records of the Washington State Penitentiary, tended to confirm our assertion, at least for the tumultuous decade from 1966 to 1975. To be sure, we have argued that the overall increase in the proportion of inmates confined to solitary can be attributed to the consequences of the Conte-Horowitz regime in Washington corrections. At the same time, the direction of change in the use of solitary, i.e., increased reliance on administrative and protective mechanisms, is accounted for, inter alia, by the introduction of the Washington Administrative Code rules, also a by-product of the correctional ideologies propagated by Conte.

One fact is not questionable, namely, that there has been a dramatic rise in the use of maximum security units in nearly all American prisons (Isolated Prisoner Seminar, 1977). We documented that this was the case in Washington. However, while we saw that management changes accounted for these fluctuations, the changing attributes of prisoners also may be related to the rise in the percentage of inmates in solitary confinement. If the prisoner population in Washington followed the national trend and became "tougher," it should not be surprising to find
greater numbers of inmates being removed from the general prison popula-
tion. Frequently, but not always, a "tougher" inmate is also a
"tougher" individual to discipline in the prison. Thus, one should ex-
pect a corresponding increase in the use of the punitive forms of soli-
tary confinement— an effort by the prison administration to contain the
more violent and difficult prison inmate.

For these reasons, it is necessary to examine the characteristics
of inmates who were confined in solitary, with special emphasis on per-
sonal attribute changes across time. We then can relate these changes
to the shifts in the use of solitary confinement. We also will examine
the interaction between administrative changes and prison population
changes in Washington and the ways in which both affected the use of
the maximum security unit in the Walla Walla prison.

As described before, data for this study were assembled on two
groups of adult felon inmates serving sentences at the Washington State
Penitentiary in Walla Walla, Washington. There are more data for the
first of these groups—the research sample— than for the comparison
sample. However, information pertaining to the use of solitary confine-
ment was obtained on both the research and comparison samples.

Using the "data take-off" sheet
certain information was gathered
and recorded on each inmate:

I. The socio-demographic traits of the subject;

II. The criminal, alcohol, drugs, escape, and incarceration
    history of the inmate;

III. The "instant offense," including its type and the maximum
    length of sentence imposed by the court;
IV. In-depth information on the inmate's experience(s) with the Walla Walla maximum security unit; and

V. Data on the parole board actions for every inmate in our research sample.

In this chapter, which reports more of the research findings, we focus our attention on the characteristics of the prisoner population in Walla Walla. In so doing, we highlight the traits which seem to have changed over time, especially among those who were confined in solitary.

Socio-demographic Characteristics

The process of aging and maturation and their linkage to criminal careers is still one of the unsolved issues in the field of criminology and penology. The data, from the work of the Gluecks to the present suggest the existence of a "burning-out" phenomenon. We also know that the velocity of criminality is greatest during the late adolescent and early adult years and tends to taper off gradually and then markedly in the third decade of life. Thus, from the standpoint of this study, the following five critical age factors were considered: the inmate's age at his first official contact with the criminal justice system as an adult, age at receipt at the Washington State Penitentiary to serve time for this instant offense, age at the time of the first solitary confinement on this sentence at the penitentiary, age at the study index months, and age at release from the institution either on parole or at the termination of sentence.

A. Age

A close examination of these data yields an interesting trend, regarding the age variables. These data suggest that the prison population
became increasingly younger at all five measurement points in the last decade. This trend is displayed in Table 14.

The average age at first official adult criminal justice contact has been going down since 1966. The mean age of our 1966 sample at first official contact was 19.16 years. It decreased to 19.01 in 1971, to 17.72 in 1973, and then increased slightly by 1.19 years in 1975 to 18.90 years of age.

The other four points of age measurement are related in the sense that they are all derived from the experience at the Washington State Penitentiary. The results indicate that the mean age of the inmates at all critical age points has declined across the four index years. With regard to the age of receipt, the mean age declined from 28.35 in 1966 to 27.76 in 1975. The mean age of the inmates at first solitary confinement decreased from 29.82 to 28.30 between 1966 and 1975. Similarly, the prisoners in the 1975 cohort group were 4.88 years younger at release than were inmates in the 1966 cohort group. The mean age at release was 34.66 in the 1966 group and 29.78 in the 1975 cohort. This analysis, confirms the national trend data on prison populations namely, that both the inmate and the criminal populations are younger now than at any time in the last decade.

This finding is further reinforced by the data presented in Table 15.

An analysis of the average number of years elapsed between the various critical age points reveals a number of interesting findings. First, on the average, and in spite of the manual of procedures and safeguards for the imposition of solitary confinement, it took a much shorter time
TABLE 14. MEAN AGE OF RESEARCH SUBJECTS AT CRITICAL CRIMINAL JUSTICE CAREER POINTS IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>First Criminal Justice Contact</th>
<th>Receipt at W.S.P.</th>
<th>First Solitary Confinement Experience</th>
<th>At Index Months</th>
<th>At Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>19.16</td>
<td>28.35</td>
<td>29.82</td>
<td>31.91</td>
<td>34.66</td>
</tr>
<tr>
<td>1971</td>
<td>19.01</td>
<td>27.90</td>
<td>29.96</td>
<td>30.81</td>
<td>33.12</td>
</tr>
<tr>
<td>1973</td>
<td>17.72</td>
<td>27.11</td>
<td>28.89</td>
<td>30.00</td>
<td>22.00</td>
</tr>
<tr>
<td>1975</td>
<td>18.90</td>
<td>27.76</td>
<td>28.30</td>
<td>28.97</td>
<td>29.78</td>
</tr>
<tr>
<td>Grand Mean</td>
<td>18.81</td>
<td>27.82</td>
<td>29.20</td>
<td>30.25</td>
<td>32.07</td>
</tr>
</tbody>
</table>

\(^a\)Washington State Penitentiary.

<table>
<thead>
<tr>
<th>Year</th>
<th>Between Receipt and first Solitary Confinement</th>
<th>Between First Solitary Confinement and Release</th>
<th>Between Receipt and Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>1.47</td>
<td>4.84</td>
<td>6.31</td>
</tr>
<tr>
<td>1971</td>
<td>2.06</td>
<td>3.16</td>
<td>5.22</td>
</tr>
<tr>
<td>1973</td>
<td>1.78</td>
<td>3.11</td>
<td>4.89</td>
</tr>
<tr>
<td>1975</td>
<td>0.54</td>
<td>1.48</td>
<td>2.02</td>
</tr>
<tr>
<td>Overall Difference, Highest to Lowest</td>
<td>-1.52</td>
<td>-3.86</td>
<td>-4.29</td>
</tr>
</tbody>
</table>
in 1975 than in 1966 for an inmate to undergo his first solitary confinement in the institution. In 1966 the elapsed time between entry to Washington State Penitentiary and the first lock-up experience, was, on the average, 1.47 years. In 1971, the elapsed time was 2.07 years. In 1975, it took only an average of six months (.54 years) for the prisoner to experience his first solitary confinement. These data may be construed to suggest the "hardening" of the inmate population as well as the inability of the administration to manage the general population of the prison without frequent resort to the lock-up. The management appears compelled to resort to the more drastic of measures—solitary confinement—to maintain law and order behind the walls. These data bear out our typology of management styles; Walla Walla, by 1975, had very nearly reached the anarchic stage.

At the same time that inmates were going into the "hole" relatively earlier in their prison careers, the time between both the first solitary confinement experience and prison release and receipt at the institution and prison release was shortening remarkably from the 1966 cohort group to the 1975 cohort group. The mean time gap in years between the first solitary confinement experience and release for the 1966 group was 4.84 years, compared with 1.48 years for the 1975 cohort. Similarly, 6.31 years passed between receipt and release from the institution for the 1966 cohort. Prisoners in the 1975 cohort spent an average of 2.02 years between receipt and release; the reduction was a substantial 4.29 years.

The age variables in the comparison group revealed results that were consistent with those of the research group. For example, Table 16 shows
### TABLE 16. MEAN AGES AT RELEASE OF SUBJECTS IN THE RESEARCH AND COMPARISON SAMPLES BY YEAR

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th>Comparison Sample</th>
<th>&quot;Confiners&quot;</th>
<th>&quot;Non-Confiners&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>34.66</td>
<td>35.66</td>
<td>41.26</td>
<td></td>
</tr>
<tr>
<td>1971</td>
<td>33.12</td>
<td>36.78</td>
<td>42.79</td>
<td></td>
</tr>
<tr>
<td>1973</td>
<td>32.00</td>
<td>37.07</td>
<td>37.59</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>29.78</td>
<td>31.91</td>
<td>32.52</td>
<td></td>
</tr>
</tbody>
</table>
that the mean age at release for the comparison group members who experienced solitary confinement in 1966 was 35.66, as against 31.91 years of age for the 1975 sample. Members of the 1966 comparison group who were not placed in solitary showed a mean age at release of 41.26 years. This decreased in the 1975 group by 8.74 years yielding a much lower average age of 32.52 years.

These findings on the age variables can be summarized as follows: from 1966 to 1975 prisoners spent considerably less time in the institution with consequently less time to "straighten themselves up" and "mature" out of crime. They enter the institution at a relatively younger age, spend a shorter time there, and currently (1975) are released at a much younger age. This increases their potential for getting involved in further criminal behavior.

B. Race

Contrary to expectations, the race variable was not found to be crucial in most respects. Of the 306 subjects in the research group 74.2 percent were white, 13.7 percent were black, and the remaining 12.1 percent were mainly native Americans and Mexican-Americans.

The representation of these racial groups did not change much over the years. The exception was 1974 when there was an increase of 14.0 percent in the white group. Consequently the representation of the blacks and others was correspondingly reduced. By 1975, the percentages were back to their 1966 and 1971 levels. Table 17 shows the distribution of race in the research sample, the absence of a significant fluctuation with time, and the fact that at least seven out of ten inmates were white at all measurement points.
On the variable of race, the difference between the "confinees" and those not confined in the comparison sample was greater than the difference between the research sample and those "confined" in the comparison sample. The exception is the category that includes Indians and Mexicans. Table 18 shows that the research group contained 74.2 percent whites; the confined comparison, 81.5 percent; and the comparison non-confiners, 71.2 percent. Overall the greatest percentage of whites was in the comparison group "confined" prisoners. More important, the black prisoners were more common among the non-confined than among those who were or had been in lock-up. There certainly was no evidence of black overrepresentation in solitary.

C. Education

Another socio-demographic trait was found to have changed markedly over the years among prison inmates. Findings pertaining to declared and/or verified educational attainment as measured by the number of school years completed is presented in Table 17. Of the total 294 subjects in our research group, 32.0 percent (N=94) completed elementary school or its equivalent, 62.2 percent (N=183) completed high school or its equivalent, while only 5.8 percent (N=17) claimed to have had some college education.

In 1966, 46.3 percent (N=25) of our sample had only an elementary education, compared with 21.6 percent in 1975. In 1966, 50.0 percent and a mere 3.7 percent had an educational level of high school and post-high school, respectively; in 1975, 66.7 percent had high school education and 11.8 percent some college of more. Thus, from the years 1966 to 1975 the drop of 24.7 percent in elementary education only was
<table>
<thead>
<tr>
<th>Race/Sample Type</th>
<th>Research Sample</th>
<th>Comparison Sample &quot;Confiners&quot;</th>
<th>Comparison Sample &quot;Non-confiners&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>N 227</td>
<td>128</td>
<td>173</td>
</tr>
<tr>
<td></td>
<td>% (74.2)</td>
<td>(81.5)</td>
<td>(71.2)</td>
</tr>
<tr>
<td>Black</td>
<td>N 42</td>
<td>19</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>% (13.7)</td>
<td>(12.1)</td>
<td>(19.3)</td>
</tr>
<tr>
<td>Other</td>
<td>N 37</td>
<td>10</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>% (12.1)</td>
<td>(6.4)</td>
<td>(9.5)</td>
</tr>
<tr>
<td>Total</td>
<td>N 306</td>
<td>157</td>
<td>243</td>
</tr>
<tr>
<td></td>
<td>% (100.0)</td>
<td>(100.0)</td>
<td>(100.0)</td>
</tr>
</tbody>
</table>
translated into a 16.7 percent increase in high school education and an 8.1 percent increase among prisoners having college education or more.

Thus, the claim by correctional administrators that today's prison inmate is a better educated individual received empirical confirmation. Education or, at least, grade level finished, rose over time.

D. Marital Status

There were no marked differences and shifts in the marital status of the inmates who experienced solitary confinement during the index months. Of the 302 subjects for whom we had data on marital status, almost half, 47.7 percent, were single. About one third, 33.4 percent, were either divorced or separated from their wives, and 18.9 percent were married (including common law marriages). These data are contained in Table 17.

E. Medical Status

Medical classifications are commonplace in correctional institutions and are used primarily by the institutional job assignment committee to determine the type of work the inmate can do.

Medical status information was available on 297 subjects of the total of 306 in the research group. Overall, 78.1 percent of them were not restricted, while the remaining 21.9 percent were classified as having some level of impairment (see Table 17). Only one subject was very severely restricted and was thus placed in medical category IV. The "impaired" population rose precipitously from 1966 to 1971 and remained stable thereafter. This increase resulted as much or more from management changes in definition of impairment and outside pressure for
better medical care than from a real increase in defects of the subjects. Discovery, not impairment, increased markedly. This is shown in Table 17.

Past Deviant, Criminal, and Incarceration History

In order to construct a reasonably meaningful measure of an inmate's previous prison involvement in deviant and criminal behavior, data were gathered on a number of aspects relevant to this variable. This information is neither an exhaustive nor a fully comprehensive characterization of the prisoners' former criminal careers. Nevertheless, it does give us a fairly accurate picture and facilitates the testing of some of our hypotheses regarding solitary confinement.

We have chosen the following indicators as measures of the intensity and character of criminal involvement: available evidence of alcohol or drug abuse and escape or attempted escape efforts; the frequency of previous arrests for crimes as recorded on the F.B.I. "rap sheet"; and the extent and nature of the inmate's past-incarceration history, in terms of both mandatory jail and prison sentences served. The findings with respect to these three variables are reported in the following section.

A. Alcohol, Drugs and Escape History

The data seem to point in the direction of an inverse relationship between the use of alcohol and drugs. Generally when the use of alcohol declines the drug use increases. This relationship is evident in Table 19.

With regard to the history of both alcohol and drug abuse, information was obtained from the records on 303 subjects in the research group.
<table>
<thead>
<tr>
<th>Variable</th>
<th>1966</th>
<th>1971</th>
<th>1973</th>
<th>1975</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>N, %</td>
<td>N</td>
<td>N, %</td>
<td>N, %</td>
</tr>
<tr>
<td>I. Race:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>40</td>
<td>71.4</td>
<td>69</td>
<td>70.4</td>
<td>38</td>
</tr>
<tr>
<td>Black</td>
<td>8</td>
<td>14.3</td>
<td>15</td>
<td>15.3</td>
<td>6</td>
</tr>
<tr>
<td>&quot;Other&quot;</td>
<td>8</td>
<td>14.3</td>
<td>14</td>
<td>14.2</td>
<td>3</td>
</tr>
<tr>
<td>II. Education:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>25</td>
<td>46.3</td>
<td>35</td>
<td>36.1</td>
<td>12</td>
</tr>
<tr>
<td>High School</td>
<td>27</td>
<td>50.0</td>
<td>59</td>
<td>60.8</td>
<td>29</td>
</tr>
<tr>
<td>College or More</td>
<td>2</td>
<td>3.7</td>
<td>3</td>
<td>3.1</td>
<td>0</td>
</tr>
<tr>
<td>III. Marital Status:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>28</td>
<td>50.9</td>
<td>43</td>
<td>43.9</td>
<td>18</td>
</tr>
<tr>
<td>Married</td>
<td>10</td>
<td>18.2</td>
<td>19</td>
<td>19.4</td>
<td>7</td>
</tr>
<tr>
<td>Divorced or Separated</td>
<td>17</td>
<td>30.9</td>
<td>36</td>
<td>36.7</td>
<td>20</td>
</tr>
<tr>
<td>IV. Medical Status:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not Restricted</td>
<td>4</td>
<td>94.0</td>
<td>70</td>
<td>72.2</td>
<td>36</td>
</tr>
<tr>
<td>Some Restriction</td>
<td>3</td>
<td>6.0</td>
<td>27</td>
<td>27.8</td>
<td>9</td>
</tr>
<tr>
<td>Index Year</td>
<td>Alcohol Abuse</td>
<td></td>
<td>Drug Abuse</td>
<td></td>
<td>Escape Attempts</td>
</tr>
<tr>
<td>------------</td>
<td>---------------</td>
<td>----------</td>
<td>------------</td>
<td>----------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>N</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>1966</td>
<td>35</td>
<td>19</td>
<td>54</td>
<td>18</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>(64.8)</td>
<td>(35.2)</td>
<td>(100.0)</td>
<td>(33.3)</td>
<td>(66.7)</td>
</tr>
<tr>
<td>1971</td>
<td>64</td>
<td>34</td>
<td>98</td>
<td>41</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>(65.3)</td>
<td>(34.7)</td>
<td>(100.0)</td>
<td>(41.8)</td>
<td>(58.2)</td>
</tr>
<tr>
<td>1973</td>
<td>24</td>
<td>21</td>
<td>45</td>
<td>26</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>(53.3)</td>
<td>(46.7)</td>
<td>(100.0)</td>
<td>(57.8)</td>
<td>(42.2)</td>
</tr>
<tr>
<td>1975</td>
<td>43</td>
<td>63</td>
<td>106</td>
<td>64</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>(40.6)</td>
<td>(59.4)</td>
<td>(100.0)</td>
<td>(60.4)</td>
<td>(39.6)</td>
</tr>
<tr>
<td>Total</td>
<td>166</td>
<td>137</td>
<td>303</td>
<td>149</td>
<td>154</td>
</tr>
<tr>
<td></td>
<td>(54.8)</td>
<td>(45.2)</td>
<td>(100.0)</td>
<td>(49.2)</td>
<td>(50.8)</td>
</tr>
</tbody>
</table>
Of these 303 prisoners, 54.8 percent had a recorded alcohol problem noted in the institutional record, while some 45.2 percent seemed not to have had problems with alcohol. With respect to drugs the picture is only slightly different in terms of the overall figures. Nearly one half of the research sample, 49.2 percent, had a known drug problem and just over half, 50.8 percent, did not have any recorded drug involvement. These findings do not clearly exhibit the relationship discussed above, primarily because the presence of either one does not preclude the presence of the other.

However, close examination of the changes over time yielded dramatic results, shown in Figure 8. Here again, the discussion concerns only 1966 and 1975 index years. In the 1966 cohort group, 64.8 percent of the inmates had an indication of an alcohol problem on their record, compared with only 40.6 percent in 1975, a decline of 24.2 percent. The picture is reversed with regard to drugs. About a third of the 1966 sample, 33.3 percent, had a known drug problem, a figure which increased by 27.1 percent in the 1975 cohort group. In the latter, 60.4 percent of the inmates had a drug problem or drug-related experiences in the past. Both of these changes, over the years, were found to be significant when submitted to non-parametric statistical tests (Alcohol: $X^2=15.26$, $P<0.002$, df=3; Drugs:$X^2=14.18$, $P<0.003$, df=3). These findings, as well as those for the 1971 and 1975 groups, are presented in Table 19.

These data appear to reflect the general trends in society. The majority of this 1975 research sample were on the streets between 1965 and 1975. These years were marked, among other things, by the "Drug Revolution." In this respect, the prison did not lag much behind the
FIGURE 8. PERCENTAGE OF RESEARCH GROUP SUBJECTS WITH ALCOHOL, DRUGS AND ESCAPE HISTORIES
streets and the drug traffic penetrated its walls quite early and easily.

The Drug Revolution in prison is also evident in the changing patterns of institutional law-breaking as were noted above in Table 13. In fact, with the passage of years the percentage of inmates confined in solitary for drug-related institutional infractions increased precipitously by 887.3 percent. Thus, it is not surprising to find that some members of the inmate council estimate that 60 percent or more of all inmates used "dangerous" drugs (in 1976) inside the walls. Controlling the drug traffic into and out of Walla Walla remains an elusive management goal.

Probably because of the age factor—-inmates now are much younger—the percentage of prisoners whose records indicated a history of escapes or attempted escapes declined in the last decade. Overall, 104 of the 300 subjects for who these data were available (34.7 percent) had made at least one escape attempt. Nearly two-thirds of the research sample, 65.3 percent, were not formally caught, accused, or prosecuted for an escape-related institutional infraction or crime. When one examines these data carefully over time, an interesting pattern forms. As indicated above, the general trend with regard to escape suggests a decline. However, most of this decline occurred between 1973 and 1975. Between 1966 and 1973 there was a decrease of a mere 2.8 percent (with only a 0.7 percent decline from 1971 to 1973). However, from 1973 to 1975 the decline in the proportion of inmates with an escape record was 9.2 percent. This observed trend supports our findings in chapter five to the effect that there has been a decline (47.7 percent) in the number of
charges against prisoners involving escape from the Washington State Penitentiary.

B. Past Criminal Activity Record

Data for this set of variables as well as the subjects' incarceration histories were drawn from the F.B.I. "rap sheet." One serious problem which we encountered with this document was the fact that at times there were multiple entries for the same crime. Special attention was given to finding these instances and reporting all multiple entries as one criminal event. In fact, a rule was established which essentially stipulated that "when in doubt, underrepresent." This implies that our analysis reflects the minimum number of crimes and jail and prison sentences served by the inmates.

Examination of the criminal records of our subjects, presented in Table 20, reveals that only 6.3 percent of the inmates had no past criminal activity indicated. For these inmates, the sentence served at the Washington State Penitentiary presumably was their first recorded and prosecuted adult felony. On the other hand, for 283 men—93.7 percent—this was just one of several previous crimes cleared by arrest and prosecuted.

To get a more accurate picture of the past records of our subjects, we analyzed their "rap sheets" for the types of crimes in which they were involved. Three broad categories of crimes were identified and used in this analysis: major violent crimes, minor violent crimes, and non-violent crimes.

The analysis of the records of 302 inmates revealed that 26.8 percent had been arrested previously for a major violent crime, while nearly
three-quarters, 73.2 percent, had no record of a major violent crime prior to the instant offense (the offense for which they were in the prison at the time of the study). Eight out of ten, 80.8 percent, had no prior record of minor violent crimes; 19.2 percent of the prisoners' records showed previous arrests for the commission of at least one violent crime.

The picture is radically different for the non-violent offenses. The vast majority, 89.1 percent had some form of non-violent crime recorded on their past history. In addition, there was only one inmate with fourteen major violent crimes, six inmates with five or more minor violent crimes, and eight inmates with thirty or more--reaching as high as sixty-one incidents of non-violent crimes. The figures demonstrated that the Walla Walla research group had quite an extensive experience in the world of crime. About a quarter of them were no strangers to the world of violent crime.

The findings are very convincing with regard to changes across years. The trend is toward the "toughening" of the population in prison, especially in terms of becoming more violent. In this analysis reference is made only to the two extreme index years. The number of prior criminal records among the 302 inmates showed a 5.6 percent increase between 1966 and 1975. In 1966, 91.1 percent of the subjects had a previous criminal record, in 1975 this figure increased to 96.2 percent.

The same trend is evident by type of prior crimes. Some 16.1 percent of the 1966 sample had a minimum of one Type I violent offense on their record, in comparison to 27.6 percent in 1975, an increase of 71.4
### TABLE 20. PAST CRIMINAL RECORD OF INMATES "CONFINES" IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Major Violent Crimes</th>
<th>Minor Violent Crimes</th>
<th>Non-Violent Crimes</th>
<th>All Types of Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>1966</td>
<td>9</td>
<td>47</td>
<td>6</td>
<td>50</td>
</tr>
<tr>
<td>%</td>
<td>(16.1)</td>
<td>(83.9)</td>
<td>(10.7)</td>
<td>(89.3)</td>
</tr>
<tr>
<td>1971</td>
<td>27</td>
<td>70</td>
<td>21</td>
<td>76</td>
</tr>
<tr>
<td>%</td>
<td>(27.8)</td>
<td>(72.2)</td>
<td>(21.6)</td>
<td>(78.3)</td>
</tr>
<tr>
<td>1973</td>
<td>16</td>
<td>28</td>
<td>11</td>
<td>33</td>
</tr>
<tr>
<td>%</td>
<td>(36.4)</td>
<td>(63.6)</td>
<td>(25.0)</td>
<td>(75.0)</td>
</tr>
<tr>
<td>1975</td>
<td>29</td>
<td>76</td>
<td>20</td>
<td>85</td>
</tr>
<tr>
<td>%</td>
<td>(27.6)</td>
<td>(72.4)</td>
<td>(19.0)</td>
<td>(81.0)</td>
</tr>
<tr>
<td>Total</td>
<td>81</td>
<td>221</td>
<td>58</td>
<td>244</td>
</tr>
<tr>
<td>%</td>
<td>(26.8)</td>
<td>(73.2)</td>
<td>(19.2)</td>
<td>(80.8)</td>
</tr>
</tbody>
</table>

a The figures in this table are not additive by crime type.
percent. In 1966, 10.7 percent of the inmates had prior Type II violent crime indicated on their record. By 1975 this figure increased by 77.6 percent, when it reached 19.0 percent in our September sample of that year. Similarly, in 89.3 percent of our 1966 cases we found at least one previous non-violent crime on the F.B.I. "rap sheet"; this increased to 91.4 percent (only a 2.3 percent change) by 1975. These findings drawn from Table 20 are summarized in Table 21.

These findings indicate, among other things, that despite the aforementioned decreasing time exposure "on the street" in which to build a criminal record, the extent and intensity of the criminal histories did not diminish as might have been expected. On the contrary, this new (1975) criminal built up more intense and, above all, a more violent criminal record at a much more rapid pace than his 1966 counterpart. (See Tables 22, 23, and 24).

In Table 22 we present data concerning those crimes defined as "major violent." As is seen in this table, the proportion of subjects having no previous major violent crimes on their records declined 13.7 percent between 1966 and 1975. It has been suggested that this decline is due to the fact that the criminal population has become younger. However, this explanation is inadequate since further examination of Table 22 shows that this decline was offset by those committing more than one and even more than four major violent crimes. Specifically, there was an increase between 1966 and 1975 in both the proportion of those committing one to three as well as four or more major violent crimes. These increases are 46.8 percent and 272.2 percent respectively. The magnitude of the change can better be seen from Figure 9.
<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Percent Increase, 1966-1975</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Violent</td>
<td>71.4</td>
</tr>
<tr>
<td>Minor Violent</td>
<td>77.6</td>
</tr>
<tr>
<td>Non-Violent</td>
<td>2.3</td>
</tr>
<tr>
<td>All Types</td>
<td>5.6</td>
</tr>
</tbody>
</table>
# Table 22. History of Major Violent Crimes on the Inmate's Past Criminal Record, in Each Cohort Group (in Percentage)

<table>
<thead>
<tr>
<th>Index Year</th>
<th>No Violent Crimes</th>
<th>One to Three Violent Crimes</th>
<th>Four or More Violent Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>83.9</td>
<td>14.3</td>
<td>1.8</td>
</tr>
<tr>
<td>1971</td>
<td>72.2</td>
<td>20.6</td>
<td>7.2</td>
</tr>
<tr>
<td>1973</td>
<td>63.6</td>
<td>31.8</td>
<td>4.5</td>
</tr>
<tr>
<td>1975</td>
<td>72.4</td>
<td>21.0</td>
<td>6.7</td>
</tr>
</tbody>
</table>

Direction and Percent of Change: -13.7, +46.8, +272.2
<table>
<thead>
<tr>
<th>Index Year</th>
<th>None</th>
<th>One to three crimes</th>
<th>Four or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>89.3</td>
<td>8.9</td>
<td>1.8</td>
</tr>
<tr>
<td>1971</td>
<td>78.3</td>
<td>17.5</td>
<td>4.1</td>
</tr>
<tr>
<td>1973</td>
<td>75.0</td>
<td>20.5</td>
<td>4.5</td>
</tr>
<tr>
<td>1975</td>
<td>80.9</td>
<td>16.2</td>
<td>2.8</td>
</tr>
<tr>
<td>Direction and Percent of Change</td>
<td>-9.4</td>
<td>+82.0</td>
<td>+55.5</td>
</tr>
</tbody>
</table>

**Table 23. History of Minor Violent Crimes on the Inmate's Past Criminal Record in Each Cohort Group (in Percentage)**
<table>
<thead>
<tr>
<th>Index Year</th>
<th>Violent</th>
<th>Non-Violent</th>
<th>All Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>0.6</td>
<td>10.5</td>
<td>11.6</td>
</tr>
<tr>
<td>1971</td>
<td>0.9</td>
<td>9.6</td>
<td>11.5</td>
</tr>
<tr>
<td>1973</td>
<td>1.2</td>
<td>8.9</td>
<td>11.3</td>
</tr>
<tr>
<td>1975</td>
<td>0.9</td>
<td>8.2</td>
<td>10.1</td>
</tr>
<tr>
<td>Mean Change, Highest to Lowest</td>
<td>+0.6</td>
<td>−2.3</td>
<td>-1.5</td>
</tr>
</tbody>
</table>
FIGURE 9. PERCENTAGE OF MAJOR VIOLENT CRIMES IN PAST CRIMINAL RECORD ACROSS YEARS

NONE

1-3

4 OR MORE
An identical trend pertains to the minor violent crimes on the "rap sheets." Table 23 shows that between 1966 and 1975 there was a decrease of 9.4 percent in the number of those with no prior record of crimes of minor violence. There was, however, an increase of 82.0 percent in the proportion of inmates having a previous record of minor violent crimes. There was also a 55.5 percent increase in those inmates committing four or more crimes of minor violence.

Moreover, while the mean number of crimes recorded on the F.B.I. "rap sheets" for each inmate declined slightly, the mean number of violent crimes increased. The mean number of recorded violent crimes doubled from 0.6 in 1966 to 1.2 in 1973, then decreased slightly in 1975 to 0.9 per inmate (see Table 24). Clearly, the mean number of non-violent crimes was much greater in each of the cohort groups that we studied. In nearly all instances it was ten times greater than the mean number of violent crimes. However, there was a reduction of 2.3 crimes in the mean number of violations on record not involving violence between 1966 and 1975. What the figures presented above show is that while the intensity and frequency of previous involvement in non-violent crimes slightly decreased over the years, a significant increase occurred in the past involvements in crimes of violence.

To ascertain whether the trends observed in the data constitute a significant change over time, we further subjected them to another conventional parametric statistical significance test (Hays, 1973). Table 25 summarizes the results of tests conducted for all variables pertinent to the inmate's previous criminal, incarceration and solitary confinement
<table>
<thead>
<tr>
<th>Variable</th>
<th>1966 Mean</th>
<th>1975 Mean</th>
<th>t Value</th>
<th>P</th>
<th>$X^2$ Value</th>
<th>df</th>
<th>P</th>
<th>df</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. <strong>Criminal Record:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Major violence crimes</td>
<td>0.73</td>
<td>1.08</td>
<td>1.90</td>
<td>0.05 &lt; 0.10</td>
<td>15.61</td>
<td>6</td>
<td>&lt; 0.01</td>
<td>6</td>
</tr>
<tr>
<td>2) Minor violence crimes</td>
<td>0.48</td>
<td>0.81</td>
<td>1.98</td>
<td>0.02 &lt; 0.05</td>
<td>16.17</td>
<td>6</td>
<td>&lt; 0.02</td>
<td>6</td>
</tr>
<tr>
<td>3) Non-violent crimes</td>
<td>10.46</td>
<td>8.25</td>
<td>1.30</td>
<td>N.S.</td>
<td>7.93</td>
<td>6</td>
<td>N.S.</td>
<td>6</td>
</tr>
<tr>
<td>4) All types combined</td>
<td>11.59</td>
<td>10.13</td>
<td>0.80</td>
<td>N.S.</td>
<td>4.42</td>
<td>6</td>
<td>N.S.</td>
<td>6</td>
</tr>
<tr>
<td>II. <strong>Incarceration Record:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Jail sentences</td>
<td>3.44</td>
<td>1.21</td>
<td>2.72</td>
<td>&lt; 0.01</td>
<td>14.18</td>
<td>6</td>
<td>&lt; 0.03</td>
<td>6</td>
</tr>
<tr>
<td>2) Prison sentences</td>
<td>1.16</td>
<td>0.70</td>
<td>2.59</td>
<td>&lt; 0.02</td>
<td>18.72</td>
<td>6</td>
<td>&lt; 0.005</td>
<td>6</td>
</tr>
<tr>
<td>3) All types combined</td>
<td>4.62</td>
<td>1.89</td>
<td>3.16</td>
<td>&lt; 0.01</td>
<td>19.53</td>
<td>6</td>
<td>&lt; 0.003</td>
<td>6</td>
</tr>
<tr>
<td>III. <strong>Solitary Confinement:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Research Sample</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Number of times</td>
<td>5.89</td>
<td>2.31</td>
<td>3.44</td>
<td>&lt; 0.01</td>
<td>27.18</td>
<td>6</td>
<td>&lt; 0.0001</td>
<td>6</td>
</tr>
<tr>
<td>2) Number of days</td>
<td>285.12</td>
<td>86.13</td>
<td>2.25</td>
<td>0.02 &lt; 0.05</td>
<td>23.91</td>
<td>6</td>
<td>&lt; 0.0005</td>
<td>6</td>
</tr>
<tr>
<td>B. Comparison Sample</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Number of times</td>
<td>2.16</td>
<td>2.81</td>
<td>1.34</td>
<td>N.S.</td>
<td>12.20</td>
<td>6</td>
<td>&lt; 0.06</td>
<td>6</td>
</tr>
<tr>
<td>2) Number of days</td>
<td>21.32</td>
<td>92.54</td>
<td>1.76</td>
<td>0.05 &lt; 0.10</td>
<td>14.94</td>
<td>6</td>
<td>&lt; 0.02</td>
<td>6</td>
</tr>
</tbody>
</table>
background. For all these variables we tested for differences between the years 1966 and 1975.

As is shown in this table, the changes noted above are consistent with our significance test results. Specifically, where there were no significant changes observed in the overall extent of involvement with non-violent crimes, as seen by both t-test and $X^2$ test results, the differences in terms of crimes of major and minor violence are significant. (For major violent crimes $t=1.9$, $0.05 < P < 0.10$; $X^2=15.61$, $P < 0.01$, df=6, and for crimes of minor violence $t=1.98$, $0.02 < P < 0.05$; $X^2=16.17$, $P < 0.02$, df=6.) Confirming our previous observation, this analysis also suggests that while the intensity of the overall criminal conduct has not changed markedly, the criminal background of offenders shifted significantly toward a slightly greater representation of crimes of major violence and a much greater representation of crimes of minor violence. This trend holds, in spite of the previously documented growing youthfulness of the criminal population at the Washington State Penitentiary.

C. Past Incarceration History

As a part of our analysis of the F.B.I. "rap sheets", we recorded each inmate's previous experience(s) with incarceration, either in a jail or in a prison. In most instances, the records distinguished between time in jail and time in prison. Whenever this information was absent, we decided that every sentence over one year should be considered a prison term, while sentences under one year we recorded as incarceration in a jail. It must also be emphasized that only mandatory (actual) sentences were used in this analysis. When an option of paying a fine
was indicated, we did not record this event as a jail or prison-related experience.

Table 26 shows the percentages of inmates for whom there was an indication of previous jail or prison terms. The figures are not additive, since we recorded and counted each incarceration form—jail or prison—individually.

Table 26 shows a decline in the percentage of inmates who served previous jail and/or prison terms. There was a decrease of 21.0 percent from 1966 to 1975 in those having a past incarceration record. Only six subjects (10.7 percent) in the 1966 sample had no previous jail and/or prison experience, while 31 subjects (29.5 percent) of the 1975 sample had no such experience. Similar findings are evident in both types of incarceration, jail and prison. The records of three-quarters of the 1966 inmate sample show previous jail sentences, in comparison with just over one half (57.1 percent) of the 1975 group which had prior jail time. This decline marks a change of 23.9 percent. Similarly, there was a decline in previous prison sentences of 38.2 percent over time, from 67.8 percent in 1966 to 41.9 percent in 1975.

The same downward trend also can be identified in the frequency and intensity of inmate previous experience(s) with jail and/or prison. Table 27 shows a sharp average decline of 2.7 incarceration sentences per inmate between 1966 and 1975. The greatest decrease took place in jail sentences—2.2 fewer jail terms per subject in 1975 in comparison with 1966. There was also a small mean reduction of 0.5 in the mean number of previous prison terms per case. These over time changes were significant, as one can also see from Table 25 above. For all
TABLE 26. PERCENT OF RESEARCH SUBJECTS HAVING PREVIOUS JAIL AND/OR PRISON EXPERIENCE IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Jail</th>
<th>Prison</th>
<th>All Incarcerations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>42</td>
<td>(75.0)</td>
<td>38</td>
</tr>
<tr>
<td>1971</td>
<td>55</td>
<td>(56.9)</td>
<td>53</td>
</tr>
<tr>
<td>1973</td>
<td>25</td>
<td>(56.8)</td>
<td>31</td>
</tr>
<tr>
<td>1975</td>
<td>60</td>
<td>(57.1)</td>
<td>44</td>
</tr>
<tr>
<td>Total</td>
<td>182</td>
<td>(60.3)</td>
<td>166</td>
</tr>
</tbody>
</table>

*Figures in this table are not additive by year.*
### TABLE 27. MEAN NUMBER OF SENTENCES TO JAIL AND PRISON IN SUBJECTS' HISTORY

<table>
<thead>
<tr>
<th>Type of Commitment Index Year</th>
<th>Jail</th>
<th>Prison</th>
<th>All Incarcerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>3.4</td>
<td>1.2</td>
<td>4.6</td>
</tr>
<tr>
<td>1971</td>
<td>1.9</td>
<td>0.9</td>
<td>2.8</td>
</tr>
<tr>
<td>1973</td>
<td>1.1</td>
<td>1.0</td>
<td>2.1</td>
</tr>
<tr>
<td>1975</td>
<td>1.2</td>
<td>0.7</td>
<td>1.9</td>
</tr>
<tr>
<td>Mean Change 1966-1975</td>
<td>-2.2</td>
<td>-0.5</td>
<td>-2.7</td>
</tr>
</tbody>
</table>
forms of previous incarcerations the data exhibit a significant shift between 1966 and 1975. Specifically, this was the case with respect to jail experiences ($t=2.72, P<0.01; \chi^2=14.18, P<0.03, df=6$), former prison sentences ($t=2.59, P<0.02; \chi^2=13.72, P<0.005, df=6$), and consequently the same direction was observed when all incarceration types were treated together ($t=3.16, P<0.01; \chi^2=19.53, P<0.003, df=6$).

In sum, it is evident that the numbers of both jail and prison sentences were down sharply by cohort year. There are several possible explanations for this finding including the increasing youthfulness of the prison population and the increased reliance of the courts on community-based correctional alternatives.

The "Instant Offense" and "Instant Sentence"

Data were also assembled on the "instant offense," i.e., the most recent crime committed which resulted eventually in the subject's commitment to the Washington State Penitentiary. The length of sentence imposed by the court for the instant offense was also recorded and we refer to it as the "instant sentence." Information on these variables was available on both the research and the comparison samples.

A. The "Instant Offense"

The same criteria used in the analysis of the F.B.I. "rap sheets" of each inmate in our study were adopted here to classify the "instant offense" into two broad crime categories. The category of violent crimes includes both major and minor violence; all other crimes were considered non-violent.
The findings in regard to the type of instant offense, are presented in Table 28. In this table we compare the distribution of the instant offense type across time and in both the research and comparison groups. A number of findings will be abstracted from this table. First, the highest proportion of violent instant offenses was found in the research group (46.8 percent); about half that rate (25.5 percent) was found in the comparison sample. Proportionately more subjects were incarcerated in the research sample for violent crimes than in the general prison population. The 21.3 percent difference between our research and comparison groups is an indisputable indication that the population in the maximum security unit consists of a lot more of the violent "cons."

Second, as to the changes across time Table 28 demonstrates that there was a significant increase in the proportion of those confined in solitary who committed and were sentenced for a violent street crime. From 1966 to 1975, there was a net increase of 24.5 percent among those in solitary who were sentenced for a violent crime, in comparison with a 20.0 percent increase in the comparison group. The fluctuation was greater between 1966 and 1973. In the research group the percentage increased from 37.5 to 66.6 percent (a 77.6 percent increase). The figures for the comparison group also show a sizeable increase of 55.0 percent. Thus, these findings show that in comparison with the rest of the prison population—represented by our comparison group—the solitary confinement unit nearly always contained a higher proportion of subjects with some act(s) of violence, if only the "instant offense," in their past.7
### TABLE 28. DISTRIBUTION OF VIOLENT AND NON-VIOLENT INSTANT OFFENSES IN THE RESEARCH AND COMPARISON SAMPLES IN EACH COHORT GROUP (IN PERCENTAGE)

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th>Comparison Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Violent</td>
<td>Non-Violent</td>
</tr>
<tr>
<td>1966</td>
<td>37.5</td>
<td>62.5</td>
</tr>
<tr>
<td>1971</td>
<td>43.2</td>
<td>56.7</td>
</tr>
<tr>
<td>1973</td>
<td>66.6</td>
<td>33.3</td>
</tr>
<tr>
<td>1975</td>
<td>46.7</td>
<td>53.2</td>
</tr>
<tr>
<td>Total</td>
<td>46.8</td>
<td>53.1</td>
</tr>
</tbody>
</table>
The differences between the research and comparison groups were even more striking when the comparison group was distinguished by those who had a solitary confinement experience—the "confiners"—and those who did not—"non-confiners." The results are shown in Table 29. A number of findings are contained in this table. First, of all three groups, the research group included the greatest number of inmates whose instant offense was a violent one. In this group nearly half (46.8 percent) of the inmates were in prison for a violent crime, in comparison with a little less than a third (31.9 percent) in the comparison group "confiners" and a little over the fifth (21.4 percent) for the comparison group prisoners who kept "clean" throughout their sentence at the Washington State Penitentiary. Second, in all three groups there was an increase in the inmates with violent instant offenses from 1966 to 1975. The greatest increase (57.3 percent) occurred among the "confiners" in the comparison group. There was a smaller change (37.1 percent) in the comparison group "non-confiners" and an increase of 24.5 percent in the research group. There was only one exception to this trend and that occurred in 1973. As Figure 10 indicates, the proportion of those who were sent to the penitentiary for a violent crime was greater among the "non-confiners" (32.1 percent) than among the confinees in the comparison group in 1973. While the difference of 2.5 percent was negligible among the comparisons, it is well to note that in 1973 two-thirds of our research sample had committed a violent instant offense.

In recording the instant offense, information was also gathered about the use of force and/or weapons in the commission of the instant
<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th>Comparison Sample &quot;Confinees&quot;</th>
<th>Comparison Sample &quot;Non-Confinees&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>N 21</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>% (37.5)</td>
<td>(26.0)</td>
<td>(14.0)</td>
</tr>
<tr>
<td>1971</td>
<td>N 42</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>% (43.2)</td>
<td>(36.6)</td>
<td>(20.4)</td>
</tr>
<tr>
<td>1973</td>
<td>N 30</td>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>% (66.6)</td>
<td>(29.6)</td>
<td>(32.1)</td>
</tr>
<tr>
<td>1975</td>
<td>N 50</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>% (46.7)</td>
<td>(40.9)</td>
<td>(19.2)</td>
</tr>
<tr>
<td>Total</td>
<td>N 143</td>
<td>50</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>% (46.8)</td>
<td>(31.9)</td>
<td>(21.4)</td>
</tr>
</tbody>
</table>
FIGURE 10. PERCENTAGE OF INSTANT OFFENSES INVOLVING VIOLENCE
offense. Table 30 summarizes these results. Of the total of 304 research subjects who spent time in solitary, only 100 inmates, about one third, had a record of the use of force in the commission of the instant offense. The use of weapons was slightly more prevalent. Of the 305 research subjects for whom we had data in this regard, 38.7 percent used weapons to commit their crimes of violence, while 61.3 percent did not use weapons.

There were significant changes over time in these two variables, as shown in Figures 11 and 11. In these two variables the pattern of change across time is quite remarkable. In both cases the percentage of inmates using force and/or weapons in the commission of the instant offense peaked during 1973. The change in the use of force was significant \( (X^2 = 8.19, P < 0.04, df = 3) \), fluctuating from 30.9 percent in 1966 to 51.1 percent in 1973 and decreasing back to 30.8 percent in 1975. A record of the use of weapons was found for 33.9 percent of the 56 subjects in 1966, nearly doubling by 1973 to 60.0 percent, and declining to 34.6 in the 1975 sample. A significant \( (X^2 = 10.19, P < 0.02, df = 3) \) increase of 26.1 percent was observed between 1966 and 1971. These figures buttress the general institutional trend in 1973 found in our analysis of the nature and type of the instant offense resulting in the commitment of the inmate to the Washington State Penitentiary.

B. The "Instant Sentence"

There is no feasible way to provide a true picture of the actual lengths of sentence (time spent in Walla Walla). The parole system is so confused that aggregating their decisions is meaningless. In this study,
<table>
<thead>
<tr>
<th>Index Year</th>
<th>Force</th>
<th>Weapon</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>1966</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>17</td>
<td>38</td>
</tr>
<tr>
<td>%</td>
<td>(30.9)</td>
<td>(69.1)</td>
</tr>
<tr>
<td>1971</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>27</td>
<td>70</td>
</tr>
<tr>
<td>%</td>
<td>(27.8)</td>
<td>(72.2)</td>
</tr>
<tr>
<td>1973</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>23</td>
<td>22</td>
</tr>
<tr>
<td>%</td>
<td>(51.1)</td>
<td>(48.9)</td>
</tr>
<tr>
<td>1975</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>33</td>
<td>74</td>
</tr>
<tr>
<td>%</td>
<td>(30.8)</td>
<td>(69.2)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>100</td>
<td>204</td>
</tr>
<tr>
<td>%</td>
<td>(32.9)</td>
<td>(67.1)</td>
</tr>
</tbody>
</table>
FIGURE 11. PERCENTAGE OF SUBJECTS USING FORCE IN THE COMMISSION OF INSTANT OFFENSE ACROSS YEARS
Figure 12. Percentage of subjects using weapons in the commission of instant offense across years.
therefore, the most accurate and precise, although somewhat unrealistic, measure of the length of sentence was that originally imposed by the court.\(^8\) We use this court sentence variable in a descriptive rather than analytic sense.

In calculating the maximum instant sentence, we tried to provide the most accurate picture of the length of time involved. In other words, when the court imposed consecutive sentences, these were added to produce a composite total length of time. When concurrent sentences were imposed, only the longest one was recorded.

Table 31 presents data on this variable and allows the comparison between our research and comparison samples. In general, subjects in the research sample were sentenced for longer periods of time. In examining the data by sentence length, it seems that more subjects—23.9 percent vs. 15.4 percent—were sentenced to 10 years or less among the comparisons than the research subjects. The same result applied to the 20 years or more category. It should also be noted that 7.9 percent of the research sample—24 inmates—were given life terms. The only category which departs from this pattern were the 10 to 20 year sentences, where there were 5.5 percent more inmates among the comparisons than the research subjects.

As to the fluctuations in sentencing patterns, one can see in Table 31 some significant changes across time. (For the research sample \(X^2=16.76, P<0.05, df=9\); for the comparison sample "confinees," \(X^2=16.03, P<0.01, df=6\); and for the "non-confinees" \(X^2=17.15, P<0.009, df=6\).) First, in both samples, there was an increase in the shorter sentences (under 10 years) between 1966 and 1975. In the research sample there
TABLE 31. DISTRIBUTION OF THE LENGTH OF MAXIMUM INSTANT SENTENCE 
IMPOSED BY THE COURT IN THE RESEARCH AND COMPARISON 
SAMPLES IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th></th>
<th></th>
<th></th>
<th>Comparison Sample</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Under 10 Years</td>
<td>10-20 Years</td>
<td>20 Years or More</td>
<td>Life</td>
<td>Under 10 Years</td>
<td>10-20 Years</td>
<td>20 Years or More</td>
</tr>
<tr>
<td>1966</td>
<td>N</td>
<td>5</td>
<td>41</td>
<td>7</td>
<td>3</td>
<td>8</td>
<td>85</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(8.9)</td>
<td>(73.2)</td>
<td>(12.5)</td>
<td>(5.4)</td>
<td>(8.2)</td>
<td>(87.6)</td>
<td>(4.1)</td>
</tr>
<tr>
<td>1971</td>
<td>N</td>
<td>20</td>
<td>60</td>
<td>10</td>
<td>7</td>
<td>24</td>
<td>70</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(20.6)</td>
<td>(61.9)</td>
<td>(10.3)</td>
<td>(7.2)</td>
<td>(25.0)</td>
<td>(72.9)</td>
<td>(2.1)</td>
</tr>
<tr>
<td>1973</td>
<td>N</td>
<td>6</td>
<td>24</td>
<td>7</td>
<td>8</td>
<td>28</td>
<td>65</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(13.3)</td>
<td>(53.3)</td>
<td>(15.6)</td>
<td>(17.8)</td>
<td>(28.6)</td>
<td>(66.3)</td>
<td>(5.1)</td>
</tr>
<tr>
<td>1975</td>
<td>N</td>
<td>16</td>
<td>79</td>
<td>6</td>
<td>6</td>
<td>33</td>
<td>61</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(15.0)</td>
<td>(73.8)</td>
<td>(5.6)</td>
<td>(5.6)</td>
<td>(34.0)</td>
<td>(62.9)</td>
<td>(3.1)</td>
</tr>
<tr>
<td>Total</td>
<td>N</td>
<td>47</td>
<td>204</td>
<td>30</td>
<td>24</td>
<td>93</td>
<td>281</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(15.4)</td>
<td>(66.9)</td>
<td>(9.8)</td>
<td>(7.9)</td>
<td>(23.9)</td>
<td>(72.4)</td>
<td>(3.6)</td>
</tr>
</tbody>
</table>
was an increase of 40.6 percent, and a much greater 314.6 percent increase was found in the comparison sample. There was a decrease of 28.2 percent among those receiving 10 to 20 year sentences in the comparison sample (from 97.6 percent to 62.9 percent). That sentence length category as well as the life sentence category remained stable in the research sample. There was also a decline in the 20 years or more sentence category in both research and comparison samples; the magnitude of decrease was 44.5 percent and a 24.4 percent respectively.

Still considering the length of sentence given the subjects by the courts, Table 32 shows that in virtually all instances, those who experience solitary confinement also had been given the longer sentences. The exception occurred in our 1971 sample, where the mean length of sentence of the "confinees" was 2.5 years lower than that of the "non-confinees." Both the research sample and the "non-confinees" of the comparison group were given, on the average, lower sentences in 1975 than in 1966, with a decline of 1.9 years and 2.8 years respectively. The mean length of sentence given to the "confinees" of the comparison sample remained stable over time, with the exception of the year 1971 as noted above.

In sum, it can be stated that even though there was an increase in the percent of instant offenses involving violent acts, the courts were more lenient in their sentencing policies over time. Moreover, we also have demonstrated that the time which elapsed between receipt in the institution and release greatly declined over time, by 4.29 years. This suggests that the parole board too has followed the lead of the
<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th>Comparison Sample</th>
<th>&quot;Confinees&quot;</th>
<th>&quot;Non-Confinees&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>18.7</td>
<td>18.3</td>
<td>17.2</td>
<td></td>
</tr>
<tr>
<td>1971</td>
<td>17.3</td>
<td>14.0</td>
<td>16.6</td>
<td></td>
</tr>
<tr>
<td>1973</td>
<td>19.1</td>
<td>18.2</td>
<td>15.1</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>16.8</td>
<td>18.2</td>
<td>14.4</td>
<td></td>
</tr>
</tbody>
</table>
courts by shortening significantly the actual length of the inmate's stay in the institution.

**Interim Summary of Background Findings**

Thus far in this chapter we have reported on the background characteristics of the inmates in our study. Since a more limited data base was available on our comparison group subjects, most of the results are relevant to prisoners who experience confinement in the segregation unit. Before proceeding to discuss the possible effects of changes in prisoner characteristics on the policies for use of solitary confinement, it is necessary to summarize the results reported above. In so doing we attempt to draw a profile of an inmate who spent time in the Walla Walla maximum security unit in 1966 and contrast it with the profile of a solitary confinee in 1975 at the Washington State Penitentiary.

The management of the Washington State Penitentiary in 1966 was confronted with an inmate who was generally older than his 1975 counterpart. In the vast majority of instances he was healthy, white and single. One out of two prisoners had some high school education. Nearly two-thirds had problems with alcohol abuse, and a substantial proportion--one out of three--had a record of escapes or attempted escapes from an institution. Nine out of ten were recidivists; most were arrested and found guilty of a non-violent crime. Previous crimes of violence were present in a minority of the cases in 1966--16.1 percent had a record of major violence and for 10.1 percent there was indication of one or more crimes of minor violence. Thus, it can be concluded that the 1966 "holer" did not generally display a "violent" profile.
On the other hand, the Washington State Penitentiary's 1975 "holer" was a white male who was substantially younger and better educated than his 1966 counterpart and had been involved in drugs rather than alcohol. Judging on the basis of past criminal history, it seems obvious that, though having a shorter length of exposure to the world of crime, this "new con" tended to build up a more intense, as well as a significantly more violent criminal record. This propensity seems to be confirmed further in that about half of the inmates in solitary in 1975—compared to a little over a third in 1966—were sent to prison for committing a violent crime. In short, the 1975 prison manager had to deal with a con who, by any reasonable expectations, should present more serious problems of management and control in the prison.

We have shown that the background characteristics of prisoners in solitary confinement have changed for the worse; thus, one may anticipate that 1975 inmates would be more violent in disposition, would vigorously question and challenge management, and would be more involved with drugs. Consequently, if solitary confinement is a good barometer of inmate conduct in prison, then there should be considerable expansion in the use of punitive forms of solitary confinement over time. Hence, it is necessary at this point to examine the institutional conduct records of our research and comparison group subjects, focusing on the nature of their experience(s) with the maximum security unit at the Washington State Penitentiary.

**Inmates Experience(s) in Solitary Confinement**

We turn now to an account of the experiences of our subjects within the maximum security unit in Walla Walla. In this analysis, as before,
the individual inmate—rather than the prison and its practices—is the unit of analysis.

In the process of data collection we assembled from the control cards in Walla Walla information pertaining to the inmate's institutional conduct. On our data take-off sheet, we recorded the date of any infraction, the type of infraction as classified by the Washington Administrative Code, the type and length of institutional sanction imposed and the time actually served in the maximum security unit. Similar but more limited information was available on the comparison group subjects. For these inmates we have data only on the number of instances in solitary confinement and length of time per sentence.

The records of the 306 research group inmates indicated that during the time the inmates served at the Washington State Penitentiary, for the instant offense, over three-quarters—79.1 percent—were in isolation at least once. Table 33 also shows that more than a third of the 306—36.9 percent—were placed in solitary confinement under the rubric of administrative segregation. Punitive segregation was used less frequently, and the records indicated that only 61 inmates, or 20.6 percent of the total research sample, experienced this sanction. Only 47—15.3 percent—of the 306 research subjects requested placement in protective custody. (See Table 33)

The findings are even more striking over time. While the percentage of nearly all forms of solitary confinement increased, two general trends were discernible. First, there was a dramatic decline in the proportion of those inmates experiencing punitive isolation. The decline was a substantial 44.8 percent. Second, to compensate for this
TABLE 33. NUMBER AND PERCENT OF SOLITARY CONFINEMENT INMATES IN EACH TYPE OF SEGREGATION BY COHORT YEARa

<table>
<thead>
<tr>
<th>Year</th>
<th>N</th>
<th>Segregation</th>
<th>Isolation</th>
<th>Administrative Segregation</th>
<th>Protective Custody</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>4 (7.1)</td>
<td>54 (96.5)</td>
<td>25 (44.6)</td>
<td>10 (17.9)</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>8 (8.2)</td>
<td>96 (97.9)</td>
<td>19 (19.4)</td>
<td>5 (5.1)</td>
</tr>
<tr>
<td>1973</td>
<td>45</td>
<td>15 (33.3)</td>
<td>35 (77.8)</td>
<td>19 (42.2)</td>
<td>6 (13.3)</td>
</tr>
<tr>
<td>1975</td>
<td>107</td>
<td>36 (33.6)</td>
<td>57 (53.3)</td>
<td>50 (46.8)</td>
<td>26 (24.3)</td>
</tr>
<tr>
<td>Total</td>
<td>306</td>
<td>63 (100.0)</td>
<td>242 (79.1)</td>
<td>113 (36.9)</td>
<td>47 (15.3)</td>
</tr>
</tbody>
</table>

Direction and Percent Change  
+373.2  
-44.8  
+4.9   
+35.7

aThe columns and rows in this table are not additive by sanction or by year.
decrease there were increases in administrative segregation and protective custody. The former rose about five percent and the latter some 36 percent. However, by far the greatest increase occurred in the use of a milder form of solitary confinement—punitive segregation. As Table 33 indicates, there was a 373.2 percent rise in this category. In fact, it can be said that this sanction was "invented" during the period of 1966 to 1975, since its use in 1966 was negligible. Of the 56 subjects in the 1966 research group, only four were segregated. If nothing else, this trend demonstrates a growing leniency in punishment at Walla Walla.

Our data on the use of suspended solitary confinement sentences, i.e., suspended isolation and suspended segregation, also corroborate the softening tendency in the disciplinary sanctioning process (see Table 34). Of the two suspended sentences available to the Washington State Penitentiary's disciplinary committee, one was imposed on inmates more frequently than the other. Overall, nearly half—46.4 percent—of the research sample was given a suspended isolation penalty, but only 9.5 percent of the inmates received a suspended segregation sentence. Over time, there was a 24.8 percent decline in the proportion of inmates penalized by suspended isolation, and a 24.3 percent increase in the use of the "milder" suspended segregation sentence. In this instance the suspended segregation sanction was "discovered" sometime between 1972 and 1973, since we have no empirical evidence showing that it was used prior to this time.

Our data demonstrate beyond a reasonable doubt that while the population of "holers" has "toughened" over time, no corresponding
### TABLE 34. NUMBER AND PERCENTAGE OF SUBJECTS' SUSPENDED SOLITARY CONFINEMENT SENTENCES IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>Suspended Isolation</th>
<th>Suspended Segregation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(53.5)</td>
<td>(0.0)</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>49</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(50.0)</td>
<td>(0.0)</td>
</tr>
<tr>
<td>1973</td>
<td>45</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(44.4)</td>
<td>(6.7)</td>
</tr>
<tr>
<td>1975</td>
<td>107</td>
<td>43</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(40.2)</td>
<td>(24.3)</td>
</tr>
<tr>
<td>Total</td>
<td>306</td>
<td>142</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(46.4)</td>
<td>(9.5)</td>
</tr>
</tbody>
</table>

**Direction and Percent Change**

-24.8 +24.3

---

*The columns and rows in this table are not additive by sanction or by year.*
"toughening" of the prison sanctions can be empirically demonstrated. The Walla Walla Administration clearly had "adopted" (and, we submit, against its will) more lenient sentencing practices. This was evident in the more frequent reliance on the less severe solitary confinement sanctions—both the applied and suspended ones. Contrary to expectations, the actions of the Walla Walla disciplinary committed did not reflect a more punitive reaction to an increasingly violent population behind bars. We had already shown in Chapter 5 that the rates of violence and drug-related crimes had significantly increased. There was no equivalent response in the use of the more severe solitary confinement sanctions. Thus, the major factor that must account for these two opposing trends was the changes in the management and policies in the prison.

Note should be taken of the introduction of due process of law into the prison and the Washington Administrative Code, which imposed stringent criteria for the removal of inmates from the general population into the maximum security unit. Thus the data reflect the organizational response to these changes rather than to the changes implied by the "hardening" of the inmate population.

Furthermore, throughout this chapter we distinguished between "confinees" and "non-confinees" in the comparison group. It is important at this point to show the distribution of our comparison group inmates before embarking on a comparative analysis between the research and comparison samples as to their solitary experience(s). Table 35 shows that of the 400 comparison subjects, 157—39.3 percent—fell into the "confinee" category, while the remaining 60.7 percent, or 243 inmates, constituted our "pure" inmate sample, i.e., those who never were placed
### TABLE 35. DISTRIBUTION OF COMPARISON SAMPLE INMATES IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>&quot;Confinees&quot;</th>
<th>&quot;Non-Confinees&quot;</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>50</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>(50.0)</td>
<td>(50.0)</td>
<td></td>
</tr>
<tr>
<td>1971</td>
<td>41</td>
<td>59</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>(41.0)</td>
<td>(59.0)</td>
<td></td>
</tr>
<tr>
<td>1973</td>
<td>44</td>
<td>56</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>(44.0)</td>
<td>(56.0)</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>22</td>
<td>78</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>(22.0)</td>
<td>(78.0)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>157</td>
<td>243</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td>(39.3)</td>
<td>(60.7)</td>
<td>(100.0)</td>
</tr>
</tbody>
</table>
in the maximum security unit during their stay at the penitentiary for the instant offense period.

The data in Table 33 run contrary to the hypothesis. If we accept the idea that inmate characteristics influence the extent of the use of the maximum security unit, then an increase in the proportion of the "confinees" in the comparison group should have been observed. However, the trend over time showed a decrease from 50.0 percent in 1966 to 22.0 percent in 1975, a 56.0 percent drop in the proportion of inmates in this sample who experienced solitary confinement in the course of their incarceration at Walla Walla.

In order to show the effect of management charges on the use of the maximum security unit, other correlates of solitary confinement were sought in the inmates' records. These were the number of solitary episodes, the length of time spent in maximum custody, the application of multiple versus non-multiple commitments to solitary per episode, and the number of prison rule infractions on the prisoners' conduct records.

With this in mind we proceed to compare the research group subjects and comparison group "confinees" in terms of their respective experiences in solitary confinement. Due to the relatively limited amount of information available to us on the 157 comparison group "confinees," our analysis is confined to their total experience in the maximum security unit. The results presented in Tables 36 and 37 combine all forms of solitary confinement, i.e., segregation, isolation, administrative segregation and protective custody. In Table 36, it is evident that these two groups do not differ significantly in the number of times they were in solitary. On this variable--the number of times in solitary
TABLE 36. DISTRIBUTION OF THE NUMBER OF TIMES IN SOLITARY CONFINEMENT OF INMATES IN THE RESEARCH AND COMPARISON SAMPLES IN EACH COHORT GROUP (FREQUENCY AND PERCENTAGE)

<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th></th>
<th></th>
<th>Comparison Sample</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>1</td>
<td>2-5</td>
<td>6 or more</td>
<td>N</td>
<td>1</td>
<td>2-5</td>
</tr>
<tr>
<td>1966</td>
<td></td>
<td>56</td>
<td>17</td>
<td>22</td>
<td>17</td>
<td>50</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(30.4)</td>
<td>(39.3)</td>
<td>(30.4)</td>
<td></td>
<td>(46.4)</td>
<td>(50.0)</td>
</tr>
<tr>
<td>1971</td>
<td></td>
<td>98</td>
<td>37</td>
<td>53</td>
<td>8</td>
<td>41</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(30.1)</td>
<td>(54.1)</td>
<td>(8.2)</td>
<td></td>
<td>(41.5)</td>
<td>(36.6)</td>
</tr>
<tr>
<td>1973</td>
<td></td>
<td>45</td>
<td>16</td>
<td>24</td>
<td>5</td>
<td>44</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(35.6)</td>
<td>(53.3)</td>
<td>(11.1)</td>
<td></td>
<td>(31.8)</td>
<td>(45.5)</td>
</tr>
<tr>
<td>1975</td>
<td></td>
<td>107</td>
<td>53</td>
<td>48</td>
<td>6</td>
<td>22</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(49.5)</td>
<td>(44.9)</td>
<td>(5.6)</td>
<td></td>
<td>(27.3)</td>
<td>(63.6)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>306</td>
<td>123</td>
<td>147</td>
<td>36</td>
<td>157</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>(40.2)</td>
<td>(48.0)</td>
<td>(11.8)</td>
<td></td>
<td>(38.2)</td>
<td>(47.1)</td>
</tr>
</tbody>
</table>
confinement—the mean for our research group was 3.2 in comparison with 3.0 for the comparison "confinees." However, since the ranges in these two groups differ markedly (in the research group it was 44 and in the comparison group only 16), a comparison using the median is more useful. In this case, too, the medians differ only by 0.1 (for the research group 1.9 and for the comparison group 2.0. Furthermore, 40.2 percent of the research group subjects and 38.2 percent of the comparison inmates were in the maximum security unit only once during their instant offense imprisonment. In the category of two to five times, 48.0 percent of the research group as compared with 47.1 percent of the comparison group were in segregation. Along the same line, 11.8 percent of the research sample inmates and 14.6 percent of the comparison sample "confinees" were in solitary confinement six or more times. Thus, given these minimal differences it may be safe to claim that, as expected, these two groups were alike in regards to the number of times they were in solitary, despite the fact that their length of exposure differed.

This likeness between the two groups is witnessed also in the results of our t tests. Table 37 provides a summary of the comparison results. As one can see in this table, there is no significant difference between the means of these two groups on the variable of the number of times sentenced to the maximum security unit at Walla Walla.

However, the changes over time showed some shifts. (Research group \( X^2 = 27.18, P < 0.001, df = 6 \); and for the comparison group, \( X^2 = 12.20, P < 0.05, df = 6 \).) Only in the category of 2 to 5 previous solitary confinements was there an increase in both research and comparison groups. As to the other two confinement categories (a single confinement and 6 confinements
TABLE 37. SUMMARY TABLE OF t TEST RESULTS COMPARING SOLITARY CONFINEMENT HISTORY OF THE RESEARCH AND COMPARISON SAMPLES

<table>
<thead>
<tr>
<th>Variable</th>
<th>Research Sample Mean</th>
<th>Comparison Sample Mean</th>
<th>t Value</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of times in solitary</td>
<td>3.17</td>
<td>2.97</td>
<td>0.63</td>
<td>N.S.</td>
</tr>
<tr>
<td>Number of days in solitary</td>
<td>136.48</td>
<td>51.16</td>
<td>3.86</td>
<td>&lt;0.01</td>
</tr>
</tbody>
</table>
or more), the trends in these two groups were opposite each other; in the research group the single confinement category went up while in the comparison group it went down. Conversely, in the category of six confinements or more, the figures went down in the research group and increased among the comparison group subjects. While these fluctuations between 1966 and 1975 in the research group were significant ($t=3.44$, $P<0.01$; $X^2=27.18$, $P<0.0001$, df=6), this was not clearly the case for the comparison sample ($t=1.32$, N.S.; $X^2=12.20$, $P<0.06$, df=6; see Table 25 above). Hence, while as we noted there may be an overall similarity between the two groups on this variable, they differ somewhat in terms of the trends observed over time.

There seems to be a smaller degree of homogeneity between the research and confined comparison subjects in the length of time spent in the maximum security unit. In the research group, there were 31 inmates who spent only one day in solitary and one inmate who was confined for 4,236 days—more than 11 years—in solitary. Another inmate spent a total of 2,190 days (exactly six years) in the maximum security unit. The upper limit in length of stay was quite lower among the comparison group subjects. The maximum in this group of inmates was 848 days, and the minimum was one day. This trend was also reflected in a comparison of the means and medians of this variable. The mean number of days in solitary confinement for the research subjects was almost three times greater than for the comparison inmates—136.5 days for the research inmates versus 51.2 days for the comparison group "confinees." The median length of time in solitary for comparison group inmates was 8.0
days, in contrast with a 30.0 day median length of sentence for the research group subjects.

In another analysis we broke down the length of stay in solitary into three time categories: 30 days or less, 31 to 90 days, and 91 days or more. (See Table 38). Some 68.8 percent of the comparisons were in solitary for one month or less while slightly over half (51.0 percent) of the research sample was in for that length of time. The other two categories--31 to 90 days and 91 days or more--were more frequently experienced by the subjects research group than by the comparison group.

As to the fluctuations across time in terms of the length of sentences imposed, Table 38 revealed that there were some significant changes between 1966 and 1975. (Research group $X^2=23.91$, $P<0.0005$, df=6; Comparison group $X^2=14.94$, $P<0.02$, df=6.) The direction of change common to both groups appears in the 31 to 90 days category. There was an increase of 50.0 percent in the research group compared with 127.0 percent increase in the comparison group. In the remaining length categories the two groups differed significantly. While in the research group the 30 days or less category remained relatively steady over time, this category decreased by 27.7 percent, from 88.0 percent in 1966 to 36.6 percent in 1975, for the comparison group. The reverse was true in the longest length category. A more accurate measure of this variable--the length of time in solitary--is shown in Table 39. Overall, the mean number of days in confinement declined precipitously over time. It dropped from 285.1 in 1966 to 86.1 in 1975 for the research group subjects. On the other hand, among the 157 comparison subjects there was a systematic increase in the mean length of time in solitary. Here,
<table>
<thead>
<tr>
<th>Index Year</th>
<th>Research Sample</th>
<th></th>
<th></th>
<th></th>
<th>Comparison Sample</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>30 days or less</td>
<td>31-90 days</td>
<td>91 days or more</td>
<td>N</td>
<td>30 days or less</td>
<td>31-90 days</td>
<td>91 days or more</td>
</tr>
<tr>
<td>1966</td>
<td>N</td>
<td>56</td>
<td>23</td>
<td>15</td>
<td>18</td>
<td>50</td>
<td>44</td>
<td>5</td>
</tr>
<tr>
<td>%</td>
<td></td>
<td>(41.1)</td>
<td>(26.8)</td>
<td></td>
<td>(32.1)</td>
<td></td>
<td>(88.0)</td>
<td>(10.0)</td>
</tr>
<tr>
<td>1971</td>
<td>N</td>
<td>98</td>
<td>64</td>
<td>18</td>
<td>16</td>
<td>41</td>
<td>26</td>
<td>11</td>
</tr>
<tr>
<td>%</td>
<td></td>
<td>(65.3)</td>
<td>(18.4)</td>
<td></td>
<td>(16.3)</td>
<td></td>
<td>(63.4)</td>
<td>(26.8)</td>
</tr>
<tr>
<td>1973</td>
<td>N</td>
<td>45</td>
<td>22</td>
<td>9</td>
<td>14</td>
<td>44</td>
<td>24</td>
<td>12</td>
</tr>
<tr>
<td>%</td>
<td></td>
<td>(48.9)</td>
<td>(20.0)</td>
<td></td>
<td>(31.1)</td>
<td></td>
<td>(54.5)</td>
<td>(27.3)</td>
</tr>
<tr>
<td>1975</td>
<td>N</td>
<td>107</td>
<td>47</td>
<td>43</td>
<td>17</td>
<td>22</td>
<td>14</td>
<td>5</td>
</tr>
<tr>
<td>%</td>
<td></td>
<td>(43.9)</td>
<td>(40.2)</td>
<td></td>
<td>(15.9)</td>
<td></td>
<td>(63.6)</td>
<td>(22.7)</td>
</tr>
<tr>
<td>Total</td>
<td>N</td>
<td>306</td>
<td>156</td>
<td>85</td>
<td>65</td>
<td>157</td>
<td>108</td>
<td>33</td>
</tr>
<tr>
<td>%</td>
<td></td>
<td>(51.0)</td>
<td>(27.8)</td>
<td></td>
<td>(21.2)</td>
<td></td>
<td>(68.8)</td>
<td>(21.0)</td>
</tr>
</tbody>
</table>
### TABLE 39. MEAN LENGTH OF STAY IN SOLITARY CONFINEMENT OF SUBJECTS IN THE RESEARCH AND COMPARISON SAMPLES IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>Research Sample</th>
<th>N</th>
<th>Comparison Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>285.1</td>
<td>50</td>
<td>21.3</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>99.7</td>
<td>41</td>
<td>42.9</td>
</tr>
<tr>
<td>1973</td>
<td>45</td>
<td>151.3</td>
<td>44</td>
<td>72.1</td>
</tr>
<tr>
<td>1975</td>
<td>107</td>
<td>86.1</td>
<td>22</td>
<td>92.5</td>
</tr>
<tr>
<td>Total</td>
<td>306</td>
<td>157</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
the figures have changed from a mean of 21.3 in 1966 to over four times that mean, 92.5, in 1975. Results of our significance tests on this variable (see Table 25 above) show that the over time differences were more significant in the research sample ($t=2.25$, $0.02 < P < 0.05$; $X^2=23.91$, $P < 0.0005$, df=6) than in the comparison sample ($t=1.76$, $0.05 < P < 0.10$; $X^2=14.94$, $P < 0.02$, df=6).

To ascertained the sources of this systematic decline in the research group, we examined the mean length of stay in solitary by sanction type. Since this detailed information was available to us only on our research group subjects, we confined our analysis to these 306 inmates. As shown in Table 40, between 1966 and 1975 there was a mean decline of nearly 50 days in the length of time spent in punitive isolation. The mean number of days for administrative segregation declined by 108.5 days, from 147.7 days in 1966 to 39.2 days in 1975. There was a mean decline of nearly 50 days in the protective custody category. Finally, the only increase occurred in the mean length of time for the much less restrictive punitive sanction, i.e., segregation. In this category the increase with time was 7.6 days, which by no means matches the magnitude of the decreases seen in the other three solitary confinement forms.

On the basis of these findings there seems to be little doubt that the lengths of solitary confinement declined over time. In fact, current tests revealed further that not only has there been a reduction in the mean length of sentence, but also that in all cases the decline was significant, as can be seen in Table 41. (For segregation: $t=4.19$, $P < 0.01$; for isolation $t=4.15$, $P < 0.01$; for administrative segregation $t=2.30$, $0.02 < P < 0.05$; and for protective custody $t=1.14$, $0.05 < P < 0.10$.)
TABLE 40. MEAN NUMBER OF DAYS IN PUNITIVE, ADMINISTRATIVE AND PROTECTIVE CONFINEMENT IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>Segregation</th>
<th>Isolation</th>
<th>Administrative Segregation</th>
<th>Protective Custody</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>1.2</td>
<td>57.7</td>
<td>147.7</td>
<td>78.5</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>2.3</td>
<td>26.8</td>
<td>67.5</td>
<td>4.0</td>
</tr>
<tr>
<td>1973</td>
<td>45</td>
<td>4.3</td>
<td>15.1</td>
<td>83.5</td>
<td>48.6</td>
</tr>
<tr>
<td>1975</td>
<td>107</td>
<td>8.8</td>
<td>8.8</td>
<td>39.2</td>
<td>29.3</td>
</tr>
</tbody>
</table>

Magnitude and Direction of Mean Change
+7.6        -48.9       -108.5      -49.2
<table>
<thead>
<tr>
<th>Solitary Confinement Type</th>
<th>1966 Mean</th>
<th>1975 Mean</th>
<th>t Value</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segregation</td>
<td>1.16</td>
<td>8.84</td>
<td>4.19</td>
<td>P &lt; 0.01</td>
</tr>
<tr>
<td>Isolation</td>
<td>57.73</td>
<td>8.83</td>
<td>4.15</td>
<td>P &lt; 0.01</td>
</tr>
<tr>
<td>Administrative Segregation</td>
<td>147.71</td>
<td>39.23</td>
<td>2.30</td>
<td>0.02 &lt; P &lt; 0.05</td>
</tr>
<tr>
<td>Protective Custody</td>
<td>78.51</td>
<td>29.29</td>
<td>1.14</td>
<td>0.05 &lt; P &lt; 0.10</td>
</tr>
</tbody>
</table>
These findings support our assertion that the pattern of change in institutional sanctioning has been toward decreased severity. Moreover, whereas we observed a dramatic increase in the use of administrative segregation and protective custody—as reflected by the increase in the number of times these were invoked—we see a concomitant decline over time in the number of days each of them was applied. In the final analysis, this shows the results of management change. In 1975, every administrative segregation had to be reviewed every 90 days. This was not the case ten years earlier, when an inmate could have been "lost" in solitary for many months. This review means that more inmates must be released from the maximum security unit in the absence of compelling evidence for their continued confinement.

In analyzing the files of the research group inmates we also recorded whether more than a single solitary confinement sentence was imposed. To be sure, inmate records show that at times more than one sentence was given for one infraction. These took the form of either a combination of two distinct and consecutively applied sentences, e.g., ten days isolation plus an additional seven days segregation, or it entailed the imposition of a combined applied and suspended sentence, e.g., ten days isolation plus seven days suspended isolation. We chose to label such a sentence, a multiple solitary confinement sentence. Table 42 presents data with regard to this variable.

Since this information was available only for subjects in our research group, this table is based only on our 306 research sample subjects. The records of the majority of these subjects—63.1 percent—show no indication of the inmates being sentenced to more than one
<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>None</th>
<th>1-2</th>
<th>3 or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>31 (55.4)</td>
<td>21 (37.5)</td>
<td>4 (7.1)</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>77 (78.6)</td>
<td>18 (18.4)</td>
<td>3 (3.1)</td>
</tr>
<tr>
<td>1973</td>
<td>45</td>
<td>30 (66.7)</td>
<td>15 (33.3)</td>
<td>0 (0.0)</td>
</tr>
<tr>
<td>1975</td>
<td>107</td>
<td>55 (51.4)</td>
<td>48 (44.9)</td>
<td>4 (3.7)</td>
</tr>
<tr>
<td>Total</td>
<td>306</td>
<td>193 (63.1)</td>
<td>102 (33.3)</td>
<td>11 (3.6)</td>
</tr>
</tbody>
</table>
solitary confinement stretch for a single infraction. A third of the 306 subjects had experienced between one and two such multiple sentences, and only 3.6 percent had more than three such events recorded in their institutional conduct files.

In this variable, too, significant changes occurred between 1966 and 1975 ($X^2=21.46, P<0.001, df=6$). In two categories there were no specific patterns. The percent of inmate records showing no indication of multiple solitary confinement sentences fluctuated quite randomly, from 55.4 percent in 1966, increasing to 78.6 percent in 1971, declining to 66.7 percent in 1973, and reaching 51.4 percent in 1975. From 1966 to 1975 there was an overall decrease of only 7.2 percent. In the category of one to two multiple solitary sanctions, between 1966 and 1975 there was an overall increase of 19.7 percent. The only decrease in this pattern occurred between 1966 and 1971, down from 37.5 percent to 18.4 percent. However, it then steadily increased, to a third of the 1973 sample and to the high of 44.9 percent in 1975.

From the institutional conduct records we also gathered information on the number of reasons, causes and/or infractions for which the administration placed inmates in the maximum security unit in Walla Walla. In analyzing this information, presented in Table 43, we divided the number of infractions into four categories: one infraction, two to three infractions, four to seven infractions, and eight or more infractions. A little over one third—33.7 percent—of our subjects had two to three infractions on their institutional conduct records. Some 28.1 percent had only one infraction, 22.7 percent had four to seven infractions, and 16.0 percent—49 of the 306 inmates—had eight or more infractions on their prison records.
TABLE 43. NUMBER AND PERCENT OF RECORDED INFRACTIONS ON INMATES' INSTITUTIONAL CONDUCT RECORDS IN EACH COHORT GROUP

<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>1</th>
<th>2-3</th>
<th>4-7</th>
<th>8 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>56</td>
<td>14</td>
<td>12</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>(%)</td>
<td>25.0</td>
<td>21.4</td>
<td>21.4</td>
<td>32.1</td>
</tr>
<tr>
<td>1971</td>
<td>98</td>
<td>23</td>
<td>43</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>(%)</td>
<td>23.5</td>
<td>43.9</td>
<td>20.4</td>
<td>12.2</td>
</tr>
<tr>
<td>1973</td>
<td>45</td>
<td>12</td>
<td>12</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>(%)</td>
<td>26.7</td>
<td>26.7</td>
<td>35.6</td>
<td>11.1</td>
</tr>
<tr>
<td>1975</td>
<td>107</td>
<td>37</td>
<td>36</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>(%)</td>
<td>34.6</td>
<td>33.6</td>
<td>18.7</td>
<td>13.1</td>
</tr>
<tr>
<td>Total</td>
<td>306</td>
<td>86</td>
<td>103</td>
<td>68</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>(%)</td>
<td>28.1</td>
<td>33.7</td>
<td>22.2</td>
<td>16.0</td>
</tr>
</tbody>
</table>
The shifts between 1966 and 1975 are quite interesting. The overall trend shows that the proportion of inmates with four or more infractions decreased and concomitantly, the proportion of a single or two to three infractions increased. These changes over time were found to be significant when subjected to non-parametric statistical tests. \( X^2 = 24.32, P < 0.004, df = 9 \).

The general direction of these findings also supported our original contention as to the overwhelming effects of management changes on the policies and practices connected with solitary confinement. If one were to construct a solitary confinement policy based on prisoner characteristics, that plan would be predicted on a need to "combat" a population that was becoming more deviant, more criminal, and increasingly violent. Hence, one would expect that the prison would expeditiously remove the "troublemakers" from the general population. These means include the more frequent use of solitary confinement. One would also anticipate an increase in the length of time spent in solitary, which could be achieved by either handing down multiple solitary confinement sanctions, or by increasing the number of charges brought against an inmate per disciplinary hearing. This type of a policy would result in the temporary neutralization of that chronic problem population.

This has not been the case in the Washington State Penitentiary. Our data showed that there has been an increase in the use of the maximum security unit at Walla Walla. However, the nature of this increase occurred not so much in sheer rate of growth but in a qualitative shift. We observed dramatic reductions in the use of the traditional punitive social control mechanisms and a concomitant increase in the utilization
of the less traditional forms. Our records showed no increased reliance on multiple sanctioning in the institution. Along the same line, there was no significant increase in multiple charges brought against inmates between 1966 and 1975. Lastly, there also has been a substantial reduction in the time lengths in solitary during the decade between 1966 and 1975.

**Summary of Findings**

In this chapter we examined the characteristics of prisoners who spent time in solitary confinement at the Washington State Penitentiary. In so doing, special emphasis was placed on socio-demographic data, deviant and criminal histories, as well as the characteristics of their respective experience(s) within the maximum security unit at Walla Walla.

The following is a summary of the most salient findings of this chapter:

1) During the decade under investigation--1966 to 1975--there was a systematic decrease in the mean age of inmates at their first adult criminal justice contact, at their receipt at the Washington State Penitentiary, at their first solitary confinement experience relative to the instant offense, and at their release from Walla Walla.

2) On the socio-demographic levels there were no significant changes observed in regard to race. At all points in time, three out of four inmates in solitary were white, and on this variable our research group was more similar to the "non-confinees" than to the "confinees" of the comparison group. The level of education rose over time, and more men were classified as medically restricted in 1975 than in 1966. As to marital status, no significant change was observed.
3) In regard to the inmate criminal and incarceration histories we observed that:

a) While there was a decline in the proportion of inmates with alcohol problems, there was a sharp increase in the ratio of inmates whose records showed drug-related problems.

b) The rate of escape and attempted escape, went down by the end of the period under study.

c) There was only a negligible difference between 1966 and 1975 in the overall extent of prior criminal involvement.

d) However, in comparing inmates for the same periods of time, there was a major change in past involvement in crimes of major and minor violence and only a minimal change in non-violent past criminal conduct.

e) There was a sharp decline in both jail and prison terms served by the inmates.

f) On the instant offense nearly twice as many men who experienced solitary confinement had committed a violent offense compared to the "non-confinees" in the comparison group. This trend was clear for all index years except 1971.

g) The use of force and weapons in the commission of the instant offense increased significantly between 1966 and 1975. However, there was a minimal difference between the two extreme index years (1966 and 1975).

h) As to the maximum prison sentence for the instant offense, there was a systematic decrease in its length over time. In all cases, as it is seen ex post facto, the courts imposed
substantially shorter prison terms for those who were not involved with solitary. Conversely, those with the longer sentences were also the ones who seemed to violate prison rules and regulations at least once.

4) The findings, based upon our study of the prisoner institutional misconduct records, suggested that:

a) During this decade there was a substantial decline in the use of isolation—the more restrictive punitive control measure—which was replaced by more lenient sanctions—punitive segregation and suspended segregation.

b) The use of administrative segregation increased, and even more importantly, the request for protection became more common at Walla Walla over time.

c) However, the length of time spent in solitary confinement declined with time. This decrease was great for isolation, greatest for administrative segregation and lower for protective custody.

d) There was a very moderate increase in the use of multiple solitary confinements as a matter of policy.

e) Finally, we observed a change in the number of infractions indicated on the inmate prison records; the trend was toward its lessening across time.

5) Last, but in no way least, the findings presented on the trends in inmate solitary confinement are contrary to what we anticipated on the basis of their present (1975) criminal and violent characteristics. Hence, albeit indirectly, these findings lend further corroboration to
the notion that the policy changes are attributable to extra-prisoner factors, i.e., the management shifts in Washington.

In the next chapter we will continue our focus on the individual solitary "confinee" and attempt to reconstruct his imprisonment experience. In this process, we aim at establishing patterns and profiles of deviant and criminal misconduct in the prison.
Footnotes

1. See Appendix C.

2. This age factor was determined on the basis of the date recorded for the first contact reported to the F.B.I. We recognize the limitations of this source of information as well as the fact that an inmate might have had previous contact with the juvenile justice system, which would not be recorded in the F.B.I. "rap sheet."


4. Nearly all inmates in the Washington system are released on parole.

5. Despite its limitation, the "rap sheet" is still the most comprehensive document of the criminal career of the adult felon in the United States.

6. Generally, the major violent crimes reflect the violent F.B.I. Type I "Index Crimes"; the minor violent crimes reflect the Type II violent crimes, and all other crimes were recorded and counted as non-violent.

7. The changes in the non-violent crimes presented in Table 28 tend to support and complement our claims regarding the violent instant crimes and need not be elaborated here.

8. We recognize the limitation of this indicator in representing the "true" length of time spent at the prison.

9. See Table 15.

10. In cases where protective custody was indicated, we recorded "own request" as a reason for placement in solitary confinement.
Chapter Seven

Institutionalization and Patterns of Prisoner Misconduct

Theoretical attempts to analyze the effects of institutionalization are not new in criminological research. Goffman (1961), for example, developed the concept of the "total institution" to describe the general character of institutionalization. In his insightful essay on the characteristics of total institutions he observed that:

"The encompassing or total character is symbolized by the barriers to social intercourse with the outside and to departure that is often built right into the physical plant, such as locked doors, high walls, barbed wire, cliffs, water, forests, or moors" (Goffman, 1961: p.4).

The inmate is removed from his world; new patterns of relationships and new roles must be established and personal problems subordinated to an institutional concept of group needs. Elsewhere he states that:

"The handling of many human needs by the bureaucratic organization of whole blocks of people—whether or not this is a necessary of effective means of social organization in the circumstances—is the key fact of total institutions." (p.6).

While some total institutions are concerned with the welfare of their clients, Goffman (1961) categorized the prison as "a type of total institution organized to protect the community against what are felt to be intentional dangers to it, with the welfare of the persons thus sequestered not the immediate issue." (p. 45).

Clemmer, a pioneer in correctional research, has advanced the view that prisons are total institutions which generate a culture of their own based on the dynamics of the "prisonization" process. Prisonization is

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defined as: "the taking on, in greater or lesser degree, of the folk-
ways, mores, customs and general culture of the penitentiary" through
"the assimilation of inmates into an informal inmate normative system,
whose prescription and proscription are in opposition to the norms of
conventional society." (Clemmer, 1958). Furthermore, he asserted:

"It is said to take place when a person or a group penetrates
and fuses with another group...it implies that aculturation
takes place which describes a slow and gradual process during
which he is placed to make him characteristic of it." (pp. 298-
299).

Using principles embedded in Sutherland's theory of differential associa-
tion, Clemmer emphasized the importance of learned behavior as a deter-
minant of crime and maintained that prison life fostered criminality
and anti-social conduct. Subjected to the various degradation ceremonies
so vividly described by Goffman (1961), the prisoner becomes a nonperson.
In this process, numbers replace names, street clothes are replaced by
uniforms (e.g., the Texas system) and the prisoner quickly learns the
authority structure. Moreover, the prisoner assigns new meanings to
what he had taken previously for granted: he is exposed to gambling,
use of drugs, and homosexual relations, and learns to hate those who re-
present the establishment, i.e., the administration. The "universal
factors of prisonization" include: the acceptance of an inferior role,
the accumulation of facts on the prison organization, the development
of new personal habits, the desire for a good job, the adoption of local
prison language, and "the recognition that nothing is owed to the environ-
ment for the supplying of needs." (p. 300). Clemmer (1958) further states
that:
"...the influences of these universal factors are sufficient to make a man characteristic of the penal community and probably so disrupt his personality that a happy adjustment to any community becomes next to impossible." (p. 300).

This analysis by Clemmer implies that a permanent change in the inmate's personality is likely to result from imprisonment. In his critique of Clemmer's work, Wheeler (1961) suggested that:

"...there were no well-developed notions of what Merton has called 'anticipatory socialization', the preparatory responses that frequently precede an actual change in group membership, such as the movement from prison to the broader community. The result is that we know much more about processes of socialization into the community than we do about re-adaptation to the outside world. There is evidence, however, that from the inmates perspective the length of time remaining to be served maybe the most crucial temporal factor." (p. 698).

In his research, Wheeler (1961) found that "anticipatory socialization" takes place, whereby the inmate, prior to release, pulls away from and renounces prison values and attitudes and begins moving toward those prevailing in the outside world. Wheeler found great conformity to non-institutional social values among inmates recently incarcerated, a shifting commitment to prison values among those in the middle phases of their confinement, and a return to conventional societal values among those in the final stages of their incarceration. In short, Wheeler's data suggest that:

"The prisonization theory is strongly supported when inmates are classified according to the length of time they have served. When they are classified into phases of their institutional career, however, the prisonization theory is inadequate as a description of change over time. While it accounts for the increase in extreme non-conformity, it fails to account for the U shaped distribution of high conformity responses." (p. 708).

Figure 13 is a pictoral summary of what is implied by the findings of Clemmer and Wheeler.
FIGURE 13. PRISONIZATION VS. ANTICIPATORY SOCIALIZATION
There are few themes in correctional literature which have provided more research impetus than the debate which flows from the Clemmer and Wheeler formulations. This debate came to be known as the "structural functional" versus the "importation" models of prison life. Throughout the 1960's and early 1970's many studies attempted to test the merits of these opposing models as tools for more complete understanding of the process of prisonization and its consequences. Nearly all proponents of Clemmer's Functional Model used variables such as length of time in the institution, intensity, duration and frequency of primary association with inmate groups in prison (Clemmer, 1958; Sykes, 1958; Cloward, 1960; Wheeler, 1961; Garabedian, 1963; Glaser, 1964; Giallombardo, 1966); social role adaptation to the pains of imprisonment (Sykes, 1958; Sykes and Messinger, 1960); and social deprivation (Cline, 1968). Similarly, in testing the importation model many researchers used pre-prison criminal histories; age at first criminal justice contact, social class, the quality of an inmate's perception of his post-prison opportunities, length of time served and the phases of institutional career (Wheeler, 1961; Schrag, 1961; Irwin and Cressey, 1964; Wallford, 1967; Cline, 1968; Thomas, 1970, 1973, 1975; Thomas and Foster, 1972; Akers, 1974, 1976). Research on this matter has not produced any conclusive evidence as to the "superiority" of either model as an explanation of prisonization and post-institutional adaptation. However, there seems to have emerged a consensus essentially advocating the integration of these two models. This direction has been outlined and observed, in this country and cross-culturally, particularly in the
works of Thomas (1970), Thomas and Foster (1972), Wellford (1967), Cline (1968), and recently by Akers (1977).

Prisonization, Anticipatory Socialization and Solitary Confinement

The studies cited have explored nearly every significant variable in relation to prisonization and/or anticipatory socialization behind the walls. The one omission is the area of discipline in prison as a potential indicator of prisonization. We maintain that the intra-institutional behavior of prisoners, rather than their attitudes and perceptions, is one of the most important measures of prisonization. In other words, the degree to which one becomes prisonized (Clemmer, 1958) or resocialized in anticipation of discharge from the prison (Wheeler, 1961) can be measured by institutional misconduct, i.e., sentences to solitary confinement. In advancing this notion we build upon assumptions and propositions stemming from Clemmer and Wheeler and then related them to solitary confinement.

Three main propositions derive from Clemmer's theoretical conception.

First, there is in prison an inmate code. Clemmer's model implies that a relatively organized normative system of folkways, mores, customs and values prevails in prison. That this system--designated as the inmate code--exists cannot be doubted, however informal its origins may be. The binding force of the code is evident in that inmates must comply since the code defines the complexities of social relationships in prison and limits the degree to which inmates can cooperate safely with some guards (and not others) or associate with convicts who violate the code. It is clear that such a component of the inmate social system is eufunctional to inmate solidarity and thus increases the cohesiveness of the
inmate body. Clemmer and his successors also assume that the inmate code is a mechanism evolving in response to indigenous conditions of prison life. Furthermore, the common thread that runs through this code is its opposition to the administration, no matter how benign.

Second, Clemmer proposed that there is a process known as prisonization. Prisoners in correctional institutions "take on" the role of convict, whose rights, duties, and behavioral expectations are defined explicitly by the inmate code. The process of "role-taking" usually involves going through a difficult "status transition" period. This transition marks the movement from being an "ordinary civilian" to becoming a "convict." The extent to which this process is difficult varies, depending upon the individual's past experience(s) with imprisonment. It is very likely that the process of status transition will be most severe for inmates serving their first sentence, less severe for those who have been in prison before, and least difficult for those who were previously incarcerated in the same prison and thus were most familiar with the idiosyncrasies of this institution's inmate code.

The implications of prisonization for discipline suggest that inmates must "learn the ropes" in order to survive in a hostile environment, and indeed most inmates do. As a consequence, once the transition from civilian to convict is complete, it is unlikely that the prisoner will be involved in many disciplinary encounters with the administration leading to confinement in solitary. On the other hand, those who do not learn the rules of conduct in prison, it seems, often have other problems of living which are imported into the prison. These problems may be related to violence, alcohol and drugs, or they may be exhibited in homosexual
tendencies and/or in the propensity to gamble, i.e., "the Gorilla", the "Ball Buster", the "Wolfe", "the Punk" or "the Hipster" (Sykes, 1958; pp. 84-108). There is a group of convicts for whom the inmate code lacks any significant meaning. For them conflict with the administration may last throughout their entire stay at the penitentiary.

Third, not unlike street crime, prison crime also has a hidden dimension. Indeed, in most cases prisonization eventually leads the "ordinary" convict to desist from prison violations--those behaviors perceived as undesirable by the administration. In due course, prisoners learn that "misconduct X results in sanction Y." They become prisonized. However, the observed decline in prisoner encounters with the administration as a result of prisonization may be attributed to different patterns of personal adaptation. First, it is indeed possible that the inmate has gradually "taken on" the role of what Sykes (1958) describes as a "Center Man," being the individual who adopts "the opinions, attitudes, and beliefs of the custodians." "Center Men" identify themselves with their oppressors in order to gain immediate and/or long-range favors. In this regard, Weinberg (1942) observed that:

"It is difficult, of course to distinguish manipulative fawning from the deference of sincere conviction and the problem is made still more difficult in the prison by the fact that the society of captives is so polarized that anything but unwavering contempt for the guards is defined by the inmates as a sign of abject weakness." (p. 717).

The "Center Men" is despised by other prisoners for his slavish submission to the management (Sykes, 1958; p. 90). As a result of this submission, however, "Center Men" are rarely to be found in the maximum security unit.
Second, and even more importantly, the sudden decrease in disciplinary activity may reflect a completely different, and probably a more common form of adaptation, i.e., Sykes' "Real Man" approach (Sykes, 1958: p. 102). This role adaptation is characteristic of an inmate:

"Who endures the rigors of imprisonment with dignity...[he] 'pulls his own time'...; it is the man who can stop himself from striking back at the custodians that wins their admiration and thus [his] image of a hero functions wittingly or unwittingly to maintain the status quo." (Sykes, 1958: p. 102).

This inmate has not actually stopped violating the administration's rules and regulations. On the contrary, he has learned how to persist in this type of behavior without being caught. He internalized what Robbins (1961: pp. 372-395) "institutional normative evasions" built into this system, which facilitates the continuance of his now latent "boundary busting" conduct. In this sense, as Sykes also noted, this prisoner manages to remain in good standing with both the administration and the inmate population. From the standpoint of the administration, the individual appears to conform but actually does not. The hidden dimension of prison rule infraction, we maintain, is manifested primarily in this form of role adaptation (rather than in the former one).

Following Clemmer's prisonization model, the prison community is thus composed of individual inmates who are prisonized to a greater or lesser extent in accordance with the prescriptions embedded in the inmate code. In the final analysis, Clemmer's model implies that the prisoner's diminishing involvement in formal disciplinary problems can be construed as a response to and, therefore, an indication of a "successful" prisonization process.
It seems that the propositions stemming from Wheeler's conception would be in complete congruence with our first argument--derived from Clemmer's model--concerning the existence of a solitary-opposition-based inmate code in correctional institutions. However, conceptually, this is the extent to which the Clemmer-Wheeler consensus goes. In other respects, Wheeler's propositions depart from Clemmer's.

In the first place, Wheeler argues that the notion of prisonization fails to consider the complete effects of extra-prison factors (i.e., pre-prison as well as post-prison experiences) on prisoner conduct inside the institution. Wheeler introduced the concept of anticipatory socialization, which he claims is detrimental to successful adaptation in prison. To be sure, while his position does not discount the process of prisonization, it does suggest that it is limited and must be expanded to include the adult socialization concept of "anticipatory socialization."

Clemmer and Wheeler thus depart from each other in terms of the factors considered to be detrimental to prisoner adjustment in the institution. The former stresses the length of prison sentence and the latter the phase of institutional career. As such, Wheeler's theoretical position holds that the change of inmate behavior which occurs in the later phases of the sentence is attributable to the convict's anticipation of release rather than to the acceptance of the inmate code. The inmate realizes that he must begin to conform his conduct to the normative standards of the community outside the prison. Thus, the behavioral change in the latter stages of the sentence is a response to external and exogenous factors rather than intraprison ones. In short,
while these two positions are congruent as to the early phases of incarceration, they differ markedly in regard to what takes place during the last phase of imprisonment.

The implications of the differences between these positions for the area of institutional misconduct are not difficult to assess. Wheeler's formulation is incapable of accounting for the prevalence of hidden misconduct in prison. By implication, the universality of anticipatory socialization (as a socialization process in the late phases of imprisonment) suggests that only one (with exceptions, of course) major pattern of adaptation is possible, i.e., that of the "Center Men." The closer the inmate's target release date, the less likely it is that he will engage in behavior which would lengthen his stay in the institution. Thus, in looking toward the outside world, the inmate refrains from engaging even in the relatively "safe" normative evasions, so as not to provide the management and the parole board with sufficient cause to keep him in the institution for a longer period of time. Wheeler's conceptualization does not allow for the role of the "Real Men" or the "Right Guy" to emerge in the prison, at least not toward the latter phases of prisoners' institutional careers.¹

Wheeler's and Clemmer's positions do not differ markedly in terms of the final product; they do depart significantly from each other in regard to the explanatory framework accounting for the different paths taken in reaching the end result. To be sure, both recognize that what accounts for the preponderence of violational activity (as measured by solitary confinement) immediately after receipt in the prison is part of a transition phase. However, to Clemmer disciplinary inactivity is
a by-product of prisonization; to Wheeler it is a result of adult re-
socialization in expectation of discharge from the prison.

If our previous theoretical discussion is consistent and logical,
then the data assembled for this research should provide another test
of the prisonization and the anticipatory socialization hypotheses.
We tried to test the hypothesis that an inmate's violations in the early
stages of his confinement and his involvement with the maximum security
unit increase as a result of the status transition process. Furthermore,
about midway through the sentence, there is a significant decline in
solitary confinement experience(s), attesting to the interactive effects
of prisonization and anticipatory socialization.

In testing this hypothesis, we calculated the total number of days
each inmate spent in solitary confinement for all complete years--365
days--of incarceration at the Walla Walla penitentiary. We chose to
label this figure "solitary time." Similarly, we computed the total
length of time in every full year that the inmate spent in the general
population. This figure gave us his "yard time." The two figures add
to 365 days in every year spent in prison.

In this manner the yard and solitary time for each of the 306 re-
search group subjects was computed. Interestingly, 112 of the research
subjects were in Walla Walla less than one full year. These inmates
could not be used to test either prisonization or anticipatory sociali-
ization. The analysis therefore, involved only those inmates who served
at least one full year in Walla Walla. We also eliminated that fraction
of a year which followed the inmate's last complete year. Understand-
ably, and as anticipated, the highest attrition rate occurred in the
1975 research sample. Many inmates in the 1975 group arrived in the penitentiary in 1975 and thus did not complete a full year in the prison before termination of the data collection process on May 31, 1976.

To test the hypothesis, the time spent in the institution was subdivided into shorter periods. We thought that if the actual prison terms were divided into trimesters, there would be relative disciplinary inactivity during the first and third and more intense activity in the middle phase. The data failed to document this pattern. Quite the reverse. In some cases there was increased activity as time went on. Similarly, we observed that some inmates spent a substantial amount of time in the maximum security unit shortly after their receipt in the Washington State Penitentiary. Hence, in the absence of discernible patterns of infractions and sentences in this three-part analysis, we broke the time period into the smallest meaningful unit, i.e., a year. Using this base of one year, further examination of our data revealed significant patterns of misconduct in prison.

In interpreting the data, we noticed that individual patterns of misconduct could be grouped on the basis of the position of the infractions within the sentences served in Walla Walla. In some of the cases there was only one encounter; in others there were numerous infractions which were positionally located at either end of the sentence range, i.e., at the beginning or near the end. In still other cases inmate experience with the maximum security unit was spread throughout the stay in prison. Thus, the 194 inmates who had spent at least one full year in Walla Walla were classified into four groups on the basis of
the position of their violation(s) during their incarceration at the penitentiary.

First, irrespective of the length of sentence, for the instant offense, some inmates received disciplinary sentences on a sporadic basis. Their pattern of involvement was relatively infrequent and generally was scattered over their whole term of incarceration. The length of time spent in solitary confinement as well as the span of time that elapsed between one episode and the next seemed to be random. This institutional misconduct career pattern was labelled Incidental/Accidental. Table 44 shows the solitary confinement patterns of a sample of nine inmates whose prison careers typify this category. These nine prisoners spent from two to ten years in Walla Walla. In the first case the inmate's total exposure time was 3,650 days. Of those he spent 50 days—1.4 percent—in the "hole." The last inmate in Table 44 was exposed 730 days and confined in solitary for 20 days—2.7 percent—of his time.

The second pattern revealed a high level of prisoner infractions immediately after receipt into the penitentiary. These behaviors continued for some time and then tended to decrease either gradually or dramatically about the middle of the sentence. Frequently, however, such infractions disappear only in the last half of the sentence. This type is the Early Starter. The patterns of a sample of eight inmates drawn from the Early Starters are shown in Table 45. The first inmate was incarcerated more than ten years and spent 701 days in solitary during the four years after his entry. His record was clean for the remaining six years at Walla Walla. The seventh inmate was imprisoned for
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<th>1</th>
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<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>Totals</th>
<th>Total Prison Time</th>
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<td>350</td>
<td>365</td>
<td>355</td>
<td>365</td>
<td>365</td>
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<td>340</td>
<td>360</td>
<td>3,600</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
<td>25</td>
<td>50</td>
<td>3,650</td>
</tr>
<tr>
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<td>365</td>
<td>355</td>
<td>336</td>
<td>365</td>
<td>365</td>
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<td>360</td>
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<td>10</td>
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<td>0</td>
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<td></td>
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</tr>
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<td>365</td>
<td>365</td>
<td>335</td>
<td>365</td>
<td>365</td>
<td>365</td>
<td></td>
<td></td>
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<td></td>
</tr>
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<td>0</td>
<td>7</td>
<td>0</td>
<td></td>
<td></td>
<td>40</td>
<td>2,555</td>
</tr>
<tr>
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<td>340</td>
<td>365</td>
<td>365</td>
<td>358</td>
<td>365</td>
<td></td>
<td></td>
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<td>0</td>
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<td>7</td>
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<td>32</td>
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<td>365</td>
<td>350</td>
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<td></td>
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<td></td>
<td></td>
<td>35</td>
<td>1,825</td>
</tr>
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<td>365</td>
<td>365</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td>0</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td>345</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,070</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25</td>
<td>1,095</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>700</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30</td>
<td>730</td>
</tr>
<tr>
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<td>345</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>710</td>
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</tr>
<tr>
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<td>20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20</td>
<td>730</td>
</tr>
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**TABLE 44. EXAMPLES OF PROFILES OF THE INCIDENTAL/ACCIDENTAL SOLITARY CONFINEES IN WASHINGTON STATE PENITENTIARY**
### Table 4.5: Examples of Profiles of the Early Starter Solitary Confinement Inmates in Washington State Penitentiary

<table>
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<tr>
<th>Years</th>
<th>Total Prison Time</th>
<th>YARD TIME SOLITARY CONFINEMENT</th>
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<td>257</td>
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</tr>
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<td>257</td>
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<td>111</td>
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</tr>
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</tr>
<tr>
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<td>365</td>
<td>365</td>
<td>0</td>
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</tbody>
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Note: The table continues with similar entries for other years and inmates.
over three years; his last year was clean but during the two previous years he was confined 71 days in the maximum security unit.

The third type is the Late Bloomer. These inmates had a clean institutional misconduct record during the early phases of their sentences. However, after being in the prison for a while, these prisoners begin to build an institutional record of confinement in solitary. This usually ceases shortly before release but sometimes continues throughout the last full year in the penitentiary. In Table 46, we provide a sample of nine inmates in the Late Bloomer category. The first inmate was incarcerated for more than ten years and began his segregation career during the fourth year and ended it in the ninth. Of the 3,650 days of total exposure or "at risk" time, he was in the maximum security unit nearly a third of that time, i.e., 1,088 days. The last inmate in the subsample was exposed for 730 days, spending nearly half that time in solitary. In this case, he began his solitary career in the second year of his two year sentence, during which he spent more time in isolation than in the prison yard.

Last, but from the standpoint of prison management, certainly the most crucial was the Chronic prison rule violator type. Those prisoners began to build a record almost immediately after receipt and nearly always persisted in rule infractions throughout their incapacitation (see Table 47). The first of the seven cases shown in Table 47 was a typical chronic rule violator; his solitary confinement career spans almost his whole prison term. At the same time, there were marked variations in the number of days he spent in solitary each year. This subject spent all of his second and third years in solitary; in the seventh
<table>
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<th>4</th>
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<th>6</th>
<th>7</th>
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<th>10</th>
<th>Total</th>
<th>Total Prison Time</th>
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<td>365</td>
<td>345</td>
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<td>61</td>
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<td>355</td>
<td>340</td>
<td>350</td>
<td>341</td>
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<td>365</td>
<td>365</td>
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<td><strong>SOLITARY CONFINEMENT</strong></td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>25</td>
<td>15</td>
<td>24</td>
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<td>0</td>
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<td>0</td>
<td>74</td>
<td>2,920</td>
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<tr>
<td><strong>YARD TIME</strong></td>
<td>365</td>
<td>365</td>
<td>355</td>
<td>353</td>
<td>365</td>
<td>340</td>
<td>355</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>10</td>
<td>12</td>
<td>0</td>
<td>25</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td>57</td>
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</tr>
<tr>
<td><strong>YARD TIME</strong></td>
<td>365</td>
<td>365</td>
<td>365</td>
<td>365</td>
<td>138</td>
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<td></td>
<td></td>
<td></td>
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<td>1,598</td>
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<td>0</td>
<td>0</td>
<td>227</td>
<td>365</td>
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<td></td>
<td></td>
<td></td>
<td>592</td>
<td>2,190</td>
</tr>
<tr>
<td><strong>YARD TIME</strong></td>
<td>365</td>
<td>355</td>
<td>281</td>
<td>353</td>
<td>365</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,719</td>
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<td>10</td>
<td>84</td>
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<td>106</td>
<td>1,825</td>
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<tr>
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<td>365</td>
<td>365</td>
<td>365</td>
<td>314</td>
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<td>51</td>
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<td>365</td>
<td>365</td>
<td>280</td>
<td></td>
<td></td>
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</tr>
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<td>0</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td>85</td>
<td>1,095</td>
</tr>
<tr>
<td><strong>YARD TIME</strong></td>
<td>365</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>471</td>
<td></td>
</tr>
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<td><strong>SOLITARY CONFINEMENT</strong></td>
<td>0</td>
<td>259</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>259</td>
<td>730</td>
</tr>
</tbody>
</table>
TABLE 47. EXAMPLES OF PROFILES OF THE CHRONIC SOLITARY CONFINEES IN WASHINGTON STATE PENITENTIARY

<table>
<thead>
<tr>
<th>Years</th>
<th>Inmates</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>Total Yearly Time</th>
<th>Total Prison Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>YARD TIME</td>
<td></td>
<td>249</td>
<td>0</td>
<td>0</td>
<td>342</td>
<td>105</td>
<td>285</td>
<td>345</td>
<td>365</td>
<td></td>
<td></td>
<td>1,691</td>
<td></td>
</tr>
<tr>
<td>SOLITARY CONFINEMENT</td>
<td></td>
<td>116</td>
<td>365</td>
<td>365</td>
<td>23</td>
<td>260</td>
<td>80</td>
<td>20</td>
<td>0</td>
<td></td>
<td></td>
<td>1,229</td>
<td>2,920</td>
</tr>
<tr>
<td>YARD TIME</td>
<td></td>
<td>359</td>
<td>0</td>
<td>31</td>
<td>346</td>
<td>234</td>
<td>365</td>
<td>350</td>
<td></td>
<td></td>
<td></td>
<td>1,685</td>
<td></td>
</tr>
<tr>
<td>SOLITARY CONFINEMENT</td>
<td></td>
<td>6</td>
<td>365</td>
<td>334</td>
<td>19</td>
<td>131</td>
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<td>15</td>
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<td>2,555</td>
</tr>
<tr>
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<td>178</td>
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<td>343</td>
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<td>365</td>
<td>277</td>
<td></td>
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<tr>
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<td>22</td>
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<td></td>
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<td></td>
<td>317</td>
<td>2,190</td>
</tr>
<tr>
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<td></td>
<td>253</td>
<td>35</td>
<td>353</td>
<td>178</td>
<td>262</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>1,081</td>
<td></td>
</tr>
<tr>
<td>SOLITARY CONFINEMENT</td>
<td></td>
<td>112</td>
<td>330</td>
<td>12</td>
<td>187</td>
<td>103</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>744</td>
<td>1,825</td>
</tr>
<tr>
<td>YARD TIME</td>
<td></td>
<td>360</td>
<td>321</td>
<td>145</td>
<td>339</td>
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<td></td>
<td></td>
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<td>1,165</td>
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</tr>
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<td>5</td>
<td>44</td>
<td>220</td>
<td>26</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>295</td>
<td>1,460</td>
</tr>
<tr>
<td>YARD TIME</td>
<td></td>
<td>353</td>
<td>152</td>
<td>149</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>654</td>
<td></td>
</tr>
<tr>
<td>SOLITARY CONFINEMENT</td>
<td></td>
<td>12</td>
<td>213</td>
<td>216</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>441</td>
<td>1,095</td>
</tr>
<tr>
<td>YARD TIME</td>
<td></td>
<td>259</td>
<td>214</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>257</td>
<td>730</td>
</tr>
</tbody>
</table>
year of his sentence, he was confined only 20 days. Another Chronic pattern can be seen in the two-year sentence of the last subject in this subsample. This prisoner was confined in the maximum security unit for 257 of 730 "at risk" days.

Further examination of the data revealed that these patterns of prisoner misconduct were differentially distributed among the 194 research group subjects, as summarized in Table 48. Nearly half (47.9 percent) of the research subjects were classified as being the Incidental/Accidental type. The Early Starters constituted 12.4 percent of the subjects, and 19.1 percent of the inmates were Late Bloomers. Most importantly, about one fifth (40 out of 194 subjects) of the research sample fit the Chronic pattern of prison misconduct. No significant changes over time in these types were evident when these data were subjected to statistical significance tests.

While these findings are quite interesting, it was necessary to check the validity of our classification system. For this purpose we used a quantitative external criterion on which we had reliable data, i.e., the number of years involved in the creation of each inmate's solitary confinement pattern. The data on this variable were subjected to t tests of significance. The results are presented in Table 49. On the basis of this criterion variable, there were significant differences among the four types previously identified. The only exception was that no significant difference was observed between the Early Starter and the Late Bloomer patterns. Differences between these two types were identified only by the positional method with which we started. Hence, the data presented in Table 49 tend to confirm and reinforce our method of
<table>
<thead>
<tr>
<th>Index Year</th>
<th>N</th>
<th>Incidental/ Accidental</th>
<th>Early Starter</th>
<th>Late Bloomer</th>
<th>Chronic</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>48</td>
<td>23 (47.9)</td>
<td>8 (16.7)</td>
<td>7 (14.6)</td>
<td>10 (20.8)</td>
</tr>
<tr>
<td>1971</td>
<td>74</td>
<td>43 (58.1)</td>
<td>8 (10.8)</td>
<td>13 (17.6)</td>
<td>10 (13.5)</td>
</tr>
<tr>
<td>1973</td>
<td>39</td>
<td>14 (35.9)</td>
<td>6 (15.4)</td>
<td>7 (17.9)</td>
<td>12 (30.8)</td>
</tr>
<tr>
<td>1975</td>
<td>33</td>
<td>13 (39.4)</td>
<td>2 (6.0)</td>
<td>10 (30.3)</td>
<td>8 (24.2)</td>
</tr>
<tr>
<td>Total</td>
<td>194</td>
<td>93 (47.9)</td>
<td>24 (12.4)</td>
<td>37 (19.1)</td>
<td>40 (20.6)</td>
</tr>
</tbody>
</table>

TABLE 48. DISTRIBUTION OF PATTERNS OF MISCONDUCT CAREERS IN EACH COHORT GROUP (FREQUENCY AND PERCENTAGE)
TABLE 49. MATRIX OF t TEST RESULTS RELATING NUMBER OF YEARS AND TYPE OF VIOLATIONAL PATTERNSa

<table>
<thead>
<tr>
<th>Violational Pattern</th>
<th>t Test</th>
<th>Incidental/Accidental</th>
<th>Early Starter</th>
<th>Late Bloomer</th>
<th>Chronic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>t Value</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incidental/Accidental</td>
<td></td>
<td></td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Early Starter</td>
<td></td>
<td>t Value</td>
<td>1.99</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P</td>
<td>0.02&lt;0.05</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Late Bloomer</td>
<td></td>
<td>t Value</td>
<td>2.23</td>
<td>0.72</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P</td>
<td>0.02&lt;0.05</td>
<td>N.S.</td>
<td>--</td>
</tr>
<tr>
<td>Chronic</td>
<td></td>
<td>t Value</td>
<td>3.96</td>
<td>1.82</td>
<td>1.99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P</td>
<td>&lt;0.01</td>
<td>0.05&lt;0.10</td>
<td>0.05&lt;0.10</td>
</tr>
</tbody>
</table>

aNumber of years it took for the prisoner to build his respective misconduct career resulting in time spent in the maximum security unit.
classification of violational patterns in the prison. Moreover, the typology seems to capture not only the magnitude of involvement with solitary confinement but also its location in the prisoner's institutional career.

For purposes of demonstrating pattern differences, statistics pertaining to the number of days in the maximum security unit were computed by type. These pattern differences were quite impressive (see Table 50). As expected, the differences between the Incidental/Accidental and the Chronic types were striking. On the average, the former spent an average of 10 days in maximum security while the latter spent a substantially longer term in solitary (i.e., a mean of 297.2 days and a median of 239.3). Furthermore, based on the total number of solitary confinement days the Chronics (N=40) were confined in solitary for nearly as long as all the inmates in the other three profile groups (N=154) combined (see Table 50).

Understandably, the patterns of the Early Starter and the Late Bloomer approximate one another more so than they do either of the other types. While there were some differences in the number of days in the solitary confinement unit (a mean of 176.0 days and a median of 58.0 days for the former, compared with a mean of 157.4 days and a median of 55.5 days for the latter), little variation was observed in the means and the medians for the length of time during which these inmates established their respective patterns of conduct (see Tables 49 and 50).

While these four patterns are obviously distinct except for the Early Starters and Late Bloomers, test values were computed to ascertain whether the cross-pattern differences were also statistically
TABLE 50. TIME SPENT IN SOLITARY BY TYPE OF VIOLATIONAL PATTERN

<table>
<thead>
<tr>
<th></th>
<th>Years&lt;sup&gt;a&lt;/sup&gt;</th>
<th></th>
<th>Days&lt;sup&gt;b&lt;/sup&gt;</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>Mean</td>
<td>Median</td>
<td>Total</td>
</tr>
<tr>
<td>Incidental/ Accidental</td>
<td>93</td>
<td>1.4</td>
<td>1.0</td>
<td>2,362</td>
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<tr>
<td>Early Starter</td>
<td>24</td>
<td>2.5</td>
<td>2.0</td>
<td>4,224</td>
</tr>
<tr>
<td>Late Bloomer</td>
<td>37</td>
<td>2.2</td>
<td>2.0</td>
<td>5,823</td>
</tr>
<tr>
<td>Chronic</td>
<td>40</td>
<td>3.4</td>
<td>3.0</td>
<td>11,887</td>
</tr>
</tbody>
</table>

<sup>a</sup>Number of years it took for the prisoner to build his respective misconduct career resulting in time spent in the maximum security unit.

<sup>b</sup>Number of days spent in solitary confinement during the entire stay in the Washington State Penitentiary for the instant offense.
significant. Table 5.1 provides a summary matrix of these comparisons by type of violational pattern.

The results presented in Table 5.1 suggest that in terms of the length of time spent in the maximum security unit, these four patterns differed significantly from each other, with the exception noted above. The Chronics spent extensive periods of time in solitary in comparison to the Incidental/Accidental group. Both the Early Starters and the Late Bloomers spent significantly less time in solitary than the Chronics but considerably longer periods of time than the Incidental/Accidental inmates. Hence, the data suggest that the phenomenon of prisoner misconduct can take on many forms. These forms depart radically from each other at least on the three variables that we examined, i.e., the positional characterization, the number of years it took to build the pattern and the number of days spent in the maximum security unit.

There are a number of important conclusions and implications of these findings for the prison and its operation, and for the theories of prisonization and anticipatory socialization. Our findings show that there are four types of violational misconduct among inmates experiencing solitary confinement. The Incidental/Accidental type consists of individuals—nearly half of the solitary confinees—who get in trouble only once and even then it is likely to be on an accidental basis. A random event or unexpected circumstances, such as being present in an area where violence breaks out, may lead to the subsequent placement of the individual in solitary, in spite of the fact that he was only a passive and innocent bystander. These situations often arise in prisons and a
<table>
<thead>
<tr>
<th>Violational Pattern</th>
<th>t Test</th>
<th>Incidental/ Accidental</th>
<th>Early Starter</th>
<th>Late Bloomer</th>
<th>Chronic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incidental/ Accidental</td>
<td>t Value</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Early Starter</td>
<td>t Value</td>
<td>2.48</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>P&lt;0.02</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Late Bloomer</td>
<td>t Value</td>
<td>2.39</td>
<td>1.71</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>P&lt;0.02</td>
<td>P&lt;0.10</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Chronic</td>
<td>t Value</td>
<td>5.63</td>
<td>2.30</td>
<td>2.11</td>
<td>--</td>
</tr>
<tr>
<td>P</td>
<td>P&lt;0.01</td>
<td>P&lt;0.05</td>
<td>P&lt;0.05</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>
single such event may be the only misconduct on the inmate's institutional record.

While our data do not directly demonstrate it, we can suggest that the Incidental/Accidental is perhaps that "prison-wise" inmate who knows the intricacies of institutional life and the inmate code. As a result, he suffers little (if at all) from the transitional trauma since he is thoroughly familiar with what imprisonment entails. His familiarity with the patterns of normative evasions is also exhibited in his prison record, showing limited disciplinary encounters. On the other hand, he also knows the inmates whom he must avoid and, consequently, he interacts only with those who will not lead him into trouble in the penitentiary. For this inmate prisonization has taken place long before he arrived in the institution to serve time for the instant offense. In fact, he no sooner arrives than he begins to design his course of action in prison in anticipation of his release. Thus, any event which results in a solitary confinement can be attributed to situational factors beyond his control.

The second violational pattern is that of the Early Starter. For inmates with this pattern, the movement from the community into the prison constitutes a traumatic event. It may even be the case that this individual has a prior history of arrests as well as some previous experience(s) with institutional life. Nevertheless, this specific sentence may be the first encounter with a maximum custody prison, after being in a reformatory, in reform schools, or even in detention facilities. Whatever the background may be, the intense pattern of the Early Starter can be construed as a reflection of that conflict-ridden
transition from outside to inside so well described by Goffman (1961) in his treatment of "total institutions."

As this prisoner enters the penitentiary he immediately encounters the new realities. However, it takes quite some time for him actually to realize where he is, and when this happens the process of prisonization has begun. He learns the hard way (i.e., often through experiences with the disciplinary committee) the particulars of the prison community and its inmate code. Once he becomes assimilated, his record of violations begins to diminish. Prisonization eventually results in the internalization of the modes and patterns of evasions acceptable in this prison. He is no longer a "rookie" in the system, and chances are that next time around he will be an Incidental/Accidental. This prisoner now knows how to manipulate and control his career in prison. Furthermore, he now realizes that the parole board needs to see demonstratable improvement, and from this point on his career turns for the better as the target release date approaches. Anticipation of release becomes a guiding principle for his institutional conduct.

The third pattern is a difficult one to explain since it is diametrically opposed to what is implied by the ideas of prisonization and anticipatory socialization. This violational pattern—characteristic of some 20 percent of our sample—was labeled the Late Bloomer. The Late Bloomers, whose misconduct career begins at a later phase of the institutional stay, are probably responding to a traumatic stimulus. These stimuli may be a result of either intra- or extra-prison origin. A parole board "flop," distressing correspondence from and with the outside, intimidation from another inmate (a newly arrived "Rough" or a "Gorilla"),
sudden breakdown of communication with one or more (often new) guards, or for some, even the fear of being released are all causes which can prompt the initiation of a violational pattern. Once the door to the maximum security unit has been opened, it may be some time before it is closed again, and as a result, the inmate's stay in prison can be extended for a prolonged period of time.

Finally, the Chronics are those individuals who, in many cases, spend as much or more time in solitary as in the general population. For them neither the principles of prisonization nor anticipation for release apply. They engage in predatory behaviors involving injury, drugs, and other contraband, which eventually result in their punitive and/or administrative removal from the prison yard, usually for exceedingly long periods of time. This group of violators of prison rules—constituting about 20 percent of the solitary confinees—probably accounts for most of the disciplinary committee actions. Moreover, the figures observed in our research with regard to this violational type correspond to estimates made by prison wardens and other informed practitioners in the field of corrections. Thus, it seems that if a method can be devised whereby these "hard-core" inmates could be identified early and neutralized so as not to constitute a danger to the security of the institution and the safety of other inmates, the picture of prison discipline and its related problems could change drastically. Containing these Chronics surely would aid in the restoration of law and order in our fortress prisons.

Another important implication of our previous discussion cannot be underemphasized, namely the shifts in the unity and solidarity of the
prison community. Our data show, at least for a consistently growing segment of the prison population, that we identify and isolate four disparate sub-groups. Surely, many more groups exist in the prison as a whole. However, when Clemmer and Wheeler conducted their studies on the prison community, it may have been that the commonalities among inmates in the prison community were greater than their differences. Prisonization and anticipatory socialization were and are predicated upon an implied unity in the social structure of the prison and the inmate social system. The concept of the inmate social system, which was later further refined by Sykes (1958) and Sykes and Messinger (1960), axiomatically assumes the existence of a normative system—an inmate infrastructure—known also as the inmate code. However, while there may previously have existed a consensus among inmates on the nature and the component parts of this code, such is not the case in contemporary correctional institutions. Thus, had Clemmer and Wheeler replicated their original studies in prisons of the 1970's, they probably would have found different realities and consequently have reached different conclusions about inmate society.

We contend that the prison system is characterized by a pluralistic rather than a monolithic inmate body, and for various other reasons, too, that the functionality of the inmate code has largely eroded. At least three reasons are worthy of noting in this context. First, prisons in the contemporary era are ridden with many complexities entailed by the unprecedented importation of drugs behind the walls. This is the reality at Walla Walla. The importation of narcotic drugs into the prison
introduced new fronts, new interests, and new lines along which the inmate body was split.

Second, while prisoners used to rely heavily on the inmate social system to protect them, this no longer is necessary. Many groups outside of the prison have become increasingly involved in what goes on in the institution. They look after inmate interests. The inmate, as a result, no longer need depend on inmate solidarity as the means to achieve his rights. In fact, he has more rights now than he ever had before, and he now possesses the capability of bringing in an outside third party to protect him from abuse. This state of affairs was conducive to major transformations in what traditionally was known as the inmate social system in the prison community.

Third, we find a growing awareness and identification with doctrines, ideologies, and group entities which also transcend the immediate realities associated with prison life. This trend toward a growing commitment and allegiance to extra-prison groups leads to the prisoner's detachment from the inmate social system per se. Examples of this can be seen in such groups as the Black Muslim movement or the Black Liberation Army, both of which draw their members from the prison as well as the world outside.

In sum, the data provided in this chapter are clearly limited in scope. They do, nevertheless, shed some light on a previously unexplored area of prison research, i.e., prison discipline in its relation to adult socialization in prison. A number of potential linkages in the data were traced, while others were only identified and thus deserve
refinement and treatment in future research. It is in this light that one must view the findings reported in this chapter.

**Summary of Findings**

In this chapter we investigated the relationship between prisonization, anticipatory socialization, and solitary confinement. For this purpose, we constructed violational behavior patterns of solitary confinee prisoners "doing time" at the Washington State Penitentiary. The study of these patterns yielded the following results:

1. Solitary confinees in prison differ significantly from one another in terms of their violational patterns when these are based on:
   a. the positional location of the institutional infractions; b. the number of years during which the prisoner "built" his career of prison crimes; and c. the length of time spent in solitary confinement.

2. The typological analysis of violations of prison rules yielded four discernible patterns:
   a. An Incidental/Accidental type;
   b. An Early Starter type;
   c. A Late Bloomer type; and
   d. A Chronic type.

3. Of the 194 subjects included in this analysis, nearly half were Incidental/Accidental, about 12 percent were Early Starters, and about one fifth were Late Bloomers and Chronics respectively.

4. As anticipated, the Chronics spent the longest time in solitary. Only a small difference was observed on this variable between the Early Starter and the Late Bloomer types, and obviously, the Incidental/
Accidentals were confined in the maximum security unit for the shortest period of time.

5. Our data partially confirmed the processes of prisonization and anticipatory socialization as they have been traditionally conceived. Only two violational types—the Incidental/Accidental and the Early Starter—fit the notions previously advanced by Clemmer and Wheeler.
Footnotes

1. This exposition should not be construed to suggest that this role is not possible at all. On the contrary, Wheeler would probably agree that this form of adaptation, along with the others, is possible but chiefly in the early stages of imprisonment.

2. The exception to this generalization may be the Texas correctional system. For a detailed description of this system see the feature articles in: "Corrections Magazine," Vol. IV, No. 1, March 1978.
Chapter Eight

Summary, Implications and Limitations

The Washington State Penitentiary at Walla Walla, like many other American fortress prisons, maintains a maximum security unit. This unit receives and houses rule violators, institutional predators, and their potential victims under several types of custody classifications, i.e., punitive segregation, punitive isolation, administrative segregation, and protective custody. These four types of confinement differ in their clientele, but hardly at all in the levels of deprivation imposed upon these prisoners.

The purposes of this investigation were as follows:

1. To study the fortress prison as an organizational type and to show that the nature of the prison gives primacy to the fundamental goal of control over all other institutional goals, including rehabilitation. We suggested that no other social subsystem is even remotely comparable to the prison in its priorities thereby questioning some of the traditional assertions made about people-processing-organizations in general, and "total-institutions" in particular. We argued that the prison is a unique entity because its stability is based upon a solitary-opposition model; control is its major end and not only a means to other ends; it is a non-client-centered social subsystem; it lacks the usual means of recruitment, retention and release; and finally, it is negatively affected by its structural location in the criminal justice system.
2. To trace the development of the four most common prison management models and to relate these different styles of management to disciplinary policy and practice. To this end, we identified and discussed four prison management models—the authoritarian model, the lawful community model, the citizen inmate model, and the inmate control model.

3. We tried to relate the prevailing correctional ideologies of the rapidly changing administrative regimes in the last decade (1966-1975) in the State of Washington, to the operation of a fortress prison—the Washington State Penitentiary. In so doing, we paid special attention to the changes in the internal social organization of the prison and the consequences of changes for one of the most vital prison mechanisms of social control, i.e., the maintenance of prison discipline through solitary confinement. The implications of the changes in correctional ideology were related to changes in punitive, administrative and protective solitary confinement.

4. Many of the changes in the internal organization of the prison were not only matters of change in ideology as much as a result of importations from the "free world." For that reason, we examined the effects of the "new prisoner," the presence of drugs inside the walls, the increasing violence in and outside the prison, the due-process revolution, the implementation of new prison conduct rules and procedures and other importations on the management of discipline in the prison.

5. We attempted to test the Clemmer and Wheeler conceptions of "prisonization" and "anticipatory socialization" and the relationship of these concepts to prison discipline via the solitary confinement experience(s) of convicts. We proposed that any attempt to test the
hypotheses set forth by Clemmer and Wheeler, is incomplete if it neglects to take into consideration the inmate's actual behavior in the "joint," and is only concerned with measuring "prisonization" and "anticipatory socialization" on the attitudinal level.

6. In relation to Clemmer's and Wheeler's ideas we also developed a typology of "holers" based upon our empirical findings. Four different groups of solitary confinees were identified, i.e., the "Incidental/Accidental", the "Early Starter", the Late Bloomer" and the "Chronic."

To these ends, our preliminary investigation of Washington corrections yielded interesting facts regarding correctional administrative succession in that state. As part of our pilot study, we interviewed "old time" custody officers, asking them to reconstruct major changes which took place in Washington corrections during their correctional careers. This effort looked at administrative, and policy and practice changes in the history of corrections in Washington. There was a great deal of consensus as to the most critical events and these are summarized in Appendix A.

On the basis of data obtained in these interviews we were able to reconstruct the recent history of corrections in Washington. For a period of about nine years ending in 1966, Dr. Garrett Heyns, was the Director of Corrections in Washington. Typical of his time, he used conventional and traditional, often authoritarian, modes of control. He was known as one of the ablest administrators of his generation and was greatly admired for it. Under his leadership, the Department of Corrections started on the road to bureaucratization, and away from institutional autonomy where the warden was legislator, judge, and jury. Rules and regulations were established and vigorously enforced in the
prison community. Inmates who could not be managed in the general population were removed into the Washington State Penitentiary's maximum security unit (administrative segregation). Protective custody was not used except in extraordinary circumstances.

Heyns was succeeded by Dr. William Conte (M.D.), a psychiatrist, who teamed up with the then attorney general Mr. Don Horowitz, to produce, not by design, one of the most unstable periods in the history of corrections in Washington. While there was little correctional innovation under Heyns, the Conte-Horowitz period was marked by a great deal of innovation, and these changes were introduced without consultation or staff preparation primarily in the name of reform, rehabilitation and due-process of law. From the traditional autarchy of the past the Walla Walla penitentiary moved into the citizen-inmate model, and thus the warden's--Mr. B.J. Rhay--power diminished considerably. Consistent with the Conte's philosophy the use of segregated facilities for restraint and protection markedly declined. At the same time inmate participation in vital prison operations dramatically increased. Inmates formed a Resident Council and were represented on all major institutional committees. By 1973, Washington State Penitentiary was a much changed prison. At that time, both Conte and Horowitz resigned. However, 1973 was also critical because in that year Washington Administrative Code rules were introduced. This was probably the single most important document emanating from the Conte-Horowitz zeitgeist and its related concepts.

Mr. Harold Bradley took office as Director late in 1973. During his tenure, since ended, the use of the maximum security unit increased precipitously in all confinement categories; this, in spite of the fact
that the emphasis on due-process and rehabilitation did not lessen under his stewardship.

It is against such a backdrop that one must view our choice of the years 1966, 1971, 1973 and 1975, as critical years in recent Washington correctional history. Of these four index years the two extremes--1966 and 1975--represent relative stability in Washington, while the two interim years--1971 and 1973--were chosen to reflect the practices connected with solitary confinement during years of unrest and conflict at all levels in the system. Using a "data take-off sheet" which was pretested, we gathered data retrospectively on inmates who were confined in the maximum security unit in the Septembers of 1966 (N=56), 1971 (N=98), 1973 (N=45) and 1975 (N=107). For these 306 research group inmates we distinguished between the various solitary confinement forms, i.e., punitive segregation and punitive isolation (institutional rule violators), administrative segregation (threats to the welfare of the institution), protective custody (self-defined potential victims of other prisoners), and suspended sentences of segregation and isolation. We also generated four comparison cohorts, each composed of 100 inmates, released consecutively from the prison, beginning in September 1 of 1966, 1971, 1973 and 1975. Of these 400 subjects some (N=157) were while others (N=243) were never confined in the maximum security cellblock at Walla Walla during the instant offense period. Information was more limited on the comparison samples than on the research samples. We obtained information on the inmate's background and his criminal history. The primary focus, however, was on the socio-demographic, deviant, criminal, incarceration, instant offense, solitary experience(s), and history
of parole board actions of all research subjects. These data were made computer ready by coding, and were stored on a tape for the purpose of statistical analysis.

**Summary of Findings**

Our study of the use of the maximum security unit at the Washington State Penitentiary—an organization in a constant state of flux—yielded the following major findings:

First, throughout the decade under scrutiny (1966-1975) there was an unprecedented increase in the extent to which the management at the penitentiary resorted to solitary confinement as a means of inmate control. This increase was enormous between 1973 and 1975 (131.8 percent), and smaller over the whole ten year period (78.7 percent).

Second, in specifying the nature of change, we observed that there was a decline in the emphasis on rule violations as warranting segregation and a concomitant increase in the use of the maximum security unit for administrative and protective custody purposes. In other words, there was a sharp decrease in punitive isolation (the more restrictive condition) and an increase in the use of punitive segregation (the milder form of punitive confinement). The greatest increase of all was in the use of the suspended solitary confinement sentences. Here too, the milder of the two sanctions (suspended segregation) was more frequently used (in 1975 as compared to 1966) than the more severe one (suspended isolation). Most importantly, the use of protective custody increased by 705.5 percent and administrative segregation by 41.5 percent.
Third, as to the length of time spent in maximum security, there was a systematic decline in punitive isolation, administrative segregation and in protective custody. The only category of confinement in which sentences were longer in 1975 than in 1966, was in the milder of the two punitive sanctions, i.e., punitive segregation.

Fourth, between 1966 and 1975, there was also a fundamental change in the nature of law-breaking behavior of prisoners in Walla Walla. On this variable, our data show that there were significant declines in the rates of charges connected with both escape (47.7 percent) and in general prison rule infractions (9.0 percent). In contrast charges involving narcotic drugs, gambling and similar prison crimes increased eightfold (887.3 percent), and more importantly, there was an increase in charges related to violent conduct (28.6 percent) in the prison.

Fifth, the administrative comings and goings in the Washington Department of Corrections accounted for shifts in the pattern of institutional sanctioning as reflected in the use of the maximum security unit at Walla Walla. Of all events occurring in Washington's corrections between 1966 and 1975, the following had the greatest impact on solitary confinement policy: the establishment of the Washington Administrative Code rules, its special emphasis on granting due process procedures to prisoners, the introduction of liberal ideas derived from the rehabilitation model (e.g., the Resident Council), and the breakdown of the conventional communication channels between the central office and local management.

Sixth, in further analyzing our data, we ruled out the possibility that the observed fluctuations in the prison's reliance on segregated
facilities was attributed to the "toughening" of the Washington State Penitentiary's inmate population. While the population characteristics clearly "worsened" over time, the prison's solitary confinement policies developed in a direction showing much greater responsiveness to the management shifts than to changes in the prisoner-personal attributes. Specifically, policies moved from a punitive to an administrative and protective orientation.

Seventh, the "hardening" of the prison population was evident in at least two ways. a. The past records indicated: a much greater previous involvement with drugs (33.5 percent in 1966 versus 60.4 percent in 1975), an increase of crimes of major violence (71.4 percent) and an even greater increase in crimes of lesser violence (77.6 percent). The growth in non-violent crimes was negligible (2.3 percent). While their criminal record grew worse the previous incarceration record reduced with time. b. Data on the instant offense also showed an increasing rate of violence as well as more frequent use of force and weapon in the commission of violent crimes. The length of the instant sentence declined over time.

The prison responded to these population trends by relying more heavily on the administrative removal of the predators--often violent inmates--on the one hand, and by isolating the potential victims, on the other. Both of these forms of "banishment" from the rest of the prison population are procedurally more flexible, than the punitive measures which at the time (1975) required elaborate due process guarantees and procedural complications.

Finally, our typological analysis facilitated both the conceptual and empirical testing of Clemmer's and Wheeler's concepts of
prisonization and anticipatory socialization. In so doing, we were able to identify four types of prisoners who do time in the maximum security unit of this fortress prison. These were: the Incidental/Accidental (constituting nearly half the solitary confinees), the "Early Starters" (about 12 percent), the "Late Bloomers" (about 20 percent) and the "Chronics" (also about 20 percent). The first two of these groups are composed of those whose pattern seems to fit what is indicated by the processes of prisonization and anticipatory socialization, i.e., the Incidental/Accidental and the "Early Starters". The "Late Bloomer" is a type diametrically opposed to what is anticipated by propositions derived from the Clemmer and Wheeler notions. Finally, for the "Chronic" violator of prison rules, prisonization and anticipatory socialization are essentially meaningless processes since their chronicity violates both.

Conclusions and Implications

Despite its outward appearance of constancy, the Washington State Penitentiary is a "total institution" in flux. The policies and practices connected with the prison's maximum security unit were the vehicle and the barometer through which this change was observed and monitored. As one of the very first empirical reconnaissance efforts into this relatively unexplored area, i.e., the area of discipline in prison, this study yielded a number of significant results which warrant special consideration. Moreover, the implications of these results, are of import not only to academic criminology, penology and corrections, but even more so to policy planners and practitioners in the field, warden and guard alike.
First and foremost, we found that social organizational factors overpower other considerations. On the macro-organizational level what actually happens in the prison is largely determined by: (1) the organizational environment and ideology, (2) by those who possess the power to formulate it, as well as demand and impose the implementation of their philosophy, and (3) the degree to which the personal ideologies of the powerful are congruent and compatible with the organization's ideological orientation. Nowhere in the correctional community are those realities more evident than in the Texas Department of Corrections. In this system, central doctrines of control through discipline, the emphasis on education, an insistence upon a full employment economy to produce normative work habits were all implanted by O.B. Ellis, Dr. George Beto and by his successor Mr. W.J. Estelle. "Corrections Magazine" (1978) devoted many of its pages to the cover story on the Texas system of control, discipline, incentives, and work and to the integration of these components in a unified correctional system.

As far as the Washington Department of Corrections is concerned we observed the effect of the social organization, its leadership and changing ideology on discipline in the Washington State Penitentiary. Our data on solitary confinement demonstrate the impotence of the Washington State Penitentiary to cope with such prison problems as violence and drugs. We found the considerable vulnerability of inmates to become victims of violence. In the Washington case extra-organizational forces merged to produce this situation. For the most part, these problems were linked with macro-organizational transformations i.e., changing ideologies of the Department, the implications of increased
court intervention, the growing community involvement in the prison, the greater reliance of the courts on community based corrections, the guard unionization efforts, and the growth of inmate group influence in the prison.

It is against this backdrop that the situation in the maximum security unit must be viewed. When policies in an organization shift rapidly--rather than gradually introduced--and without prior consultation, it should not be surprising that uncertainties set in, and an anomic organization becomes inevitable.

The second implication of our findings is that social organizations are inherently intolerant of rapid social change. Furthermore, once fundamental change is implemented and routinized, it is almost always irreversible. In advancing this thesis we build on events at the Walla Walla penitentiary as well as in Attica and in many other correctional institutions such as the "old" Ohio Penitentiary. In nearly every case when new policies, programs or practices were introduced they antagonize a substantial enough number of individuals who resist the "new" in an attempt to maintain the status quo. In this regard there is no difference whether the change is for the better (e.g., granting more civil rights to prisoners), or for the worse (e.g., imposing new deprivations upon inmates). In Washington, for example, the guards were clearly opposed to the former and the inmates to the latter, leading to breakouts of violence, riots, sit-down strikes, lockdowns and the like.

Hence, since the Washington system has moved so far in terms of the ideology (due process-rehabilitation) of the Conte-Horowitz team, any attempt to retreat to previous practices will more than likely
produce institutional chaos, unrest, rebellion and dissatisfaction.
Given this principle of irreversibility, any attempt to regain control
over the institution has to be carried out in an evolutionary manner.
Even then, there is little assurance that near complete control—vsi-
a-vis the Texas system—is possible, even if one agreed that it is de-
sirable.

The research in Washington has also shown that institutions are in-
tolerant of ambiguity. Long before this study, researchers in criminol-
ogy and corrections pointed out that incompatible goals of the prison
largely account for many of its organizational problems. (Weber, 1957;
observed that: "Much of the conflict within correctional institutions
arises out of the bifurcation of organizational goals. Custody and
treatment are presented as simultaneous, albeit sometimes differentially
evaluated goals for achievement, yet their achievement requisites tend
to be contradictory." (p. 393)

Our evidence shows that the Washington State Penitentiary is no
exception. This institution was never at peace with itself in the last
decade. At least ideologically, the prison and, more specifically,
the central office espoused a mixed-goals orientation, so characteristic
of its citizen-inmate cycle or phase. It vacillated between a custodial
orientation (under Heyns) and a due process-rehabilitation ideology
(under Conte) and finally began to retreat to a more conventional control
conception under the leadership of Bradley. In all of these phases,
however different they were in outward appearances, the fundamental need
was for control no matter what was preached by those in charge.
The important point then is, that the morale of the inmates, guards, and treatment staff, no less than of the leadership, (the Warden and Associate Wardens) was systematically undercut. In short, the promise and the actual, the normative and the behavioral in the Washington system were rarely aligned producing intolerable levels of frustration on all working levels. It is in the light of these goal ambiguities that the Washington State Penitentiary along with most other correctional institutions in the United States must be viewed. Organizational malfunctioning and goal conflict impede control in the prison.

Perhaps the most important implications of our research is in its impact on management rather than treatment issues. Our findings suggest that unless rational action is taken to reverse current trends in prison management, correctional systems will be compelled to move toward a protection based classification system. Some, like California and Illinois have already done so. During the last quarter of the twentieth century, the assignment of prisoners to specific correctional institution was based on various criteria grounded in a treatment, rehabilitation, and a medical model. As such, these models required that classification committees give very special consideration to the personal characteristics and needs of prisoners (i.e., background, personality traits, etc.). This was counterbalanced by the availability of suitable programs and "vacancies" in prisons with the proper custody level and work on adventive opportunities. When these two major concerns meshed, an acceptable placement of the prisoner resulted. As a result there emerged at least three classification alternatives. The first was based chiefly on custody considerations, i.e., the level of security of the institution.
The second was based on the mental status of the prisoner. The third focused on the specific need of the inmate for various prison treatment and/or work programs such as counseling, drug related programs, vocational training and/or relocation, and the like. In all cases, the presumed custody need—maximum, medium or minimum—was the primary consideration which determined the final assignment of the prisoner. It should be stressed, however, that custody considerations were focused on the need to protect society and not to protect the inmates from each other.

This study has shown that Washington must rethink its current classification system. The failure of the prison system in Washington and elsewhere in recent years to provide safety and security for inmates from each other presages the development of a new prison model. This model will require the division of the prison community into three population segments and corresponding living units: the general population, those whose behavior demands "super-maximum" security conditions, and finally a unit for the vulnerable inmates who need protection. This setting, imposes upon classification and assignment boards the task of evolving a new custodial dimension namely, the degree to which the individual is capable of protecting himself from the changing and intensifying hazards of life in a prison—the danger from others, in particular.

This new model organizes the prison community in an effort to protect the inmates from the fear of each other. Personal vulnerability, victimization, drugs, gang activities, physique, appearance, and homosexual tendencies are the emerging criteria that will take precedence
in future assignments to different types of prisons and within each, to housing and work assignments.

One final implication of our research has to do with the types of violational patterns in the prison. Of all patterns, the most problematic are those of the "Late Bloomer" and the "Chronic." We found at least in the Washington State Penitentiary, that about 60 percent of the solitary confinees eventually cease to present discipline problems in the prison. Furthermore, as measured by the length of time for which they were removed from the general population, the problems which they presented were not very serious.

On the other hand, the "Late Bloomers" and the "Chronics" pose serious challenges to prison management. In the former, the problems stem from the inherent inability of the prison and its officials to predict whether, why and when will some individuals begin to "bloom" so late in the process. Thus, the question is: within the framework of the new prison model, where do these inmates fit? What can any prison administration do to prevent such persons from persisting in undesirable conduct and manage to transform the late onset into an accidental or incidental episode? Should such an inmate be left in the general population? After how many disciplinary episodes should a "late bloomer" be transferred into the "super-max" unit, if at all? As to the "Chronics", these questions are even more pronounced and they are particularly acute with respect to the early identification of the chronics. Early identification is crucial, since the chronics--constituting about 20 percent of the population--account for the bulk of
time spent in solitary. The present state of the art in this area of classification still leaves a great deal to be desired.

Study Limitations and Focus of Future Research

In addressing the limitations of our study we chose to divide them into two broad categories for the purposes of clarity. The first focuses on conceptual criminological, penological and correctional issues, and the second on methodological concerns.

First, the conceptual limitations. It is of prime importance to reemphasize that this study was concerned with prison discipline and solitary confinement in a system in transition. Thus, we took an organizational approach and the organization rather than its individual members was the primary focus of analysis. Furthermore, even when data on individual inmates were introduced, it was in support of our organizational emphasis.

A number of alternative conceptual approaches may be equally useful in a comprehensive study of discipline in a maximum custody prison. For example, an interactional orientation could have shed light on the problem of discipline in Walla Walla. The virtue of an interactional approach is in that it would focus on the various interactional networks in the penitentiary. Clearly, we did not address the implications for discipline in the prison of inmate-inmate, inmate-staff, and inmate-parole board relationships. Such a broad study should focus, for example, on central questions connected with the dynamics of decision-making in prison, e.g., Who gets "ticketed"? Who goes to the "hole", and for how long? What are the different social psychological modes of coping with
isolation and the related deprivations? What are the consequences of these experiences in the readaptation of the inmate to the general population following his exit from the maximum security unit? How does the disciplinary committee construct the realities connected with the inmate's violation of prison rules? Conversely, how does the inmate present himself before this committee, as well as, before the parole board? These questions and others will have to be answered by a broader study of discipline in prison, which in addition to its organizational component, would also introduce a social-psychological aspect focusing on inmate adaptations to the rules of prison life.

Second, a comprehensive study of discipline in Walla Walla also could have used an ecological (defensible space) approach. To be sure, we know that the Washington State Penitentiary, not unlike many other prisons, is unable to employ the majority of its inmates. Idleness in this prison is the rule rather than the exception. In this situation prisoners have ample free time, a condition which often breeds a search for "excitement." Furthermore, the ecological (physical) layout of the Washington State Penitentiary is also conducive to the emergence of disciplinary problems, particularly when one views it in concert with its acute program deficiency. To be sure, the Washington State Penitentiary is a relatively small institution, with limited physical space and a small yard where many inmates spend most of their readily available time. The barriers to the importation of drugs and other contraband into the prison are less than elsewhere (e.g., the Texas prisoners). In reality an outsider could throw contraband substances into the yard (over the breeze-way) with relative ease, and the guards can do very little to
stop these events from occurring. Gangs have also moved into the prison and they too occupy and control their turf, however, very small it may be. When one views the situation from these two interrelated perspectives—the interactional and the ecological—one can see their merits as sensitizing frameworks in the study of the use of maximum security facilities. Despite recognizing these alternatives, we chose a structural perspective since we felt that it would better tap the main problem at hand, i.e., the relationships between discipline in the prison and organizational change. Clearly, our approach does not preclude the others from being used in the future to study the prison as an organization in action.

Another conceptual framework that could be brought into a more exhaustive analysis of prison discipline is the labeling perspective. The inmate and his career in the institution were clearly of secondary interest in this research. However, any effort to study the problem of the dynamics of prison discipline, is incomplete if it is confined only to the organizational component. The inmate must eventually be brought into the picture, and a labeling orientation possesses definite advantages along this line. For example, we observed that many of the disciplinary problems are accounted for by the "Chronics." The questions that may be raised are: To what extent is chronicity determined by an inmate having been given a master identity as a "hard-ass"? Are the concepts of primary and secondary deviance useful in explaining initiation and persistence in prison crime? What are the implications of being labeled a predator on the one hand, or a "weakling" in need of protection, on the other? Does the attachment of these labels affect the
prisoner's intra-institutional as well as his post-institutional adjustment? Clearly, while our research did not probe these questions, it contributed considerably to their formulation, to the opening up of new areas of research and to identifying potential problem areas in need of further in-depth scrutiny.

Related to these conceptual limitations is another aspect which we did not address in this particular study, i.e., the corollaries of velocity and the progression of the inmate in terms of his solitary confinement career for the instant offense sentence period. We touched on some of the relevant dimensions of velocity and progression in our typology only tangentially. However, there is reason to believe that we are dealing with another multi-causal phenomenon. Hence, the factors conducive to building up an "infractions momentum" and retaining it for a protracted period of time should be an integral component of any comprehensive study of prison discipline. Another integral part of the velocity issue is the relationship between being sent to solitary confinement and subsequent adjustment or maladjustment of the prisoner in the institution. Moreover, one must ask the following: Is there a relationship between being in the "hole" once, and being sent there again? Is there any discernible pattern in terms of growing severity of subsequent sentences to maximum security, depending upon the position of the particular infraction in the inmate's institutional misconduct record? These, as well as others, are important questions which were not answered in this research, although they will be dealt with in the larger study of which this dissertation is a part.
Another set of limitations are the methodological considerations, some of which are substantive while others are purely technical in nature.

a. In this research we examined solitary confinement data for inmates serving time for their instant offense, and these were used to test the organizational hypotheses. It would be desirable to also look at the pre-instant offense solitary confinement experience(s) of those inmates whose records show that they were imprisoned prior to their sentence and captured in our data while at Walla Walla. Then, prior solitary experiences could be related to the present episode(s) resulting in the banishment of the prisoner to the maximum security unit. Testing the relationship between present prisoner misconduct and prior behavioral history in the prison would be of substantial import.¹ We tried to get at this kind of data but decided not to pursue it. Had we pursued this attempt to link prior to present misconduct a considerable error factor would have been introduced. While access to prior records may have been possible, there was great variability in this regard among inmates incarcerated in Walla Walla. The records showed that some were previously imprisoned in other Washington institutions, some others were previously prisoners in institutions in other states, and then there were those who were formerly in the Federal system. Hence, we decided to confine our analysis only to the instant offense period, and a decade when we knew a great deal about the relevant policies, procedures, and practices, as they applied in the Washington State Penitentiary.
b. Another limitation is evident in that we did not address the effects of experience(s) in the maximum security unit on parole board actions. While, we gathered data on the decisions made by the Washington parole board, it was only after we learned the complexities involved in this decision making process that we decided to preclude this component from this immediate study. Furthermore, the parole board guidelines varied markedly across time, and thus any comparisons throughout the decade (1966-1975) would have been tenuous and subject to erroneous inferences.

c. Informed practitioners, buttressed by current correctional research, indicate that there is little relationship between an individual's intra-prison behavior and his post-institutional adjustment. Our research did not test this relationship. It is surely necessary to investigate whether in our cohorts there was any sizable relationship between post institutional maladjustment (as measured by parole violations, for example) and the behavior of the inmate in the institution. There are some serious technical problems in testing hypotheses of this nature, most notably the unavailability of reliable data and the apparent lack of consensus among scholars and practitioners alike as to appropriate measures and criteria for adjustment and success in the community (other than recidivism). Nevertheless, it is one area which is worth investigating, if only to fully understand the broad implications of solitary confinement on criminal and deviant behavior inside the penitentiary and out.

d. Discipline in prison is one of its most vital processes of boundary maintenance. This research touched on, only one, albeit the
most widely used, mechanism of social control in the prison. Other mechanisms such as the loss of various privileges, cell restrictions, job reassignments, loss of good time, and the like, were excluded from the study. It may be assumed however, that by the time an inmate has been sent to solitary confinement he was either involved in a serious prison violation (e.g., violence, drugs, etc) or that other methods of discipline failed to produce the desired behavioral change. We now know that some were in solitary for relatively minor infractions (e.g., violation of prison "status infractions") but less often in 1975 than in 1966. Nevertheless, this study did not explore the interaction between the application of other sanctions and the inmate's subsequent experience(s) with the maximum security unit. Inferences drawn from this study are limited, therefore, only to the use of solitary confinement in maintaining prison discipline. For these reasons, one ought to proceed with extreme caution in applying our generalizations and principal findings to the overall picture of prison discipline.

Along with these limitations, there are also some rather technical-methodological ones, some of which are inherent in prison research while others can be overcome in future research.

a. There are inherent difficulties in terms of the inaccuracy of prison records as primary and official data sources. While in this study there is good reason to believe that these were minimal, researches frequently confront the universality of this problem. Our data, as we noted before, were assembled by a high ranking official in the Washington State Penitentiary--Mr. Robert Freeman--the former Associate Superintendent of Classification and Treatment. This may be the best way to
collect data. It is possible, however, that Mr. Freeman's first hand
knowledge of each and every subject, may have introduced a subjective
element into the process.

In addition, we used the F.B.I. "rap-sheet" of each inmate as the
primary source of information on the inmate's prior criminal and incar-
ceration record. The limitations in the F.B.I.'s recording system have
been discussed at length by Wolfgang (1963) and Sellin and Wolfgang
(1964), and need not be elaborated here.

While our sampling procedures were adequate for the purpose of this
study, various changes may be necessary in a more comprehensive research
of discipline in prison. A comprehensive study, for example, should in-
clude a number of prisons in the same correctional system, as well as,
comparable prisons in a number of states. In this way inferences on
matters significant to both organizational and individual inmates would
be possible. In addition, in the process of sampling individual sub-
jects, improvements in selection can produce greater comparability. For
example, matched-pairs at the level of entry into the prison (rather
than at exit) when coupled with a longitudinal follow-up approach con-
stitutes a more rigorous and, at the same time, a viable methodological
framework.

c. Perhaps the most important methodological limitation of this
study is in the statistical analysis. The organizational aspects of this
research were actually unidimensional in nature, and thus required rela-
tively simple statistical techniques. These proved adequate in identi-
fying trends in the data. However, greater depth in the analysis re-
quires the use of multivariate statistical techniques to highlight
intergroup differences as well as the causal patterns in the data. One such example in which multivariate techniques would be useful is in further refining our typology of misconduct in prison. For example, do the four patterns of violational behavior in prison differ in terms of the type of prison offenses, and the past criminal and incarceration backgrounds of the offenders? Do they differ in their socio-demographic characteristics? Is there any discernible variation in their post-prison adjustment? Does the parole board treat these individuals differently? These are only a few questions which we were not able to address in our research but which can be answered in some degree by using more sophisticated and powerful quantitative statistical methods.

A Final Note

In this research we described the central dimensions characteristic of a total institution in action. While some of these organizational qualities are unique to the prison, others are shared with all other people-processing organizations. Most importantly, however, we demonstrated that both corrections and correctional management are presently at a significant crossroads.

The disconcerting trends observed in American prisons today especially as exhibited in the area of discipline, pose serious correctional challenges to the prisoner and prison officials. Specifically, in this regard, once a man has been locked up in the "prison's prison," this organization actually has exhausted its ultimate disciplinary means in restraining the inmate who deviates from institutionalized expectations. Nothing more can be done either by the inmate confinee or by the
administration. In fact, prison realities show that much less is being done in serving the inmate once he has been removed from the general population into the maximum security unit. When an inmate is in administrative segregation he will usually be released back into the prison community if he can demonstrate some positive change in his attitudes and behavior. For the prisoner in the protective custody status, the situation is not much different. Once the prison management recognizes that it is beyond its capability to protect society's misfit, it is quite unlikely that this inmate will emerge from protective custody much before his final release from the prison.

However, there is one very important aspect that still needs to be emphasized in relation to the thrust of corrections in the future. Punitive and administrative isolation significantly differ from protective custody. In the first case, punitive banishment is ordinarily applied and imposed upon inmates in prison for doing something. In the latter case, administrative segregation and protective custody, the inmate is removed by the prison management for being something. We suggest then, that it is from this fundamental distinction between the two statuses that one of the major dilemmas of corrections arises. The dilemma confronting the prison administrator has been forcefully stated by Bronstein, the Director of the National Prison Project. In his address at the national "Isolated Prisoner Seminar" he set forth some propositions which aptly depict the overriding problems in the use of the "prison's prison." His principles are:

1. The state has the right to incarcerate people as a consequence of a violation of society's rules:
2. As instruments of the state, prison officials have absolute responsibility to protect people in their custody from harm. There can be no moral or legal qualifications to this responsibility;

3. Responsibility to protect may not morally or legally be discharged in a manner which punishes the person protected or causes injury to that person;

4. There is at the present time no known method of achieving proposition 3;

5. Therefore, morally or legally a state should not be permitted to retain in its custody any person it cannot protect without punishing or injuring him. The choice is between a system which is just and fair or one which is oppressive and indifferent to the welfare of those confined. (Conrad and Dinitz, 1978: pp. 47-48).

There are still many rather gray and vague areas in research on prison discipline. Some of these were identified above. Hence, one must view this research only as one of many other steps that have to be taken to facilitate a more rational approach to the area of prison discipline. As we have shown, there is a desperate need to develop more objective criteria to determine the answers to such questions as: Who should go into the "hole", and for what period of time? Neither the general public nor the courts are going to accept answers like, "He's done enough time, let's give him a break," or conversely, "We don't need his kind of trouble out in the yard."
Footnotes

1. In our study, the testing of this hypothesis would have been relevant for some 55 percent of our sample, since for the rest (136 prisoners) the sentence at Walla Walla was their first known incarceration.

2. This component will be dealt with in the broader study on the dangerous offender in custody.
Appendix A
HISTORY OF WASHINGTON STATE PENITENTIARY 1966-1975
(Diary Form)

The following information is a chronological listing of events that in
some way might have affected either the staff or inmate "situation"
or morale. This is not intended to be 100 per cent accurate for, un-
fortunately, this material is not located in one place. It was neces-
sary to search the local newspaper morgue, review memos, publications,
and put out a questionnaire to a number of old-time employees and inmates
and finally draw from memory. There could very well be information left
out because of the more or less haphazard way of drawing the material
together.

1966 - Garrett Heyns, the Director of the Department of Institutions
and more or less Father of Corrections in the State of
Washington, retired, and Dr. William Conte took over. Conte,
prior to accepting this appointment, was Supervisor of
Mental Health for the state and a psychiatrist by profes-
sion.

3/70 - Department of Social and Health Services established by the
Washington State Legislature. This means that corrections
was lost in the bureaucracy of this umbrella agency. Em-
ployees felt that there was no direction and no one in
Olympia who really cared about corrections.

11/70 - Dr. Conte announced to the press and correctional employees
his correctional reforms which included availability of tele-
phones, certain restrictions in maximum security building,
uncensored mail, and most important, self-government. This
was all done without preparatory staff training which nega-
tively affected staff morale.

12/70 - The institution was placed on deadlock for ten days over
the so-called rights of the inmates. It was centered on the
hair and beard issue but was much larger in scope. Inmates
were demanding rights that prior to this time had not been
considered.

1/71 - After settling the above listed lock-up Dr. Conte came to
the institution and met with inmate leaders and excluded the
superintendent from the meeting. This was a real blow to
staff morale and certainly undermined the superintendent's
authority.

2/71 - Women's Quarters was shut down, and all women were transferred
to the new institution at Purdy.

5/71 - Inmates boycotted all the counselors with the hope that
certain counselors would be let go, and inmates would be
allowed freedom of choosing their own counselors.
6/71 - Associate Superintendent of Custody, William Macklin, retired. Crowley appointed.

7/71 - Dr. Conte resigned as Assistant Secretary of Social and Health Services. Tom Pinnock, his assistant, took over.

8/71 - Furlough program was started for inmates.

10/71 - Tom Pinnock left, and Jerry Thomas took over. This was a period of complete confusion. It was more or less a leaderless period of time as far as corrections was concerned. Thomas had absolutely no experience with corrections, and as a result it was very difficult to get answers from the central office, let alone decisions.

2/72 - The death penalty was labeled as unconstitutional, and the men housed on death row were released to the general population.

2/72 - State Patrol Trooper Noble was shot and killed by an inmate out on furlough. This caused some rather drastic changes in the administration of the furlough program.

7/72 - There was a general lock-up of the institution, primarily due to demands by black prisoners. They felt that blacks as a group were being discriminated against, and they submitted their demands under the title, "The Black Manifesto."

1/73 - The first black administrator was appointed to the staff at Washington State Penitentiary.

1/73 - Legal services at the penitentiary was established. This is a group of lawyers hired by the state to administer to the legal needs of the inmates.

3/73 - A new disciplinary code was put into effect. These were Washington Administrative Codes developed by the Attorney General's office for the administration of discipline within the institution.

4/73 - The intensive care unit within the maximum security building was set up.

6/73 - A ten-day lock-up at the institution occurred over inmate grievances.

6/73 - B.J. Rhay stopped all movement to the minimum security building due to the recent high rate of escapes from the facility. This lasted approximately one month.

8/73 - Milt Burdman was appointed Assistant Secretary, Social and Health Services. He directed his immediate attention to corrections, and the Division of Corrections for the state was formed.
10/73 - Lloyd Patterson of California took over as interim head of the Division of Corrections. Jerry Thomas gave up his responsibility as far as corrections was concerned.

12/73 - General shake-up of state correctional leaders occurred. A number of wardens and associate wardens were moved to different jobs and different men assigned to take over these positions.

12/73 - Harold Bradley was named as Director of Division of Corrections, and Patterson went back to California.

1/74 - Washington State Penitentiary Riot Squad was formed to assist in emergency situations at the penitentiary.

3/74 - There was a general sit-down at the minimum security building, and 50-some men were transferred back to the main institution.

6/74 - The Chicano inmates at the penitentiary barricaded themselves in an area and refused to lock up until their grievances were heard. It was necessary to call the riot squad to resolve the situation.

6/74 - Social Adjustment for Minorities (S.A.M.) was started. This is a federally funded program designed to assist minorities. It is concerned with not only their housing but also their work program and educational program.

6/74 - Darcy Wood was made Acting Associate Superintendent of Custody, when Crowley retired.

8/74 - Jim Harvey appointed as Associate Superintendent of Custody.

8/74 - Dan Griffin was appointed as new Captain.

8/74 - Third and fourth year college classes offered in the W.S.P. Education Department.

10/74 - Three officers were stabbed by inmate Eade.

12/74 - Thirteen hostages were taken in eight wing and the hospital. Two nurses were stabbed in the ordeal.

1/75 - A number of guards left penitentiary employment due to the hostage incident and general unrest.

3/75 - A "near" riot occurred over a racial situation and an inmate stabbing.

3/75 - Prisoners refused to return to their cells for night lock-up. At issue was an Indian counselor and strip searches.
4/75 - Inmate self-government was abolished by the superintendent until a reorganization could be effected.

5/75 - Self-government re-established with new guidelines and new direction.

5/75 - The corrections central office in Olympia is bombed.

7/75 - Inmates refused to return to their cells at night. At issue was a strip search of a female visitor.

7/75 - A legislative hearing was held at the penitentiary. This was a standard meeting, not necessarily over any special issue.

11/75 - R.A. Freeman, Associate Superintendent of Treatment, retires.

In addition to the above information that can be tied down to a date there is other material that was important but happened gradually, making it hard to set in chronological order. These are listed below.

1. General staff turn-over for the whole period.

2. A different kind of inmate was received during this period. He was younger, better educated, and much more drug oriented than the old timer.

3. The establishment of clubs in the institution which gave the inmate organizational power and the official recognition of these clubs which could also be termed inmate gangs.

4. An increase in the number of killings and suicides in the institution.

5. The emergence of Don Horowitz and John Henry Brown, Attorney Generals in the state system. These men seemed to have more concern for re-enforcing the inmates' demands than the smooth running of the institution. Their decisions seriously affected staff morale and the ability of administrators to effectively run the institution.

6. Self-help groups established in the institution. These groups established by inmates with administrative sanction. Had both positive and negative effect on inmates and staff alike.

7. During the latter half of 1974 and early part of 1975, very serious staff shortage appeared because of budgetary limitations.
AMENDED: CHAPTER 275-88 WAC relating to adult correctional institutions--
Discipline. Order No. 1185, Filed February 3, 1977, Effective

WAC 275-88-005 PURPOSE. (1) The rules in this chapter shall pro-
vide a standardized system consistent with constitutional due process
for ascertaining whether misconduct by a resident of an adult correctional
institution has occurred. (2) The rules in this chapter shall not apply
to proceedings of the board of prison terms and paroles.

WAC 275-88-006 DEFINITIONS. The following definitions apply for purposes of this chapter.
(1) In labeling the parts of these rules, use the following example:
(a) "Rule" - WAC 275-88-085.
(b) "Subsection" - WAC 275-88-085 (1).
(c) "Subparagraph" - WAC 275-88-085 (1) (a).
(d) All rules together are called "regulations."
(2) "Promptly" - To act as soon as possible consistent with insti-
tutional goals of safety, security and rehabilitation.
(3) "Working days" - Normal Monday through Friday work days, ex-
cluding weekends and holidays.
(4) "Director" - The director of the adult corrections division of
the Washington state department of social and health services or his designee(s).
(5) "Superintendent" - A superintendent of an adult correctional
institution or his designee(s).

WAC 275-88-010 SUPPLEMENTARY RULES. The superintendent of an adult
 correctional institution may promulgate supplementary rules, policies, and
procedures including the creation of new general and/or serious in-
fractions, the reclassification of general and/or serious infractions
set out in these rules, and the creation of new sanctions. All such new
or reclassified infractions and sanctions shall be approved in writing
by the director or his designee before being put into effect: PROVIDED,
That such local rules may be adopted on a thirty-day emergency basis with-
out such approval. The director may disapprove any rule, and/or procedure
adopted under this rule.

WAC 275-88-015 NOTIFICATION. (1) Each resident of a correctional
institution shall be advised in writing of
(a) His rights and responsibilities,
(b) Acts prohibited in the institution,
(c) Disciplinary action which may be taken in the event of miscon-
duct.
(2) Each resident shall be provided with a copy of the rules in
this chapter and upon his arrival at the institution shall be given a
 copy of all local disciplinary rules, policies and procedures.
(3) All amendments or additions to this chapter and all amendments
or additions to local disciplinary rules, policies, and procedures shall
be posted at a specifically designated place or places in each institution
in advance of their effective date if possible and for at least thirty
days after their effective date. Residents shall be responsible for
informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for resident examination.

(4) The superintendent shall insure that each resident has the opportunity to understand rules which relate to his conduct. If the resident is unable to read or understand English, the rules shall be read to him in his accustomed language.

WAC 275-88-020 DEFINITION OF MISCONDUCT. Misconduct shall consist of:

(1) Any act described in WAC 275-88-025 as a general infraction,
(2) Any act described in WAC 275-88-030 as a serious infraction, or
(3) Any act proscribed by local institutional rule adopted pursuant to WAC 275-88-010.

WAC 275-88-025 GENERAL INFRACTIONS. Any of the following types of behavior shall constitute a general infraction:

051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars ($5.00)
052 - Loaning of property for profit
053 - Possession of anything not authorized for retention or receipt by a resident and/or not issued to him by regular institutional channels
055 - Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars ($5.00)

103 - Refusing to obey a lawful order of any staff member
104 - Unexcused absence from work or any assignment
202 - Abusive language directed to a staff member
203 - Lying or knowingly providing a false statement to a staff member
205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution
210 - Being present in an unauthorized area (notice given by each institution)
211 - Intentional failure to follow published safety or sanitary regulations
212 - Using any equipment or machinery which is not specifically authorized
213 - Using any equipment or machinery contrary to instructions or posted safety standards
214 - Intentional failure to scand count
251 - Smoking where prohibited
301 - Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations.
302 - Tattooing or self-mutilation
303 - Unauthorized use of mail or telephone
305 - Correspondence or conduct with a visitor in violation of published and posted regulations
1. Amended §351: (Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value of less than $5.00 from another resident, a member of his family or his friend, except when authorized.

400 - Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself.

WAC 275-88-030 SERIOUS INFRACTIONS. Any of the following types of behavior shall constitute a serious infraction:

501 - Committing homicide
502 - Assaulting any person
503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing
504 - Engaging in sexual acts with others
505 - Fighting with any person (except in self-defense)
506 - Threatening another with bodily harm or with any offense against his person
507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state law
521 - Holding a person hostage
523 - Violation of conditions of furlough
550 - Escape
551 - Lying to the hearing committee
552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against
553 - Intentionally or recklessly setting a fire
554 - Intentionally or recklessly destroying or damaging state property, or the property of another person
555 - Stealing (theft) or knowing possession of stolen property--the unauthorized taking of extra portions of food shall be considered the same as theft
556 - Refusing to submit to a body search when lawfully ordered to do so by institutional staff
557 - Refusing and/or failing to work or attend other regularly scheduled assignments
558 - Intentionally interfering with a staff member in the performance of his duties
559 - Gambling
600 - Tampering with or blocking any locking device
601 - Possession or introduction of an explosive or any ammunition or components thereof
602 - Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof
AMENDED: CHAPTER 275-88 WAC relating to adult correctional institutions--
Discipline. Order No. 1185, Filed February 3, 1977, effective

603 - Possession, introduction, transfer or use of any narcotics,
controlled substance or related paraphernalia, possession, transfer or
use of any intoxicant or drug not prescribed or authorized for the resi-
dent or for the resident to whom transferred, if applicable, by the medi-
cal staff, or being intoxicated, or under the influence of an unauthorized
drug, narcotic, controlled substance, or other intoxicant
605 - Unauthorized possession of any officer's or staff's clothing
607 - Refusing to submit to a urinalysis or blood test under medically
acceptable conditions, when requested in writing to do so by a supervisory
employee of the rank of shift commander or above, by licensed medical staff
or by others designated by the superintendent
608 - Refusing to submit to a breathalyzer or other standard sobriety
test
650 - Rioting
651 - Inciting others to riot
652 - Engaging in or inciting a prohibited group demonstration
653 - Intentionally interfering with the taking of count
654 - Counterfeiting, forging or unauthorized reproduction of any
document, article of identification, money, security, or official paper
655 - Making intoxicants, controlled substances, narcotics
656 - Giving or offering any official staff member or a volunteer
a bribe or anything of value for a favor or unauthorized service
657 - Four or more general infractions arising out of separate in-
cidents and which have been reported in writing: PROVIDED, That the four
separate incidents all occur within a six-month period
658 - Intentional failure to perform according to an administrative
action taken pursuant to WAC 275-88-050 (3), after determination of appeal,
or appeal time has lapsed
659 - Resisting posthearing sanctions as provided for in WAC 275-88-
105
660 - Unauthorized possession of money or other negotiable instru-
ments of five dollars ($5.00) or more
661 - Performing or to take part in performing a marriage in the
institution buildings or on the institutional grounds, except when such
marriage was approved by the superintendent of the institution. Violation
of the rule may, in appropriate cases, be deemed a violation of a visiting
rule that can subject a resident to the sanction contained in WAC 275-88-
105 (1) (d), as well as other sanctions available for serious infractions.
662 - Solicitation of goods and/or services for which the provider
would expect payment when the resident knows or should have known (s)he
has no funds available to pay for such goods or services
700 - Attempting to commit or aiding another person to commit a
serious infraction as enumerated in WAC 275-88-030, 501 through 699.
Such action shall be considered the same as commission of the offense
itself

2. New Rule - WAC 275-88-030 #663: (Giving, selling, or trading money or
anything of value to, or accepting or purchasing money or anything of
value of $5.00 or more from another resident, a member of his family or
friend except when authorized.

AMENDED: CHAPTER 275-88 WAC relating to adult correctional institutions--
Discipline. Order No. 1185, Filed February 3, 1977, effective

701 - Commission of any general infraction as enumerated in WAC 275-
88-025 or any local rule denominated as a general infraction in such a
manner as likely to result in danger to life or limb or to create a risk
to the orderly operation of the institution or the health and safety of
its residents, staff, or visitors shall be considered a serious infraction,
provided there is substantial evidence which establishes there was such
a danger.

705 - Failure to maintain a favorable record of conduct and/or failure
to perform in a faithful, diligent, industrious orderly and peaceful
manner the work, duties and tasks assigned to him as provided by RCW 9.95.
070. A finding against the resident under this rule shall result only in
a recommendation that good time not be certified to the board of prison
terms and paroles.

WAC 275-88-035 REPORTING TO LAW ENFORCEMENT AUTHORITIES.
(1) It shall be the duty of the superintendent to report any viola-
tion of a federal, state, or local law to law enforcement authorities.
(2) If a violation has been reported to law enforcement authorities,
the resident shall not be questioned about the incident, outside of a
formal disciplinary or administrative segregation hearing under these rules,
until after it has been determined that no prosecution will occur or until
a finding of guilt is made.
(3) The provisions in this rule shall not preclude the reasonable
segregation of the resident in accordance with administrative segregation
rules appearing in chapter 275-82 WAC.

WAC 275-88-040 INFRACTIONS--ON-SITE ADJUSTMENT. In the event of a
general infraction, a staff member may make an on-site adjustment which
may consist of
(1) Counseling, warning, or reprimanding the resident, and/or
(2) Causing the resident to remove himself from the situation
immediately involved in the violation.
(3) An on-site adjustment under this rule cannot be considered a
general infraction for the purposes of invoking WAC 275-88-030, 657.

WAC 275-88-045 INFRACTIONS--REPORT ON. (1) In the event of a
general infraction a staff member may prepare and submit an infraction
report. In the event of a serious infraction the staff member shall pre-
pare and submit an infraction report.
(2) The infraction report shall include:
(a) a description of the alleged infraction;
(b) the time and place of the incident;
(c) the names of witnesses;
(d) the specific rule alleged to have been violated;
(e) a description of any action taken;
(f) a recommendation regarding further action.
(3) The infraction report shall be signed by the staff member and
submitted promptly to the supervisory employee or unit team designated
by the superintendent to receive such reports.

WAC 275-88-050 GENERAL INFRACTION REPORT--ACTION ON REPORT. The supervisory employee or unit team receiving a general infraction report shall decide within five working day of receipt of the report, unless an extension is granted by the superintendent, whether to

(1) Take no further action, in which case the report shall be destroyed promptly;

(2) Refer the matter to the hearing committee; or

(3) Take administrative action as provided for in WAC 275-88-105 (1).

(4) General infractions handled under this rule may be accumulated for purposes of invoking WAC 275-88-030, 657.

WAC 275-88-055 APPEAL TO HEARING COMMITTEE. (1) If a resident is dissatisfied with an administrative decision made pursuant to WAC 275-88-050 (3), he may within 48 hours after receiving notice of the administrative action, unless extended by written order of the superintendent, file a written request for review of the action by the hearing committee. His request shall include his reasons for believing that the decision was inappropriate. Filing a request for an extension does not automatically result in an extension being granted while the request is being considered.

(2) The hearing committee shall act on the request for review within five working days of receipt unless such time is extended by the superintendent. In considering a request, the hearing committee shall have the following options:

(a) Affirming the administrative decision without a hearing except as to WAC 275-88-105 (1),

(b) Reversing or modifying downward the administrative decision without a hearing, or

(c) Scheduling a hearing before the committee as provided in WAC 275-88-083.

(3) The hearing committee shall give the resident written notice of its decision, including its reasons therefor, within seventy-two hours of its decision unless extended by the superintendent.

(4) All sanctions shall be stayed pending appeal under this section.

WAC 275-88-060 APPEAL TO HEARING COMMITTEE--COMPOSITION OF COMMITTEE. (1) The superintendent of each major adult correctional facility shall establish a hearing committee(s) of three or more persons the membership of which shall reflect a substantial balance between various departments of the institution with not more than two members being appointed from any one department. No person shall serve as chairman for more than six consecutive months and no person except an associate or assistant superintendent shall serve more than six months in any twelve month period.

(2) At forestry honor camps and such other smaller adult correctional institutions as may be created from time to time, the hearing committee(s) shall be comprised of three or more staff members designated by the superintendent, none of whom shall be the involved resident's regular counselor, unless no other satisfactory staff members are available.

(3) The superintendent shall also designate a staff member(s) of the institution to serve as a clerk for the hearing committee.

WAC 275-88-065 APPEAL TO HEARING COMMITTEE--DISQUALIFICATION OR ABSENCE OF MEMBER. (1) No member of a hearing committee may function in such capacity when he has direct personal knowledge or interest in the incident under consideration. Such member must disqualify himself by giving notice to the chairman. The superintendent shall select as his replacement a person qualified according to WAC 275-88-060.

(2) Any member of a committee who will be absent from the institution at the time of a hearing or otherwise unable to serve on the committee shall notify the superintendent who shall appoint a substitute qualified according to WAC 275-88-060.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude a committee member's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities. A committee member may disqualify himself or be disqualified by the chairman when it is felt the committee member is biased for or against the resident so that he cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired.

WAC 275-88-070 APPEAL TO HEARING COMMITTEE--JURISDICTION. The hearing committee shall have jurisdiction over all serious infractions, all general infractions referred to it in accordance with WAC 275-88-050 (2), and over good time certification questions arising under WAC 275-88-030, 705.

WAC 275-88-075 PREHEARING PROCEDURES--RIGHTS OF RESIDENTS.

(1) Before being questioned about an alleged rule infraction, a resident alleged to have committed a rule infraction shall be advised of his right to remain silent at all stages of the investigatory proceedings.

(2) The resident shall retain his institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 275-88-080.

WAC 275-88-080 PREHEARING PROCEDURES--RESTRICTION OF RESIDENT.

(1) Prior to and during a hearing before the hearing committee:

(a) A resident in minimum security status may be restricted to a security area without loss of his classification status when there is a reasonable belief that he is a substantial security risk; or

(b) A resident who is reasonably believed to be of danger to himself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonably believed to exist,
be restricted to his own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement.

(c) A resident shall not be confined or segregated for more than seventy-two hours exclusive of weekends and holidays unless there is an intervening hearing on the incident involved or the resident or the institution for good cause require additional time not to exceed seventy-two hours to prepare its case for the hearing or there is an administrative segregation hearing in accordance with the provisions of chapter 275-82 WAC. In the case of a resident restricted to a security area from a minimum custody area, unless a hearing is held within the time limits of this subparagraph, his continued temporarily restricted confinement shall be reviewed by the classification committee.

(2) Confinement or restriction as authorized in this rule shall not limit the right of a resident to prepare an adequate defense to the charge which will be heard by the hearing committee. He may select a willing lay person to be his representative in investigating the charge and obtaining witnesses in his behalf. Such representative may be a staff member not involved in the incident, or a resident not involved in the incident who is approved by the superintendent, or any other person approved by the superintendent. Such representative shall have reasonable access to the resident and to other witnesses inside the institution.

(3) A resident confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing committee following the hearing, as set forth in WAC 275-88-110.

(4) A resident confined or restricted as authorized in this section shall receive credit for time served in such manner if he is subsequently found guilty of the offense by the hearing committee.

WAC 275-88-085 HEARING COMMITTEE—PREPARATION FOR HEARING. In preparation for the hearing, the clerk of the hearing committee shall at least 24 hours in advance of the hearing:

1. Provide copies of the infraction report to the resident and to the members of the committee;
2. Advise the resident, both orally and in writing, or his right, subject to the relevant provisions and limitations of these rules:
   a. To have a hearing;
   b. To remain silent;
   c. To call witnesses, including staff members, other residents, and other persons;
   d. To question witnesses at the hearing;
   e. To present documentary and/or other evidence on his own behalf at the hearing;
   f. To have a lay advisor;
   g. To have access to all reports and records utilized by the hearing committee during the fact-finding stage. Exceptions to this rule are

permissible where the reports and records contain information, the disclosure of which to a resident might reasonably compromise the security and/or safety of the institution or its residents. In such cases, the resident shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgment of the receipt by the resident of the information provided in accordance with WAC 275-88-085 (2);

(4) Determine from the resident whether he wishes to contest the allegation.

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent.

In the event that the procedures of WAC 275-88-055 (2) are utilized or the matter is referred to the hearing committee by the supervisory employee or unit team pursuant to WAC 275-88-055 (2) (c), the hearing shall be scheduled within five working days of the determination that a hearing is necessary, unless such time is extended by the superintendent. All hearings may be continued upon the request of the resident as well as the institution.

(6) Notify witnesses of the hearing.

WAC 275-88-090 CONDUCT OF HEARING. (1) The chairperson of the hearing committee shall assure that the resident is competent to understand the charge against him and the proceedings, and to participate therein. He may order a postponement of the hearing to secure a report on the competence of the resident, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The resident shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing committee may wish to make concerning the identity of unidentified witnesses. A resident may waive his presence at a hearing.

(3) The resident may use his own recording equipment to record the disciplinary hearing. The tape may be used for the purpose of appeal provided it has been given to and stored by the hearing committee clerk between the time of the recording and the appeal.

(4) The resident shall be informed of his right to remain silent.

(5) The clerk shall be responsible for presenting all appropriate paperwork to the committee but shall not be responsible for orally presenting facts and circumstances surrounding the incident to the committee.

(6) The committee shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the resident, and

(b) Determination of further action to be taken.

(7) Evidence, testimony, questions, and examination shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(8) Where institution staff members are witnesses against the resident, every effort shall be made to have such witnesses present to
testify at the hearing: PROVIDED, That the written statements of such staff members may be considered in their absence upon a showing of good cause.

(9) The resident shall be allowed to call witnesses and present documentary evidence in his defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing committee, or otherwise found to be unnecessary to the adequate presentation of the resident's case. The testimony of all witnesses from outside the institution shall be considered in writing except where the committee determines that the presence of a witness is appropriate, in which case the hearing may be continued until such time as the witness is available. If the witness is unavailable, the committee may, in its discretion, consider the written testimony previously submitted.

(10) The resident may question witnesses against him in the discretion of the hearing committee. If the committee determines that a resident witness would be subject to risk of harm if his identity were disclosed, the resident witness' evidence may be introduced by the testimony of a staff member to whom the information was provided by the resident witness and/or the affidavit of the resident witness; or, if the staff member to whom the resident witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member. The hearing committee shall, out of the presence of all residents, inquire as to the identity of any anonymous resident witness(s), and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified resident witness to identify such resident shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member the rank of captain or above.

WAC 275-88-092 DECISION OF HEARING COMMITTEE. (1) A report of the hearing shall be made by a secretary or recorder who may be a member of the committee, and shall include the charge, names of witnesses, summary of the testimony and cross-examination, a description of the physical evidence used, and the decisions and reasons therefor. The report shall be placed in the resident's institutional file if he is found guilty. All reports shall be maintained by the clerk as part of the hearing committee's records. A complete tape record of the hearing may be taken but the tape shall not become a part of the resident's file, and shall be destroyed ninety days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the resident, the committee must rely solely on evidence presented to it and may not rely on extrinsic evidence. However, during the dispositional
stage of the hearing, such factors as the resident's institutional file and prior conduct may be considered.

(3) The majority of the committee shall agree on the guilt or innocence of the resident and the disposition made.

(4) Any decision of the committee shall be based on evidence and such decision shall be in writing and shall include reasons for reaching the decision.

(5) Any member of the committee who does not fully agree with the decisions reached by the majority may file a separate statement for inclusion in the record.

(6) The resident shall be informed personally of the decisions of the committee. Such information shall be given to him orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(7) The resident shall be informed of his right to appeal the decisions of the committee to the superintendent.

WAC 275-88-095 FINDING OF NO INFRACTION. If the hearing committee determines that no infraction occurred, the resident shall be reinstated to his previous status and all records pertaining to the charge shall be expunged.

WAC 275-88-097 LAY ADVISORS. (1) A resident may have the assistance of a lay advisor in preparing for a hearing. The lay advisor may be a staff member not involved in the incident or a resident not involved in the incident who is approved by the superintendent or any other person approved by the superintendent. The lay advisor may attend the hearing but shall not be responsible for presentation of the resident's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing committee. In considering the degree of involvement to be allowed a lay advisor at the hearing, the hearing committee shall consider such factors as the literacy and intelligence of the resident, the complexity of the issues, and the resident's overall ability to speak for himself and adequately present his case.

(2) Resident lay advisors shall participate in only one disciplinary case within a one-week period unless special permission to participate in additional cases is granted by the superintendent.

(3) A resident may be disqualified from participating as a lay advisor in a particular case if such participation will directly interfere with previously scheduled rehabilitative programming.

(4) If a resident is denied the opportunity to act as a lay advisor under the provisions of subparagraph (1) of this rule, he may appeal that decision to the director. However, such an appeal shall not act as a stay on the disciplinary hearing in question unless the superintendent specifically so orders.

(5) Resident lay advisors shall be provided with:

(a) Copies of all written decisions of the hearing committee and the superintendent in cases in which the lay advisors are involved;

(b) An opportunity to have private conversation with residents they are representing;
(c) Access to written information to be used by the hearing committee in the fact-finding stage as far in advance of the hearing as is reasonably possible;
(d) Reasonable access to all witnesses.

WAC 275-88-100 SANCTIONS--AUTHORITY TO IMPOSE. (1) If the committee determines that a resident is guilty of a serious infraction as enumerated in WAC 275-88-030, it may impose one or more of the sanctions provided in WAC 275-88-105.
(2) If the committee determines that more than one infraction occurred, it shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.
(3) The committee may recommend that the execution of a proposed disciplinary action be deferred for a fixed period of time not to exceed six months subject to the good behavior of the resident. If the subsequent behavior of the resident is appropriate, the committee shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the resident's being found guilty of either a general or serious infraction unless conditions attached to the original suspension provide more restrictive grounds for revocation. A suspended sentence may be revoked only by the institution disciplinary committee.
(4) The committee may review any decision it has previously made and may modify downward any sanction previously imposed.
(5) Sanctions shall not be imposed while an appeal from the committee's decision is under consideration by the superintendent.
(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

WAC 275-88-105 SANCTIONS--TYPES. (1) For general infractions enumerated in WAC 275-88-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:
(a) Reprimand and/or warning;
(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;
(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed three days;
(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 275-96 and 275-80 WAC or in local rules regarding correspondence and/or visitors.

(e) Up to 120 hours of extra work duty.
(2) For serious infractions enumerated in WAC 275-88-030, one or more of the following sanctions may be imposed:
   (a) Any of the sanctions enumerated in WAC 275-88-105;
   (b) Loss of specified privileges for a period of time not to exceed one month except that a resident shall not be deprived of an opportunity for daily exercise;
   (c) Evening lockup or confinement to quarters for ten days;
   (d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday.
   (e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;
   (f) Recommendation to the classification committee for reconsideration of custody classification and/or, when the infraction committed is directly related to the resident's program, recommendation of program change.
   (g) Transfer to another institution only when as a result of the infraction committed, the resident is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;
   (h) Transfer to the maximum security or segregation section, but not to an isolation cell, for a period not to exceed thirty consecutive days;
   (i) Confinement in an isolation cell for a period not to exceed ten consecutive days: PROVIDED, That where a serious infraction(s) occur(s) during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: PROVIDED FURTHER, That in such situations when a resident may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the resident is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days.
   (j) Recommendation to the board of prison terms and paroles for forfeiture of good time credit or reconsideration of minimum sentence;
   (k) Restitution for damage done to any property or loss of any property assigned to the resident. Funds may be withdrawn from the resident's account to make restitution under this rule: PROVIDED, That a resident's account shall not be reduced to less than $10.00 under this subparagraph.
   (l) Recommendation to the superintendent that he not certify time credit for a resident to the board of prison terms and paroles, pursuant to RCW 9.95.070.

WAC 275-88-110 SANCTIONS--LIMITATIONS. (1) No resident shall be subject to disciplinary action for violation of resident conduct rules unless there has been reasonable advance notice to the resident of the
specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygiene implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) A resident placed in segregation shall:
(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;
(b) Be provided the same opportunities for personal hygiene as are available to the general population;
(c) Retain his rights to correspondence, reading, and legal representation;
(d) Be provided daily opportunity for at least one hour of exercise unless circumstances such as staffing, space, institutional security and order and/or safety, etc. make this unfeasible, in which cases such resident shall be allowed as much exercise as is feasible in the judgment of staff. Such limitations shall be approved in advance by a staff member of rank of lieutenant or higher.

(e) Be visited by a physician, nurse, media, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility.

(5) A resident placed in isolation shall:
(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;
(b) Be provided the same opportunities for personal hygiene as are available to the general population;
(c) Retain his rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal or program involvement material;
(d) Be visited by a physician, nurse, medic, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the conditions of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility:
AMENDED: CHAPTER 275-88 WAC relating to adult correctional institutions--

(e) Be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;
(f) Be visited by a staff member at least twice during each daily shift to ascertain his well being. Each such visit and findings shall be recorded;
(g) Be accessible to the counselor assigned to him.

WAC 275-88-115 APPEAL TO SUPERINTENDENT. (1) A resident may appeal the decision of the hearing committee to the superintendent by filing a written request for review and his reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the committee. The superintendent may, in his discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing committee record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the committee (with reasons stated), reducing the severity of the sanctions imposed, vacating the judgment of the committee, remanding the matter for a new hearing, but he may not increase the severity of the sanctions imposed. If the matter is remanded, it shall be heard before a disciplinary committee at least two members of which did not serve on the committee previously hearing the matter.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the resident nor shall his custody be subject to change unless there are grounds for detention as provided in WAC 275-88-080 or if the superintendent has reason to believe that he is a substantial security risk.

(5) The resident shall promptly be notified of the decision of the superintendent.

WAC 275-88-120 REPORTS TO THE PAROLE BOARD. (1) Whenever the committee finds a resident guilty of an inherently serious infraction, and recommends either loss of good time credits or an adjustment upward of the resident's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter.

(2) In all other cases where a finding of guilty is made for an inherently serious infraction, it shall be the duty of the clerk to inform the parole board of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter.
Appendix C
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<th>Instant Offense</th>
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Race: ____________________ Occupation: ____________________
Birth Date: _______________ Education: ____________________
Marital Status: __________

Parole Board Actions (Instant Offense):

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Drinking History: Yes ___ No ___ Was Forced Used: Yes ___ No ___
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Escape History: Yes ___ No ___
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Date of Parole/Discharge

Post Institutional Adjustment:
   Clear Reformation
   Marginal Reformation
   Marginal Failure:
       ■ Fail to make monthly reports
       ■ Change of employment without P.O.'s permission
       ■ Change of residence without P.O.'s permission
       ■ Abandoned supervision
       ■ Misdemeanor conviction
   Clear Failure:
       ■ In-State felony conviction
       ■ Out-of-State felony conviction

Definitions of Above:


Marginal Reformation: Marginally pursuing a non-criminal life, pursued neither non-criminals or criminal goals vigorously - maintains contacts in the criminal world. Review of file reveals notice of arrest, suspension and reinstatement, Board warnings, letters of concern, Violation Reports. Last report expresses concern, gives a poor prognosis or not generally of a positive nature.

Marginal Failure: Returned to the penitentiary for violations other than new felony convictions, or a Commission Warrant is issued for one or more of the above five reasons.

Clear Failure: Returned to the penitentiary, in-state or out-of-state, for new felony conviction.
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<th>DATE</th>
<th>REASON(S)</th>
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**TOTAL TIME IN MAXIMUM UNIT (in days)**
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