

THE KEEPERS AND THE KEPT:
THREE ESSAYS INVESTIGATING THE IMPORTANCE OF RACE
DURING CONFINEMENT

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The scale and unequal distribution of incarceration in the U.S. has generated extensive scholarship examining its social predictors and consequences. Little is known, however, about confinement itself. What happens inside jails and prisons affects the incarcerated people who live there, as well as the staff who work there. In this three-paper dissertation I investigate how racial hierarchies permeate the experience of incarceration. Drawing on both quantitative and qualitative methods, I show that punishment and resource distribution within penal institutions are unseen dimensions of racial inequality in criminal justice practices, and that correctional officers' decisions can strengthen racial boundaries during confinement.

The first study is an analysis of quantitative disciplinary infraction data from North Carolina State prisons. Infraction rates are not a neutral barometer of inmate conduct because they also reflect officers' use of discretion. These sanctions have serious consequences for individual inmates and, as such, can be a meaningful measure of differential treatment at the aggregate. I find that black inmates receive a disproportionate share of disciplinary infraction tickets compared to white inmates, and that this racial disparity increased after North Carolina adopted determinate sentencing.

The next study is based on in-depth interviews that I conducted with 20 correctional officers. As the street-level bureaucrats of penal institutions, correctional officers must decide

how to distribute scarce resources and enact or subvert punitive institutional policies. Their language reveals the racial frames that shape their thought-processes when interacting with inmates. I identify a typology of race talk categories in order to highlight the finding that respondents' racial ideologies can vary depending on whether they are discussing inmates or their own careers.

For the final study I present an analysis of data collected from interviews with 45 formerly incarcerated people about their confinement. I find that correctional officers have a profound influence on incarceration experiences. This employee group is like other street-level bureaucrats because their use of discretion leads to a considerable gap between official policies and actual practices; they are a special case because their unique interactions with clients who live in the total institutions where they work can easily become abusive.

BIOGRAPHICAL SKETCH

Bridget Brew earned her B.A. in American Studies from the University of California, Berkeley, and her M.S. in Education from Brooklyn College. She was a secondary school teacher before beginning her doctoral studies at Cornell University. During her time at Cornell she served as an instructor for the Cornell Prison Education Program at Auburn Correctional Facility.

For my parents, Bill and Sandy, who always told me I could.

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INTRODUCTION

Fundamental changes in the criminal justice system that began in the last decades of the 20th century highlight that some U.S. policies disproportionately punish and regulate poor, non-white Americans (Piven and Cloward 1971). African Americans experience more surveillance, police stops, charges, convictions, and longer sentences than their non-Hispanic white counterparts (Travis, Western, and Redburn 2014). Young black men are more likely to experience prison than college (Pager 2007), and those without a high school education can expect to be incarcerated as a normal part of the life course (Pettit and Western 2004).

These racial disparities are critical given the scale of incarceration. At the end of 2016, nearly 2.2 million adults were confined in jails and prisons (Kaeble and Cowhig 2018). This staggering figure does not include millions more formerly incarcerated people who are no longer in custody, but still marked by the experience (Pager 2007; Shannon et al. 2017). These currently and formerly incarcerated millions are also connected to countless network contacts who have been affected by the incarceration of a loved one (e.g., Lee et al. 2015). Though incarceration is no longer a rare event, particularly for black men with low educational attainment, researchers only have a “pixelated” (Reiter 2014: 417) picture of what happens in penal institutions.

Relationships between inmates and correctional officers¹ are an essential dimension of confinement (Sykes 1958). Incarceration spells create hardship for prisoners and their families, but penal facilities also provide health care and other social services to

¹ In this project I use “correctional officers” to refer broadly to all staff who maintain custody of incarcerated people in jails and prisons; see Lombardo (1981) for a history of the evolution of this term.

disadvantaged populations (Shannon and Page 2014). As the front-line workers who are charged with directly distributing the material and psychological rewards and punishments of their agencies (Lipsky 1980), correctional officers have significant influence over confinement experiences. These employees play a vital and understudied role in the reproduction of inequality through their decisions to enact or subvert institutional policies.

The goal of this dissertation is to illuminate how the carceral experience intersects with broader racial stratification through the actions of correctional officers. Because penal institutions are closed to outsiders, I approach the topic of race, correctional officers, and confinement using three studies. Drawing on both quantitative and qualitative methods, I show that incarceration experiences are a hidden dimension of racial inequality in criminal justice practices, and that correctional officers help reinforce racial hierarchies.

In the first chapter of this dissertation, “The Increasing Significance of Race: Discipline in North Carolina State Prisons during the Prison Boom,” I use administrative data to provide a comprehensive test of the relationship between race and formal punishments during confinement. I focus on disciplinary infraction tickets as a measure of differential punishment within penal institutions because these sanctions represent a decision point for officers who must determine what behaviors to ignore and what, or whom, to formally punish. Disciplinary infraction tickets can have serious consequences for inmates, such as assignment to solitary housing or decreased likelihood of parole. I find that black inmates receive more disciplinary infractions than their white counterparts, and that this racial disparity increases after the change to determinate sentencing, which made sentence lengths more uniform. Using a series of regression analyses, I find that black inmates are more likely to receive at least one

annual infraction, receive more mean annual infractions, and more total infractions compared to white inmates.

I also examine the relationship between race and punishment in later stages of the disciplinary process. I find that black inmates are less likely than white inmates to be found guilty of an issued infraction ticket, suggesting that correctional officers are harsher on black inmates compared to other decision makers in the disciplinary process. However, black inmates are assigned to longer stays in segregated housing, which is the most severe type of confinement because of its association with deleterious effects on mental health (Grassian 2006). The overall results are similar for males and females, though the racial disparity is more pronounced for females. This study demonstrates that periods of confinement reinforce racial hierarchies in North Carolina prisons, and that these disparities have grown during the era of mass incarceration.

The second chapter, “The Selective Colorblind Race Talk of Correctional Officers,” is based on in-depth interviews with a sample of 20 correctional officers from a mid-sized metropolitan area in the American South. Though correctional officers are tasked by the state with regulating the behavior of socioeconomically and racially marginalized inmates, little is known about the beliefs and thought-processes that shape their interactions with inmates. I use interviews to explore how officers interpret and explain the effect of race on their work lives. Correctional officers have to navigate the tension of living in an era of colorblind racial ideology that denies the importance of race in shaping life chances (Bonilla-Silva 2010), while working in a system with extreme racial disparities. This tension may be especially salient for this sample of officers, ninety percent of whom are nonwhite. These employees are both a general example of street-level bureaucrats who must regulate a vulnerable population

and a specific case that reveals how penal institutions intersect with systems and discourses of racial stratification.

From the qualitative data that I collected with correctional officers, I identify a typology of four distinct “race talk” narrative categories to highlight the finding that the racial ideology that respondents employ can vary depending on whether they are discussing inmates or their own careers. For instance, a quarter of officers acknowledge racial bias in their own treatment as employees in a department controlled by white men, but rely on colorblind racial ideology to explain that inmates’ conduct, not racial disadvantage, dictates their treatment by criminal justice personnel. This study expands scholarship about colorblind racial ideology that has primarily been studied in educational settings and with white people. By discussing the importance of race in shaping their career trajectories, as well as its impact on justice-involved others, this sample of officers elucidate variation in black American’s race talk.

In the third chapter, ““They Wanted You to Know That They Were God and You Were Beneath Them”: Correctional Officer Discretion as a Source of Pain during Imprisonment,” I apply Lipsky’s theory of street-level bureaucracy to penal institutions in order to illuminate the impact of correctional officers’ decisions on the inmates in their care. I use in-depth interviews with 45 formerly incarcerated respondents to explore how their incarceration experiences were shaped by correctional officers in the facilities where they lived. Respondents’ stories about both institutional and extralegal strategies that officers use to maintain control shed new light on the lived experience of confinement. I find that relationships between officers and inmates are central to the carceral experience, and that the actions of some correctional officers contributed to the psychological and physical pains of imprisonment for all respondents. Correctional officers are like other street-level bureaucrats

in their use of discretion that is influenced by their own moral values as well as racial stereotypes. They are a special case of street-level bureaucrats because they work in total institutions that are closed to outside oversight, which allows some of them to make brutality and humiliation a daily part of the confinement experience for the inmates in their care.

This dissertation contributes to literature on the consequences of mass incarceration by demonstrating that confinement is not a uniform event; rather it is a social experience that varies by race and ethnicity, gender, and region. Taken together, the three chapters of my dissertation show that jails and prisons are institutions that contribute to the maintenance of racial stratification in the era of mass incarceration, pointing to a need for policies that address confinement itself.

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CHAPTER 1

THE INCREASING SIGNIFICANCE OF RACE:

DISCIPLINE IN NORTH CAROLINA STATE PRISONS DURING THE PRISON BOOM

Race matters before and after incarceration in the United States. African Americans experience more surveillance, police stops, charges, convictions, and longer sentences than their non-Hispanic white counterparts (Cole 1999; Western 2006; Travis, Western, and Redburn 2014). Among the formerly incarcerated, it is harder for black than white men to find work, and when they do, they receive lower returns for their labor (Pager 2003; Lyons and Pettit 2011). Less is known, however, about how race matters during incarceration spells. If race impacts incarceration experiences, then confinement itself may be a hidden dimension of racial inequity in criminal justice practices.

One aspect of incarceration that could vary by race is institutional punishment. Correctional officers monitor inmates to ensure adherence to the “profusion of rules” (Cheliotis 2006: 323) that they are supposed to follow. When officers perceive misconduct, they have significant discretion to ignore the behavior, employ an unofficial sanction, or submit a disciplinary infraction ticket (Lombardo 1981; Light 1990). Infraction tickets are formal sanctions that can lead to serious consequences for inmates, such as assignment to solitary housing or decreased likelihood of parole (Flanagan 1983; Memory et al. 1999; Wilcox, Digard, and Vanko 2016). Most studies of disciplinary infraction tickets present infraction rates as a straightforward measure of inmate misconduct, without acknowledging that formal punishments result from interactions where both prisoners and correctional

officers make decisions. Because there are multiple actors in the discipline process, there are multiple pathways through which racial disparities in punishment could arise.

Testing for racial disparities in institutional punishment is challenging because evidence collected during incarceration spells is rare. Using unique data from North Carolina state prisons, I provide a comprehensive test of the relationship between race and punishment during confinement. I focus on infraction tickets as one way to measure the effect of race on incarceration experiences because these sanctions represent a decision point for officers who must determine what behaviors to ignore and what, or whom, to formally punish. I test whether black inmates receive a disproportionate share of disciplinary infraction tickets in a state prison system during the era of mass incarceration. I also examine whether black and white inmates have the same chances of being found guilty of issued infractions, and whether they are given the same punishments if they are found guilty. Lastly, I investigate whether there are differences in the amount of time that black and white inmates are assigned to serve in disciplinary segregated housing, as even short stays in solitary confinement have negative impacts on psychological wellbeing (Smith 2016).

I find that black inmates receive more average annual disciplinary infractions than their white counterparts, and that this racial disparity has grown over time. The differences in infraction ticket rates by race persist after relevant covariates are included in various regression models. From 1995-2016, black male inmates are 1.2 times more likely than white inmates to receive an infraction in a given year and they receive 0.76 more annual infractions conditional on receiving one; they also receive 3.9 more total infraction tickets, on average, over their entire incarceration history than white inmates. Though black inmates are less likely to be found guilty of an issued infraction ticket, they are assigned to approximately

eight more hours in segregated housing for every infraction ticket that results in this punishment. The results are similar for males and females, though the racial disparity is more pronounced for females. These findings demonstrate that institutional discipline during confinement is correlated with race in North Carolina. Because incarceration experiences are not uniform by race, punishment during incarceration is a mechanism that contributes to broader racial stratification.

BACKGROUND

Formal Punishment within Penal Institutions

The overarching punishment for prisoners is the deprivation of liberty. One way that prisons accomplish the task of keeping people in custody against their will is by having an extensive set of rules designed to control inmate behavior (Lombardo 1981; King and McDermott 1990). Correctional officers monitor inmates and mete out penalties for real or perceived transgressions against these institutional rules. There is variation by department, but the formal process of issuing and punishing infraction tickets is designed to mirror the larger criminal justice process by involving multiple layers of decision making aimed at providing due process (Flanagan 1980; Jones and Rhine 1985). Officers police inmates and decide what or whom to ticket. If the inmate pleads not guilty, a disciplinary body hears the case. If the inmate pleads or is found guilty of the offense, he is given a punishment.

Disciplinary infractions are an important part of the incarceration experience because they have immediate and long-term consequences for inmates. Those who receive infractions can be labeled as troublemakers (King and McDermott 1990), making them ineligible for human capital building programming in some departments, such as education or desirable

jobs. Receiving and being found guilty of disciplinary infractions can impact an inmate's custody level, total time served, and chances of release by a parole board (Poole and Regoli 1980; Flanagan 1983; Cao, Zhao, and Van Dine 1997). Inmates also have to endure the physical sanctions and/or loss of material resources (Huebner 2003) that accompany guilty infraction tickets, including losing phone privileges, visitation, or having to pay a fine (Wilcox et al. 2016). The severity of the punishment is usually related to the severity of the offense, though this relationship may be weak (Flanagan 1982).

The most contested formal punishment in prisons is the use of restrictive housing² (Shames, Wilcox, and Subramanian 2015; Wilcox et al. 2016; U.S. Department of Justice 2016). When inmates receive this consequence as the result of a guilty infraction ticket, they are removed from the general population and kept locked in a cell for at least 22 hours per day (U.S. Department of Justice 2016). This punishment has come under scrutiny as depriving inmates of social contact seems to have long-term, deleterious effects on their mental health (Haney and Lynch 1997; Grassian 2006; Shames et al. 2015).

A significant complexity of the formal disciplinary process is that rules are monitored and enforced inconsistently (Sykes 1958; Light 1990; King and McDermott 1990). Mass incarceration has altered the infrastructure and management of prisons (Feeley and Simon 1992), but human beings are still in charge of keeping other human beings in custody. Correctional officers are the street-level bureaucrats of prisons who have significant discretion when interacting with inmates (Poole and Regoli 1980; Shannon and Page 2014). Though these employees occupy the low rungs of a bureaucracy, the nature of their work requires

² This practice has different names in different contexts. Some examples are: segregation, segregated housing, disciplinary housing, seg, solitary confinement, the SHU, the box, or the hole.

them to make decisions about what rules to enforce and how to distribute scarce resources given the complexities of human interactions that cannot all be procedural (Lipsky 1980). It is officers' interpretation and enactment of facility policies that constitute the *de facto* policies of prisons (Lipsky 1980).

Correctional officers' considerable discretion (Light 1990), coupled with the fact that their decisions are hidden from outsiders (Gibbons and Katzenbach 2006), leaves the formal disciplinary process open to corruption (Poole and Regoli 1980). In an innovative study that relies on reports from inmates and correctional officers, as well as official records of rule violations, Hewitt and colleagues (1984) find that officers report just 3.5% of the infractions that they witness. There are multiple reasons why officers do not officially report every infraction. In some facilities the extensive set of rules makes it logistically impossible to enforce all rules at all times (Lombardo 1981; Hewitt et al. 1984). Additionally, deciding not to enforce rules for select inmates or in certain contexts is one strategy that officers can use to maintain control (Sykes 1958; Poole and Regoli 1980). Officers may also choose to use extralegal punishments as a form of inmate control when paperwork and supervisor scrutiny disincentivizes submitting a formal ticket (Marquart 1986; Light 1990). The majority of ticketed offenses in prisons are found guilty (Flanagan 1982), likely because most misconduct is not ticketed, so when it is, supervisors support the word of their officers over the delegitimized word of inmates (Marquart 1986).

Institutional Punishments and Race

The "shocking racial disparities" (López 2010: 1025) that exist in surveillance and sentencing provide ample reason to question whether race is associated with punishment

during confinement. Though prison scholars often ignore the social context of prisoner-staff relationships (Bottoms 1999), prison discipline always reflects the behaviors and decisions of both inmates and staff. The multiple actors in this process mean that there are multiple potential sources of racial disparities in punishment during incarceration.

The first pathway for racial disparities in punishment is through prisoner conduct. Most studies of disciplinary infractions treat these sanctions as a direct reflection of inmate behavior. Using this logic, the explanation for different infraction rates by race is simply that black and white inmates act differently (e.g. Memory et al. 1999). Though studies tend to include race as a predictor variable without any theory (Steiner and Wooldredge 2009), others rely on cultural explanations of differences in black and white inmate behavior. For instance, in a study of federal male prisons, Harer and Steffensmeier (1996: 342) find that black inmates have higher rates of violent infractions than their white counterparts, which the authors attribute to a supposed violent subculture among “inner city” black Americans.

The second pathway through which racial disparities in punishment could arise is through the decisions of correctional officers. When street-level bureaucrats have too many clients to consider individually, a common issue for this group, they use shortcuts to decide how to distribute the material and psychological rewards and punishments of their agencies. If these shortcuts rely on ethnic or racial stereotypes to determine deservingness, differentiation of services based on in-group preferences or out-group bias will result (Lipsky 1980). This does not have to be pure racial animus, as studies in social psychology show that even racial biases that exist below the level of consciousness shape behavior (Bobo and Fox 2003).

Some scholars of prison discipline explicitly name racial bias in punishment as an explanation for different outcomes in infraction rates by race. For instance, Flanagan (1983: 37) cautions:

Nevertheless, the possibility must be considered that correctional officers differentially respond to institutional misconduct on the part of younger offenders, drug offenders, violent criminals, and prisoners of different racial categories. If this is the case, the results of the studies to date – including the present investigation – can be viewed as descriptions of the end product of this selective enforcement process.

In a study of a medium-security prison, Poole and Regoli (1980) find that black and white inmates are equally likely to commit infractions, but black inmates are more likely to receive a formal ticket. This can be a cycle of bias, as an official discipline history heightens chances of future sanctions, particularly for black inmates (Poole and Regoli 1980). Stereotypes about black men may lead officers to read disrespect into their actions, which then allows officers to write infraction tickets for broad offense categories that are open to interpretation (Flanagan 1980). In his qualitative study of a prison in Texas, Marquart (1986) finds that black inmates are targeted for extralegal, physical punishment by officers who believe that they do not show officers sufficient deference.

Whether it is the behavior of inmates, the behavior of correctional officers, or the interaction between them, racial disparities in punishment during incarceration matter. Beyond being its own dimension of racial inequality in criminal justice practices, disparate punishment by race can help explain broader racial stratification. Mass incarceration is now thought to not only reflect, but also drive social stratification (Wakefield and Uggen 2010). However, the mechanisms between incarceration and stratification remain ambiguous. Punishment in prisons matters for the daily lives of inmates, and thus has implications for their families and communities as well. Most prisoners are released (Travis 2005), so any

skills they gain or traumas they suffer follow them home (Gibbons and Katzenbach 2006). Inmates who receive infraction tickets can be kept from human capital developing programs. Harsh punishments can lead to loss of faith in the system or long-term health impairments, especially from spells in segregated housing. If these negative consequences disproportionately affect black inmates, then black men and women, as well as their families and networks, will be at a relative disadvantage after their release. Therefore, punishment during incarceration could exacerbate racial stratification after incarceration.

Background on North Carolina State Prisons

The data for this study come from North Carolina state prisons. Because state systems are unique, no single state is representative of the nation. Compared to other states, North Carolina is less punitive on some measures and more punitive on others.³ In 2013 the state imprisonment rate was 730 for every 100,000 residents, which was slightly below the national average of 830 for every 100,000 (Glaze and Kaeble 2014). Like most other states in the South, offenders in North Carolina can receive the death penalty, though this punishment is used infrequently (Welty 2014). However, North Carolina is an outlier in its treatment of juveniles; it was one of the last two states to stop automatically charging 16 and 17-year-olds as adults (Smith 2016).

North Carolina's Department of Public Safety oversaw 56 adult state prisons in 2017.⁴ Of the 36,442 prisoners in December 2016, 53% were black and 92% were males. Of all the

³ North Carolina's annual statistical reports document changes over time in facilities and sentencing practices: <https://www.ncdps.gov/our-organization/adult-correction/rehabilitative-programs-services/statistical-publications>

⁴ The Department of Public Safety was formed in 2012 with the consolidation of three other departments.

staff in the division of adult correction and juvenile justice in December 2016, 43% were black (DPS Research Bulletin 2017). Though this figure includes employees who are not officers, the high share of nonwhite prison workers indicates that correctional officers in North Carolina more accurately reflect the racial demographics of the prison than do officers in other states (Craddock 1996). High rates of staff turnover is a longstanding issue in corrections across departments (Lambert, Hogan, and Barton 2002; Gibbons and Katzenbach 2006). In North Carolina, a dangerously high vacancy rate partially explains the five on-the-job deaths of correctional officers in 2017 (Alexander and Off 2017).

The most recent prison discipline policy and procedures document in North Carolina (January 2018) outlines three levels of infraction severity and their associated sanctions. An administrative fee of \$10 is charged to inmates found guilty of an infraction (Wilcox et al. 2016),⁵ which is substantial considering that inmates make an average of \$0.21 per hour of work in North Carolina prisons (Sawyer 2017). In this paper I focus on four categories of punishment: segregated housing, loss of time earned off of a sentence, extra duty hours, and loss of privileges. The details of these punishments have shifted over time, but the broad sanctions have endured.⁶

A relevant policy change for the question of infractions in North Carolina is the Structured Sentencing Act (SSA) of October 1994. The federal government gave states who enacted “truth-in-sentencing” laws funding through the Violent Crime Control and Law

⁵ Historical policy and procedures documents show that this fee was in effect in 2012, though it may have started earlier.

⁶ Of note is the fact that North Carolina has recently modified their segregated housing policies based on recommendations from the Vera Institute of Justice, which collected data from North Carolina for a year during their Safe Alternatives to Segregation Initiative. More information is available at <http://www.safealternativestosegregation.org>

Enforcement Act of 1994 (Ditton and Wilson 1999). Determinate sentencing was designed to curb judiciary discretion; it gave violent offenders shorter, more uniform sentences but guaranteed that they serve at least 85% of their sentences (Memory et al. 1999). Scholars have found a positive association between determinate sentencing policies and infraction tickets (Bales and Miller 2012). This relationship is explained by the theory that rule-following is disincentivized when inmates cannot earn time off of their sentence for good behavior. Memory and colleagues (1999) find precisely this when they test the infraction rate of North Carolina prisoners sentenced before and after the SSA – those sentenced under the SSA receive more disciplinary infractions. While overall infraction ticketing rates increased after this change, it is unclear if the increase was uniform by race, or if there are racial equity implications of this policy.

The Present Study

The association between race and formal sanctions within penal institutions is part of the larger puzzle of how race impacts punishment. Prior work demonstrates that inmate and facility characteristics affect infraction rates, but findings about the relationship between race and disciplinary infractions are mixed (Steiner, Butler, and Ellison 2014). My study builds on scholarship investigating the link between race and prison punishment in three primary ways. First, many disciplinary infraction studies were conducted toward the beginning of the expansion of the carceral state (e.g., Flanagan 1980, 1982, 1983; Poole and Regoli 1980; Hewitt et al. 1984). There have been significant changes in the demographics of officers and inmates in the intervening decades (Western 2006; Sumter 2008) – including the rise of prisons gangs (Riveland 1999) – that may have implications for the distribution of

punishments in penal institutions. While some media outlets have investigated how race dynamics affect punishment in 21st century penal institutions (e.g., Marshall Project 2015; Schwartz, Winerip, and Gebeloff 2016), there is a dearth of academic research about contemporary conditions of confinement generally, and race and punishment specifically.

The data for this study allow me to investigate the relationship between race and formal punishment in North Carolina prisons over 36 years. By taking a longer-term perspective than prior studies (Memory et al. 1999; Wilcox et al. 2016), I am able to document trends in this relationship over time. I focus on the prison boom to explore this relationship during an era when the number of people experiencing incarceration rose substantially, sentence lengths increased, prisons became overcrowded, and facilities moved away from a rehabilitative orientation toward offenders (Feeley and Simon 1992; Travis et al. 2014).

Second, prior research has generally used a smaller or more specific sample of prisoners. Many studies about state prisoners focus on one type of prisoner, such as those convicted of murder, or a single prison (e.g., Sorensen, Wrinkle, and Gutierrez 1998; Gover, Pérez, and Jennings 2008). There are some studies with a large number of observations from federal prisoners (e.g. Harer and Steffensmeier 1996; Camp et al. 2003), but the federal system is meaningfully different from state systems because it houses less than 10% of all prisoners, of whom a significant share are drug offenders with non-violent offenses (Mumola and Karberg 2006; Kaeble et al. 2015).

Finally, these rich data allow me to investigate how race matters at multiple points in the formal disciplinary process in North Carolina prisons. My first set of analyses are about the primary decision point in formal prison discipline – infraction tickets – which are

important for inmates because they can lead to consequences through both the formal system and through reputation loss. Because correctional officers decide when to issue infraction tickets, focusing on this stage of the process highlights their role in maintaining racial disparities in punishment. These data also include information about later stages of the disciplinary process that follow from receiving an infraction ticket. There is evidence that the multiple decision makers in prosecution and sentencing in courts rely on defendant race differently (Kutateladze et al. 2014). By examining the relationship between race and being found guilty of an infraction, as well as punishments received after being found guilty, I can illuminate how decision makers serving on disciplinary bodies within North Carolina prisons use race similarly or differently than correctional officers.

DATA AND METHODS

Data

I use publicly available data about offenders in the North Carolina state prison system to investigate differences in formal punishments by race over time.⁷ Data sets available on the North Carolina Department of Public Safety website⁸ contain thorough information about demographics, court outcomes, incarceration spells, and parole and probation details of offenders in the North Carolina state system from 1972 to the present.⁹

⁷ While there is reason to be wary about the accuracy of reported infraction data in all systems (Light 1990), these are the only publicly available data, so will be used for all analyses.

⁸ Available at: <http://webapps6.doc.state.nc.us/opi/downloads.do?method=view>

⁹ As with other large administrative data sets, there are some issues with missing or erroneous information, but the main variables in this analysis are reliable. The Department of Public Safety also has an offender search website where it is possible to spot check information from the data sets: <https://webapps.doc.state.nc.us/opi/offendersearch.do?method=view>

I use the inmate, offender, and sentence computation data sets to construct an annual prison registry. The inmate file has one entry for every offender who was sentenced to incarceration in North Carolina (N=448,722), including demographic information and details of the incarceration. For respondents with missing demographic data in the inmate data set, I use the demographic data that is available in the offender data set, which contains one entry for the 1.2 million people who have been in North Carolina's criminal justice system since 1972, even if that person did not have to serve time.

I use the sentence computation data to link inmates to past sentences. This data set has multiple entries per person for various sentence components for every sentence they were given over time. These data contain admission dates, projected release dates, and actual release dates. Less than 1% of the admission dates are missing; I drop these sentences. I replace missing actual release dates with projected release dates for less than 1% of sentences. While this method introduces some error, it should not bias the estimates because I use annual counts instead of monthly counts, so differences of even several months will not matter.

This constructed prison registry includes people who were incarcerated at any point during a year, which leads to higher population estimates than a cross-section taken at a single point in time. This strategy is advantageous with these administrative data because it corrects for multiple admission and release dates for various components of the same incarceration spell for inmates who served time for two or more charges. Because the infraction counts are also taken annually this should not lead to bias in the infraction rate estimates. Additionally, using annual counts instead of cross-sectional counts should not induce any race-specific bias.

The infraction data set contains information about all formal infraction tickets written since 1972. Some inmates do not receive any infractions, so are not in this data set, and others

have multiple entries for multiple infractions. Though these data contain specific information about the time, nature, and verdict of infractions, they neither name the facility where the infraction took place, nor have information about the officer who issued the infraction. I merge these infraction data to the constructed prison registry data so that every infraction is linked to the demographic information of the inmate.

Sample

For these analyses I omit sentences that ended before 1980 or began after 2016. The start date reflects the beginning of the expansion of incarceration; the end date reflects the last complete year of data at the time of this study. I also exclude sentence lengths of less than 180 days. There is some complexity based on whether multiple sentence components are served concurrently or consecutively, but generally in North Carolina a misdemeanor sentence is served in a county jail. Misdemeanor sentences of more than 90 days and less than 180 days are served in a county jail under the Statewide Misdemeanant Confinement Program.¹⁰ Felony convictions, which receive sentences of 180 days or above, are served in a prison (Markham 2014). Though I only use sentence computation data for people convicted of a felony, some sentences are less than 180 days. The first reason this could happen is simply because the person served abbreviated time on a felony conviction, like someone who served four months of a year-long sentence for a DWI, or someone who died early in their incarceration spell. The other reason that there are short sentence lengths in these data is

¹⁰ This program began in 2012 (<https://ncsheriffs.org/services/statewide-misdemeanant-confinement-program>). I do not have historical information about a sentence length cutoff to be served in a jail or a prison, so must assume that all sentences of less than 180 days were served in a jail over time.

because the admission or release dates from the inmate or sentence computation data are incorrect. Regardless of the reason for short sentence spells, all the sentences in this analysis are at least 180 days, which should lead to a conservative estimate of people in prison at any given time. Because I exclude infractions associated with dropped sentences, this strategy should not bias the infraction rate.

I also limit the sample to inmates who are at least 16-years-old during an incarceration year. North Carolina considers people 16 and above adult offenders, but there are some people in these data who are younger than 16 because juvenile offenders can be charged as adults for violent felonies. Additionally, some offenders may seem younger than 16-years-old because of a small amount of error in the data. For less than 1% of inmates, the date of birth is later than the beginning of an incarceration spell. I exclude inmate-years when the age is less than 16 in that year, regardless of the reason.

After inmates with missing age and race data are dropped, the final sample is 290,471 inmates and 1,580,594 inmate-years. The final number of infractions for this time frame is 2,720,365. I use these inmates and their infractions to describe infraction rates over time and to test for correlates of infractions. In analyses of the predictors of being found guilty of an infraction, I limit the sample to individuals with infractions (N=152,445). In order to investigate the predictors of certain punishments, I limit the sample to individuals who were found guilty of an infraction (N=143,224). Finally, when I test for the length of time assigned to segregated housing, I limit the sample to individuals who received a spell of at least one day in segregation for a guilty infraction ticket (N=135,466).

Measures

Dependent Variables

The primary aim of this study is to investigate how race matters for disciplinary infraction tickets, so they are the focus of the first set of analyses. There are 2.7 million infraction tickets written for 77 offense categories between 1980 and 2016. The largest category of infractions is for “disobeying an order” (N = 730,799). Most infractions are named as the actual offense, such as “cell flooding” (N= 11,267) or “weapon possession” (N = 37,979), and others are named as an offense level, like “attempt Class A offense” (N=44,189). Because many of the categories are vague – “creating an offensive condition” (N = 20,983) or “violating North Carolina law” (N = 2,265) – or listed by severity level categories that have changed over time, I do not group offenses together.

The next set of analyses focus on later stages of the disciplinary process. For the first of these the dependent variable is being found guilty of an issued infraction. Because the guilty verdict is the requisite verdict for receiving a punishment, all outcomes other than guilty are considered not guilty; this includes referral to a hearing officer, counseled, dismissed, re-investigated, found not guilty, or missing the verdict. Sixty percent of issued infractions from 1980-2016 are guilty, either through the inmate pleading guilty or being found guilty at a disciplinary hearing.

The next analyses are based on punishments for issued infractions that are found guilty. One possible punishment is losing earned time off of a sentence. The amount of time that can be earned, and subsequently lost after being found guilty of an infraction, changed after North Carolina adopted determinate sentencing at the end of 1994 (Memory et al. 1999). Another punishment is additional hours of unpaid work in the facility. A third category of

punishments is losing privileges, such as phone (20%), visitation (22%), or canteen (15%). Depending on the severity of the infraction, inmates can lose up to three privileges. The final punishment in these analyses is assignment to Restrictive Housing for Disciplinary Purposes (segregated housing).

Because of the importance of segregated housing on mental health (U.S. Department of Justice 2016), for the final analysis the dependent variable is the length of the assigned spell in segregated housing.

Independent Variables

I use three demographic characteristics of inmates for these analyses: race, gender, and age. The main independent variable of interest is the inmate's race, which is officially recorded in the system by a classification officer. Though the inmate data set includes an ethnicity variable, 34% of inmates have an ethnicity that is missing or unknown compared to less than 1% of inmates with a missing or unknown racial category. Therefore, I classify inmates as black or white based on their race regardless of their ethnicity. For the regression models I include an "other race" category, which is a combination of nonblack and nonwhite races, including Asian, Indian, unknown, and other.

For all analyses I stratify by gender, as most inmates are men, and the experiences of male and female prisoners are different (Craddock 1996; McClellan et al. 1997; Beck et al. 2013). In North Carolina less than 10% of inmates in 1980-2016 have been female. For the final sample there are no inmates with missing gender information.

I also stratify analyses by security level. This information is only available for inmates' most recent spell in the inmate data set, so this covariate will be used as a proxy of

custody-level in all regression models for the 35% of inmates with more than one spell. In North Carolina there are three categories of minimum-security prisons; I combine all of the minimum-security categories (I, II, and III) for these models.

I include a covariate of inmate's age in the year of incarceration in most regression models. Because I use annual counts, I construct this measure by subtracting the inmate's birth year from the incarceration year, so there is some imprecision depending on the month the inmate was born. I include age in the models as a categorical variable (less than 21, 21 to 24, 25 to 34, 35 to 44, 45 to 54, and 55 and above). The youngest age group primarily consists of people who are 18 and above, though until recently 16-year-olds were automatically sentenced as adults in North Carolina.

Analyses

Infraction Rates by Race over Time

The first step of this analysis is a description of infraction rates over time. I create black and white infraction rates at a person-level for every year from 1980-2016. I use the constructed denominator that includes any inmate with a sentence length of at least 180 days who was incarcerated for any part of the year. I calculate the average number of infractions separately for black and white inmates by constructing race-specific prison population counts. I collapse all infractions, by race, in the same years. I create the mean infraction per inmate by race by dividing the race-specific infraction count by the race-specific prison population in each year.¹¹ There are 290,471 inmates and 2,720,365 infractions in this analysis.

¹¹ North Carolina's Department of Public Services provides statistics about prison population, release, and admissions from 1995 to the present in six-month increments.

Mean Annual Infractions and Race

In the first regression model I use the same sample of 290,471 inmates to estimate the association between race and annual number of infractions per inmate. All inmates in the sample are included, regardless of whether they received an infraction; inmates without infractions have a value of 0. The estimating equation is:

$$Infraction = \alpha + \beta_1 Black + \beta_2 OtherRace + \beta_3 Year + \beta_{Age}(Age_Cat)$$

The dependent variable, *Infraction*, is the annual infraction count at the level of the inmate-year. The main independent variable of interest is whether the inmate is black, *Black*; white inmates are the omitted category. The coefficient of interest is β_1 , which is the difference in mean annual infractions between black and white inmates, controlling for other characteristics. I also include an indicator of the combined other race variable (*OtherRace*). I include a continuous measure of the incarceration year. I also control for inmate age category; the omitted category is the youngest age group – less than 21 years of age – because of the consistent finding in the disciplinary infraction literature that young inmates are the most likely to receive infractions (Steiner et al. 2014). For all the regression models I cluster standard errors at the person-level.

(<http://webapps6.doc.state.nc.us/apps/asqExt/ASQ>). My annual counts are higher because they are not cross-sectional, but the trends are the same. Using annual instead of cross-sectional counts should not induce any race-specific bias.

Odds of Receiving an Infraction and Race

In the second regression model I use the same sample of inmates to estimate the association between race and receiving at least one annual infraction. I use logistic regression; inmates without infractions have a value of 0 and those with at least one infraction have a value of 1. The estimating equation is:

$$\ln(\text{odds}(\text{Infraction} = 1)) = \alpha + \beta_1 \text{Black} + \beta_2 \text{OtherRace} + \beta_3 \text{Year} + \beta_{\text{Age}}(\text{Age_Cat})$$

The beta coefficients are presented as odds ratios. Therefore, the coefficient of interest, β_1 , is the ratio of the odds that a black inmate receives at least one infraction over the odds that a white inmate receives at least one infraction, controlling for incarceration year and age category in that incarceration year.

Mean Annual Infractions Conditional on Receiving at Least One Annual Infraction

For the next regression model I limit the sample to the 186,647 inmates of the original 290,471 (or 64% of the original analytic sample) who received at least one annual infraction ticket in order to test the association between race and annual number of infraction tickets for inmates with any infraction tickets. The estimating equation is identical to the equation for the first regression. The coefficient of interest is the difference in average infraction rate between black inmates and white inmates, conditional on receiving any infractions.

Cumulative Infractions

For the final test of racial disparities in infraction tickets I estimate a regression model that predicts inmates' total number of infraction tickets over their entire time incarcerated. This analysis includes the full sample of 290,471 inmates. This analysis is at the inmate level whereas previous analyses were at the level of inmate-year. The estimating equation is:

$$Total_Infraction = \alpha + \beta_1 Black + \beta_2 OtherRace + \beta_3 Age_at_First$$

The dependent variable is the total infraction count at the inmate-level. The coefficient of interest, β_1 , is the difference in average total infraction tickets between black inmates and white inmates. Because this regression is cumulative, I do not control for year or age category by year. I instead include a covariate of age at the earliest observed incarceration spell. I estimate this regression model for all inmates, as well as separately for inmates who were sentenced before and after the Structured Sentencing Act of 1994.

Guilty Verdicts and Race

For the first regression model for the next stage of the disciplinary process I limit the sample to the 186,647 inmates who received any infraction tickets. I use logistic regression to estimate the correlates of being found guilty of an infraction ticket. Over 99% of infractions resulted in a guilty verdict before the change to structured sentencing (1980-94), so I exclude this time frame from the analysis because there is not enough variation to estimate the relationship between being found guilty and race. The estimating equation is:

$$\ln(\text{odds}(\text{Guilty} = 1)) = \alpha + \beta_1 \text{Black} + \beta_2 \text{OtherRace} + \beta_3 \text{Year} + \beta_{\text{Age}}(\text{Age_Cat}) + \beta_{\text{Inf}}(\text{Inf_Type})$$

In addition to the covariates from the first model – race, most recent security level, age category at the time of the infraction, the infraction year – I also include the infraction type (*Inf_Type*). Because I do not combine infractions into larger categories, some inmates are dropped because the infraction type does not occur for a subset of the population, or the small number of that infraction type have the same outcome, so the logistic regression model perfectly predicts the outcome.

Punishment Type and Race

I conduct a set of logistic regression analyses to determine whether black and white inmates, cited for the same type of infraction, receive the same punishment.¹² I limit the sample to all inmates who were found guilty of an issued infraction (N=178,279) between 1995 and 2016. There are 1,694,216 guilty infractions. As with the prior analysis, I estimate these models during the time period after the change to determinate sentencing. The estimating equation is:

$$\ln(\text{odds}(\text{Punishment} = 1)) = \alpha + \beta_1 \text{Black} + \beta_2 \text{OtherRace} + \beta_3 \text{Year} + \beta_{\text{Age}}(\text{Age_Cat}) + \beta_{\text{Inf}}(\text{Inf_Type})$$

¹² These data include a measure of whether or not the sentence was suspended. With a suspended sentence the inmate will not receive the penalty if they do not commit any infractions during the suspension. Because the data do not indicate if suspensions were revoked (Wilcox et al. 2016), I will capture their assigned punishment without being able to say whether they served that punishment.

The dependent variable, *Punishment*, is a binary measure of whether the inmate received assignment to segregated housing, loss of earned time off of a sentence (good time), extra duty hours, or privilege loss. Of the infractions that were found guilty, 71% resulted in assignment to segregated housing, 61% resulted in loss of good time, 74% led to extra duty hours, and 73% resulted in the loss of at least one privilege. As with the other analyses, the independent variable of interest is race. I include covariates for the age category at the time of the infraction, infraction year, and the infraction type.

Length of Segregated Housing Spell

For the final regression model I test whether there are differences in the length of time that black inmates are assigned to segregated housing, conditional on receiving segregated housing as a punishment for a guilty infraction. I also focus on the time after the policy change to determinate housing because of the rarity of segregation as a documented punishment before this time. There are 1.2 million infractions, from 135,467 inmates, that result in segregated housing from 1995-2016. I estimate the length of a spell in segregated housing using an ordinary least squares regression model:

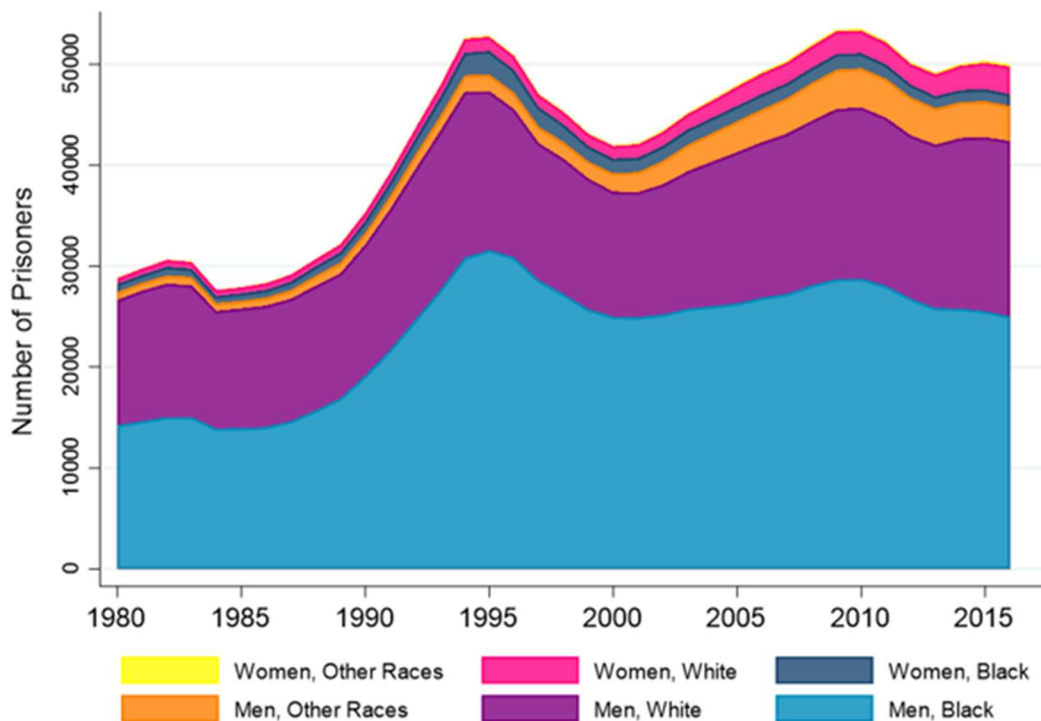
$$Segregation_Length = \alpha + \beta_1 Black + \beta_2 OtherRace + \beta_3 Year + \beta_{Age}(Age_Cat) + \beta_{Inf}(Inf_Type)$$

The length of the assigned spell is from 1-60 days with a mean of 21 days and a median of 15 days. I control for age category at the time of the infraction, the infraction year, and the infraction type.

RESULTS

Consistent with national trends, there is a dramatic rise in the number of inmates in North Carolina prisons beginning in the 1980s (Figure 1.1). In the three decades between 1985 and 2015, the annual prison population almost doubled, from 27,000 to 50,000.¹³ These estimates are higher than cross-section counts (Appendix 1.A) because they include anyone who was incarcerated for any part of the year on a felony sentence of at least 180 days. In all years the majority of inmates are men, mostly white or black. The number of incarcerated men in the “other race” category increases over time, but remains the smallest group of men. Women in this category are the smallest group of prisoners in all years.

Figure 1.1: Annual Inmate Population in North Carolina Prisons, 1980-2016.



¹³ Figure 1.1 shows a spike in prisoner population, driven by black male inmates, in 1995. Cross-section counts of North Carolina prisoners available online (<http://webapps6.doc.state.nc.us/apps/asqExt/ASQ>) show a steady rise (Appendix A). This population count includes anyone who was in prison during the year, so this spike may be an artifact of changes in sentencing after the adoption of the Structured Sentencing Act (October 1994).

The number of annual infraction tickets written in North Carolina is shown for male inmates in Figure 1.2 and female inmates in Figure 1.3. For both males and females, the number of infraction tickets rose substantially beginning around 1995. While it is logical that more infractions should be given over time because of the increase in the prison population, this uptick in infraction tickets is dramatic, and seems to coincide with the SSA of late 1994. This finding is consistent with prior research demonstrating that infraction rates increase with determinate sentencing policies that limit the time off for good behavior that inmates with indeterminate sentences can earn (e.g., Memory et al. 1999).

Figure 1.2: Annual Counts of Infractions Given to Male Inmates in North Carolina Prisons, 1980-2016.

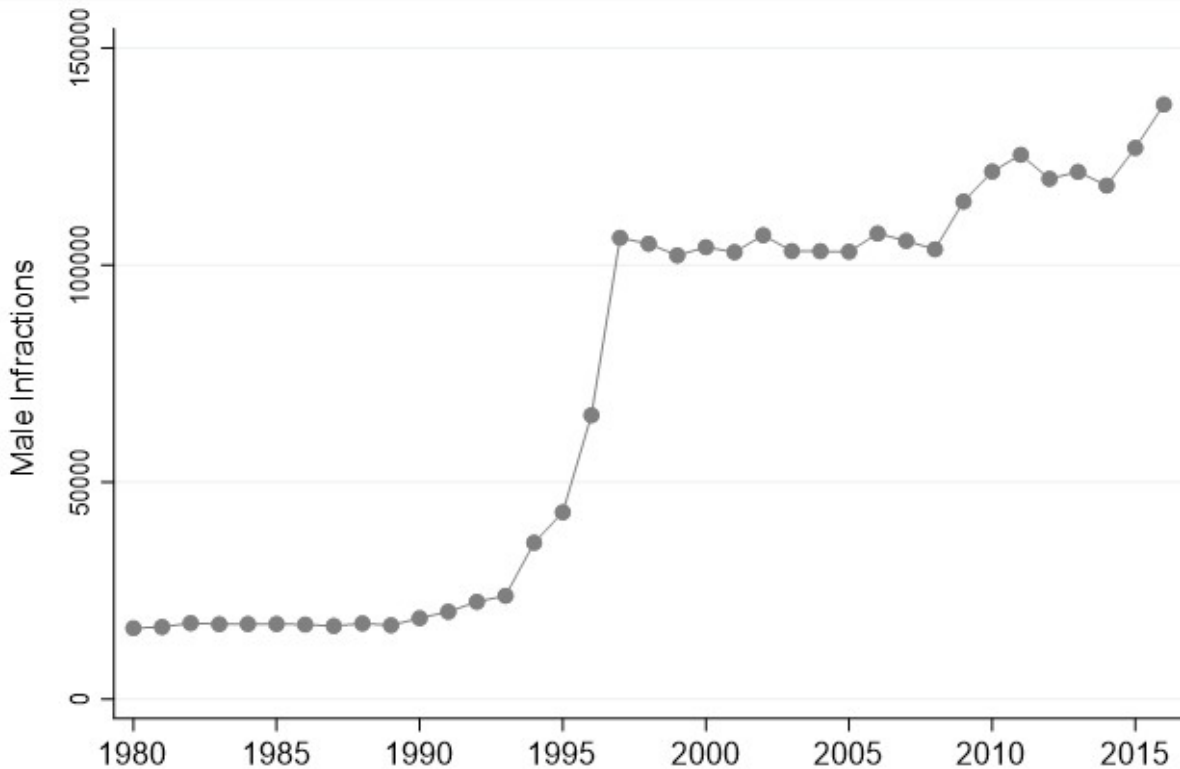
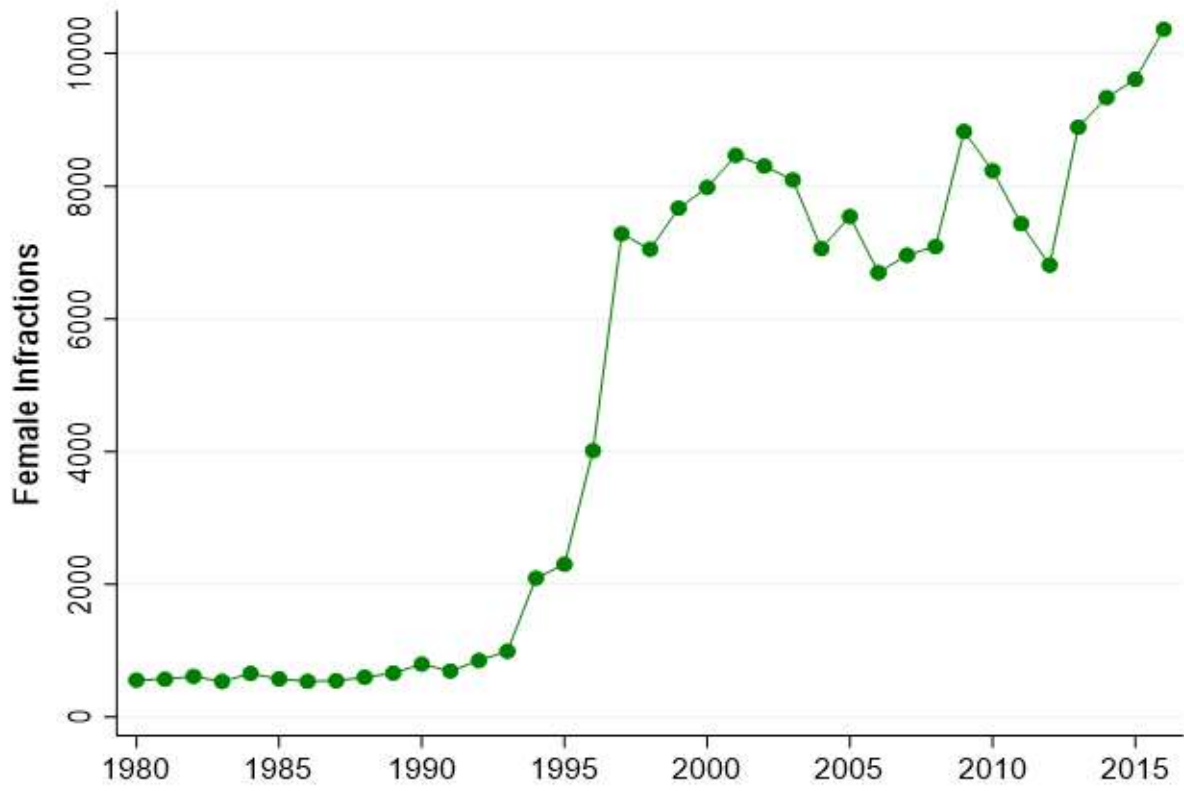


Figure 1.3: Annual Counts of Infractions Given to Female Inmates in North Carolina Prisons, 1980-2016.



The summary statistics for the distribution of infraction tickets by year is shown in Table 1.1. Both the mean and maximum number of annual infractions increase dramatically after 1994. The growing standard deviations show an emergence of wide variation in infraction ticketing practices. Detailed distributions by race and gender are shown in Appendix 1.B.

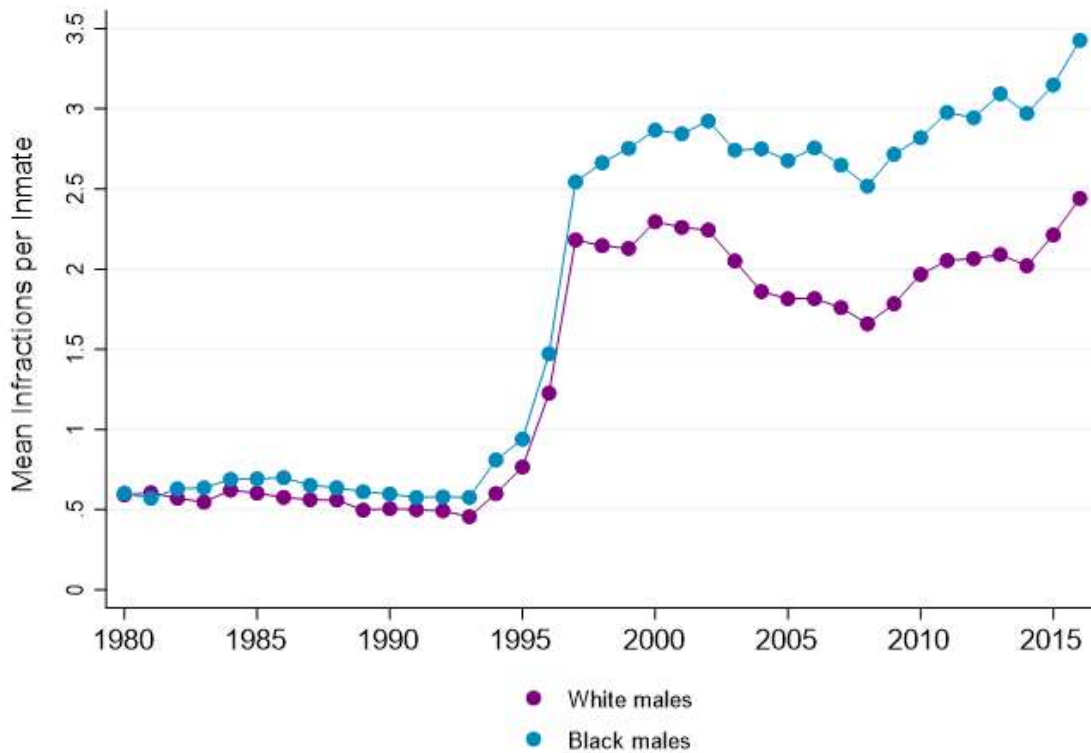
Table 1.1: Distribution of Infractions by Year (1980-2016).

Year	Mean	Std. Dev.	Min	Max
1980	0.58	1.60	0	33
1981	0.56	1.45	0	26
1982	0.58	1.60	0	37
1983	0.57	1.54	0	34
1984	0.63	1.65	0	33
1985	0.62	1.51	0	31
1986	0.61	1.48	0	40
1987	0.58	1.46	0	40
1988	0.57	1.53	0	54
1989	0.53	1.34	0	36
1990	0.53	1.50	0	53
1991	0.52	1.54	0	60
1992	0.52	1.48	0	35
1993	0.51	1.45	0	48
1994	0.71	2.25	0	90
1995	0.84	2.33	0	78
1996	1.34	3.46	0	136
1997	2.34	5.36	0	140
1998	2.37	5.30	0	137
1999	2.43	5.39	0	142
2000	2.56	5.71	0	295
2001	2.52	5.57	0	148
2002	2.53	5.53	0	162
2003	2.36	5.19	0	118
2004	2.27	5.17	0	135
2005	2.21	4.85	0	116
2006	2.20	4.87	0	107
2007	2.13	4.58	0	120
2008	2.04	4.59	0	141
2009	2.21	4.96	0	173
2010	2.33	5.16	0	172
2011	2.44	5.56	0	216
2012	2.46	5.70	0	174
2013	2.59	5.83	0	191
2014	2.50	5.74	0	319
2015	2.68	5.92	0	201
2016	2.92	5.99	0	149

Infraction Rates by Race over Time

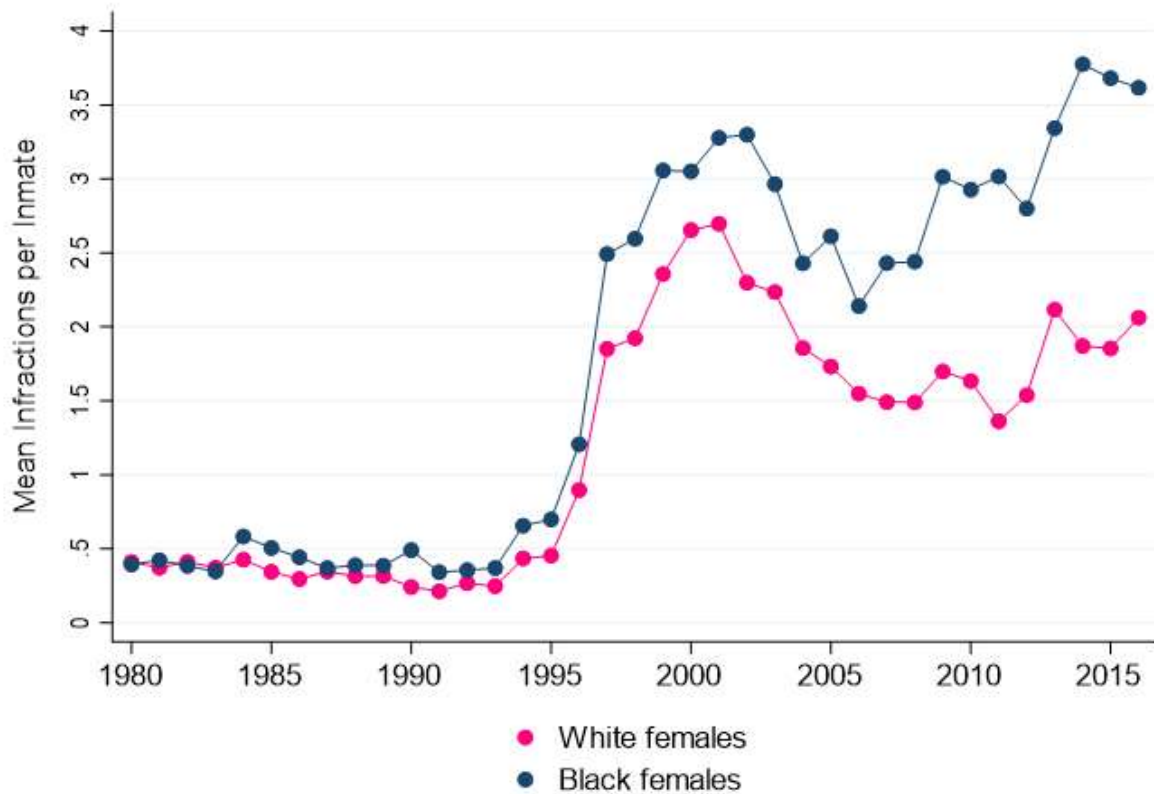
The first goal of this paper is to document the infraction rates of black and white inmates over time. Figure 1.4 shows the mean infraction rates for black and white male inmates. As with the raw infraction trend, there is a sharp rise beginning in 1995. Before 1995, both black and white males receive an average of approximately 0.5 infractions annually. Beginning in 1995, there is an increase in the overall mean, as well as a growing disparity by race. Black males have received approximately 0.75 of an infraction more than white males annually since 2005. This is substantively meaningful, as each infraction can lead to institutional punishments, a \$10 fine, and decreased chances of parole for inmates sentenced before the SSA.

Figure 1.4: Mean Infractions for Black and White Male Inmates in North Carolina Prisons, 1980-2016.



The infraction means for females are less stable because of their relatively low numbers (Figure 1.5), but the trend is the same: black females receive more infractions than their white counterparts after 1995. The difference widens over time, with black females receiving an average of one more annual infraction than white females since 2008. While there are not obvious *a priori* racial equity implications of determinate sentencing policies on formal punishments in penal institutions, these results indicate that the policy change in North Carolina led to different consequences for black and white inmates of both genders.

Figure 1.5: Mean Infractions for Black and White Female Inmates in North Carolina Prisons, 1980-2016.



Mean Annual Infractions and Race

For the second stage of this analysis I test whether mean annual infractions for black inmates are different from mean annual infractions for white inmates by including covariates in a regression model. The results of the ordinary least squares regression model are shown for male and female inmates in Tables 1.2 and 1.3, respectively. I estimate the model separately for the periods before (1980-1994) and after (1995-2016) the policy change to determinate sentencing because of the increase in infraction tickets and differential changes by race after the Structured Sentencing Act of 1994 (Figures 1.4 and 1.5). I also stratify by security level at most recent incarceration spell in order to demonstrate nuance in the results for inmates across security levels, which are shown in the “total” columns.

Black men across security levels receive an average of 0.08 more infractions ($p < 0.001$) than white men annually from 1980-1994, which is approximately 13% higher than the overall male mean of 0.59 annual infractions in that time period. From 1995-2016, black men receive 0.56 more annual infractions ($p < 0.001$) than white men, which is 24% higher than the male average of 2.29 infractions in the period of determinate sentencing. Because every infraction carries the potential for serious consequences both through the formal system and reputation loss, this difference is substantively meaningful.

Table 1.2: OLS Regression Predicting Mean Annual Infractions for Male Inmates in North Carolina State Prisons by Most Recent Security Level.

	1980-1994				1995-2016			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref</i> : White)								
Black	0.077*** (0.008)	0.057*** (0.010)	0.089*** (0.011)	0.063 (0.125)	0.561*** (0.021)	0.220*** (0.017)	0.582*** (0.033)	1.320*** (0.150)
Other	-0.017 (0.022)	-0.027 (0.029)	-0.028 (0.030)	-0.240 (0.265)	-0.340*** (0.040)	0.127* (0.056)	-1.019*** (0.039)	-0.445 (0.269)
Age (<i>ref</i> : <21)								
21 to 24	-0.362*** (0.015)	-0.294*** (0.017)	-0.380*** (0.023)	-0.710*** (0.150)	-0.215*** (0.033)	-0.306*** (0.037)	-0.171*** (0.051)	1.269*** (0.121)
25 to 34	-0.687*** (0.015)	-0.581*** (0.018)	-0.716*** (0.023)	-1.178*** (0.160)	-1.068*** (0.033)	-0.889*** (0.036)	-0.772*** (0.050)	1.138*** (0.133)
35 to 44	-0.909*** (0.016)	-0.780*** (0.018)	-0.941*** (0.024)	-1.409*** (0.190)	-1.992*** (0.034)	-1.376*** (0.036)	-1.584*** (0.052)	-0.373* (0.169)
45 to 54	-1.035*** (0.016)	-0.891*** (0.020)	-1.060*** (0.024)	-2.171*** (0.193)	-2.555*** (0.036)	-1.719*** (0.038)	-2.145*** (0.057)	-1.349*** (0.234)
55 and above	-1.122*** (0.016)	-0.960*** (0.020)	-1.152*** (0.024)	-2.578*** (0.293)	-2.983*** (0.040)	-2.033*** (0.038)	-2.624*** (0.066)	-1.938*** (0.362)
Year	0.006*** (0.001)	-0.005*** (0.001)	0.012*** (0.001)	0.076*** (0.012)	0.069*** (0.001)	0.028*** (0.001)	0.017*** (0.002)	0.088*** (0.008)
Constant	-10.131*** (1.440)	11.560*** (1.748)	-21.685*** (2.116)	-147.304*** (23.751)	-134.510*** (2.551)	-53.692*** (2.051)	-30.582*** (3.765)	-172.099*** (16.951)
Mean annual infractions	0.588	0.533	0.570	2.04	2.29	1.42	2.54	6.90
Number of inmate years	485,163	253,049	219,926	12,188	989,446	571,315	327,944	90,187

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

The security level that male inmates were assigned to at their most recent incarceration is predictive of overall mean disciplinary infractions and racial disparities in the mean number of annual infractions in the later time period. Because of the overall scale of infractions for inmates assigned to higher security levels in the second time period, racial disparities are more consequential after the change to determinate sentencing. For instance, black men assigned to maximum security (called close security in North Carolina) in the second time period receive 1.32 additional annual infractions ($p < 0.001$) than white male inmates sentenced to maximum security. Though these data do not include information about the facility where the infraction took place, these results suggest that more infractions occur in higher security facilities.

The magnitude of the difference by race in mean annual infractions is greater for females (Table 1.3). Black women receive an average of 0.10 more annual infractions ($p < 0.001$) than white women across security levels in the first time period, which is approximately 26% higher than the overall female mean of 0.38 annual infractions in that time period. In the later time period, 1995-2016, black women receive 0.85 more annual infractions than white women, which is 41% higher than the average of 2.06 annual infractions for women in that period. The racial disparity in annual infraction tickets grew after the change to determinate sentencing for both men and women.

Table 1.3: OLS Regression Predicting Mean Annual Infractions for Female Inmates in North Carolina State Prisons by Most Recent Security Level.

	1980-1994				1995-2016			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref:</i> White)								
Black	0.099*** (0.020)	0.115*** (0.027)	0.052* (0.025)	0.444 (0.446)	0.849*** (0.068)	0.358*** (0.053)	0.983*** (0.143)	1.426* (0.592)
Other	-0.018 (0.040)	-0.029 (0.053)	-0.040 (0.048)	1.207 (0.769)	-0.015 (0.134)	0.015 (0.093)	-0.602** (0.214)	-1.419 (1.449)
Age (<i>ref:</i> <21)								
21 to 24	-0.359*** (0.053)	-0.377*** (0.075)	-0.327*** (0.072)	0.181 (0.590)	-1.847*** (0.267)	-0.691*** (0.200)	-1.590*** (0.389)	-3.641*** (1.102)
25 to 34	-0.562*** (0.055)	-0.543*** (0.074)	-0.512*** (0.077)	-1.057 (0.624)	-3.454*** (0.274)	-1.379*** (0.201)	-2.828*** (0.386)	-6.880*** (1.122)
35 to 44	-0.736*** (0.055)	-0.705*** (0.074)	-0.677*** (0.078)	-0.914 (0.666)	-4.224*** (0.276)	-1.697*** (0.202)	-3.678*** (0.389)	-8.063*** (1.203)
45 to 54	-0.792*** (0.056)	-0.740*** (0.078)	-0.734*** (0.079)	-0.080 (0.752)	-4.803*** (0.279)	-2.036*** (0.203)	-4.346*** (0.397)	-8.499*** (1.452)
55 and above	-0.834*** (0.058)	-0.767*** (0.085)	-0.771*** (0.081)	-2.188*** (0.631)	-5.138*** (0.281)	-2.206*** (0.206)	-5.029*** (0.401)	-11.884*** (1.911)
Year	0.008*** (0.002)	0.005 (0.003)	0.006* (0.003)	0.014 (0.065)	0.062*** (0.004)	0.012*** (0.003)	0.040*** (0.010)	0.106** (0.039)
Constant	-15.575*** (4.112)	-9.320 (5.837)	-12.008* (5.281)	-25.976 (128.994)	-119.295*** (8.352)	-20.996*** (6.221)	-74.791*** (19.953)	-197.867* (78.651)
Mean annual infractions	0.376	0.394	0.321	2.96	2.06	1.22	3.15	8.98
Number of inmate years	29,064	14,153	14,500	411	76,921	54,924	18,167	3,830

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

As with men, the security level that women were assigned to at their most recent incarceration spell is associated with both overall mean disciplinary infractions and racial disparities in mean annual infractions in the second time period. Being sentenced to maximum security is a rare event for female inmates, particularly in the first time period. In the second time period, black women sentenced to maximum security received 1.4 more annual infractions than their white female counterparts ($p < 0.05$). This is a substantial difference considering that every infraction puts the inmate at risk of receiving formal punishments, a \$10 fine, and consequences that stem from reputation loss.

Odds of Receiving an Infraction and Race

The finding from the first regression analysis – that black inmates receive more annual disciplinary infraction tickets than white inmates – could be explained by a difference in the likelihood of receiving any annual infractions. I estimate the association between race and receipt of at least one annual infraction using logistic regression. The results for males (Table 1.4) and females (Table 1.5) demonstrate that black inmates have higher odds of receiving any annual infraction compared to white inmates.

Black males across security type have 13% higher odds ($p < 0.001$) of receiving at least one annual infraction than white males in the first time period, and 22% higher odds ($p < 0.001$) in the second time period. In the second time period there is a monotonic increase in the racial disparity in the odds of receiving at least one annual infraction and security level at the most recent incarceration. The largest difference is in the second time period for males assigned to maximum security; in that circumstance, the odds that black males receive at least one annual infraction are 29% higher than the odds for white males ($p < 0.001$).

Table 1.4: Odds Ratios from Logistic Regression Predicting Any Annual Infractions for Male Inmates in North Carolina State Prisons by Most Recent Security Level.

	1980-1994				1995-2016			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
<i>Race (ref: White)</i>								
Black	1.129*** (0.012)	1.112*** (0.015)	1.144*** (0.018)	1.063 (0.067)	1.218*** (0.009)	1.142*** (0.010)	1.268*** (0.017)	1.292*** (0.039)
Other	0.930* (0.027)	0.929 (0.038)	0.916* (0.039)	0.719* (0.101)	0.815*** (0.012)	0.975 (0.023)	0.583*** (0.012)	0.908 (0.049)
<i>Age (ref: <21)</i>								
21 to 24	0.785*** (0.009)	0.829*** (0.014)	0.747*** (0.014)	0.842** (0.054)	0.797*** (0.009)	0.771*** (0.012)	0.874*** (0.016)	1.049 (0.032)
25 to 34	0.533*** (0.007)	0.562*** (0.009)	0.508*** (0.010)	0.732*** (0.048)	0.551*** (0.006)	0.546*** (0.008)	0.659*** (0.012)	0.893*** (0.026)
35 to 44	0.317*** (0.005)	0.335*** (0.007)	0.300*** (0.007)	0.583*** (0.055)	0.356*** (0.004)	0.382*** (0.006)	0.438*** (0.009)	0.585*** (0.021)
45 to 54	0.187*** (0.005)	0.197*** (0.008)	0.177*** (0.007)	0.412*** (0.070)	0.243*** (0.003)	0.272*** (0.005)	0.294*** (0.007)	0.413*** (0.020)
55 and above	0.091*** (0.004)	0.106*** (0.008)	0.083*** (0.006)	0.159*** (0.060)	0.158*** (0.003)	0.175*** (0.004)	0.191*** (0.006)	0.288*** (0.024)
Year	0.994*** (0.001)	0.980*** (0.001)	1.006*** (0.001)	1.024*** (0.006)	1.037*** (0.000)	1.032*** (0.001)	1.014*** (0.001)	1.026*** (0.002)
Number of inmate years	485,163	253,049	219,926	12,188	989,446	571,315	327,944	90,187

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

The results for female inmates are similar (Table 1.5), though as with mean annual infractions, the racial disparities in the odds of receiving any infraction are more pronounced for females. In the first time period, black females across security levels have 29% higher odds ($p < 0.001$) of receiving at least one annual infraction than white females. In the time period after the SSA, black females have 42% higher odds ($p < 0.001$) of receiving at least one annual infraction compared to white females. The racial disparity in the odds of receiving any infraction is the most pronounced for female inmates who were classified as medium security in the second time period; black females in that era and classification level have 45% higher odds ($p < 0.001$) than white females of receiving at least one annual infraction.

Table 1.5: Odds Ratios from Logistic Regression Predicting Any Annual Infractions for Female Inmates in North Carolina State Prisons by Most Recent Security Level.

	1980-1994				1995-2016			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref</i> : White)								
Black	1.290*** (0.055)	1.352*** (0.081)	1.183** (0.073)	1.438 (0.436)	1.416*** (0.034)	1.296*** (0.036)	1.450*** (0.072)	1.415** (0.171)
Other	1.140 (0.132)	1.157 (0.199)	1.045 (0.166)	7.760** (5.674)	1.082 (0.065)	1.089 (0.075)	0.759** (0.080)	0.960 (0.283)
Age (<i>ref</i> : <21)								
21 to 24	0.684*** (0.043)	0.689*** (0.061)	0.685*** (0.064)	1.057 (0.309)	0.739*** (0.040)	0.834* (0.060)	0.690*** (0.069)	0.858 (0.173)
25 to 34	0.479*** (0.030)	0.519*** (0.045)	0.454*** (0.042)	0.764 (0.260)	0.468*** (0.025)	0.578*** (0.040)	0.513*** (0.049)	0.611* (0.117)
35 to 44	0.265*** (0.019)	0.312*** (0.032)	0.238*** (0.026)	0.683 (0.257)	0.326*** (0.018)	0.455*** (0.032)	0.366*** (0.037)	0.432*** (0.094)
45 to 54	0.175*** (0.020)	0.209*** (0.039)	0.167*** (0.026)	1.000 (0.000)	0.226*** (0.013)	0.333*** (0.025)	0.256*** (0.029)	0.411** (0.127)
55 and above	0.094*** (0.024)	0.180*** (0.070)	0.065*** (0.022)	0.070*** (0.046)	0.173*** (0.014)	0.257*** (0.025)	0.198*** (0.033)	0.119*** (0.055)
Year	1.013** (0.004)	1.006 (0.006)	1.012 (0.006)	0.955 (0.034)	1.040*** (0.002)	1.023*** (0.002)	1.038*** (0.003)	1.038*** (0.008)
Number of inmate years	29,064	14,153	14,500	410	76,921	54,924	18,167	3,830

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

Mean Annual Infractions Conditional on Receiving at Least One Annual Infraction

In order to further investigate the finding that black inmates receive more annual infractions than white inmates in North Carolina, I estimate a regression model to test the association between race and mean annual infractions for inmates who received at least one annual infraction. The mean annual infractions are higher for this sample of inmates because they all received at least one annual infraction. The results are similar for this reduced sample compared to all inmates (Tables 1.2 and 1.3), though the magnitudes of the racial disparities are smaller because these estimates do not capture differences in likelihood of receiving any infraction (Tables 1.4 and 1.5).

Black males who receive any annual infractions receive more annual infractions than white males who receive any annual infractions (Table 1.6). In the first time period (1980-1994), black males across security levels receive 0.08 more infractions ($p < 0.001$) than their white male counterparts, which is approximately 4% of the overall mean of 2.28 annual infractions for men who receive any infractions in that time period. From 1995-2016, black men who receive at least one infraction receive 0.76 more infractions ($p < 0.001$) than white men, which is 14% higher than the overall average of 5.19 infractions for men who receive at least one infraction in that time period. The racial disparity is larger in the era of determinate sentencing, which is consistent with results for the whole sample of inmates.

Table 1.6: OLS Regression Predicting Mean Annual Infractions for Male Inmates who Received any Annual Infractions.

	1980-1994				1995-2016			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref:</i> White)								
Black	0.078*** (0.022)	0.057* (0.029)	0.094*** (0.028)	0.045 (0.186)	0.763*** (0.039)	0.304*** (0.038)	0.596*** (0.049)	1.203*** (0.177)
Other	0.023 (0.066)	-0.015 (0.089)	-0.008 (0.091)	0.216 (0.434)	-0.184* (0.080)	0.448*** (0.123)	-1.027*** (0.067)	-0.412 (0.340)
Age (<i>ref:</i> <21)								
21 to 24	-0.563*** (0.031)	-0.519*** (0.037)	-0.516*** (0.046)	-0.926*** (0.224)	0.158** (0.048)	-0.037 (0.060)	0.019 (0.068)	1.534*** (0.143)
25 to 34	-1.037*** (0.031)	-0.925*** (0.038)	-1.032*** (0.044)	-1.577*** (0.238)	-0.473*** (0.048)	-0.544*** (0.058)	-0.378*** (0.067)	1.703*** (0.156)
35 to 44	-1.282*** (0.035)	-1.166*** (0.043)	-1.291*** (0.049)	-1.662*** (0.286)	-1.390*** (0.052)	-1.027*** (0.060)	-1.009*** (0.073)	0.685** (0.210)
45 to 54	-1.452*** (0.047)	-1.273*** (0.071)	-1.418*** (0.062)	-2.964*** (0.318)	-1.864*** (0.064)	-1.335*** (0.070)	-1.328*** (0.089)	0.215 (0.318)
55 and above	-1.485*** (0.073)	-1.275*** (0.106)	-1.457*** (0.098)	-2.511** (0.861)	-2.144*** (0.092)	-1.641*** (0.079)	-1.640*** (0.128)	0.496 (0.524)
Year	0.035*** (0.002)	0.013*** (0.003)	0.038*** (0.003)	0.111*** (0.019)	0.060*** (0.002)	0.003 (0.002)	-0.002 (0.003)	0.060*** (0.011)
Constant	-66.208*** (4.404)	-23.214*** (5.365)	-73.314*** (6.151)	-214.936*** (38.402)	-114.624*** (4.916)	-1.852 (4.846)	9.120 (6.112)	-112.681*** (21.331)
Mean annual infractions	2.28	2.15	2.26	3.86	5.19	3.92	5.10	9.39
Number of inmate years	124,955	62,883	55,619	6,453	436,244	206,501	163,496	66,247

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

As with results for all inmates, the security level that male inmates were assigned to at their most recent incarceration is predictive of mean disciplinary infractions and racial disparities in the mean number of annual infractions in the later time period for inmates who received any annual infractions. The largest difference is for males in the second time period who were assigned to maximum security; they received 1.2 more annual infractions ($p < 0.001$) than their white male counterparts.

For the sample of female inmates who receive at least one annual infraction, there is no statistical difference in the number of infractions that black and white females receive in the first time period. In the second time period, black females with at least one disciplinary infraction receive 1.04 more infractions ($p < 0.001$) than white females, which is 20% higher than the overall female mean of 5.1 infractions in that time period for women with at least one annual infraction. There is an increase in the overall mean number of annual infractions for women in the second time period associated with higher security levels. Because so few women are assigned to maximum security, there is no statistically significant difference in mean annual infractions for black and white women who receive at least one infraction and were assigned to maximum security.

Table 1.7: OLS Regression Predicting Mean Annual Infractions for Female Inmates who Received at Least One Annual Infraction in North Carolina State Prisons.

	1980-1994				1995-2016			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref</i> : White)								
Black	0.131 (0.070)	0.125 (0.091)	0.065 (0.097)	0.349 (0.753)	1.036*** (0.125)	0.430*** (0.119)	0.879*** (0.195)	1.069 (0.658)
Other	-0.249* (0.120)	-0.320* (0.138)	-0.261 (0.164)	-0.026 (0.978)	-0.183 (0.256)	-0.169 (0.211)	-0.453 (0.307)	-1.632 (1.618)
Age (<i>ref</i> : <21)								
21 to 24	-0.637*** (0.125)	-0.746*** (0.174)	-0.571*** (0.171)	0.366 (0.863)	-2.177*** (0.374)	-0.996** (0.351)	-1.416** (0.476)	-3.889** (1.184)
25 to 34	-1.027*** (0.124)	-1.072*** (0.167)	-0.864*** (0.179)	-1.510 (0.839)	-3.986*** (0.379)	-1.777*** (0.344)	-2.674*** (0.467)	-7.126*** (1.198)
35 to 44	-1.284*** (0.134)	-1.324*** (0.172)	-1.124*** (0.197)	-0.963 (0.979)	-4.892*** (0.386)	-2.139*** (0.351)	-3.451*** (0.473)	-7.900*** (1.288)
45 to 54	-1.382*** (0.159)	-1.150*** (0.255)	-1.372*** (0.205)	-2.364* (1.115)	-5.582*** (0.395)	-2.599*** (0.355)	-4.002*** (0.494)	-8.375*** (1.602)
55 and above	-1.138*** (0.245)	-1.273*** (0.243)	-0.748 (0.427)	-3.325*** (0.801)	-6.207*** (0.415)	-2.787*** (0.376)	-5.245*** (0.500)	-10.653*** (3.094)
Year	0.030*** (0.008)	0.024* (0.010)	0.025* (0.011)	0.097 (0.094)	0.039*** (0.009)	-0.022** (0.008)	-0.019 (0.016)	0.056 (0.045)
Constant	-56.746*** (16.012)	-44.080* (20.611)	-46.773* (21.505)	-189.027 (187.323)	-70.228*** (17.357)	49.043** (15.671)	45.197 (32.551)	-95.518 (90.374)
Mean annual infractions	2.05	2.02	1.96	3.42	5.10	3.72	5.69	11.27
Number of inmate years	5,334	2,754	2,374	206	31,066	17,963	10,051	3,052

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

Cumulative Infractions

The final regression analysis related to racial disparities in infraction tickets estimates the association between race and total infraction tickets that inmates ever receive. Because of the increase in infraction tickets and differential changes by race after the Structured Sentencing Act, I estimate this model for all inmates, for those sentenced before the change (1980-1994), and for those sentenced after the change (1995-2016). The results for men are shown in Table 1.8 and results for women are shown in Table 1.9. The overall finding is that black inmates – both men and women – receive more total infractions than white inmates.

Black males receive more total infractions than white males sentenced to all security levels, in all sentencing time periods. Regardless of time period, there is a monotonic increase in the disparity in overall infractions by security level for males. The largest raw difference between black and white males is for those sentenced to maximum security at the time of their most recent incarceration in the period prior to the Structured Sentencing Act; black males receive an average of 16.5 more ($p < 0.001$) total infractions than their white male counterparts. These additional 16.5 infractions over time is a difference of \$165, which is 20 weeks of full-time work for inmates making an average salary of \$0.21 per hour in North Carolina (Sawyer 2017).

Table 1.8: OLS Regression Predicting Total Number of Infractions Received by Male Inmates for Total Time Incarcerated in North Carolina.

	Pooled Time				Sentenced 1980-1994				Sentenced 1995-2016			
	Total	Minimum	Medium	Max	Total	Minimum	Medium	Max	Total	Minimum	Medium	Max
Race (<i>ref</i> : White)												
Black	3.912*** (0.096)	1.770*** (0.078)	4.598*** (0.153)	8.108*** (1.311)	4.095*** (0.145)	2.789*** (0.139)	4.209*** (0.200)	16.514*** (4.119)	3.515*** (0.128)	1.059*** (0.087)	4.400*** (0.240)	8.767*** (1.247)
Other	-0.094 (0.174)	0.136 (0.217)	-1.704*** (0.172)	-7.000*** (2.010)	1.042** (0.386)	0.923 (0.490)	0.725 (0.490)	-13.569* (6.626)	-1.565*** (0.196)	-0.266 (0.219)	-5.453*** (0.198)	-2.419 (2.046)
Age at first incarceration	-0.543*** (0.004)	-0.337*** (0.004)	-0.511*** (0.006)	-1.243*** (0.073)	-0.533*** (0.007)	-0.422*** (0.007)	-0.473*** (0.009)	-2.717*** (0.269)	-0.565*** (0.006)	-0.281*** (0.004)	-0.522*** (0.010)	-0.979*** (0.072)
Mean total infractions	9.79	6.13	10.23	50.53	8.59	6.86	7.79	82.24	10.83	5.57	13.29	44.15
Number of inmates	260,589	154,016	93,763	12,810	121,314	66,980	52,188	2,146	139,275	87,036	41,575	10,664

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

The fact that the largest difference is in the first time period is not inconsistent with results showing that racial differences in annual infractions are larger in the later period because of how time is considered. Prior models are stratified by time, whereas this analysis is stratified by time when the inmate was sentenced. That the largest difference is for males sentenced in the first time period reflects the fact that people sentenced prior to 1995 have had many more years to spend incarcerated, and thus accumulate infractions, compared to those sentenced in the more recent time period.

The overall results for total infractions accumulated over time are similar for female inmates; black females receive more total infractions than white females at all security levels for the pooled time. Black females who are sentenced to maximum security at any time receive an average of 10.53 more total infractions ($p < 0.01$) than white females assigned to maximum security in any year. Like men, the average total infractions given to females assigned to maximum security is much higher for women sentenced in both time periods compared to those sentenced to minimum security. Because the number of female inmates assigned to maximum security is low, particularly in the time period before determinate sentencing, the difference is not statistically significant for this group.

Table 1.9: OLS Regression Predicting Total Number of Infractions Received by Female Inmates for Total Time Incarcerated in North Carolina.

	Pooled Time				Sentenced 1980-1994				Sentenced 1995-2016			
	Total	Minimum	Medium	Max	Total	Minimum	Medium	Max	Total	Minimum	Medium	Max
Race (<i>ref</i> : White)												
Black	1.697*** (0.200)	0.940*** (0.163)	1.038** (0.358)	10.532** (3.791)	1.412*** (0.325)	0.930* (0.419)	1.039** (0.389)	7.507 (15.396)	2.654*** (0.263)	0.970*** (0.167)	4.157*** (0.625)	9.786* (3.901)
Other	-0.006 (0.412)	-0.201 (0.292)	-0.363 (0.642)	-5.709 (8.665)	-0.119 (0.908)	-1.121 (0.684)	-0.327 (0.814)	34.720 (50.088)	-0.006 (0.442)	0.139 (0.318)	-1.363 (0.870)	-12.223* (6.067)
Age at first incarceration	-0.348*** (0.011)	-0.193*** (0.009)	-0.328*** (0.019)	-1.956*** (0.211)	-0.281*** (0.018)	-0.254*** (0.024)	-0.215*** (0.022)	-1.332** (0.397)	-0.423*** (0.015)	-0.180*** (0.009)	-0.440*** (0.031)	-2.045*** (0.233)
Mean total infractions	5.67	3.64	6.74	44.26	4.24	4.36	2.94	58.70	6.40	3.38	10.87	42.09
Number of inmates	29,882	19,917	9,172	793	10,127	5,252	4,771	104	19,755	14,665	4,401	689

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

The main finding from the primary set of analyses is that black inmates receive more annual disciplinary infraction tickets than white inmates.¹⁴ This racial disparity arises from the fact that black inmates are more likely to receive any annual infractions than white inmates, and that black inmates receive more annual infractions than white inmates conditional on receiving any infractions. The racial disparity is more consequential after the policy change to determinate sentencing because the overall mean infractions increased after that time. Inmates sentenced to higher security prisons receive the most infractions, and the racial disparities are the most pronounced for this group. In addition to racial disparities in annual infractions, black inmates receive more total infractions during their time incarcerated compared to white inmates. Simply receiving a disciplinary infraction ticket can be consequential for inmates on dimensions that are not captured in these data through tarnishing reputations. Infraction tickets can also lead to measureable consequences in the form of officially sanctioned punishments that are given out for guilty infraction tickets. For the following set of analyses I investigate the later stages of the disciplinary process.

Guilty Verdicts and Race

I estimate the probability of being found guilty of an issued infraction ticket using logistic regression; I present the results as odds ratios. Though black inmates receive more infractions than white inmates from 1980-2016 (see Tables 1.2-1.9), black inmates sentenced to all security levels are somewhat less likely to be found guilty of an issued infraction than

¹⁴ I conducted sensitivity analyses by omitting male and female inmates who received the highest 1% of infractions for their gender. The results for the main analyses are substantively the same with and without the top 1%.

are white inmates in 1995-2016. This difference is significant for men and women ($p < 0.001$), though the magnitudes of the differences are small. After controlling for age category, infraction type, and infraction year, the odds of being found guilty of an infraction are 8% smaller for black males across security levels and 9% smaller for black females across security levels compared to their white counterparts.

These estimates include infraction tickets where people pled guilty and where they were found guilty by a disciplinary body, so the precise decision maker is unclear. Still, the direction of this racial disparity could indicate that black inmates receive more illegitimate tickets than white inmates. In a parallel example from an earlier stage of the criminal justice process, Kutateladze and colleagues (2014) find that black people are more likely to be arrested than white people but also more likely to have their case dismissed. In this circumstance, there is the possibility that correctional officers are more likely to give black inmates infraction tickets, but members of the disciplinary body are less likely to find those tickets guilty.

Table 1.10: Odds Ratios from Logistic Regression Predicting Being Found Guilty of Issued Infraction Tickets, 1995-2016.

	Male Inmates				Female Inmates			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref.</i> : White)								
Black	0.920*** (0.005)	0.929*** (0.007)	0.914*** (0.007)	0.911*** (0.011)	0.914*** (0.014)	0.917*** (0.021)	0.943* (0.023)	0.849*** (0.034)
Other	0.953*** (0.010)	0.940** (0.022)	0.962** (0.013)	0.952* (0.021)	1.028 (0.034)	1.111* (0.059)	0.970 (0.050)	0.986 (0.066)
Age (<i>ref.</i> : <21)								
21 to 24	0.842*** (0.006)	0.829*** (0.012)	0.856*** (0.011)	0.835*** (0.011)	0.911** (0.027)	0.913 (0.052)	0.893* (0.042)	0.927 (0.045)
25 to 34	0.779*** (0.006)	0.761*** (0.010)	0.780*** (0.009)	0.788*** (0.010)	0.845*** (0.025)	0.817*** (0.045)	0.861*** (0.039)	0.870* (0.049)
35 to 44	0.740*** (0.006)	0.718*** (0.010)	0.728*** (0.010)	0.783*** (0.013)	0.773*** (0.024)	0.742*** (0.041)	0.815*** (0.040)	0.826** (0.053)
45 to 54	0.736*** (0.007)	0.710*** (0.011)	0.735*** (0.012)	0.774*** (0.017)	0.743*** (0.027)	0.720*** (0.044)	0.798*** (0.046)	0.764** (0.069)
55 and above	0.734*** (0.011)	0.697*** (0.015)	0.713*** (0.017)	0.838*** (0.031)	0.694*** (0.040)	0.656*** (0.054)	0.755** (0.076)	0.839 (0.117)
Year	0.970*** (0.000)	0.965*** (0.001)	0.969*** (0.001)	0.977*** (0.001)	0.960*** (0.001)	0.956*** (0.002)	0.960*** (0.002)	0.963*** (0.003)
Number of inmate years	2,346,826	853,491	854,144	639,147	165,869	70,944	59,408	35,511

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

Controls not shown: infraction type

Punishment Type and Race

After an inmate is written an infraction and found guilty, there are several punishments that he or she may receive. In the next set of models, I estimate the association between race and punishment, conditional on being found guilty of an infraction. Overall, there are few differences by race for infraction punishments. This is an expected finding because punishments are supposed to stem directly from infraction types, and in these analyses I include a covariate for infraction type and for infraction year to acknowledge that the punishments for infraction categories change over time.

There are no differences by race in the odds of having to perform extra duty hours or losing a privilege after being found guilty of an infraction. There are slight differences by race for the outcome of losing time earned off a sentence (good time). The odds of losing good time for black male inmates assigned to minimum and medium security at their most recent incarceration are 7% greater ($p < 0.01$) and 10% greater ($p < 0.001$), respectively, compared to white male inmates. The odds of losing good time for black females sentenced to medium security and maximum security are 13% greater and 32% greater ($p < 0.05$), respectively, than the odds for white females. The outcome shown in the bottom panel of Table 1.11 is having to spend any days in segregated housing after being found guilty of an infraction. Black males across security levels have 11% lower odds ($p < 0.001$) of receiving segregated housing than white males in 1995-2016. There are no differences in the odds of being assigned to segregated housing for white and black females.

Table 1.11: Odds Ratios from Logistic Regression Predicting Infraction Punishments, Conditional of Being Found Guilty of an Issued Infraction, 1995-2016.

	Male Inmates				Female Inmates			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Outcome: loss of good time								
Black (<i>ref:</i> White)	1.012 (0.016)	1.065** (0.022)	1.100*** (0.024)	0.987 (0.040)	1.078 (0.043)	1.018 (0.055)	1.139* (0.060)	1.326* (0.147)
Number of infractions	1,302,672	489,548	471,766	341,353	88,759	37,943	32,039	18,733
Outcome: extra duty hours								
Black (<i>ref:</i> White)	1.012 (0.017)	1.021 (0.023)	1.026 (0.027)	1.060 (0.048)	0.901 (0.053)	0.934 (0.068)	0.903 (0.098)	0.869 (0.143)
Number of infractions	1,302,687	489,359	471,319	341,079	88,284	37,652	31,779	18,464
Outcome: privilege loss								
Black (<i>ref:</i> White)	0.978 (0.016)	0.985 (0.020)	0.985 (0.025)	0.988 (0.048)	0.979 (0.047)	0.960 (0.061)	1.000 (0.083)	1.036 (0.139)
Number of infractions	1,302,687	489,468	471,381	340,646	88,422	37,703	31,672	18,546
Outcome: segregation								
Black (<i>ref:</i> White)	0.894*** (0.010)	0.930*** (0.015)	0.899*** (0.017)	0.885*** (0.027)	0.980 (0.038)	1.015 (0.053)	0.931 (0.064)	0.933 (0.094)
Number of infractions	1,302,357	489,179	471,603	341,166	88,425	37,772	31,661	18,616

Standard errors in parentheses, clustered at the person-level

* $p < 0.05$ ** $p < 0.01$ *** $p < 0.001$

Controls not shown: age, year, infraction type

Length of Segregated Housing Spell

Though the differences in the probability of being assigned to any segregated housing are small for black compared to white males, and nonexistent for black versus white females, this outcome is the most severe form of confinement (Wilcox et al. 2016), so for the final analysis I estimate how the length of the spell in segregated housing differs by race, conditional on being assigned to segregation for a guilty infraction. Compared to white males, black males across security levels spend an average of 0.34 more days ($p < 0.001$) in segregation for all infractions that result in this punishment. Though this is a small share of the mean spell (21 days), it is a substantively meaningful difference because the negative psychological effects of segregated housing are thought to begin within hours (Grassian 2006). Black males assigned to maximum security spend 0.44 more days ($p < 0.001$), which is approximately 10 additional hours, for every spell in segregated housing compared to white males.

Black women who receive segregated housing as a punishment for a guilty infraction ticket are assigned to an average of 0.19 more days ($p < 0.01$) than white women for every spell in segregated housing. This statistically significant difference is driven by women who are assigned to maximum security; black women in this category are assigned to 0.71 more days ($p < 0.001$) than their female counterparts for every spell in segregated housing, which is approximately 17 additional hours in segregation per spell.

Table 1.12: OLS Regression Predicting Length of Segregated Housing Spell in Days, Conditional on Receiving Segregated Housing for a Guilty Infraction Ticket, 1995-2016.

	Male Inmates				Female Inmates			
	Total	Minimum	Medium	Maximum	Total	Minimum	Medium	Maximum
Race (<i>ref</i> : White)								
Black	0.342*** (0.030)	0.236*** (0.039)	0.417*** (0.046)	0.435*** (0.085)	0.193** (0.070)	0.176 (0.091)	-0.023 (0.112)	0.713*** (0.176)
Other	0.206** (0.067)	0.269* (0.106)	0.099 (0.080)	0.378* (0.170)	0.024 (0.157)	0.085 (0.227)	-0.063 (0.241)	0.199 (0.414)
Age (<i>ref</i> : <21)								
21 to 24	0.419*** (0.039)	0.222*** (0.061)	0.274*** (0.060)	0.725*** (0.080)	-0.144 (0.134)	0.061 (0.253)	-0.043 (0.182)	-0.417 (0.255)
25 to 34	0.820*** (0.038)	0.507*** (0.057)	0.691*** (0.059)	1.200*** (0.081)	0.108 (0.129)	0.200 (0.234)	0.274 (0.177)	-0.278 (0.269)
35 to 44	1.003*** (0.046)	0.558*** (0.063)	0.948*** (0.069)	1.547*** (0.122)	0.141 (0.133)	0.281 (0.236)	0.063 (0.193)	-0.082 (0.306)
45 to 54	1.366*** (0.064)	0.993*** (0.077)	1.247*** (0.099)	1.872*** (0.199)	0.572*** (0.172)	0.524 (0.268)	0.370 (0.250)	1.446** (0.556)
55 and above	1.803*** (0.107)	1.635*** (0.135)	1.513*** (0.176)	2.196*** (0.283)	0.458 (0.325)	0.928 (0.478)	0.014 (0.482)	-0.333 (0.958)
Year	0.483*** (0.002)	0.475*** (0.003)	0.504*** (0.003)	0.464*** (0.006)	0.492*** (0.006)	0.477*** (0.008)	0.518*** (0.009)	0.484*** (0.014)
Mean length per spell in days	20.99	19.52	20.78	23.23	16.65	15.68	17.06	17.76
Number of infractions	1,118,532	406,327	408,507	303,698	76,717	31,262	28,736	16,719

Standard errors in parentheses, clustered at the person-level

* p<0.05 **p<0.01 ***p<0.001

Controls not shown: infraction type

DISCUSSION

The considerable scholarship on the ways that racial inequality predicts and follows incarceration has not been matched by research on confinement itself. It is well-established that the quantity of incarceration differs by race (Cole 1999; Western 2006; Travis et al. 2014), but little is known about the differential quality of the carceral experience by race. This study contributes to scholarship about racial disparities in criminal justice institutions by focusing on formal punishments within North Carolina state prisons. I ask whether there are different infraction rates for black and white inmates, if those differences persist with control variables in various regression analyses, and if black and white inmates are punished differently for receiving a formal infraction.

Racial disparities in disciplinary infraction tickets are the primary source of racial stratification in the formal discipline process in North Carolina. I find that black inmates receive more annual infractions than white inmates, have higher chances of receiving at least one annual infraction, receive more annual infractions conditional on receiving any, and receive more total infraction tickets. The security level that the inmate was assigned to at his or her most recent incarceration spell is positively associated with mean infraction tickets and racial disparities in infraction tickets. Though the overall findings are similar for male and female inmates, the racial disparities are more pronounced for incarcerated women.

In my investigation of the subsequent steps of the discipline process, I find that in the time period following the Structured Sentencing Act, black males and females have slightly lower odds of being found guilty of an issued infraction compared to white inmates. Once inmates are found guilty, there is not much difference in whether they receive certain types of punishments – black inmates are slightly more likely to lose good time while white male

inmates are slightly more likely to receive segregated housing. The severity of the punishment, however, is associated with race, so is an additional source of racial stratification within prisons. Black males and females receive longer sentences in segregated housing than their white counterparts, conditional on being assigned to segregated housing. Even short stays in segregated housing are linked to negative mental health consequences (Haney and Lynch 1997; Haney 2003), so this finding has important implications for how penal institutions contribute to racial stratification.

Like Memory and colleagues (1999), I find that the number of infraction tickets in North Carolina prisons increased substantially after the Structured Sentencing Act of 1994, which changed sentencing practices by giving offenders shorter, determinate sentences, of which they had to serve at least 85%. The theory explaining the positive association between determinate sentencing policies and infraction tickets is that inmates who cannot earn time off of a sentence will break more rules compared to inmates who can (Bales and Miller 2012). I discover a widening in racial disparities in infraction tickets following this policy change. Black males and females receive more mean annual infractions than their white counterparts and have a higher chance of receiving any annual infraction tickets, especially after 1995. Though the mean infraction rate for black inmates was statistically higher than that of white inmates prior to this policy, the adoption of determinate sentencing increased the overall scale of prison discipline, making the racial disparities more consequential. Therefore, the adoption of determinate sentencing had racial equity implications within North Carolina prisons.

It is important to note that the policy change and the widening racial disparity could have both resulted from some unseen third factor. The policy change indicates that there was public concern with criminal justice practices in this era, which could also have caused

correctional officers to move away from using informal punishments and begin relying more heavily on the formal discipline process. If officers had always punished inmates unevenly by race using informal tactics before this time, then the policy change impacted how the disparity manifested, not the disparity itself.

Because these data do not include information about the officer who wrote the infraction ticket or the disciplinary body that found the infraction guilty, it is not possible to tease apart the origins of the racial disparities in formal punishments. On the one hand, it could be that black inmates are qualitatively different from white inmates in some way that causes them to disobey prison rules at higher rates than white inmates. In order to maintain that perspective, it is necessary to view race as an essential trait of inmates while dismissing that correctional officers' perceptions of race affect inmates' behavior and/or officers' reactions to that behavior (e.g., Harer and Steffensmeier 1996). Because both inmates and officers are embedded in institutions where race is a fundamental organizing principle (Omi and Winant 2014; Walker 2016), it is likely that the implicit biases of correctional officers at least partially contribute to the inequitable distribution of punishments along racial lines (e.g., Marquart 1986). Regardless of the reasons why they occur, racial disparities in formal punishments mean that North Carolina state prisons reinforce racial hierarchies in criminal justice institutions (Wakefield and Uggen 2010).

North Carolina's administrative data are publicly available and thorough, but there are limitations to using these data. There are few covariates available to use in the regression models which could be explanatory, such as facility where the infraction was ticketed, or the demographic characteristics of the officer who issued the infraction ticket. The infraction data also do not provide detailed context. It is possible, for instance, that someone assigned to

segregated housing was in a facility with a full segregated housing unit, so their sentence may have been delayed or altered (Memory et al. 1999; Wilcox et al. 2016). With these data I only capture segregated housing that is in response to an infraction, instead of more permanent housing for inmates deemed to be a risk in the general population (Shames et al. 2015; Wilcox et al. 2016). Additionally, punishments in North Carolina cannot be generalized to other states. However, the fact that this state has a comparatively high share of nonwhite officers (Craddock 1996) means that this may be a conservative example of racial disparities in punishment within prisons if white officers are more racially biased than black officers. Future studies should examine punishments in other contexts, including different states or county jails. Most states adopted some version of determinate sentencing in the mid-1990s, so the question of the racial equity implications of these policies within prisons merits further academic attention.

In addition to the limitations of these specific data, there is reason to be cautious about the validity of data about formal punishments in general, as departments may not reliably collect or report data (Light 1990). Additionally, data about the formal disciplinary process does not contain any information about the extralegal punishments that officers use to control inmates, which could be more common and severe (Marquart 1986; Gibbons and Katzenbach 2006). Much of the evidence of unsanctioned punishments comes from nonprofit organizations (e.g. Correctional Association 2011; 2016; Marshall Project 2015), and there are no publicly available data on these practices. The disparities by race captured in this analysis are just a small part of the overall reality of inmate punishment and control within penal institutions.

Even with these limitations, the results of this study indicate that race is a salient category for institutional punishment in North Carolina prisons. The finding that race matters for punishment during incarceration is critical because there is a dearth of academic attention to what happens during confinement. There is prior research about racial disparities in punishment going into the system, for instance in surveillance and sentence length (Cole 1999; Kutateladze et al. 2014; Travis et al. 2014), but these results show that disparities in punishment during incarceration is its own dimension of inequality.

The finding that race matters for punishment during incarceration is also important because it provides evidence about the mechanisms of confinement that could contribute to broader racial stratification. Black inmates receive more infractions than their white counterparts, so may have less access to human capital developing programs during confinement; this could exacerbate racial stratification in employment outcomes following incarceration. Black inmates also receive longer stays in segregated housing, which could contribute to racial disparities in health. This study demonstrates that racial disadvantage not only predicts and follows incarceration, it also accumulates during confinement itself.

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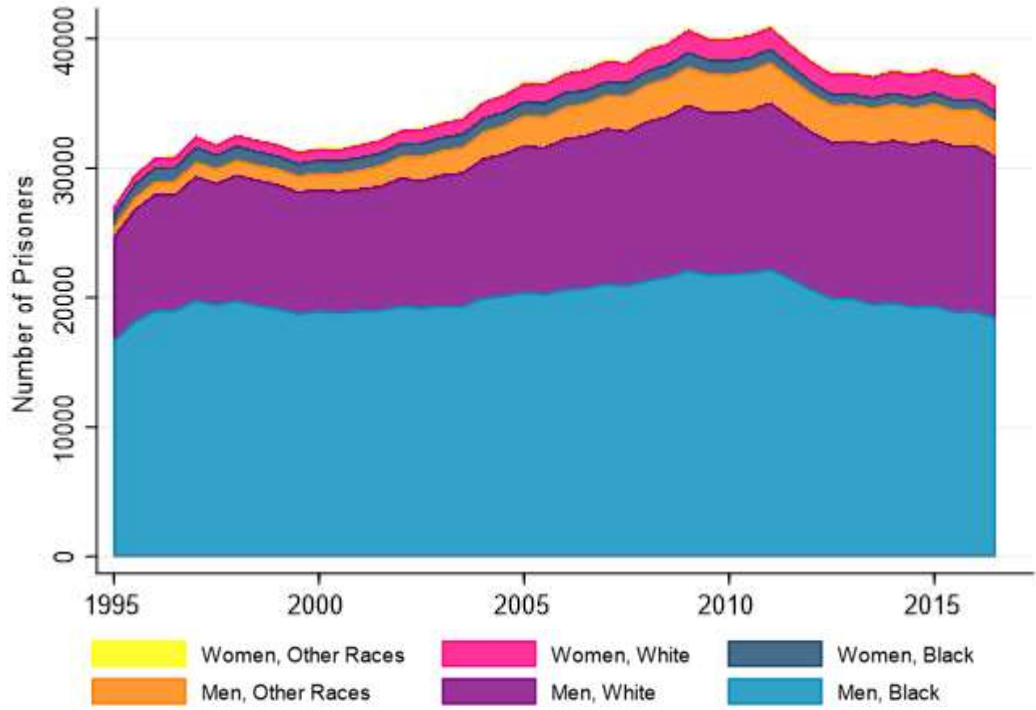
Western, Bruce. 2006. *Punishment and Inequality in America*. New York, NY: Russell Sage Foundation.

Wilcox, Jessa, Léon Digard, and Elena Vanko. 2016. "The Safe Alternatives to Segregation Initiative: Findings and Recommendations for the North Carolina Department of Public Safety." New York, NY: Vera Institute of Justice.
<https://www.vera.org/publications/safe-alternatives-segregation-initiative-findings-recommendations>

APPENDIX 1.A

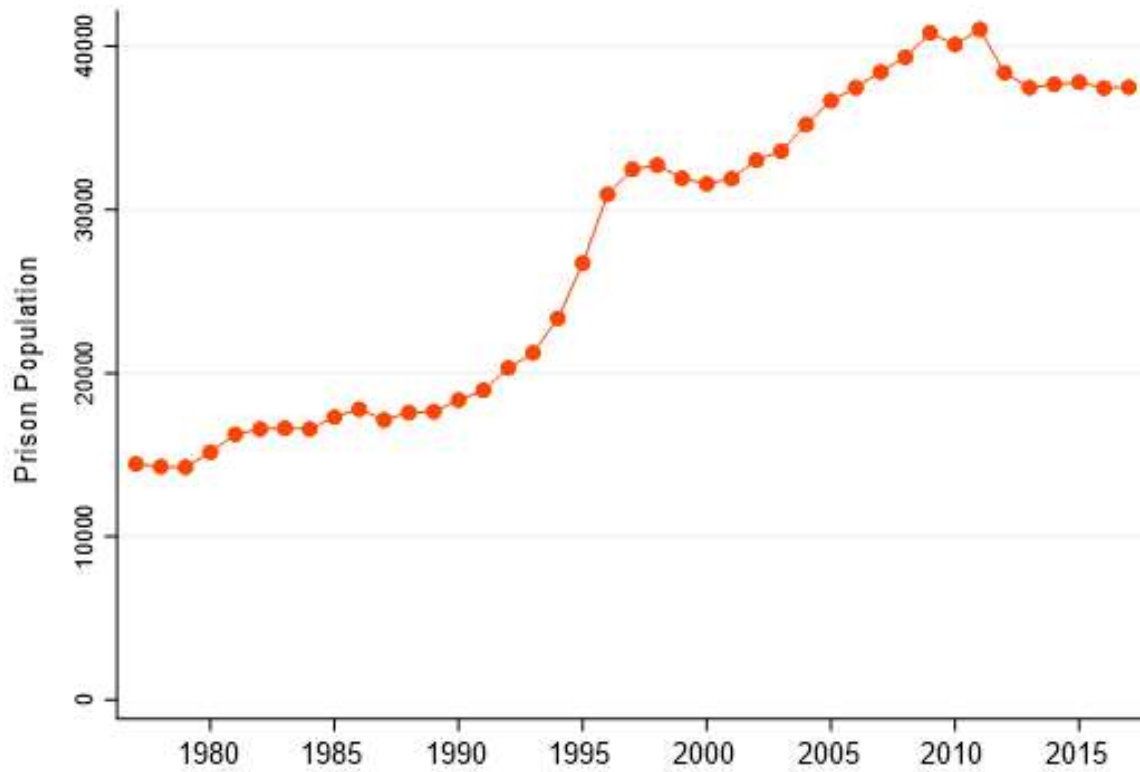
ALTERNATE COUNTS OF PRISONERS IN NORTH CAROLINA PRISONS

Prison Population by Race using Biannual Cross-Section Counts, 1995-2017.



*Race-specific population counts can be found at: <http://webapps6.doc.state.nc.us/apps/asqExt/ASQ>

Prison Population using Biannual Cross-Section Counts, 1977-2017.

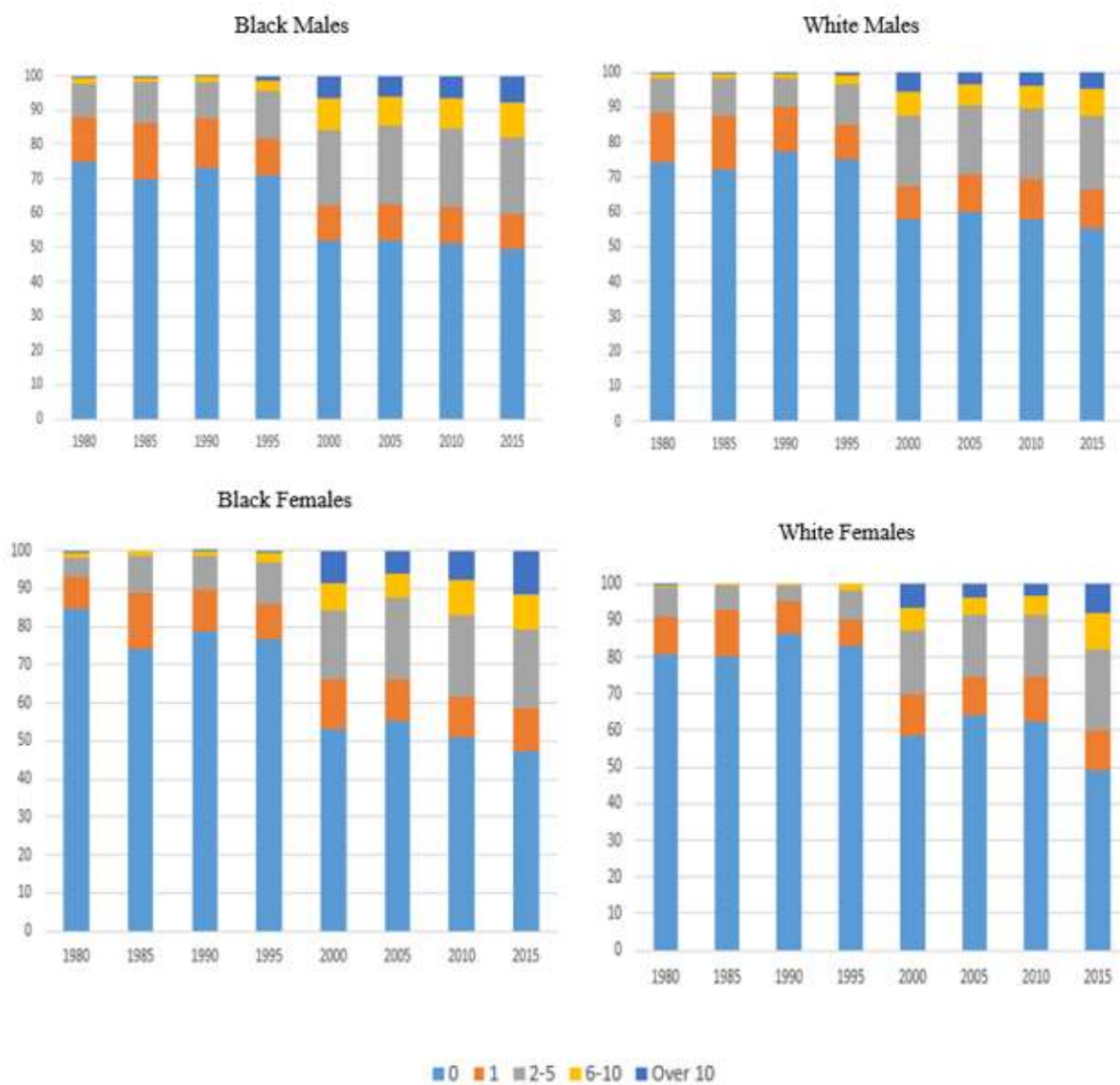


*1977-1999 data are averages of cross-section counts of each day over a month for six months:
http://randp.doc.state.nc.us/scripts/broker.exe?_SERVICE=default&_PROGRAM=sasjobs.DUPS.sas&_DEBUG=0

*2000-2017 data are cross-section counts on single days (June 30 and December 31):
<http://webapps6.doc.state.nc.us/apps/asqExt/ASQ>

APPENDIX 1.B

DISTRIBUTION OF MEAN ANNUAL INFRACTIONS FOR INMATES BY GENDER
AND RACE, 1980-2016



CHAPTER 2

THE SELECTIVE COLORBLIND RACE TALK OF CORRECTIONAL OFFICERS

The prison boom has spawned considerable scholarship on both the predictors and consequences of incarceration for prisoners and their families (Garland 2001; Western 2006; Wacquant 2010; Foster and Hagan 2015). Relatively little is known, however, about the 750,000 men and women whose work in penal institutions shapes incarceration experiences for the inmates in their care (Gibbons and Katzenbach 2006). As the front-line workers who directly distribute the sanctions and rewards of their facilities, correctional officers are tasked by the state with regulating the behavior of socioeconomically and racially marginalized inmates (Piven and Cloward 1971; Lipsky 1980). Correctional officers' daily decisions affect millions of incarcerated people, but their perspectives are often missing from scholarship about incarceration. I use in-depth interviews to explore how officers interpret and explain the effect of race on their work lives.

Though correctional officers are low-status workers (Cook and Lane 2014), they have significant power over inmates. Their role as facility peacekeepers (Liebling 2000) involves the daily "people-work" of acknowledging the humanity of people who they have to process through bureaucracies like objects (Goffman 1961). Officers are charged with both keeping inmates in custody and meeting their needs. Officers control inmates by monitoring their conduct and punishing them for breaking facility rules (Lombardo 1981). Many officers also oversee inmates' meals and distribute their personal necessities (Tracy 2004). These seemingly contradictory duties of punishment and caretaking can lead officers to feel role conflict (Sykes 1958; Hepburn and Albonetti 1980; Schaufeli and Peeters 2000). While there

is heterogeneity in officers' experiences (Galanek 2015), the overall picture of this employee group is bleak. Correctional officers have high levels of stress, posttraumatic stress disorder, depression, addiction, and suicide (Huckabee 1992; Stack and Tsoudis 1997; Obidoa et al. 2011; Spinaris et al. 2012).

An open question remains about how race shapes the work lives of correctional officers. In the United States, correctional officers work in raced institutions (Wacquant 2005; Goodman 2008; Walker 2016). African Americans are incarcerated at a much higher rate than non-Hispanic whites (Cole 2000; Western 2006; Muhammad 2010), so jails and prisons are critical institutions for the maintenance of racial stratification (Lewis et al. 2004; Feagin 2013). The fact that black men without a high school diploma can expect to be incarcerated at some point over their life course (Pettit and Western 2004) undermines contemporary beliefs about an opportunity structure that is uninfluenced by race (Bobo 2011). Colorblind racial ideology imagines a race-neutral society in which all successes and failures result from merit (Bobo, Kluegel, and Smith 1997). Correctional officers have to confront evidence of racial stratification in an era of colorblind racial ideology as a normal part of their jobs. Their daily decisions to enforce rules and distribute scarce resources contribute to the brightening or blurring of racial boundaries (Lichter 2013) in penal institutions. In this study I explore the frames – set paths for interpreting the world (Bonilla-Silva 2010: 26) – that correctional officers use to explain the effect of race on their work lives.

I investigate how officers interpret the meaning of race using in-depth interviews because language both reveals and creates racial ideologies (Bonilla-Silva 2010). The stories that people tell are important because they “reinforce the social order” (Bonilla-Silva, Lewis, and Embrick 2004: 556). The language of colorblind racial ideology maintains white

supremacy without acknowledging that white supremacy exists (Gallagher 2003). Studies of the language of colorblind racial ideology consider how racial attitudes are shaped by one's location in the racial hierarchy (Bonilla-Silva 2010), and in turn how those collectively held beliefs influence society (Samson and Bobo 2014). For instance, Lewis (2003) explores how racial meanings are shaped in schools. She finds that the racial status quo is maintained because colorblind ideology prevents teachers from discussing the uncomfortable truth that tracking and discipline practices have different consequences for black and white students.

I expand the investigation of the language of colorblind racial ideology beyond educational settings (e.g. Bonilla-Silva and Forman 2000) to a correctional facility. The correctional officers in this interview study are highly-educated, majority African American jail officers in the American South. The language that they use to discuss, or avoiding discussing, race reveals the racial frames that shape their decision making when distributing the punishments and rewards of their facility to the mostly African American male inmates in their care. This study sheds new light on how the carceral experience intersects with broader systems of racial stratification.

BACKGROUND

The Work Lives of Correctional Officers

The dramatic growth in the incarcerated population that began in the late 20th century is mirrored by an increase in corrections jobs (Birkbeck 2011; Dennehy and Nantel 2006). Though correctional officers occupy the bottom tier of prison bureaucracies, they play a vital role in shaping inmates' daily lives. Lipsky's (1980) theory of street-level bureaucracy argues that employees who directly interact with clients shape institutional policies through their

decisions when enacting bureaucratic procedures. Like other street-level bureaucrats, correctional officers have significant discretion (Poole and Regoli 1980; Liebling 2000; Shannon and Page 2014). They monitor inmate conduct and can ignore or punish rule violations (Sykes 1958). When inmates struggle with institutional inefficiencies, officers can refuse their pleas for help or advocate on their behalf (Lombardo 1981). As Wakefield and Uggen (2010: 393) suggest, penal institutions have the potential to reinforce disadvantage by sorting inmates into varying tracks that either develop or stifle human capital, so the daily decisions of correctional officers have real consequences for inmates during and after incarceration spells.

While correctional officers are like other street-level bureaucrats in their charge to serve largely disadvantaged, non-voluntary clients (Lipsky 1980), they can also be considered a special case of street-level bureaucrats because they work in total institutions. Unlike other institutions, such as schools and social service departments, total institutions assume responsibility for all aspects of clients' lives (Goffman 1961; Foucault 1977). Doing human service work where people live is inherently personal (Lombardo 1981). Occasionally correctional officers have to deal with human waste and death (Tracy 2005; Trounson and Pfeifer 2016). They also frequently have to perform housekeeping tasks, including feeding inmates and monitoring their cleanliness (Crawley 2004). Though officers are trained to maintain social distance from inmates (Gibbons and Katzenbach 2006), they have to rely on relationships and use their "tactics of talk" (Liebling 2000: 337) to help maintain peace in facilities where inmates are kept against their will.

Officers perform these contradictory roles while striving to maintain their own dignity given the layers of stigma in the institutions where they work. Their clients are tainted by their

classification as criminals (Goffman 1963; Tracy and Scott 2006) and by high levels of mental and physical health issues, including drug and alcohol dependencies (Fazel, Bains, and Doll 2006; Fazel and Baillargeon 2011; Western 2018). Caretaking duties that officers have to perform are stigmatized both because the recipients are considered undeserving, and the tasks themselves are seen as feminized dirty work (Tracy and Scott 2006). In order to fight the taint from their clients and their care-taking responsibilities, officers tend to develop a distinct corrections culture that celebrates traditional displays of masculinity and shames empathy (Britton 2003; Tracy 2004). The constant surveillance of administrators and coworkers ensures that officers police each other for signs of weakness that indicate the officer's own debasement or corruption (Sykes 1958; Lombardo 1981; Tracy 2005). Like the inmates in their care, officers feel isolated from outsiders who do not understand their daily lives working in a closed facility (Tracy and Scott 2006).

Raced Penal Institutions in a Colorblind Society

Correctional officers are positioned at the intersection of the penal institutions where they work and broader society where they live (Spencer and Ricciardelli 2017: 386). A significant way that those realities clash is through the construction and discourse of race. On the one hand, racial disparities in punishment are extreme (Western 2006). African Americans are disadvantaged at every stage of the criminal justice process (Cole 2000; Gelman et al. 2007). Black males without a high school education now experience incarceration as a normal part of the life course (Pettit and Western 2004). The American criminal justice system is facing a "crisis of legitimacy" (Bobo and Thompson 2006: 446) because the connection between race and punishment has become so durable.

On the other hand, contemporary racial ideology insists that race no longer shapes life chances. The Jim Crow era racial ideology that recognized and explained racial differences by pointing to the supposed biological inferiority of nonwhite people (Wilson 1978) has been replaced by a colorblind racial ideology that ignores the enduring racial hierarchy and instead attributes successes and failures to individual merit (Bonilla-Silva et al. 2004; Bonilla-Silva 2010). Correctional officers have to face evidence of racial disparities in punishment daily, while also living in a world with strict codes against acknowledging this reality.

The limited academic research on conditions of confinement shows that race is salient in penal institutions. In his 2008 ethnography of two California prison reception centers, Goodman shows that correctional officers, working within the constraints of the bureaucracy, influence inmates' racial categorization. Though racial segregation is not a written policy, officers help maintain it as an actual practice, which affects temporary housing and likely long-term facility assignment of inmates as well (Goodman 2008). Walker uses his ethnography of a California county jail system (2016) to argue that a strict code of conduct organizes how members of racial groups interact and share resources. Though inmates primarily enforce the code against interracial contact, officers play an important role in reifying racial boundaries by housing inmates by race and treating conflicts between individuals as conflicts between racial groups (Walker 2016). While Goodman and Walker's studies demonstrate that jails and prisons are indeed "race making" institutions (Wacquant 2005), they do not provide a window into how officers think about their part in creating or maintaining racial boundaries.

Correctional officers can strengthen racial stratification during confinement because they have considerable discretion when interacting with inmates (Shannon and Page 2014).

Like other street-level bureaucrats, they may use shortcuts that rely on racial stereotypes to determine client deservingness for the material and psychological rewards and punishments of their agencies (Lipsky 1980). For instance, welfare administrators are more likely to sanction black than white clients for missing an appointment (Schram et al. 2009). There is some evidence that correctional officers also rely on racial shortcuts to determine deservingness for punishment (e.g., Poole and Regoli 1980), though their thought-processes in these circumstances are unknown.

The Special Case of Black Correctional Officers

The experience of working in a raced penal institution may be different for black and white correctional officers. Though most corrections jobs are held by white men (Gibbons and Katzenbach 2006; Western 2006), the correctional workforce has become more diverse over time (Britton 1997). The quantitative evidence is mixed about whether female or minority officers have different levels of job satisfaction and stress compared to their white male counterparts (Schaufeli and Peeters 2000; Lambert, Hogan, and Barton 2002). However, a few dated qualitative academic studies (e.g., Marquart 1986), as well as more contemporary nonprofit and media accounts (e.g., Correctional Association of New York 2016), suggest that black officers have meaningfully different work experiences than their white colleagues.

A primary way that race could matter for correctional officers is through their interactions with inmates. Studies about officer efficacy by race rely on an embedded assumption that black officers can easily manage black inmates because of a shared racial experience (e.g., Jacobs and Kraft 1978). Though race is undeniably an organizing principle in the United States (Omi and Winant 2014), this assumption masks nuance and variation in

black experiences. For instance, black views on crime and punishment are complex. African Americans are not only disproportionately surveilled and punished by criminal justice institutions (Cole 2000; Western 2006), they are also disproportionately victims of crime (Anderson 1999; Western 2018). Many black Americans support harsh criminal justice policies (Forman 2012; Fortner 2014), so the boundary between criminals and non-criminals may be of primary salience for black correctional officers. Like other members of the black middle class, black correctional officers may also see clear class distinctions between themselves and black inmates with low socioeconomic status (e.g., Pattillo 1999). Even so, black inmates may react harshly to black officers if they view them as working against the interests of their racial group, as sometimes happens to black police officers who patrol black communities (Feagin and Bolton 2004).

Another way that that race could matter for black correctional officers is through their relationships with their colleagues and supervisors. Qualitative studies with black respondents across the class spectrum demonstrate that black Americans continue to experience racism (Feagin 1991; Fleming, Lamont, and Welburn 2012). The experiences of black correctional officers could be shaped by racial discrimination if white officers and administrators are unwelcoming or hostile. In their study of 16 law enforcement agencies in the American South, Feagin and Bolton (2004) find that black police officers face racial discrimination and animosity at all stages of their careers. The job of a correctional officer is stressful and dangerous (Steiner and Wooldredge 2015); black officers may face additional burdens because of their race.

Types of Evidence about Racial Perspectives by Race

While it may seem obvious that black and white Americans have different understandings and experiences of race because of their distinct positions in the racial hierarchy (Bonilla-Silva 2010), the task of actually ascertaining how people think about race is inexact. A primary strategy is to measure racial attitudes through survey questions. White American's attitudes have generally been more supportive of racial equality over time, yet gaps remain between black and white respondents on several dimensions. For example, white people largely dismiss the importance of discrimination against black people, whereas black people point to discrimination as a primary cause of racial inequality (Bobo et al. 2012). Additionally, white people are less likely than black people to support policies aimed at redressing racial inequities, such as affirmative action in hiring (Bobo 2004; 2011; Samson and Bobo 2014; Lewis et al. 2004).

The ability to understand racial attitudes from survey questions is limited by an increase in social desirability bias that accompanied the metamorphosis in racial ideology to subtler forms of pro-white or anti-black sentiment (Bobo et al. 1997; Samson and Bobo 2014). Qualitative studies add depth to the question of how people think about and experience race. Because white privilege prevents white people from understanding how race impacts their lives, contemporary qualitative studies about race with white respondents focus on the language that they use to discuss race. In *Racism without Racists* (2010), Bonilla-Silva uses interview data to discover the common narratives and language patterns that whites use to simultaneously defend their maintenance of social and spatial distance from blacks while claiming that they do not hold racial prejudices. He finds that white people become incoherent when directly discussing race (Bonilla-Silva and Forman 2000; Bonilla-Silva 2002; 2010),

and that they use frames that minimize the importance of race or explain different outcomes by race using cultural stereotypes (e.g., Bonilla-Silva et al. 2004). Colorblind language also includes relying on analogies of other dimensions of oppression, such as gender, to discuss race (Grillo and Wildman 1991), or using coded language instead of direct language about race (Lewis 2003).

The type of evidence about racial attitudes is different in studies with black respondents. Because black Americans are constantly reminded of their position in the racial hierarchy (Glover 2008), most qualitative studies with black respondents provide evidence about their experiences of race instead of how they talk about race. Much of this literature focuses on the decision making and perspectives of poor, urban blacks (e.g. Anderson 1999; Carter 2003; Young 2004a; Smith 2005). Studies about the racial discourse of black people from any class background are rare. Bonilla-Silva finds that black interviewees (N=17) speak directly about their experiences with racial discrimination, but are also impacted by the frames of colorblind racial ideology, as in their perception that residential racial segregation is natural (Bonilla-Silva 2010: 155). A recent study in psychology contributes to the “handful” (Perkins, Chan-Frazier, and Roland 2018: 1015) of prior studies about the racial discourse of American minorities. Perkins and colleagues’ study is not about colorblind racial ideology, but their finding that black focus group participants rely on cultural stereotypes to explain their behavior suggests that black Americans have also been impacted by its frames (Perkins et al. 2018).

The Present Study

Correctional officers are the “keepers of the disappeared” (Tracy 2004: 510). This

understudied group has intimate knowledge about the workings of penal institutions (Gibbons and Katzenbach 2006). As such, they deserve closer academic attention. While many surveys have explored the correlates of stress, there is not enough information from correctional officers themselves about how they make sense of race while performing their daily tasks in raced institutions in an era of colorblind ideology. Contemporary qualitative work on prisons is rare (Wacquant 2002); qualitative studies focusing on correctional officers are rarer still. These employees are both a general example of street-level bureaucrats who must regulate a vulnerable population and a specific case that will reveal how penal institutions intersect with systems and discourses of racial stratification. The daily decisions of correctional officers have lasting consequences for the millions of people kept in custody every year, as well as their families and communities. In this study I investigate the racial frames that shape those decisions.

DATA AND METHODS

The main goal of this study is to explore how officers interpret and explain the effect of race on their work lives. I collect and analyze data from in-depth interviews because language reveals the frames that structure how people “observe and interpret social life” (Small, Harding, and Lamont 2010: 14). In particular, racial ideologies are reproduced and revealed in language (Bonilla-Silva 2010). I analyze racial discourse in order to get a deep understanding of officers’ worldviews and thought-processes (Weiss 1994; Patton 2005).

Interview Logistics

My data come from semi-structured interviews with 20 law enforcement officers who work or worked in a mid-sized metropolitan area in the American South called Piedmont County.¹⁵ I conducted all interviews in person, with one respondent at a time, in Piedmont County between December 2017 and May 2018. Because I traveled to Piedmont County to conduct interviews, I limited the interview window to approximately one hour; the average interview length is 68 minutes. I gave every respondent \$40 in cash for their time.

Researchers who become embedded in marginalized communities have to be cautious that their research does not exacerbate disadvantage for participants (e.g., Desmond 2016). Even single interviews can cause harm if the interview exposes respondent circumstances that they need to remain private, such as their sexual orientation (England 1994). The risk of harm to the officers in this study was low because they are not obviously marginalized on any dimension. I worked closely with Cornell's Institutional Review Board to create a data management plan that allowed me to guarantee the confidentiality of all participants. Respondents gave their informed consent to participate in the study.

Interview Context

The population of Piedmont County is primarily black and white. Approximately 65% of Piedmont County residents are white, 30% are black, and 5% are other races. Black residents are concentrated in urban areas; forty percent of residents in the county seat are black. The share of Piedmont County residents who identify as Hispanic is 5%. The economy

¹⁵ This is a pseudonym, as are the names of all respondents.

of Piedmont County is largely based on service providing industries and manufacturing jobs. The median income is below the national median, which is common in states in the South (Noss 2013).

Like most counties and independent cities (Reaves and Hickman 1998), the law enforcement agency in Piedmont County is a Sheriff's Department, which is responsible for both patrol and detention. Law enforcement officers in the Piedmont County Sheriff's Department are hired to one of two tracks: they either become sworn officers, also called deputies, or they become non-sworn officers who work in the jail as correctional officers. All jail officers, and even most jail supervisors, have to work a swing shift, so their schedule is two weeks of 12-hour day shifts followed by two weeks of 12-hour night shifts.

It became evident in early interviews that there is a perception that the Piedmont County Sheriff relies on race to hire employees to either the sworn or non-sworn tracks. Though the pay is the same, sworn officers are seen as higher status and have fringe benefits that non-sworn officers do not have, including housing subsidies and the opportunity to work side jobs in security for additional income. The perception is that the Sheriff hires white people for the sworn track and black people for the non-sworn track. I adjusted the interview guide to acknowledge this context (Rubin and Rubin 1995; Patton 2005).

Recruitment and Sample Characteristics

Recruiting officers to interview was a challenge because these employees are embedded in a hard-to-access bureaucracy and tend to have strong boundaries around their in-group (Lofland et al. 2006; Dennehy and Nantel 2006). As a law enforcement outsider, I was only able to gain access to the group through a network contact (Lofland et al. 2006). This

contact connected me to a convenience sample of officers, who then aided in snowball sampling (Weiss 1994). My original intention was to interview correctional officers, but the link between the law enforcement tracks in Piedmont County, as well as my recruitment method, led to an expansion of participation criteria. One respondent in the sample is a current sworn officer and one is a former correctional officer who worked in a state prison in the vicinity of Piedmont County instead of in the Piedmont County jail. These additional cases allow me to compare how respondents who work in the jail discuss race compared to law enforcement officers in these other contexts. The remaining 18 officers are current or former correctional officers in the Piedmont County jail. Of those 18, three are current officers, five are retired, and ten are former officers who left for a reason other than retirement. Officers in this sample have a range of attachment to, and affinity for, the Piedmont County Sheriff's Department, which is helpful for collecting data about the racial frames that officers use from a variety of perspectives. For example, an officer who retired after working in Piedmont County for 30 years may have a different perspective about the importance of race as an organizing principle compared to someone who worked there for two years.

Most correctional officers live close to where they work, so there is often a racial mismatch between inmates and correctional officers in prisons located in rural areas (Western 2006). The racial demographics of officers in county jails may be closer to the demographics of the inmates in their care because both groups come from the same geographic area. There are no publicly available demographic statistics of jail inmates in Piedmont County, but all officers estimated that most inmates in the jail are African American; three respondents estimate that black males typically comprise 90% of the jail population. The majority of respondents in my sample are African American (85%) as well. I did not seek out black

respondents, but the fact that the snowball sampling technique did not result in any white respondents (the two white officers were in the initial convenience sample) indicates that officer social networks are race-segregated.

The officers in this sample are highly educated. Though Piedmont County only requires officers to have a high school education, seventy percent of officers in this sample have a four-year college education or beyond. The education level of these officers could be an artifact of network homophily. Similarly, this sample consists of many officers who were promoted during their career in the jail to the level of training officer or supervisor. Of the 18 officers who work or worked in the Piedmont County jail, eight had been in supervisory roles during their careers. Sample characteristics are shown in Table 2.1.

Table 2.1: Piedmont County Sample Characteristics, N=20.

Female	45%
<i>Work Status</i>	
Current Piedmont County correctional officer	15%
Retired Piedmont County correctional officer	25%
Former correctional officer for reason other than retirement	50%
Former correctional officer from state prison system	5%
Current sworn officer	5%
<i>Race</i>	
African American	85%
Hispanic	5%
White	10%
<i>Education Completed</i>	
High school	15%
Some college, AA, vocational	15%
Four-year college graduate	60%
Professional degree	10%
<i>Highest Rank of Piedmont County Correctional Officers, N=18</i>	
Regular Officer	33%
Training Officer	22%
Supervisor	44%

Instrument

I designed the interview guide to elicit officers' perceptions of race as an organizing force in their own lives and in the experiences of inmates. I asked respondents about their perceptions of how inmates use race to organize themselves in the jail, and about how their own racial identity shapes their orientation to their job. Because all the interviews were semi-structured, I did not word questions identically or ask them in the same order, instead letting the path of the interview form naturally (Rubin and Rubin 1995).

I also tried to access respondents' perceptions of the state of race relations in broader criminal justice practices by asking some version of the question: "As someone who work(s/ed) in law enforcement, do you have any insights into conflicts between the police and black communities?" I asked about police officers instead of correctional officers because there were many high-profile incidents around the time of the interviews and protests led by the Black Lives Matter movement were national news (Rickford 2016). I did not ask about specific incidents because I wanted respondents to discuss their general theory of race and criminal justice without getting mired in the specifics of one incident (Weiss 1994: 73). I also believed that their membership in the law enforcement community would allow them to speak from their expertise without feeling defensive because of their remove from sworn officers.¹⁶ A list of questions about race aimed at different analytical levels are shown in Table 2.2. The interview guide is attached as Appendix 2.A.

¹⁶ This distance did not exist for some respondents. One respondent is a sworn officer and two others (one retired and one former) started their careers as non-sworn officers and later became sworn officers.

Table 2.2: Examples of Interview Questions about Racial Perceptions.

	Example Question
<i>Demographic</i>	What are the racial demographics of inmates?
<i>Personal</i>	Are there any advantages or disadvantages to being a [respondent's race] officer?
<i>Facility</i>	[Either they read the New York Times excerpt or I briefly tell them about it]. Do you think that is true in this context, are black inmates punished more harshly than white inmates?
<i>Department</i>	Tell me your impression of how hiring and promotion work in the Piedmont County Sheriff's Department.
<i>Societal</i>	As someone who work(s/ed) in law enforcement, do you have any insights into recent conflicts between the police and black communities?

Positionality

Like all qualitative researchers, I was also a research instrument in this study (Bourke 2014: 2). The decisions that I made at all stages of the process - from guide development to narrative compilation - were influenced by my own experiences and characteristics, including my race. I am a white woman and most respondents are nonwhite (90%). Discussing race in the era of colorblind racial ideology is considered taboo (Lewis 2003), so being asked questions about race by a member of a racial out-group may have been uncomfortable for respondents (Lofland et al. 2006). Furthermore, my race gives me white privilege, which could have exacerbated the power differential that always exists between interviewer and interviewee (England 1994). Being a racial outsider is not always a disadvantage in interviews if it leads respondents to provide details that would seem obvious to an insider (Young 2004b; Merriam et al. 2001). Because there is no counterfactual example, I cannot say that

respondents gave me more detailed descriptions of their experiences than they would have given to a black interviewer. There were likely advantages and disadvantages to being a white woman, but my demographic characteristics undoubtedly impacted the data that I collected.

Interview Strategies

Because even acknowledging racial boundaries violates colorblind racial ideology (Lewis 2003: 83), I relied on several strategies aimed at accomplishing the goal of collecting rich data (Lofland et al. 2006). The first strategy was to ask factual questions about the jail, such as estimates of officer and inmate racial demographics. These questions were intended to get respondents accustomed to talking about race without having to share their beliefs initially. Even though respondents felt that they were reporting a department statistic, there are inconsistencies in these demographic reports that are themselves a source data (Small 2011: 64).

I also tried to undermine the sensitive nature of race by asking direct questions. For instance, I asked respondents some version of the question, “Are there any advantages or disadvantages to being your race as an officer?” With respondents who showed early signs of discomfort or avoidance to questions about race, I attempted to reestablish the interviewing partnership (Weiss 1994) by retreating to non-race questions, such as those about job duties, before returning to questions about race on a different topic later in the interview.

Another strategy that I used was to provide respondents with article excerpts to read and respond to at different points in the interview as it felt necessary. These articles allowed me to structure the conversation and to introduce challenging topics at a remove. The first article excerpt is about a riot that resulted in a correctional officer’s death in Delaware the

year prior to the interviews. I included this article in order to prompt respondents to discuss types of inmates that may cause trouble (Hurdle and Pérez-Peña 2017). I believed that some officers would discuss inmate types based on race. The second excerpt is from a *New York Times*' report about racial bias in discipline in New York State prisons (Schwartz, Winerip, and Gebeloff 2016). I used this excerpt to inquire about the respondents' perceptions of racial disparities in the distribution of punishment and systems of support in the facilities where they worked.

The final article excerpt is from a *Marshall Project* piece on Rikers Island. This excerpt includes a quote from an officer about the abuse that officers endure from inmates, and a quote from an inmate about being physically assaulted by an officer. The primary purpose of this excerpt was to generate discussion about inmate and officer interactions. The officer in the article uses politically incorrect language: "You're not dealing with a regular person on the street. Excuse my mouth, you're dealing with animals" (Marshall Project 2015). I thought that reading this excerpt may encourage respondents to speak openly if they had been hesitating because of social desirability bias. The article excerpts are attached as Appendix 2.B.

I did not give any articles to 11 respondents, I gave two articles to three respondents, and I gave all three articles to six respondents. I gave the excerpts to respondents who initially seemed reserved or uncomfortable in the interview, particularly when I asked a question about race. Regardless of the reason, the nine respondents who I gave article excerpts to read initially seemed to approach the interview as a representative of the Piedmont County Sheriff's Department instead of as an individual with their own separate beliefs. For example, I asked whether the jail housed inmates by race. People in this group gave some version of the

answer, “No, that’s against policy,” whereas most other respondents said something like, “Not technically, but ...” to explain how the policy and the practice were not always aligned. Of the nine in the group who received articles, seven are men, six are current or former supervisors, and four are retired. Giving articles to people in this group did not work to elicit long responses about race, but it did allow me to pursue uncomfortable topics without ruining the interviewing partnership (Weiss 1994). For example, the article about racial disparities in infraction tickets in New York State prisons allowed me to ask about racial disparities in punishment within the Piedmont County jail without seeming confrontational.

Analytic Strategy

In order to understand the nuance of participants’ racial ideologies, I follow other scholars who investigate the language of race. In this project I use the concept of race talk as Bonilla-Silva and his colleagues use it.¹⁷ Namely, I analyze examples of the “linguistic manners and rhetorical strategies” of colorblind racial ideology (Bonilla-Silva 2002: 42). With permission from respondents, I audio recorded all interviews. The interviews are transcribed verbatim in order to preserve data about discomfort when discussing race, such as repetition, verbal tics, or rhetorical incoherence (Bonilla-Silva 2002; 2010). I used an iterative coding process (Seidel 1996) that began with reading field notes and line coding the interview transcripts in order to identify preliminary themes inductively (Creswell 2013).

¹⁷ The term “race talk” does not have the same meaning across disciplines. For instance, Morrison (1993: 57 [quoted in Perkins et al. 2018]) defines race talk as “the explicit insertion into everyday life of racial signs and symbols that have no meaning other than pressing African Americans to the lowest level of the racial hierarchy.” For Bonilla-Silva and other sociologists, the term does not have this inherently negative connotation.

After line coding interviews I identified rhetorical strategies of colorblind language that have been shown in other contexts. I revised my coding scheme to include a code for colorblind language, which includes incoherence, avoidance, cultural explanations, naturalization, minimization, taking both sides, projecting racial bias, and using analogies (Bonilla Silva 2002; 2010; Lewis 2003; Grillo and Wildman 1991). Each of these elements is defined in Table 2.3. In order to analyze race talk that is the inverse of colorblind language, I also used a code for colorconscious language.

Table 2.3: Types of Colorblind Language Identified by Bonilla-Silva.

Type	Definition
<i>Incoherence</i>	Grammatical mistakes, stops and starts, verbal tics, pauses, repetition, and other indicators of discomfort.
<i>Avoidance</i>	Not answering a direct question about race, usually by answering another question or changing the subject.
<i>Cultural Explanations</i>	Explaining outcomes by race using stereotypes about culture.
<i>Naturalization</i>	Explaining outcomes by race as naturally occurring.
<i>Minimization</i>	Arguing that race does not have a meaningful impact on life chances.
<i>Taking Both Sides</i>	Answering both “yes and no” to a question about race.
<i>Projecting Racial Bias</i>	Discounting racial bias against minorities by arguing that they are themselves racially biased.
<i>Using Analogies</i>	Invoking another dimension of disadvantage when talking about race, such as class or gender.

I used this new coding scheme to reanalyze interview transcripts and sort interview excerpts at a person-level. Because some respondents discussed race differently based on the racialized object – themselves or justice-involved others – I coded all conversations about race using colorblind and colorconscious codes separately by dimension. The first dimension is race as it shapes one’s own experiences. This category includes data about work interactions, career trajectory, and position in the department. The second dimension is about race as it shapes the experiences of justice-involved others. Most of the data about justice-involved others relates to inmates. I also include conversations about people stopped by the police in Piedmont County, as well as responses to the question about interactions between police officers and black communities nationally because of the overlap in the way that these groups are discussed. The topics in each dimension are shown in Table 2.4. I completed all data analysis using AtlasTI (version 8).

Table 2.4: Topic Categories for Both Dimensions of Race Talk.

Own Career	Justice-Involved Others
<ul style="list-style-type: none"> • Initial track in Piedmont County • Demographics of the county • Career trajectory and promotions • Relationships/incidents with inmates, coworkers, and supervisors • Perceived officer types 	<ul style="list-style-type: none"> • Inmate demographics • Inmate racial segregation (informal and facility-level) • Inmate treatment by race • Perceived inmate types • Interactions between black communities and the police

Expectations about Respondent Characteristics and Race Talk

I believed that respondents' experiences and characteristics would be associated with how they discussed the importance of race for themselves and for justice-involved others. I thought that black respondents would acknowledge the importance of race in shaping their career trajectories based on their location in the racial hierarchy as well as the common perception about racial bias in hiring practices in the Sheriff's Department in Piedmont County.

Despite the importance of race in shaping life chances, I did not expect all black respondents to use colorconscious language when discussing the importance of race for justice-involved others. I thought that time spent in the department would be consequential for the way that respondents talked about how race mattered for this out-group. My hypothesis was that officers who had stayed, or were intending to stay, in the department for their career would rely more strongly on colorblind language than those who were officers for a short time. As a law enforcement outsider and a white person, I believed that officers who saw race as central in shaping the life chances of justice-involved others would be uncomfortable working in law enforcement for the duration of their career.

I also anticipated that position in the department would be related to how respondents talked about race. I thought that respondents who were currently or formerly in supervisory positions would believe in the fairness of the system, so would use colorblind language. On the other hand, I believed that respondents at the level of rank and file officers would be more willing to talk about problems in the department, including in the way that race matters in hiring and promotion.

RESULTS

Race Talk Categories

The main finding from this study is that some people view the importance of race differently depending on the racialized object: themselves or justice-involved others. In order to illustrate officers' perceptions and internal experiences (Weiss 1994) of race as an organizing principle, I identify a typology of four race talk categories on two dimensions of how they discuss race for themselves and for justice-involved others (Table 2.5). I classify those who use colorblind language to express their view that race is of minimal importance in their own lives and in the lives of justice-involved others into the category of *Unimportant* (35%). Those who view race as important in the lives of justice-involved others and unimportant in their own lives are in the category of *External/Intellectual* (10%). The *Ego/Affective* (25%) category includes people who perceive race as an important organizing principle in their own lives, but use colorblind racial ideology to minimize the importance of race for justice-involved others. People in the *Central* (30%) category believe that race has shaped their own path and that it affects justice-involved others.

Table 2.5: Respondents' Perceptions of the Importance of Race in Shaping Life Experiences.

		Justice-Involved Others	
		Low	High
Own Career	Low	Unimportant (35%)	External/Intellectual (10%)
	High	Ego/Affective (25%)	Central (30%)

I categorize respondents using data from their entire interviews. Placing respondents into categories was straightforward because they talked about race consistently within these dimensions and did not change how they talked about race over the course of the interview. Out of 20 respondents, only three were on the edge between categories. While interviews result in detailed data about each respondent, in order to discover common themes and produce a narrative it is necessary to collapse some individual nuance. As a result, these categories obscure heterogeneity between individuals.

For instance, I classified both Grace and Travis in the *Central* category because they use colorconscious language to discuss the importance of race in their own careers and for justice-involved others. That they are in the same category does not mean that they are alike

in other ways. When I ask for insights into conflicts between the police and black communities, Grace emphasizes the importance of protecting her family. She says, “You have to train your spouse, even your sons, and say, “Look, whatever [the police] ask you to do, you do it gracefully because you don’t know what type of hero he is in his head.”” In response to the same question, Travis says, “You have to ethnicize authority! You’ve got to diversify the power structure in order for it to trickle down to the officers on the ground.” Grace’s answer about her family and Travis’ answer about the system are linked by the fact that neither respondent denies the issue, blames a factor other than race, or changes the subject.

These race talk categories are intended to illuminate how people discuss race. I present examples from respondents in each category in order to flesh out race talk in each of these categories. I include unedited quotes from participants in order to demonstrate instances of verbal incoherence. Ellipses within quotes show where I have deleted a portion of text in between segments that I present.

Unimportant

Seven respondents (35%) are in the group characterized by a minimization of the importance of race in both their own careers and in the outcomes of justice-involved others. In other words, they trust that the Piedmont County Sheriff’s Department and larger criminal justice practices are race-neutral and fair. This is the largest group and includes three retirees, three former officers, and one current officer. The one white male in the sample is in this group; all other officers in this group are African American. They rely on the frames of colorblind language, including giving short answers or answering a different question in order to avoid talking about race.

A primary feature of this group is their denial of racial boundaries or differences, which is the essence of colorblind racial ideology. Officers in this group underemphasize the importance of race for justice-involved others. Calvin is an African American retiree. In response to the *New York Times* excerpt about racial disparities in punishment, he says, “As far as discipline, if you’re acting up, whether you white or black, doesn’t matter, or Latin or whatever. You know if you’re breaking our rules in that facility, it doesn’t matter what color you are, or what your background is.” Calvin expands the conversation beyond the black inmates that are featured in the article (“Latin or whatever”) and argues that everyone is treated the same, which is a central tenant of colorblind racial ideology.

Steven is another retired officer who spent 30 years as an officer in Piedmont County. The first eight years of his career were as a non-sworn officer in the jail. He then became a sworn officer and went to the patrol side. In response to the same article, he says:

You hear about it, but I couldn’t say it actually happened here when I was working. But you do find more blacks and Hispanics, you know, locked up than you do whites. But, once you’re in there, as far as my experience, everybody was treated equally. You know, if you committed a crime, you were dealt with, or some infraction, you were dealt with.

Steven admits that race may matter for punishment elsewhere (“You hear about it”), but states that officers in Piedmont County jail treated inmates “equally.” Because Steven notes the disproportionate incarceration of men of color, I ask him why he thinks that is. Steven says, “Now that’s [laughs], I mean, I would just assume that they were the ones that were committing the crimes. I wouldn’t say that they were being placed in there because they were black.” He echoes his earlier claim that the system itself is race-neutral, so any differences by race are based on differences in conduct by race.

David is the one white male officer in the Piedmont County sample. He does not think that race shaped his career, and he does not see race as an organizing principle between inmates and officers or among officers in the jail. In response to the question about insights into conflicts between police officers and people in black communities, he says:

No insights to it. It's just, it's really just how the black man is kind of raised to not trust cops. I feel like. So I mean for me it's like if [the cop] is telling you to do something, even if you're innocent and they just got the wrong guy, if you just comply, they're going to find out and be like, "Oh sorry, you're not the guy we're looking for." Then let them go. Because you'll have, you'll have guys like that, like, "Oh, no, not the right guy. Sorry." And that's it.

David uses one of the frames of colorblind racial ideology that explains group differences by culture (Bonilla-Silva 2010). By arguing that black men are uniformly raised to mistrust police officers, he posits they do not comply during traffic stops. He then dismisses violent interactions between the police and black males as by-product of the mistake black men make when they do not comply. He shows faith in the system by stating that the police officer will apologize and then the interaction will be over ("that's it").

David is not the only respondent to use the compliance argument. Darrick recently retired from a 30-year career as an officer and then a supervisor in the jail. Most of his answers to questions about race are short, indicating his discomfort with direct conversations about race. When I ask for his insights about conflict between the police and black communities, Darrick responds:

Well, a lot of times, it all starts with a perception of someone's being mistreated. You know, I don't think, it's not the whole community kind of thing, but what happens is, one incident would rally up and create that. Um, um – a lot of times, you know people, you know reflect back on history, and history, and as history goes from slavery on up and things like that and – but, the biggest thing is compliance. When it comes to law enforcement responding to any given situation, the biggest thing I'd say is compliance.

You have to comply. You have to understand that there is a mechanism available to complain. So you comply, do what you're asked to do, and then if you felt there's been an injustice, then you have to file a complaint.

When Darrick starts talking, he shows clear signs of incoherence (Bonilla-Silva and Forman 2000). He stops and starts so frequently in the beginning of his response that it is difficult to interpret his meaning. He seems to contradict the premise of my question ("it's not the whole community") and then use an historical argument for perceptions of mistreatment ("as history goes from slavery on up"). Once he mentions compliance, though, he is confident, and his verbal tics stop. Like David, Darrick believes that justice-involved others should simply comply with the police, and if there is any injustice, the system's fair (race-neutral) mechanisms will right that wrong.

Darrick also demonstrates how the colorblind ideology of officers in this group extends to perceptions of their careers in law enforcement. A common observation of officers in other categories is that the patrol track of the Sheriff's Department is higher status than the detention track, and that white people are usually hired to patrol while black people are hired to be non-sworn officers in the jail. Darrick rose through the ranks quickly and stayed in the Piedmont County jail for 30 years. When I ask about his trajectory as a black man in the department, he notes that, "More of the African American male and female were gravitating to the detention side." Like many others he names the racial split, but he does not think it has to do with discrimination. Darrick naming a race-based preference ("gravitating") for one track of the department is an example of the colorblind frame of naturalization.

Officers in this group also believe that race is insignificant for their relationships with fellow officers. When I ask whether there were racial tensions between black and white officers, Steven says, "No, no not really. I didn't experience anything." David, the only white

male in the sample, has a similarly short response, “I didn’t – I never had any.” Darrick answers, “There may be some situations where some officers may have some little things, personal tensions, and they’ll deal with that accordingly. But not because you black and I’m white.” Darrick’s denial of racial boundaries between officers seems particularly colorblind because he names his own race as white in his example, though he is actually black.

A main rhetorical strategy of this group is to minimize the importance of race by arguing that racial bias can go from white to black or from black to white, which Bonilla-Silva (2010: 64) calls projection. Jeremiah is a former officer who employs this strategy multiple times during his interview. In response to my question after he reads the *New York Times* excerpt – “Could the author’s conclusion that black inmates are punished more harshly than white inmates apply to this context too?” – he does not deny that some officers are racially biased, but he sees this as a naturally occurring result of being raised without exposure to other races. After a rambling response outlining how a white officer may be biased because he grew up in a family that did not have any interactions with black people, he adds, “And on the flip side, you’ve got a black officer, black family, no white friends. Sister dates black guys, parents come home and talk about whites, how they run everything. ... You grow up not liking whites. It can go both ways.” In addition to using the language of “both ways,” Jeremiah answers a direct question with a hypothetical scenario, thus effectively evading the question about racial bias that he has witnessed in the jail.

Patricia also uses the “both ways” argument and provides a long hypothetical to a direct question. I ask, “Do you have any examples, like have you seen an officer do something that you thought was based on racial bias?” Instead of furnishing an example or denying that she has seen any situation that could be read as racially biased, Patricia answers with a

hypothetical scenario about an imaginary officer who does not like Latinos and is usually able to keep that bias out of her decisions, but it comes out when she is having a bad day. At the end of her hypothetical scenario, she adds, “You can have [an officer] over here that’s black, and he just don’t like white people just because of something that happened in their past, or something presently that’s happening. It just, it just depends.” Patricia also avoids answering the question while arguing that racial bias can go in any direction (“it just depends”).

Respondents in this group typically negate the importance of race in their own careers and in the lives of justice-involved others by verbally sidestepping around race. Sheena is an exception because she names racism, but then dismisses it as a viable reason for different outcomes by race. She is a current correctional officer in her late 40s who is originally from Michigan and has lived and worked in Piedmont County for many years. When I ask for her insights about conflicts between police officers and residents in black communities, she pauses before explaining:

Because I didn’t grow up with racism and if, if I didn’t like you, I didn’t like you. And being down south where it’s so much more prevalent, I still don’t go for it. I, I know that it’s there, but I think a lot of ways it’s just gotten, we let the media and society just blow it out of proportion and we’re so quick to show the negative, but let’s start showing the positive.

She avoids discussing conflicts between police and African Americans as a raced experience by changing the subject to media portrayals of the police. I clarify where she was raised and ask, “And you didn’t experience racism growing up?” She explains that the school she attended was racially integrated, and that she has some white people in her family by marriage. During this exchange she reiterates her belief that racism does not shape life chances:

Sheena: And understanding with history and things like that, it's like okay, but you know, I still don't, I don't buy into it. I, I, I haven't. And I didn't let my daughter buy into it. My one daughter now, she was in the third grade, and I never, ever let her buy into that because that's not who we are.

Interviewer: Buy into - ?

Sheena: The racism, or letting someone even cloud her thinking that there's a racism issue. No ma'am. If you didn't get it, you didn't get it because you didn't qualify, or they may have did some favoritism, but never racism!

Sheena's firm belief that there is not a "racism issue" is somewhat unexpected given that she has experienced racialized threats at work. In a discussion about her strategies when dealing with major situations with inmates, she tells a story about an inmate who got angry after she put him in his cell. He kicked the door and said to Sheena, "You black n-, I'm gonna tie you up and drag you on the back of my truck."

Sheena's story highlights that it is possible to both experience racism and view the world through a colorblind lens. Unlike white people whose segregated networks and position at the top of the hierarchy can shield them from witnessing blatant racism, Sheena has experienced racism. She knows that there are racist people, but she does not think that racism shapes lives. This distinction demonstrates how it is possible for people who are constantly reminded of their race (Glover 2008) to use colorblind language. Sheena's interview shows that colorblind language can obscure very real differences in life experiences by race.

External/Intellectual

Respondents in the next category also minimize the importance of race in shaping their careers or position in the department. They do, however, view race as a critical factor in the relationships between justice-related others and the system. From their perspective, the

system is race-neutral for officers, but not for justice-involved others. This category demonstrates that racial ideology can vary within the same person depending on whose race is being considered. The two officers in this group (10%) are former officers. Joe is a black male and Jessica is the only white female in the sample. They are both in their 30s.

One strategy that I used to prompt respondents to discuss race was to ask about the racial demographics of inmates and officers. When I ask Joe whether most officers in the jail were black, he says:

Let me think. For a while, it did seem like that. It really did. And we – somebody just happened to bring it up. We was like, you know, it's a lot of black officers in here. There's not a lot of white, at all. But then, but then eventually, but then we, then we would just say yeah, I mean everybody can't do this job. And we can't, we can't – it's hard to base that on race because the job is difficult.

Joe shows some incoherence when answering a direct question about race. He ultimately denies the importance of race for sorting black and white officers, but he answers a deeper question than the one I asked, indicating that he is aware of the perception that the Sheriff in Piedmont County is more likely to hire a black recruit for the detention side and a white recruit for the patrol side. I ask him whether officers typically form friendship groups with other officers of their own race, which he strongly denies, saying, “No, no, no. No, that's, that's not by race. No. No.”

While Joe does not think that race is important within his department, he does see how race can shape chances for justice-involved black men. In fact, Joe has a brother who was in prison for nine years. He gives a long-winded answer when I ask for his insights into conflicts between police officers and black Americans. He uses a rhetorical strategy of colorblind racial ideology where he takes both sides by acknowledging racial bias and denying it. Though he uses some colorblind language, he acknowledges that part of the problem is because, “It's

almost like it's just programmed in a lot of people's minds, that officers, or people in general, are afraid of black men." He thinks that police officers rely on a stereotype that black men are dangerous when they conduct traffic stops, which leads them to read innocuous behavior as threatening, and subsequently unnecessarily escalate the intensity of the encounter.

Jessica, the only white woman in the sample, also had the shortest career in Piedmont County as a jail officer for two years. When I ask if there were any advantages or disadvantages to being white, she says, "Um, not really." On the other hand, she believes that race impacts justice-involved others. About disparate punishment by race during incarceration, she says, "I think white inmates were given more grace than black inmates were." She does not elaborate on the different treatment of black inmates during incarceration, but their disproportionate risk of being in the facility had a major impact on her feelings about her job in corrections. She explains a racial revelation:

It really hit me one day ... I'm watching all these black men, you know, get to the shower and play games, and it was just a sea of black men. And then I look over to the other pod that you could see, and it's just a sea of black men. And I remember distinctly being like: This is what it is. This is what they're talking about. And I didn't even know a lot about institutional racism or anything like that, but I was just like this is, this is not normal. And I remember thinking like, I'm a part of this, you know, I'm helping this progress like it is.

Though Jessica does not see her race as a major influence on her career, she uses colorconscious language to address the fact of the hyper-incarceration of black men in Piedmont County. She is the only respondent who names her role in supporting this racialized system.

Ego/Affective

Respondents in the next category have an inverse analysis of race. Five people (25%) believe that race has affected their own career but minimize its impact on justice-involved others. From their point of view, the system is race-neutral for justice-involved others, but not for officers in Piedmont County. Four of the respondents in this group are black and one is the only Latina in the sample.

Thomas is an African American current officer in his mid-40s. Like so many others, he sees the racial divide between the branches of the Sheriff's Department as problematic and discriminatory against black employees. When I ask whether decisions about hiring and promotion seem to be race-based, he exclaims, "Definitely!" He was told in the beginning of his career in Piedmont County that he would spend two years as an officer in the jail and then get to transition to the patrol side; he has been an officer in the jail for seven years and he says there is no sign that he is going to get the chance to be on patrol.

Thomas also explains that his own race within the facility is a source of stress because there are different expectations for black and white officers. He says:

I feel like we're held to a higher standard, being African American inside the detention facility. White counterparts, supervisors, coworkers, you know, they're expecting you to uphold a standard. Like it just seems like a little bit more, and more attention is placed on you. You have to outshine a fellow white officer, you know, in certain areas.

Thomas uses direct language about race when discussing his own race and how his colleagues treat him based on that category. Thomas also feels that being black can be an impediment with inmates in addition to colleagues. He says, "I'll be honest, I think the job is actually harder from – being African American inside the jail, I get it from both sides." He explains that, "Inmates will look at me with disgust, pure hate because they see me as, "Hey man, we

supposed to be brothers.” I don’t know where that terminology, brothers [comes from]. I know my brother is not going to be robbing somebody, doing something crazy to be in here. But to sit there and say, you know, get called Uncle Tom, or you know, why you working for the white man.” Thomas does not think that the boundary between inmate and officer should be blurred based on race. He dislikes the familiarity that black inmates assume when they call him “brother,” and he points out that his own brother would not be incarcerated because of his law-abiding actions.

Though Thomas can see how his race affects how he is perceived, he thinks that inmates are too sensitive about race. When I ask about racial disparities in punishment within the jail, he says that there probably are. Some of those differences come from disparate treatment by officers, but much of it is because black inmates bring it upon themselves.

When talking about what he tells inmates who complain of racial bias, he says:

Stop giving people something to respond to. I’ve said it to a lot of inmates. You know, a lot of the actions are dictated by your behavior. You’re sparking something and then you want to yell, “This is racist!” Well, yes, that person probably is racist outside of work ... But at the end of the day, that’s neither here nor there. You know, you can only be responsible for your behavior.

Even while Thomas acknowledges that there are racist correctional officers, he dismisses their power (“that is neither here nor there”). By placing the onus on black inmates to not act in a way that could make them a target of racist officers’ attention, he minimizes how racial bias affects inmates. This is a slightly different use of colorblind language than that captured in prior literature with white respondents.

Sandra is another respondent in this category who thinks that race was important for her career trajectory. She is a black woman in her early 60s who spent 30 years as a correctional officer. She recently retired but said she would have stayed longer if she had been

treated better in her department. It took her a long time to get her first promotion, and she never got a second one. I ask, “Do you have any suspicions that it could be linked to your race or your gender?” Though she was reserved, she almost shouted, “Both! I have a double whammy [laughs]. And I did my job.” Sandra is very clear that her race had a negative impact on her career trajectory because Piedmont County is not a race-neutral system.

Sandra is less convinced that racism against men of color plays a primary role in their interactions with criminal justice institutions. Like others who minimize the role of race by implicating other dimensions of disadvantage (Bonilla-Silva 2010; Grillo and Wildman 1991), she believes that some black inmates struggle primarily because of their socioeconomic circumstances. In response to a question about why the majority of inmates are black males, she says:

I don't know. I think some of it is that they can't afford to get their attorneys. Or they can't afford to post the bond. Some of it is that they don't have enough sense not to go out there and do crap again. But I think it's, whoever handled them, like I say, some people go for the same people over and over again. But I think a lot of it is they can't pay to get out.

While Sandra is certain that her race negatively influenced her treatment as an employee, she only partially acknowledges that black people are targeted by police (“some people go for the same people over and over again”). She does not dwell on policing, instead emphasizing that black men are overrepresented in jail primarily as a function of their lack of financial resources and their bad decisions.

The single patrol officer in this sample is another example of someone who views race as central in her own career and of low importance for justice-involved others. Alexis is an African American woman in her early 30s who has been on patrol for seven years. She thinks that her race/gender combination initially made her a desirable hire for the department, but

laments that she became part of a segregated squad, where “the white officers would kind of hang out, and then the black officers would kind of hang out.” She thinks that the department is extremely race-conscious, and that she has been passed up for a promotion because it was not time for a black woman to be promoted. She says, “But I think they try to spread out the minorities too. As far as promotion goes. And I think it’s political – we have one black female, one white male, one black male, one white male. I don’t think it’s a coincidence.” By talking about self-segregation and race-conscious promotion, Alexis makes it clear that she sees race as both a formal and an informal organizing principle for employees in her department.

Her opinions about black people who interact with the police are less race-conscious. When I ask about different policing practices in black and white neighborhoods, she says, “I don’t see a problem with us being in more black neighborhoods. I don’t think we necessarily gotta give everyone a ticket, but if we had 30 black men being killed, we probably need to be in that area [laughs].” Her reference to the “30 black men being killed” is the number of homicides in Piedmont County at that point in the year. She does not think that interactions between the police and black communities are problematic based on racial bias. When Alexis explains her viewpoint about interactions between race and policing, she says, “I believe that you can’t expect young men to surrender to the police – especially black men – if they haven’t surrendered to God.” In her opinion it is not the system that needs to change; though Piedmont County has not been race-neutral in her career, the reason that black men are at a disadvantage stems from their lack of commitment to a higher power.

Central

The final six officers in this sample (30%) view race as important for themselves and others. From their perspective, decisions in Piedmont County are race-based, as are the outcomes of justice-involved others. All officers in this category are African American. They use direct, colorconscious language to discuss race at all analysis levels.

Gabrielle is a black woman in her early 50s. She rose through the ranks and was a supervisor in the jail before she changed careers. One of the reasons that she left after 14 years was because she viewed the department as racist. She explains the divide between the patrol side and the detention side, saying, “We had a sheriff that for so long put the blacks to work for the jail. As he said, blacks are better supervised by blacks, which is not an appropriate comment.” She is clear that the Sheriff made racially biased decisions that privileged the career paths of white employees.

Gabrielle also believes that black justice-involved others are at a disadvantage because of their race. In answer to the question about interactions between the police and black communities, she explains, “[T]he reason why it’s so much more detrimental in the black community is because you already feel like you’re operating in a system that doesn’t respect you.” She explains that African Americans are over-policed, largely because of negative perceptions about their group. She extends the explanation of a raced criminal justice system to inmates in the jail. She says that some black inmates react differently to black and white officers:

[B]ecause if you’re a black person in jail, male or female, and you feel like the system is unfair to you ... and you been done with injustices, then the face of that injustice for you, has a white face.

Though Gabrielle does not say that racist officers treat black inmates differently than white inmates, her explanation that the face of injustice is white acknowledges the centrality of race in criminal justice practices. Gabrielle's interview is largely her perspective of race as a fundamental organizing principle (Omi and Winant 1994) conveyed through stories of inefficiencies and injustices in the department for employees and justice-involved others. Though she tried to improve the system, she says, "I was pretty much told "stay in your lane"." She ultimately left the department because of her frustration with the mistreatment of black employees and the unwillingness of administrators to implement her suggestions for change.

Travis is one of the most adamant respondents about the centrality of race for his own career and for justice-involved others. He began his career in Piedmont County as a jail officer, where he stayed for six years. He moved to the patrol side but ended up quitting after one year. Because other officers said that the patrol track is higher status, I ask if he felt an increase in status when he switched sides. He says:

I felt unwanted, because the majority of the patrol officers in the sheriff's office are all white. And there was only a change in the guard because I filed a complaint. [The sheriff] hadn't hired a patrol, he hadn't hired a black deputy in 23 years. All black deputies had to go through the jail, but he was hiring white deputies.

Travis is absolute in his belief that race shapes chances for employees of the Piedmont County Sheriff's Department. His complaint against the department got him a job on patrol, but his time as a police officer did not last long because he felt "unwanted" by his white colleagues. Travis says that his coworkers told racist jokes and shared racist memes, and that his own work was scrutinized by his supervisor who did not trust him. When I ask why he thought he was being micro-managed, Travis says, "It's like white males believe that they are the

epitome of law enforcement and militaristic style, and no one can do it better than them. So they, they fight tooth and nail to keep anybody from gaining their power.” Travis use direct racial language by naming the group (“white males”) at the top of the hierarchy in Piedmont County. When I ask if he misses it, he says, “I mean of course. But it’s like, would I go back? What slave returns to slavery willingly?” Travis uses the powerful comparison of slavery to emphasize how he experienced racism in the department.

Travis also believes that race is important for justice-involved others at all stages of the criminal justice process. He talks about the “ridiculous” reasons people are arrested, including begging without a permit. He says that this practice is “an attack on black and poor people.” He also thinks that there are disparities in sentencing. He says, “You know, petty crimes are being sentenced to the max for black males as opposed to white males who get community service, drug programs.” Once black males are in the system, he thinks they face a “double oppression” because they are both black and incarcerated. During the course of the interview Travis acknowledges inequities for women and other minority men, but primarily focuses on black males, like himself, because he thinks there is “a target on so many levels on black men.” Travis avoids colorblind racial ideology and instead names racism in shaping his own life and the experiences of justice-involved others.

Characteristics of Employees in Each Category

I collected information about respondents’ age, race, gender, family circumstance, time in the department, status (current or former), and rank. I believed that time in department and rank would predict respondents’ race talk categories. I hypothesized that supervisors with a long career in the department would be in the *Unimportant* or *Ego/Affective* categories

based on the discomfort of staying in a department that they believe mistreats black employees and inmates. Of the seven respondents who are or were officers in the jail for 10 years or longer in supervisory roles, three are in the *Unimportant* category, two are in the *Ego/Affective* category, and two are in the *Central* category. Respondents' length of time and rank do not entirely predict how they view race.

Respondents' age, race, gender, family circumstance, and status also do not matter for how they were categorized. All the respondents in the *Central* category are black, but that is unremarkable considering that there are only three nonblack respondents and four categories. None of the respondents in the *Central* category still work for the department, but again, there are only three current correctional officers so that is not meaningful. Even the nine respondents who received articles during the interview because they initially seemed uncomfortable are categorized in all four groups. The fact that demographic characteristics and work circumstances do not predict how people talk about race indicates that a dominant racial ideology is not passed between people who are alike on some dimension in this context. What is important about these categories is not who ends up in each one, but that some people perceive the importance of race differently depending on the subject (their own career or the fates of justice-involved others).

Race Talk beyond the Categories

Hispanic Inmates

Categorizing officers based on their perceptions of race on different axes is useful for analyzing conversations about black and white officers and justice-involved others. Discussions of Hispanic inmates complicate these categories, as officers' language about

Hispanic inmates is consistently colorblind regardless of their original race talk category. Even officers in the *Central* category who use colorconscious language when discussing their own career paths and the treatment of (black) justice-involved others use colorblind language when talking about Hispanics.

Most of the data about Hispanic inmates is in response to my questions about whether inmates organize themselves by race (self-segregate) and whether the facility takes race into consideration when housing inmates. When I ask if inmates self-segregate, Gabrielle (*Central*) says, “[W]hat you do see is the Hispanic population bands together.” David (*Unimportant*) agrees, saying, “Hispanics stuck together.” Joe (*External/Intellectual*) explains:

Here, here in [Piedmont County] the Latinos, well the Spanish race, I guess, that’s everybody, all the everybody – they keep to themselves. They keep to themselves. You do not have a problem with them. But, you know just like, go back to high school, go to lunch. You see groups of people at lunch, the same thing in jail.

Joe uses the colorblind racial ideology frame that explains different outcomes by race being natural, in this case the fact that Hispanic inmates “keep to themselves,” just like students in a high school cafeteria. Joe presents a homogenous group of Hispanic inmates that are easy to control (“You do not have a problem with them”).

Many respondents attribute Hispanic self-segregation to necessity based on a shared language. Calvin (*Unimportant*) says, “I would say that the Latin guys, they kind of stick together because they speak their language together.” Responding to the question of how inmates organize themselves, Lamisha (*Central*), explains, “[T]hey will be with their own race, especially the Hispanics. And you gotta, you have to understand, that not too many people speak Spanish that are not Hispanic. So of course they will group together, because

they could only understand each other.” Lamisha sees this grouping as obvious (“of course”) without acknowledging any heterogeneity amongst Hispanic inmates.

When I ask officers whether inmates are housed separately by race, few give unequivocal answers affirming that black and white inmates are segregated by race. On the other hand, several explain that Hispanic inmates are housed together. Thomas (*Ego/Affective*) says, “We, our classification officers, they look at things like – any Hispanic is going to be kept together. So we try to keep Hispanics all together.” He explains the classification process broadly but does not seem to think that it is necessary to explain why Hispanics should be kept together. Alicia (*Ego/Affective*) echoes his claim and provides a more thorough explanation:

We don’t segregate them like that. What we – I don’t know, I wouldn’t use the word accommodate, but with the Hispanics, I have known that we tried to put them, if they’re in the same housing unit, we try to put, pair them together in the same room. And for many reasons, but the main reason is because a lot of them cannot speak English. So if you put them in with a roommate who they can’t communicate with, that’s where the issue comes.

Alicia shows some signs of incoherence when she starts talking because she immediately contradicts her claim that “We don’t segregate them like that” by explaining why Hispanic inmates are housed together. Like others she uses shared language as a reason that Hispanic inmates are put in the same cell. Alicia is the only Latina in this sample of officers. Her explanation is consistent with other officers who present Hispanic inmates as a homogenous group that band together because of their shared language.

Relatively little is known about Hispanic inmates of any race compared to non-Hispanic black and white inmates in the United States (Hagan and Palloni 1999). Nationally, Hispanic inmates are disproportionately punished compared to non-Hispanic whites (Western

2006), but for the most part officers in Piedmont County do not categorize them with black inmates, the other major group that faces disproportionate punishment. Instead of a black/nonblack divide (Bean et al. 2009), officers in Piedmont County see Hispanic inmates as their own group of foreign others.

Perceptions of Black Female Officers

Another topic that led to most officers using the language of colorblind racial ideology is gender. Though 13 of the 20 officers acknowledge the importance of race in their own careers, the outcomes of justice-involved others, or both, this heterogeneity in race talk is not matched in discussions about gender. Most respondents use the language of gender essentialism, which points to gender differences being biological and immutable (Haslam, Rothschild, and Ernst 2000). This understanding of gender intersects with officers' racial analyses for black female officers.

When I ask David (*Unimportant*; white) about perceived differences between male and female officers, he says:

I mean the female officers that I worked with, I mean we had a couple older, older black ladies, I mean that – they didn't put up with anything. They had that little southern, southern black lady thing. They're like "I'm not putting up with your shit. You sit down and shut the fuck up."

As someone who sees race as unimportant as an organizing principle, David shows signs of incoherence when he first begins talking. Nevertheless, he names a characteristic he sees as stemming from age, race, gender, and geography. Though he refers to it with a diminutive ("that little southern black lady thing"), he believes that black female officers are effective

with inmates because of the dominance that he sees as naturally occurring in this demographic group.

Ronnie is a retired African American officer who is in the *Central* category because he believes race mattered in his career and for the outcomes of justice-involved others. In response to the same question about male and female officers, Ronnie says of women:

[T]hey know how to talk, you know, they much better communicators. Like I say, the guys, the inmates, have a natural tendency to be more respectful to a female. Especially black males, because, you know, a lot of us grew up without fathers, so our mothers are our world.

In addition to using gender essentialist language by grouping all women together as “better communicators,” Ronnie uses a cultural explanation of stereotypes about black family forms to explain why inmates respond differently to female and male officers. He uses his in-group expertise (“a lot of us grew up without fathers”) to make a claim about an entire demographic group, in this case black males (“our mothers are our world”).

Another member of the *Central* group shares a similar opinion. Though Gabrielle mostly avoids using colorblind racial ideology in her interview, she explains:

[B]ecause the population is 90% black males, there is a lot of things that culturally I can say, that I can say that perhaps you wouldn't be able to get away with. And, not just not being black, but being a female, because a lot of black households are unfortunately, are run by black women, the mother, and so, me saying things to them sometimes, it's not uncommon. It's a familiar voice, so to speak. And so, whereas a lot of my male counterparts would think, “You can't go in there and handle that – you're a woman!” Actually, I can probably handle it better than you, because it's not uncommon for them to have a female figure in charge of them.

Gabrielle's explanation that her efficacy as an officer is linked to stereotypical black family forms highlights that all officers employ some essentialist language, particularly when discussing gender. In this case Gabrielle uses a cultural explanation of black female officers and the way that black male inmates respond to them. The fact that officers use this language

when discussing gender is consistent with other evidence highlighting that gender is constructed along racial lines (Bonilla Silva 1997: 473). Bonilla-Silva (2010) argues that cultural explanations of race justify the hierarchy. Gabrielle uses her cultural explanation to undercut low expectations by male coworkers based on her gender (“You can’t go in there and handle that – you’re a woman!”). Even though she uses a cultural explanation for a different purpose, she relies on the same frames.

DISCUSSION

In this study I use an interpretive approach to investigate the general concept of colorblind language using this specific group of law enforcement officers in Piedmont County (Lin 1998). I find that the type of race talk officers use can depend on the racialized object. Seven officers are in the *Unimportant* race talk category. They rely on colorblind language to minimize the importance of race in shaping their own career trajectories and the outcomes of justice-involved others. The two officers in the *External/Intellectual* group also use colorblind language to discuss their own careers, but use colorconscious language about justice-involved others. The five officers in the *Ego/Affective* group have an inverse analysis; they discuss the centrality of race for their careers and use colorblind language to explain the fates of justice-involved others. The remaining six officers are in the *Central* race talk category; they largely avoid using the language of colorblind racial ideology by speaking directly about how race has shaped their own careers and the lives of justice-involved others.

Respondents’ demographic and career circumstances do not predict their race talk category. The main contribution of this study is not related to the characteristics of the respondents in each category, but the categories themselves. These race talk categories are

intended to illuminate the finding that racial ideologies can vary within the same person depending on the racialized object. Most respondents either discuss race as central or unimportant on both dimensions (self and justice-involved others), but respondents in the *External/Intellectual* (10%) and *Ego/Affective* (25%) categories talk about race in their own lives differently than they talk about how race shapes the circumstances of justice-involved others. Future research could test this finding in different contexts, such as how lawyers talk about their own race in shaping their career trajectories and how they understand race to impact the outcomes of their clients.

This study adds nuance to scholarship about the work lives of correctional officers. Much of the literature about this employee group focuses on their high levels of stress that negatively impact their own health, as well as penal institutions that experience instability because of staff turnover and absenteeism (Lambert et al. 2002; Lommel 2004). For respondents in the *Ego/Affective*, *External/Intellectual*, and *Central* race talk categories, race is a dimension of stress in their work lives. Only one respondent – Jessica; *External/Intellectual* – points to the moral taint (Ashforth and Kreiner 1999) of being part of a racialized system in her decision to leave corrections. The majority of respondents who experience racialized stress experience it from their own position in the racial hierarchy in the Piedmont County Sheriff's Department. Five former African American officers name their unfair treatment based on race as a reason why they are no longer an officer for Piedmont County.

Most scholarship about colorblind language considers the frames that white people use. I contribute to the substantial body of scholarship that investigates depth and variation in the experiences of black Americans (e.g., Pattillo 1999; Young 2004a; Smith 2005) by

exposing discursive nuance in the ways that this sample of black correctional officers discuss race. Even though these officers are embedded in the same raced institution, they do not consistently discuss race as an organizing principle in their own lives or in the lives of justice-involved others. Like Bonilla-Silva finds with his small sample of black respondents (2010: 162), the African American officers in my sample identify incidents of discrimination in their lives. Notably, these events do not seem to impact the race talk of black respondents in the *Unimportant* or *External/Intellectual* categories; this is a slightly different perspective on colorblind language than that captured with white respondents whose white privilege may have protected them from witnessing blatant racial discrimination (e.g., DiTomaso 2013).

Unlike Bonilla-Silva, I find that some black respondents show rhetorical incoherence when asked a direct question about race, indicating their discomfort with this topic, at least with a white woman. Bonilla-Silva (2010) argues that location in the racial hierarchy shapes racial ideologies. Though the black respondents in this sample are at the bottom of the employee hierarchy in Piedmont County, they also interact with (mostly black) inmates in their daily lives. That not all respondents discuss the importance of race in shaping their careers suggests that racial ideologies are impacted by people's positions in various racial hierarchies.

This study expands scholarship about colorblind racial ideology beyond educational settings. It can be argued that teachers and correctional officers are in analogous positions because they are both street-level bureaucrats (Lipsky 1980) who work in race-making institutions (Wacquant 2005). Both employee groups have considerable discretion when directly distributing the resources and sanctions of their facilities, so have the power to contribute to, or undermine, the reproduction of racial inequality (Lipsky 1980). The overall

function of jails and schools are different, though, so it is necessary to collect evidence about how these processes unfold in both settings. Schools are at least intended to help all students grow. Both Lewis (2003) and Pollock (2009) find that teachers sincerely want the best for all of their students, but colorblind racial ideology prevents them from addressing different outcomes by race, thus allowing policies that promote the racial status quo to remain intact.

The primary responsibility that jails have to their “clients” is to keep them safe and in custody, so correctional officers are likely less concerned with the overall growth and success of inmates. Therefore, the ways that correctional officers’ decisions have racial repercussions is through the distribution of scant facility resources and abundant facility punishments. I do not have evidence about how racial frames actually impact correctional officers’ behavior. There is reason to believe, though, that they matter. For instance, if an inmate makes a complaint that an officer targeted him for an extreme punishment based on his race, officers in the *Unimportant* category may dismiss his claim outright. On the other hand, officers in the *Central* category may proactively monitor the disciplinary process for signs of racial disparities in who receives harsh punishments, such as assignment to segregated housing.

The race talk categories that I find are intended to illuminate how officers who are embedded in a raced institution discuss the importance of race. Because all qualitative data collection and analysis involves some ambiguity (Liebling et al. 1999), another researcher may have decided on different categories or placed individuals into different groups. For instance, I find that the largest groups of officers are in the *Unimportant* race talk category. This does not mean that they actually do not see race as an organizing principle, just that when they were given multiple prompts to discuss race, they avoided it or relied on the frames of colorblind racial ideology. Another researcher could interpret those decisions differently.

My own demographic characteristics also impacted both how respondents talked to me about race, and how I interpreted their race talk (Patton 2002) in ways that I cannot measure. I am a white woman, so nonwhite officers (90%) and males (55%) may have felt uncomfortable since I am a member of an out-group. The fact that I live in the North was also salient for multiple respondents who couched their explanation of race as a contrast between the North and the South. Two officers pointed out that I was inquiring about race in one of the “slave states.” I am also a law-enforcement outsider. This was a disadvantage for recruiting respondents but seemed to be beneficial during interviews since officers provided details about how their facilities worked, which may not have happened if they thought I already understood the inner-workings of penal institutions (Weiss 1994; Young 2004b).

My findings may also have been different with a different sample of officers. The main purpose of qualitative work is to generate theory and explore mechanisms (Glaser and Strauss 1967; Lin 1998), so I do not make any claims about the generalizability of these findings to other groups (Small 2009). Even within Piedmont County, white correctional officers may use different frames to discuss their own career trajectories or the outcomes of justice-involved others. With different correctional officers, or even other street-level bureaucrats in another context, a larger sample could reveal patterns in how respondents sort into categories based on their own demographic characteristics and life experiences. That those factors do not matter for race talk categorization in this sample does not mean that they would not matter with a different sample.

Lewis (2003: 37) argues that there is a need to discuss race in all institutional settings, but that colorblind racial ideology makes these discussions impossible by pretending that a racial hierarchy no longer exists. Though the stark racial disparities in penal institutions could

work against the fiction of a race-neutral society, the race talk of this sample of Piedmont County correctional officers suggest that colorblind racial ideology is widespread, even amongst black officers. The implication of this finding is that racial inequities in criminal justice practices cannot be addressed if they cannot be discussed.

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APPENDIX 2.A

INTERVIEW GUIDE FOR CORRECTIONAL OFFICERS

Work History

1. Tell me the whole story of how you came to work at [facility]
 - How long have you worked here? Where did you work before?
 - Why did you want to be a CO?
 - Tell me about how you decided to go on the detention side instead of the patrol side.
 - What did you think about the jail/prison before you began working here?
 - What did you think it would like to be a CO before you started?
 - Did you know anyone who had worked in corrections before you started?
 - What did you expect inmates would be like before you started?
 - Did you know anyone who had been incarcerated before starting this job?
2. What was it like when you first started working here?
 - Tell me about your training - what did you have to do to become a CO?
 - Was the job what you expected it would be? How was it different?
 - How did the inmates treat you in the beginning?
 - How did the other COs treat you? Did anyone act as a mentor and show you the ropes?
 - How did the administrators and your supervisors treat you initially?

I want to talk a bit about some national news about corrections work and get your expert opinion. If you can please read the headline and brief paragraph and tell me what you think.

Delaware Prison Standoff

- Who do you think holds the most responsibility for that situation?
- Is there anything that could have been done differently?
- How do you know which inmates to trust and which are going to cause trouble?
- What strategies are there to control dangerous inmates?
- Tell me the story of the most dangerous situation you have encountered at work.
- How do thoughts about riots or hostage situations shape your behavior at work?

Here is another article, this one is about prisons in New York. Could you please read this and tell me what you think.

The Scourge of Racial Bias

- Do the authors' conclusions, that COs punish black inmates more harshly than white inmates, apply to the jail where you work/ed?
- Why do you think there might be that perception?
- Is an average black inmate different from an average white or Hispanic inmate? How?
- What is the racial or ethnic breakdown of the inmates? How would you describe race relations between inmates here?

- How much does racial identity seem to matter to inmates? Do they tend to be in groups with their own race or in interracial groups? Why do you think that is?
- How about what they say about there not being a lot of black guards: is that true at your facility? Why do you think that is?
- Are there any advantages or disadvantages to being your race in the jail?
- How do race relations work between officers?
- Tell me about some differences between male and female COs.
- How do female COs tend to get along with male COs, supervisors, and inmates?
- Would you recommend this job to a female friend?

Now can you please read officer and inmate quotes from this article and tell me what you think.

This is Rikers

- What do you think about what the CO says? Do officers have to endure that kind of abuse from inmates here?
- How do you deal with inmates who are mentally ill, physically ill, or addicted to drugs?
- Who do you talk to about struggles at work?
- What kinds of officers get a lot of respect from inmates? Why do you think that is?
- Do you know any COs who you think are really bad at their job? Why?
- What are common stereotypes about COs? Are any of them true?
- How much truth is there in what the inmate says? Do officers misuse their power?
- How much of these punishments are up to officers and how much is controlled by supervisors?
- Tell me about the relationship between supervisors and officers.
- What is the most common complaint that inmates make about officers?
- What is the most common complaint that officers have about inmates?

Now I want to drill down a little bit and talk more specifically about your own experiences.

- What are the best parts about your job?
- What would you change about your job if you could change anything?
- Tell me about your relationships with other officers/supervisors/administration
- Regarding inmates: What determines their housing? Job? Privileges?
 - Is being here just a punishment or are they getting anything positive out of it?
 - Do you think they are treated fairly? Are they given too many privileges?
 - What makes the best inmate? What makes the worst?
 - Is there any such thing as a typical inmate? If yes, how does that person behave?
 - What can you do to reward an inmate who acts respectfully and keeps others in line?
 - Tell me a story of a time you helped an inmate out with their personal or facility problems.
- Last time you saw an inmate violating a minor rule, what did you do about it? Why?
- If a new officer was coming into the institution, what would you tell him about maintaining authority and establishing authority over inmates? Where does your authority come from?

- Were you ever in a situation where you felt your authority challenged by an inmate? What happened?
- Are there other COs who you think are too close to inmates? Why do you think that? How are those COs treated by the inmates? By the other COs?
- There have been lots of instances of conflict between black communities and police in the last few years. Why do you think this keeps happening? What do you think we can do about it?

We're just about done here. I'd like to finish by collecting some additional information about your background.

- What is your age? Race? Gender?
- What kind of family did you grow up in? Parents? Siblings? Parent income?
- How far did you go in school?
- Who do you live with now? How do they feel about your job? How do other friends and family feel about you being a CO?
- What do you like to do when you're not at work?
- Where do you see yourself in 10 years? What are your major goals?

Is there anything else that you want to tell me about that we didn't get to discuss?

APPENDIX 2.B

CORRECTIONAL OFFICER INTERVIEW ARTICLE EXCERPTS

Delaware Prison Standoff Ends with Correction Officer Dead

By Jon Hurdle and Richard Pérez-Peña FEB. 2, 2017

Smyrna, Del. — As concern mounted about two workers held hostage inside a Delaware prison, law enforcement officers smashed a backhoe through the doors in predawn darkness on Thursday, retaking the building after an 18-hour standoff. Inside, they freed a prison counselor, but their fears were confirmed when they found a longtime corrections sergeant unresponsive.

Twenty-three minutes after officers breached the building, the sergeant, Steven R. Floyd, 47, was pronounced dead.

Geoff Klopp, president of the Correctional Officers Association of Delaware, said the takeover of Building C at the James T. Vaughn Correctional Center on Wednesday was no spontaneous outburst, but a planned act by inmates who had conducted “dry runs” of misbehavior to gauge how well officers could contain them.

The Scourge of Racial Bias in New York State’s Prisons

By Michael Schwartz, Michael Winerip and Robert Gebeloff
DEC. 3, 2016

A review by *The New York Times* of tens of thousands of disciplinary cases against inmates in 2015, hundreds of pages of internal reports and three years of parole decisions found that racial disparities were embedded in the prison experience in New York.

In most prisons, blacks and Latinos were disciplined at higher rates than whites — in some cases twice as often, the analysis found. They were also sent to solitary confinement more frequently and for longer durations. At Clinton, a prison near the Canadian border where only one of the 998 guards is African-American, black inmates were nearly four times as likely to be sent to isolation as whites, and they were held there for an average of 125 days, compared with 90 days for whites.

This is Rikers: From the people who live and work there.

JUNE 28, 2015

The Marshall Project spoke to dozens of people who spend their days, in full or in part, on Rikers Island: officers, inmates, lawyers, volunteers, and the families of inmates.

CO:

“We deal with a lot of mental and physical abuse, from your inmates to your superiors. The superiors treat you like you a kid ... It’s a lot of stuff we handle as correction officers and we never get the props. Nobody says, “Oh, y’all do a wonderful job.” Nobody. We always are downplayed. Because you have some officers, don’t get me wrong, that don’t do what they supposed to do. They are dirty. They bring in stuff. It’s not an easy job. You do sometimes over 100 hours in overtime a month... As soon as you hear “Inmate, oh, he get beat up,” nobody don’t understand what happened. What about officers leaving with broken nose, broken arms, spit on, feces thrown on them, urine thrown on them? You’re not dealing with a regular person on the street. Excuse my mouth, you’re dealing with animals. Some of them, some of them not. The majority are not there for being a good person.”

Inmate:

There was this one inmate who actually has a baby by one of the officers. They brought her to the segregation unit, and she had bruises on her body because another officer physically assaulted her. He spit on her from outside her holding cell. She’s a problem inmate, but that didn’t give him the right to hurt her and spit on her. If we spit on them, we would get another charge. So why are they allowed to do that to us if we can’t do it back?

CHAPTER 3

“THEY WANTED YOU TO KNOW THAT THEY WERE GOD AND YOU WERE BENEATH THEM”: CORRECTIONAL OFFICER DISCRETION AS A SOURCE OF PAIN DURING IMPRISONMENT

Considering how many people experience incarceration in the United States, scholars know little about confinement itself. Formerly incarcerated people have serious health issues, unstable family forms, and economic insecurity (Lopoo and Western 2005; Western 2002; Schnittker and John 2007). While some of these outcomes stem from being disadvantaged before entering the criminal justice system, incarceration itself seems to have an independent negative impact on people who experience the event (Wakefield and Uggen 2010; Western 2018). It is obvious that events during incarceration should affect what happens after release, but few studies investigate confinement (Wildeman, Fitzpatrick, and Goldman 2018). In particular, there is little evidence about how correctional officers impact contemporary confinement experiences. The 2.2 million people who are currently incarcerated (Kaeble and Cowhig 2018) are not passively kept in custody; they are actively monitored and controlled by the staff in these institutions. In this study I use qualitative data from a diverse sample of formerly incarcerated people to shed new light on the ways that correctional officers use their discretion to shape incarceration experiences.

Correctional officers are charged with the task of keeping people detained against their will in institutions that are often harsh, overcrowded, uncomfortable, and unsafe (Terry 2004; Sexton 2015; Walker 2016). Inmates who live in these facilities outnumber their custodians, and yet prisons overwhelmingly succeed in their most basic function of keeping inmates in

custody (Liebling, Price, and Elliot 1999). Evidence from the United Kingdom indicates that this seemingly untenable system works because inmates and staff work together to co-produce safety and order (Bottoms 1999).

In the United States, there is limited scholarship about relationships between inmates and officers, largely because penal institutions are closed to outsiders (Travis, Western, and Redburn 2014). The best evidence about correctional officers comes from data collected by governmental and nonprofit organizations. A bipartisan Commission on Safety and Abuse in America's Prisons that was held in 2005 finds that the relationship between inmates and officers is critical to the security of facilities, but that "too often, that relationship is uncaring and antagonistic, punctuated by moments of overt hostility, aggression, and physical violence" (Gibbons and Katzenbach 2006: 66). The authors name the importance of a cultural code of silence among officers and prison administrators in obscuring the high levels of violence among inmates and between staff and inmates.

How people experience these punishments, as well as the more mundane routines that shape incarceration, are important and understudied dimensions of incarceration in the era of mass punishment (Wildeman et al. 2018). Though relationships between officers and prisoners are an essential dimension of confinement (Sykes 1958), little is known about the contours of these relationships in the United States. In this study I apply the theory of street-level bureaucracy (Lipsky 1980) to correctional officers in order to investigate how their decisions are felt by the incarcerated people in their care. I present qualitative data from a diverse sample of formerly incarcerated people to explore how inmates experience officers meeting or failing to meet their daily needs, providing or blocking access to facility resources, and distributing punishments through formal and extralegal strategies. I find that correctional

officers are like other street-level bureaucrats because their considerable discretion shapes their clients' lives; they are a special group because the types of interactions that they have with inmates that live in the total institutions where they work can too easily become abusive.

BACKGROUND

Theory of Street-Level Bureaucracy

Lipsky's (1980) theory of street-level bureaucracy posits that the routines and practices of front-line public servants who interact with clients become the *de facto* policies of their institutions. Though these employees are at the bottom of their bureaucratic hierarchies, they have a significant amount of discretion in their daily interactions with clients (Light 1990), which creates a gap between the formal policies of an institution and actual practices. This discretion gives street-level bureaucrats the power to have a profound impact on clients by withholding or distributing facility resources (Lipsky 1980; Brehm and Gates 1999; Maynard-Moody and Portillo 2010). Despite the bureaucratic ideal that front-line workers use "benign modes of mass processing" (Lipsky 1980: xii), human interactions are complex; street-level bureaucrats use their own values to make judgements about client deservingness (Lipsky 1980; Maynard-Moody and Musheno 2003).

The theory of street-level bureaucracy has been applied to studies about teachers, police officers, welfare administrators, counselors, and even correctional officers (Meyers, Glaser, and Donald 1998; Maynard-Moody and Musheno 2003; Taylor 2007; Shannon and Page 2014). Many of these studies focus on the nature and impact of discretion (Maynard-Moody and Portillo 2010), which is unavoidable in the daily tasks of these employees. For instance, in her study of public welfare bureaucracies and private welfare-to-work contractors,

Sandfort (2000) finds that front-line staff in both settings have to make their own decisions about what resources to distribute to individual clients, despite the many formal structures in the public bureaucracy that are intended to limit that discretion.

Applications of this theory support Lipsky's (1980) claim that street-level bureaucrats' decision making is heavily shaped by their own values. Oberweis and Musheno (1999) conclude that police officers' decisions to warn or arrest offenders are more influenced by their perceptions of the morality of the person than by the law itself. Street-level bureaucrats can choose to be rigid or flexible with the rules of their institution, so they understand when they break rules. Oftentimes, these employees intentionally break rules in order to provide exceptional service for clients who they perceive as deserving, such as vocational counselors who give disabled clients additional resources (Maynard-Moody and Musheno 2003). On the other hand, street-level bureaucrats can also intentionally break rules for more selfish or nefarious reasons. For instance, police officers use excessive force when they think that the person who they stopped should receive a punishment that goes beyond arrest (Oberweis and Musheno 1999).

Street-level bureaucrats' discretion can be problematic when they rely on stereotypes to make decisions. Oftentimes these employees have too many clients to consider individually, so they use shortcuts to decide how to distribute the material and psychological rewards and punishments of their agencies (Lipsky 1980; Maynard-Moody and Portillo 2010). If these shortcuts rely on ethnic or racial stereotypes to determine deservingness, differentiation of services based on in-group preferences or out-group bias will result (Lipsky 1980: 108). Welfare administrators, for instance, are more likely to sanction clients for missing an appointment when that client is both a racial minority and has discrediting

characteristics, such as a prior sanction or a negatively stereotyped family form (Schram et al. 2009). Grissom and Redding's (2015) finding that black students are assigned to gifted programs less frequently when they have a nonblack teacher suggests that teachers' discretion can be detrimental to students in out-groups. The street-level bureaucrats who get the most attention for using their discretion based on race are police officers who kill black men (e.g., Hall, Hall, and Perry 2016).

The Context of Corrections Work

Correctional officers are like other street-level bureaucrats because they are low-level workers who interact directly with the non-voluntary clients of their institutions (Lipsky 1980). Like police officers and teachers, correctional officers have considerable discretion when deciding what rules to enforce and how to distribute scarce resources (Lipsky 1980; Maynard-Moody and Musheno 2003). However, the work context of correctional officers is distinct because they work in the "total institutions" where their clients live (Goffman 1961). Unlike police officers who have fleeting contact with their clients (Oberweis and Musheno 1999; Maynard-Moody and Musheno 2003), correctional officers can have long-lasting relationships with the inmates in their care. Like staff in other total institutions, correctional officers must perform "people-work," which requires them to navigate the tension of processing people through bureaucracies like objects while continuing to acknowledge their humanity (Goffman 1961).

This tension may be particularly daunting for correctional officers because the different aspects of their job can seem paradoxical: they are charged with caring for the same people who they have to keep in custody against their will (Sykes 1958; Lombardo 1981;

Tracy 2005; Cook and Lane 2014). As total institutions, penal facilities are partially domestic spaces that require personal interactions between the people who live and work there (Goffman 1961; Crawley 2004). Inmates have to get undressed in front of officers, talk to them about their health concerns when they need medical attention, and sometimes receive their food and other necessities from them (Sykes 1958; Tracy 2004; Appelbaum, Hickey, and Packer 2001). As jails and prisons have increasingly become repositories for vulnerable and sick people (Shannon and Page 2014), and the incarcerated population has aged (Auerhahn 2002), inmates may have to rely on officers to provide more intense caretaking duties.

Officers perform these contradictory roles while striving to maintain their own dignity given the “spoiled identity” (Goffman 1963) of the total institutions where they work. Inmates tend to have layers of discrediting characteristics beyond the taint that comes from their classification as criminals. Most inmates are males with low educational attainment (Western 2006). Men of color, particularly black men, have a much higher risk of experiencing incarceration compared to their non-Hispanic white counterparts (Bonczar 2003; Pettit and Western 2004). Many people who become incarcerated have health problems, including drug and alcohol dependencies, and mental illness (Mumola and Karberg 2006; Fazel and Baillargeon 2011). The narrowing of the social safety net, coupled with “tough on crime” policies, have made penal institutions crucial social service providers for vulnerable populations (Western 2018).

Evidence about Correctional Officers as Street-Level Bureaucrats

Early studies of correctional officers do not use the language of street-level bureaucracy, but are consistent with this theory because of the focus on the importance of

discretion. In his mid-20th century prison ethnography, Sykes (1958) provides a “thick description” (Geertz 1973) of the social system between various types of prisoners and guards. He finds that guards have complex tasks that involve both punishment and care, and that they “must interpret and enforce rules” (Sykes 1958: 13). Sykes argues that the fates of inmates and guards are linked, which causes them to work together to accomplish the daily rituals of incarceration. The guards must answer to the limits of the bureaucracy so do not have total power. As a result, they can only maintain their authority by strategically ignoring and enforcing rules for certain inmates in specific contexts (Sykes 1958: 58).

A small body of literature from the beginning of the prison boom also investigates how correctional officers in various institutions use their discretion. Lombardo (1981) conducted an interview study with 50 correctional officers at Auburn Correctional Facility. He finds that facility policies are often made and changed without the input of officers, who have to use their discretion in enforcing the - sometimes contradictory - policies that come from the top down (Lombardo 1981: 81). Like the officers that Sykes (1958) observed, officers in Lombardo’s study share that they are unable to enforce all facility rules at all times. In a study of a federal prison, Hewitt and colleagues (1984) find that officers use their discretion by rarely engaging with the formal disciplinary process, instead opting to ignore rule violations or handle them using an informal punishment. In his qualitative study of a prison in Texas, Marquart (1986) finds that officers’ discretion frequently leads them entirely away from the formal structure; they use brutal tactics of extralegal, physical punishment to control inmates, particularly black inmates. In a study of a medium-security prison, Poole and Regoli (1980) also discover that officer discretion is impacted by racial stereotypes. Because

officers perceive black men to be dangerous, they use their discretion to monitor them closely and punish them more frequently than their white counterparts.

There are two prior studies that name correctional officers as street-level bureaucrats. In a survey study of inmates and officers in jails in Washington State, Stohr and Zupan (1992) find that officers cannot accurately identify inmates' needs in a time when the jail population was increasingly comprised of members of vulnerable groups. More recently, Shannon and Page (2014) test how Minnesota officers' attitudes toward prisoners are associated with their perceptions of their work environments. Both of these studies are framed around officers as gatekeepers to social services, though they do not test how officers distribute facility-level supports.

Qualitative Evidence about Correctional Officers in the Era of the New Penology

Both the scale and the nature of punishment in the United States underwent massive changes in the 20th century. A “punitive turn” (Garland 2000: 350) in sentencing policies transformed incarceration from a rare event into a modal part of the life course for some segments of the population (Pettit and Western 2004; Travis et al. 2014). The logic of this “new penology” prioritizes punishment over efforts to rehabilitate offenders (Feeley and Simon 1992). As a result, amenities and programming were cut as incarceration rates rose and prisons became “no frills” environments where large numbers of incarcerated people were warehoused (Toch 1985; Finn 1996; Robertson 1997). Corrections management became increasingly bureaucratized in this era (Feeley and Simon 1992; Feeley and Swearingen 2004), which led to a professionalization of corrections workers (Lombardo 1981; Poole and Regoli 1980). This professionalization – which transformed guards into correctional officers

(Lombardo 1981) – was intended to demonstrate that rank and file workers were trustworthy and well-trained in a time when prisons were starting to face public scrutiny (Jurik and Musheno 1986).

As the penal landscape changed, access to jails and prisons became more difficult for researchers to attain (Travis et al. 2014), which led to a dearth of qualitative studies of prisons in the 21st century (Simon 2000; Wacquant 2002; Reiter 2014). Crewe (2015: 51) laments that contemporary scholarship about punishment “stops at the gates of the prison.” He and others who study U.K. prisons have been allowed to move beyond those gates to conduct prison ethnographies. Their work is central in illuminating how officers under-use their power and depend on communication to work with inmates to maintain a safe prison environment (e.g., Liebling and Arnold 2005). Liebling and her colleagues find that officers play a significant “peacekeeping” role within facilities that they perform by relying on verbal communication (Liebling et al. 1999; Liebling 2000; Liebling and Arnold 2005). The most successful officers carefully use their discretion and rarely rely on the full power of their positions (Liebling 2000). Positive relationships between officers and inmates can ameliorate the risk of prison violence (Bottoms 1999) and strengthen the perception of institutional legitimacy (Carrabine 2005).

Punishment in the U.K. is qualitatively different than punishment in the U.S. on a host of dimensions. Penal facilities in the U.S. include a wide array of types and security levels of jails and prisons run by different organizations, including local, state, and federal governments (Travis et al. 2014), all of which may have unique effects on incarceration experiences (Wildeman et al. 2018). The U.S. is also a special context because of the unmatched scale of incarceration (Western 2006), the racial politics that have led to a rise of

gangs as an organizing dimension in penal institutions (e.g., Walker 2016), and the deinstitutionalization of mental hospitals that increased the share of inmates with a mental illness (Riveland 1999).

Tracy is one of a few scholars who have done ethnographic work in the U.S. in the 21st century. She conducted in-depth interviews and did observations at a county jail and a women's state prison. She argues that correctional officers are a "troubled, hidden, and stigmatized employee group" (Tracy 2004: 509). They must engage in emotion work like service workers, but because their clients are considered undeserving, the guards are also debased (Tracy 2005). The officers she observed and interviewed are aware that they are doing dirty work (Tracy 2004; Tracy and Scott 2006), so try to distance themselves from inmates and focus on the perks of their profession, such as job security and reliable pensions (Tracy and Scott 2006). Tracy's work reveals how corrections institutions have systems that reward toughness and sanction becoming too close to inmates (Tracy 2004; 2005; Tracy and Scott 2006); even though she discovers many kinds of guards, she finds that only one type is lauded in the bureaucracy.

Additional Evidence about Correctional Officers and Inmates

Nonprofit and media organizations have recently had more success accessing penal institutions than academic researchers. Investigations by these organizations expose high levels of abuse and violence between inmates and correctional officers in jails and prisons in multiple states (e.g., Marshall Project 2015; Bauer 2016; Schwirtz, Winerip, and Gebeloff 2016). A recent report (2016) from the Correctional Association of New York, a nonprofit that conducts site visits of New York prisons, describes officers engaging in brutal physical

assaults and incessant racial harassment of inmates at Clinton Correctional Facility. Their focus is on one facility, but the report generally asserts: “New York State prisons are plagued by a pervasive and entrenched culture of staff brutality, violence, abuse, racism, dehumanization, and intimidation, as well as the routine infliction of solitary confinement” (Correctional Association 2016: 2).

Another gap between prison policy that is supposed to guide behavior and actual practices within facilities happens when officers breach professional ethics by committing “boundary violations” (Marquart, Barnhil, and Balshaw-Biddle 2001). The boundary violation that has garnered the most attention from lawmakers happens when officers have sex with inmates (Dial and Worley 2008). Because officers legally maintain custody of inmates’ bodies, all sex between inmates and officers is unlawful (Worley and Worley 2016). The Prison Rape Elimination Act (PREA) was passed into law in 2003 because of the serious problem of sexual assault and violence in prisons (Corlew 2005). As a requirement of PREA, the Bureau of Justice Statistics must collect and share data about incidents of sexual misconduct in penal facilities (Beck et al. 2013). Unlike most other dimensions of contemporary confinement, publicly available data about sex in penal institutions are available. For instance, in 2011, three percent of inmates in state and federal prisons reported being sexually victimized by prison staff (Beck et al. 2013). Because these statistics do not provide any information about the lived experience of sexual victimization while incarcerated, they point to a need for qualitative data from incarcerated people about their relationships with correctional officers. The fact that PREA became a law demonstrates both the importance of data collection in prisons and the role these data can play in creating meaningful change for the people who live there.

The Lived Experience of Incarceration

Because of the “eclipse” of prison ethnography (Wacquant 2002), there are scant details about the lived experience of contemporary confinement. Sykes names five pains of imprisonment that include the loss of: liberty, goods and services, heterosexual relationships, autonomy, and security. These pains are psychological and symbolic (Crewe 2011), which Sykes argues can be worse than physical pains (Sykes 1958: 63). Foucault (1977) and Goffman (1961) take a similar stance in their studies of total institutions and prisons, respectively. Foucault (1977: 16) argues that prisons focus “on the soul instead of the body” by creating a psychological torture that arises from the constant threat of surveillance. Goffman (1961) adds that people who enter total institutions, including prisons, must go through the “mortification process” that strips them of their social identities in order to become more like objects for staff to process through the bureaucracy.

Sexton’s interview project with inmates in Ohio prisons is a notable qualitative study about how incarcerated people experience their punishment. She develops a penal consciousness framework in order to demonstrate that individuals subjectively experience the salience and severity of punishment. She finds that prison staff’s disregard for inmate welfare makes the punishment experience feel dehumanizing (Sexton 2015). Griffin (2006) also conducted interviews with incarcerated people. She was granted permission to interview respondents who would soon be released from a notoriously punitive jail in Arizona. She finds that policies aimed at humiliation are counterproductive because they undermine the legitimacy of punishment, leading to defiance instead of deterrence (Griffin 2006).

The Present Study

In spite of the considerable number of people who experience incarceration in the U.S., researchers only have a “pixelated” (Reiter 2014: 417) understanding of what actually happens in penal institutions. Liebling and colleagues argue that relationships between officers and inmates are at “the heart” of prisons in the U.K. (1999: 71). I explore the weight of these relationships in the U.S. by interviewing formerly incarcerated people about their lived experience of confinement. I apply Lipsky’s (1980) theory of street-level bureaucracy to correctional officers in order to explore how they use their discretion to distribute facility resources and punishments, with an emphasis on how they use or ignore racial boundaries, and how they use the formal system and extralegal punishments to maintain control.

DATA AND METHODS

The aim of this study is to contribute to knowledge about how relationships between the “keepers” and the “kept” (Tracy 2004) shape incarceration experiences. Because the goal is to learn about subjective feelings about experiences, I rely on data from in-depth interviews, which are well suited to this purpose (Weiss 1994). I aim to provide a “thick description” (Geertz 1973) of people’s incarceration stories, which “establishes the significance of an experience” (Denzin 2001: 83). By bearing witness to individual stories (Western 2018), this qualitative project contributes to research aimed at fleshing out the specific, lived experiences of being confined. These stories are powerful because they bring previously hidden secrets to the light (Maynard-Moody and Musheno 2003: 32).

Because Institutional Review Boards (IRB) classify incarcerated people as members of a vulnerable group (Western 2018), and prison administrators are reluctant to let outsiders

into their facilities (Reiter 2014), I conducted interviews with formerly instead of currently incarcerated people. Respondents who have lived in jails and prisons have an insider's knowledge about the daily functioning of these closed institutions. When people reenter society from penal institutions they are no longer structurally silenced (O'Connor 2003), but the stigma of their status (e.g., Pager 2003) may prevent them from contributing their voices to public knowledge about penal institutions. People who experience incarceration are disproportionately disadvantaged on multiple axes (Western 2006), so I worked closely with Cornell's IRB to minimize the risk of harm to participants. My data management plan protects respondent confidentiality in multiple ways. I asked for verbal consent instead of having participants sign a physical form. I also reminded respondents not to reveal any identifying information during the interviews, and de-identified transcripts if they did. I deleted names and contact information upon completion of each interview. I reminded respondents during the consent process that participation was completely voluntary, that they could skip any question, or end the interview at any time.

The data for this study come from semi-structured interviews with 45 formerly incarcerated people. Anyone who had been incarcerated for at least one month in a jail or prison in the United States was eligible to participate. I used a variety of strategies to recruit interview respondents in this hard-to-reach group (Western 2018). First, I asked network contacts to spread the word. Second, I left recruitment flyers at a job fair in upstate New York that was held for formerly incarcerated job seekers in spring 2018. Third, I posted my project to a listserv for the Alliance for Higher Education in Prison (AHEP). I also used snowball sampling by asking respondents to tell their network contacts about my project (Weiss 1994). All recruitment strategies were designed to have potential respondents contact me directly.

These recruitment strategies did not allow me to get a representative sample of the formerly incarcerated population, but it did lead to a sample with range of confinement experiences. The shortest incarceration spell was 35 days in a county jail and the longest was 38 years in a state prison. An equal number of respondents are black and white, and just slightly fewer are Hispanic. Twelve of the 45 (27%) respondents are female, which is over three times higher than the female share of the prison population (7%; Carson and Golinelli 2013). This gender diversity is a strength of this sample because it allows me to explore how men and women are treated differently during confinement. This sample of formerly incarcerated people is highly educated as an artifact of using the AHEP listserv to recruit. Almost half of respondents did not complete high school prior to incarceration, either because they had dropped out or were enrolled in high school at the time of their incarceration. At the time of the interview, only two respondents had not taken any college courses. Thirty eight percent had completed a bachelor's degree at the time of the interview. Sample characteristics are shown in Table 3.1.

Table 3.1: Formerly Incarcerated Sample Characteristics, N=45.

Female	27%
First Incarcerated as a Teen	56%
Incarcerated for Five Years or More (Total)	60%
Did Not Complete High School Prior to Incarceration	47%
<i>Race</i>	
African American	33%
Hispanic	27%
White	33%
Other	7%
<i>Region</i>	
Northeast	22%
South	22%
Midwest	13%
West	36%
Federal (Multiple Locations)	7%
<i>Education Completed at Interview</i>	
High school	4%
Some college, AA, vocational	51%
College graduate	38%
Professional degree	7%

I designed the interview guide to elicit detailed narratives about respondents' incarceration experiences. I asked respondents to share stories about how correctional officers enforced rules and whether there seemed to be any inmate groups who were more or less likely to be ignored or scrutinized. I also sought out details about both formal and extralegal punishments that respondents had witnessed or experienced during their incarceration. I asked about ways that they felt supported by officers, other inmates, and their network connections. I inquired about details of their strategies to cope with incarceration, including how they made money outside of the formal system. I asked respondents to share the hardest part of their incarceration as well as whether they felt that anything positive came from it. I also asked

about their reentry experiences as everyone in this sample had transitioned from a penal institution back into free society. I did not collect details about the specific location of the facility or facilities where the respondent had been incarcerated, but did ask for a general overview of the facility type, the region of the country, and the length of time of each spell. I also collected demographic data about respondents. Because the interviews were semi-structured, I let the flow of conversation order my questions (Rubin and Rubin 1995), and I rarely worded questions identically for different respondents. The basic interview guide is attached as Appendix 3.A.

I conducted 43 of the 45 interviews remotely by phone or by Skype. The goal of collecting rich data (Lofland et al. 2006) was occasionally made difficult by technological difficulties that interrupted the call briefly. I compensated respondents with \$40 for their time, which I also had to do remotely for all but two respondents. I either sent an Amazon gift card via email or sent money using an online payment system (PayPal and Venmo). A few respondents who had been incarcerated for a long time did not have experience with these strategies. When I asked one respondent about which method he preferred, he said simply, “I don’t know what those are.” Three people declined payment and cited the opportunity to tell their story as their motivating factor for being part of the study.

With permission from respondents I audio recorded all interviews. I used an iterative process to analyze the transcribed interviews (Seidel 1996). This process began with reading the transcripts, identifying initial themes, creating a coding scheme, and line coding interviews using Atlas TI (version 8). I then wrote memos based on themes that emerged from the coding process. The various ways that correctional officers’ decisions shaped respondents’ lived experience of incarceration led to a focused coding scheme that I used when reanalyzing

the interviews (Sexton 2015). Based on these data, I argue that the decisions of some correctional officers contributed to the pains of imprisonment for all respondents in this sample.

I present participant quotes without correcting grammar to preserve their voices, though I do delete excessive verbal tics (“uh,” “um,” and stuttering). Ellipses within quotes show where I have deleted a portion of text in between segments that I present. In the quotes below, “COs,” “police,” and “cops” all refer to correctional officers. When respondents say “seg,” “solitary,” “the hole,” “the box,” or “SHU,” they are referring to disciplinary confinement that involves being removed from the general population and kept locked in a cell for at least 22 hours per day (U.S. Department of Justice 2016). I use pseudonyms for all respondents.

RESULTS

I find that interactions with correctional officers are central to the experiences of formerly incarcerated people, and that the actions of some correctional officers contributed to both the psychological and physical pains of imprisonment for all respondents in this sample. I categorize respondents’ stories of their interactions with officers, as well as their internal experiences of those events (Weiss 1994), to reflect common themes. I aim to focus narrowly on correctional officers, but present data about facility policies and environmental conditions when those factors interact with officers’ decisions. Respondents’ lived experiences provide evidence about correctional officers as street-level bureaucrats, and the importance of the human interactions between people who live and work in penal institutions.

Discretion and Uncertainty:

“You don't have any idea what's a rule and the rule could change day to day.”

Inmates' daily routines are dictated by extensive facility rules. The abundance of rules means that they cannot all be enforced at all times (Sykes 1958; Lombardo 1981). As the street-level bureaucrats of penal institutions, correctional officers have significant discretion to ignore or emphasize certain rules (Lipsky 1980; Poole and Regoli 1980; Liebling 2000). This discretion is evident to respondents who understand that different officers enforce facility rules differently than one another, and that the same officer enforces rules unevenly depending on the context. This discretion is a source of uncertainty for incarcerated people who are left vulnerable to being disciplined for a rule that they were unaware of, or that is only enforced by some officers.

Isabel is a Hispanic woman in her mid-50s who spent two months in a county jail followed by two years in a state prison in the South. She did not become incarcerated until she was in her 40s, and was committed to never being re-incarcerated after her release. She tried to avoid breaking rules, but navigating the official rules along with the inmate norms was a challenge. For her, correctional officers were at the center of this struggle. She says, “Some [officers] would allow us to wash our clothes in the shower area. Some of them would not. Like one might let us do laundry and hang up, and then the next shift come in and catch it and completely yank everything down. So you just never knew.” Though doing laundry in the shower area was technically against the rules, it was an adaptive strategy to a constrained environment that some officers allowed. Uncertainty about when minor rules would be enforced (“you just never knew”) was a source of stress.

Officers' discretion was also a pain of imprisonment for respondents when it was understood to be a strategy that officers use to be selectively punitive. Broad infraction categories are particularly hard to follow because their meaning completely depends on officer interpretation. Jay is a black man in his late 30s with experience in multiple facilities in the Midwest. He was first incarcerated as a teen in a juvenile facility for two years, followed by a county jail spell of one year, and then a state prison stint of 17 years. About the state prison, he explains, "They had in the rule book this thing called insolence. And insolence was defined as – not specifically defined as – but unofficially defined as anything that the CO interpreted as disrespectful. So a look, breathing too hard, not looking." It is impossible to follow an ambiguous rule. Lucas, a white man in his late 40s who spent six months in jail followed by 15 months in a state prison in the Northeast, echoes this point. In his opinion, a rule that is hard to follow is "disobeying a direct order, which is a catch all for whatever pisses a CO off. So you can essentially get written up for anything ... And you know you're at their mercy."

This feeling of being "at their mercy" is frustrating when officers' decisions about enforcement seem to vary with their moods. While respondents can study the habits of different officers – "the number one saying is know your CO" (Isabel) – it is impossible to predict mercurial emotional states that can lead to uneven rule enforcement. Lucas believes that:

The rules are whatever the CO says they are and however the CO is feeling and - not to offend - but if the CO is fighting with his wife and didn't get any last night, then plan on being miserable. Or if the CO is in a good mood, he's not really going to give a shit what you do. So it's kind of subjective to who's in charge.

This unpredictable subjectivity, that is understood to stem from officers' emotional states and personal lives, has a wide-reaching impact on people who live in penal institutions. In short, the officer's mood organizes the day.

Officers' moods can do more than make inmates' daily lives "miserable," as receiving infraction tickets can lead to serious consequences. Rafael is a Hispanic man in his late 30s who was incarcerated for 20 years in a state prison in the Midwest. He says:

Assault on staff can range from you actually hitting an officer to brushing up against them on the way out of your cell. Where's the justice in that? The officer could be having a very bad day. You accidentally brush up against him on the way out to chow; now you've got an extra five years to your sentence because the officer was having a bad day.

While "assault on staff" may seem to have a more exact definition than the broad infraction categories of "insolence" and "disobeying a direct order," Rafael argues that all rules are subject to the interpretation and enforcement of correctional officers. When officers enforce rules based on their emotional states, inmates live with constant uncertainty as a source of stress (Sexton 2015).

Indifferent Adherence to Facility Rules:

"They would do what they were told to do, which is rules, rules, rules."

Discretion in rule enforcement leads to uncertainty for incarcerated people and can be a source of stress when officers interpret and enforce rules based on their moods. Still, officers choosing when and how to enforce rules is a fact of incarceration. Another way that officers make confinement challenging for respondents is by pretending that their discretion does not exist. Like other street-level bureaucrats, correctional officers can be flexible with rule enforcement (Lipsky 1980: 64), particularly because officers cannot enforce every rule in every circumstance (Lombardo 1981). There are some rules and policies that do not make

sense or are inappropriate in certain circumstances. When correctional officers apply rules without sensitivity to context, respondents feel the pains of confinement acutely.

Neil is a white man in his late 30s who lives in the South. He was first incarcerated in a juvenile facility as a teenager. He then served several months-long spells in a county jail before being sentenced to a state prison for four years. He got in trouble while incarcerated as a juvenile, but by the time he was in prison he had “mellowed out.” He tells the following story:

A person bought me an ice cream for my birthday. And one of the officers - she's who I was thinking of when I thought of real sticklers - she saw it from 50 yards away. And there's a rule about no trafficking and trading, that's what they call it. And so [my friend] comes back and he hands me an ice cream for my birthday. She runs in there, starts yelling, and I get in trouble for something stupid. I mean she's yelling and cussing 'cause he gave me ice cream for my birthday.

Though Neil explains that there is a “rational principle” undergirding the rule prohibiting people from giving each other food, he perceives the officer’s “yelling and cussing” as an overreaction to an obvious kindness on his birthday. He thinks that the context of his birthday and the reputation he had established as someone who followed the rules should have been taken into consideration.

A more serious example of the problem of officers indifferently adhering to rules is shared by Benny; he is a Black and Hispanic man in his late 30s who did multiple stints in county jails and state prisons in the Northeast. While many sample respondents had network support to help defray the considerable costs of supplementing inadequate prison food (e.g., Sexton 2015), Benny did not. He says:

I took out some food from the mess hall and – what did I have? I think I had a couple cookies or like a sausage ... Something from earlier I was gonna heat up later because I didn't have commissary. I didn't get commissary. I didn't go to the store. I didn't have family to really send me things. So I was just getting some food to eat later in the day because I was hungry. And my repercussion was that I had 90 days loss of everything.

Benny understands the prohibition against taking food out of the mess hall, but it was such a small amount that he thinks it should have been obvious to the officer that he was not going to try to sell it. Instead of warning him not to do it again, the officer in this circumstance wrote him an infraction ticket that resulted in a 90-day suspension of his privileges, including the freedom to leave his cell for recreation or programs.¹⁸

While some respondents had ongoing issues during their incarceration, such as Benny's hunger, others had acute circumstances that they felt should be taken into account by officers when monitoring inmates for signs of rule-breaking. Kelly is a white woman in her late 40s who spent two years in a state prison in the South. While she was incarcerated, her sister got murdered; Kelly was not allowed to attend the funeral. Kelly tells the following story about the day of her sister's funeral:

I was sitting coloring a mandala and what I do is, I can get so focused that I block out the garbage that's going on around me. And so I didn't hear the bell that it was count time. So I was still sitting at the table coloring when the officer came in to do count. And she came in screaming, hollering, blazing, and jerked me up from the table, and was headed – was fixing on putting me in solitary. And I was trying to tell her, "I just didn't hear it." And it was during the day so there was hardly any people in the dorm room. Most of them were at work. I was not at work because it was the day of my sister's funeral, so I didn't have to go to work. But I had to go see the warden because I didn't go to my bunk as I was supposed to for count time. And I got extra duties because of it.

Though the facility recognized Kelly's circumstance by letting her take the day of her sister's funeral off work, the individual officer who dealt with her not standing up and going to the bunk for count treated this behavior as a defiant rule violation instead of a mistake. Kelly says that the warden had a similarly punitive approach. She says, "They didn't have to give me

¹⁸ The punishment of keeping people locked in their cell is a different form of discipline than solitary confinement, though there are similarities. This practice has different names in different contexts, including lockback, keeplock, and lockdown.

extra duties. They didn't have to do anything, but they did." Kelly had to wash trashcans for her offense.

Respondents believe that officers contributed to the pains of their confinement when they enforced rules with unclear bureaucratic rationales. Christopher is a black man who spent two spells in a state prison, one for three years and the next for 16 years. He explains that inmates were given one small fan that "you had to put all the way to your face to get some air." These fans were not considered effective enough to bring home, so upon release inmates usually gave their fans to friends. Christopher says:

So, one day I was out at rec and it was a hot day ... when I come back from my recreation period and I go to my room, it was a new officer, and technically you're only supposed to have one of these fans ... So he was going through my room and he had these three fans on the floor outside my room. And as I came up to see, you know I'm hot, I'm bothered, I'm trying to shower - you know you gotta race to get in line to get a shower. So anyway, he's got those fans on the floor ... He asked me did I have a receipt for the fans. He was gonna take them! I'm like, "Man, it's 98 degrees. Why are you worried about these fans?"

The fact that the officer did not use his discretion to ignore a rule that Christopher knew was not enforced by veteran officers undermined the institutional knowledge that he had accumulated living in the facility for many years. The officer in this story was new to the facility, but because of his position as an inmate, Christopher could not convince him that the norm was to overlook multiple fans.

Kelly shares a similar story about the frustration of officers enforcing rules that seem to defy logic. She had a hysterectomy before her incarceration, but that was not considered for resource distribution because she was given sanitary napkins and tampons every month. She used the sanitary napkins to clean her space but had no use for the tampons. Because tampons, like all other resources, were scarce, Kelly thought that it was logical to give them away to

women who could use them. She knew that this was against the written rules, though, so always asked officers before doing it in order to avoid getting in trouble. Some officers said that it was fine. Other officers said that she could not give them out herself but would take them back and redistribute them. The most frustrating group for Kelly is the final group of officers. She says, “[S]ome would just say, "No, throw 'em away." And if they told you, "No, throw 'em away," you had to open them up, take 'em apart, and throw 'em away.” To Kelly this seemed to be an absurd solution in a resource-poor environment, particularly considering that officers had the power to make a different decision.

*Boundary Pushing as a Tactic to Legitimize Bullying:
“It’s like a chess match.”*

Just like the inmates in their care, correctional officers have to adhere to facility policies and procedures. However, like other street-level bureaucrats, correctional officers can exploit loopholes in official rules in order to avoid compliance when they disagree with a policy (Lipsky 1980: 22). Officers contribute to the pains of confinement when they flaunt these loopholes and treat the rules like a game. The following examples show officers pushing the legal bounds of their profession in a way that respondents interpret as intentionally provocative. By being on the edge of misconduct, officers indicate that they know exactly what rules they are supposed to follow (Maynard-Moody and Musheno 2003), and they use the bureaucracy to legitimize their behavior.

A primary example of officers being on the boundary of their authority is when they can legally use physical force. While physical force is a legitimate tactic that officers can use in some circumstances (Martin 2006), respondents believe that officers play a game to

manipulate when they can legally beat inmates. This practice involves lining inmates up to face a wall, having them step back from the wall and put their hands on the wall, then making them balance in that precarious position for long stretches of time without moving. Dwayne is a black male in his late 30s who spent four years in a jail and six years in a state prison in the Northeast. He explains, "If you go on the wall you've got to put your hands on the wall at an angle. You've got to stand at a 90-degree angle or something like that. Let's say you move, if you flinch, if you do anything - you go to scratch your head, you move your toe, anything - that's a green light for them to beat you." This "green light" means that officers can then legally use physical force because the person "on the wall" is seen as not complying if he moves. Benny was incarcerated in the same system as Dwayne. He says, "When you put your hands on the wall and you move, you get punched in the stomach." This game of putting people "on the wall" makes their physical punishment their own fault for moving.

Miguel reports the same tactic in a prison in the West. Miguel is a Hispanic man in his early 50s who spent six months in a county jail followed by 25 years in a state prison. He experienced a disciplinary incident that escalated quickly from its origin of physical horseplay with his friends in the yard. Miguel explains, "All I heard was, "Hold it right there you asshole." And I looked up and the gunner is pointing the gun at me. I'm like, "Oh, shit, they're talking to me?" And then I was really surprised, you know, they just caught me off-guard." Miguel did not get the opportunity to explain himself because officers put him against the wall. He explains:

Miguel: And one officer, when they was patting me down, he spread my legs, I mean like from here to kingdom come, and I was just trying to stay up, stay up ... And I know if I would have fell then I was ready to get beat. My legs were just, he had just spread my legs so far apart ...and [he was] kicking them out from under me. I don't

know how I managed it. I didn't fall, and he finally just, he cuffed me up and took me to the cage ...

Interviewer: So if you had fallen what could they have done?

Miguel: Oh man, they could have really whopped me, pulled out the baton and just started whopping me.

The entire incident was scary and unexpected for Miguel, but being on the wall was particularly frustrating because the officers treated it as sport. They did not seem to be genuinely worried about him resisting, instead they were trying to get him to move so that they could have started “whopping” him. Miguel believes that putting inmates “on the wall” and trying to get them to fall is “very immature.”

Another common strategy that is on the line between procedure and intentional provocation is what happens during cell searches. Officers have to do cell searches as a normal part of their duties to ensure that inmates do not have contraband. This legitimate procedure is viewed as an intentional form of harassment when it is done repeatedly for purposes of retaliation, when it is arbitrarily conducted in the middle of the night, or if officers ruin personal items in the process. Rafael explains that he went through the frustration many times of “seeing pictures in the toilet, seeing your food and your clothes mixed up with jelly and peanut butter because they want to empty out all the jars that you had open. So those are other little unwritten rules that [officers] go by. But it's unnecessary.” Simone is a black woman in the West who spent six spells incarcerated in various jails. She says that a common practice of officers across facilities is to “go where you sleep at and just tear your shit up ... You'll find all your stuff and all your commissary in the garbage.” Miguel echoes the same point: “They'll tear up your cell. I mean for no reason. They step on your pictures and do stupid little rude things.”

This practice is not only “rude” and “unnecessary,” but also leads to the loss of the few personal possessions that inmates are allowed to have. Benny experienced a particularly frustrating search because the officer was supposed to search someone else’s locker who was affiliated with a certain gang. The officer mistakenly searched Benny’s locker instead. Benny says, “He took all my letters and everything that I had saved that my mother was sending me, pictures and everything like that. He took all of it. When I asked for it back, he wouldn't give it to me. He said that he didn't search my locker, and like laughed about it, like it was funny.” This incident stayed with Benny because these few sentimental possessions were precious, and because the officer in the interaction was callous. Benny questions, “Why would you do that to somebody who has nothing already?”

Frank is the respondent with the shortest incarceration spell in this sample. He spent 35 days in a county jail in the South and names the frequent cell searches as one of the hardest aspects of his confinement because they resulted in the loss of his few possessions. He was incarcerated in the winter and the pod where he was housed did not have heat. He explains what happened after being pulled out of his cell for a search. He says, “I had a pair of socks on, but I also had three pairs of socks in my cell, and those were gone along with toothpaste, toothbrushes, and everyone’s sheets, which was just one small layer of minimal insulation that they provided us with.” The officers who performed the searches also seemed intentionally cruel to Frank. He explains one particularly long night of cell searches:

When they couldn't find anything they came in and just started berating us. Yelling at us, saying horrible things, and proceeded to do a strip search of every single person in quite a humiliating fashion, and then made us sit in there for another couple of hours after that ... So two hours and then a strip search, another two hours, another strip search, and then allowed us to go back to our cells ... The last time I was strip searched, this [CO] said, “If I feel like you're lying to me, if you have anything and I

haven't found it yet, I'm going to come stick my hand up your ass and I'm going to pull it out of you." So that was lovely.

For incarcerated people being beat up or having their sentimental or functional possessions taken or ruined is not a game. Officers contribute to the pains of confinement when they step to the boundary of their legal power in order to provoke inmates. Like other street-level bureaucrats, officers use loopholes to get around official rules (Lipsky 1980). Because they work in total-institutions that are closed to outsiders, the nature of their interactions with their clients – including cell searches and pat downs – allow loophole exploitation to become abusive.

Tactics of Humiliation:

"They wanted you to know that they were God and you were beneath them."

The unique work circumstance of correctional officers in institutions where their clients live requires intimate client interactions (Crawley 2004) that are not analogous in other institutions, such as seeing clients naked. For incarcerated people, these intimate interactions can be humiliating. Officers exacerbate confinement experiences by intentionally demeaning inmates in these vulnerable circumstances, or by escalating minor incidents that stem from inmates attempting to protect their dignity. Some of these examples are within the legal bounds of officers' power and others are undoubtedly abusive; they are grouped together because the feeling of humiliation is its own salient pain of confinement that officers can exploit in order to create additional punishment.

I heard some version of Frank's story about having to strip for a search from most respondents. As with cell searches, strip searches are a normal part of incarceration. Despite their utility in ensuring that incarcerated people do not have contraband, they are experienced

as a degradation of dignity. Some officers make this experience even worse in how they use their discretion. Respondents report that being naked in front of opposite-gender officers was particularly degrading. Neil says that in the facility where he was housed, officers “used to be able to just strip you naked anywhere; it didn't matter if they were female. It didn't matter, so sometimes they would do that as a form of discipline, just get naked and stand over there in front of everybody.” Simone says that during “shakedowns” officers “made us all line up outside, and they made us all take off our clothes ... And there were just men walking by us while we're naked.” She laments that all women in her facility, regardless of their age or physical capabilities, had to “squat, cough, bend over, spread your butt cheeks and all that stuff” every time they returned to jail after court.

Nudity has different implications for men and women. Because of the serious cultural norms against public homosexuality in male prisons (Evans and Wallace 2007), some male respondents report officers using nudity as a strategy of emasculation. Dwayne’s story about a large jail where he lived for four years highlights this practice. Dwayne says that officers:

[T]ry to make you stand toe to heel butt naked with the next man. I'm like, I'm not doing that. I'm not - my penis is not going on nobody's rear end and nobody's penis is going on my rear end. So if you didn't comply, they would beat you. They would literally beat you with sticks, hands.

In this circumstance officers made the experience of being naked into an abusive game.

Inmates could either maintain their dignity by refusing to comply and experiencing violence, or they could maintain their physical safety by being emasculated.

While the tactic that Dwayne experienced may seem extreme, Rafael tells a similar story that happened in another large jail in a different part of the country. He says that during lockdowns:

They'll line us all up on the wall, strip us naked, make us put our foreheads to the wall. They'll have the dogs come by, sniff us, but in the process of them doing that, they used to push people down the stairs. What the fuck? ... They would do it to the most vulnerable people, old men with gray hair. What's the sense in that? Those are the things that used to piss me the fuck off, man, and it's sad because what you can you do? Are you gonna go up against these people with batons, and shields, and dogs, butt naked?

While Rafael did not experience being stripped down during searches as sexually stigmatizing, he nonetheless felt emasculated by being unable to protect “the most vulnerable people” in the group who officers pushed down the stairs.

Women in this sample did not share stories of experiencing extreme violence while being searched in a group setting. Still, some officers used their nudity for humiliation. Kelly is licensed to drive commercial vehicles so was the bus driver at the facility where she was housed. Her story about the near constant strip searches she experienced highlight that officers’ choices during that process can relieve or exacerbate the humiliation of being naked in front of officers. I include Kelly’s story in its near entirety because paraphrasing it masks the pain of this process for her. She says:

[P]eople think, "Okay, bus driving – that's a good gig." But when you go to four units, you have to strip to leave your unit before you get on the bus. Any time you go in or out of a gate, you have to strip. So I'd go to four units. So that's stripping four more times. And you go back to your unit while they're in school. So you strip. Now that's six times. Then you go pick them up. You gotta strip to get in there. Then you gotta take them back to their four units, strip at every one of those, and then come back. I spent more time getting naked than I did driving the bus. It is extremely humiliating. Because ... you have to lift your breasts. You have to turn around and bend over. And the COs are very crude about it. They'll say, "Bend over and show us both holes." It's like the more degrading and the more humiliating they can make it, they do. And of course you have some that are – they're writing something on the table; they're not looking at you. You strip; they don't wanna see all that. They just wanna be sure you don't have anything. And then you have some that – they wanna give you an internal exam with the flashlight.

Kelly's job was seen as a position of power, but in reality, she felt it was "extremely humiliating" to have to strip as often as she did. The circumstance of her position made being strip searched an inevitability, but the choices of some officers to use crude language ("show us both holes") or give her a close examination with the flashlight made the searches worse than with officers who went through the procedure dispassionately.

Another dimension of humiliation comes from having to use the bathroom in front of other people. Again, this is a reality of incarceration for many people who live in jails and prisons. Some respondents report that this experience was made worse by the conduct of some officers. Melissa is a white female in her late 40s who spent 14 years incarcerated in a state prison in the West. She says, "I don't know how many times I sat on a toilet and had an officer open the door and carry on a conversation with me while I was sitting on the toilet." She feels that in this small act officers exposed their view of her as less-than-human. In some instances the degradation was not passive. In many facilities officers are in charge of distributing toilet paper, and in some they control access to toilets at certain times of the day. Emma is a white woman in her late 20s who spent four years incarcerated in a state prison in the Midwest. She says:

Emma: I don't know if you'll ask about anything degrading, but I seen a lot of stuff in there, a lot of really bad stuff. I've seen officers in there that would make women defecate in their pants.

Interviewer: Why?

Emma: Because they didn't like 'em and didn't want to let 'em out to use the restroom; they thought it was funny.

The perception that officers did not let certain women access a toilet because "they thought it was funny" reflects a decision that is cruel and humiliating. Emma's example highlights the

fact that officers have control over even the biological needs of their clients, which is not true for street-level bureaucrats who have brief client interactions, such as police officers. This level of control, coupled with the fact that there is little incentive to serve incarcerated people well (Maynard-Moody and Portillo 2010), allows for ordinary interactions to become abusive.

Terrance shares an example about an officer contributing to the pains of confinement by escalating a situation that began with Terrance trying to protect his dignity while using the bathroom. Terrance is a black man in his mid-30s who was in a state prison for 13 years in the Northeast. I include his story about an abusive interaction with a correctional officer to highlight the salience of indignities during incarceration that can be made worse by officers' decisions. Terrance says:

When I was on solitary confinement, when you in the cell, it's a little window for the guards to look in. The majority of the time we would lock the window when we were trying to use the toilet, but it's a rule against locking the window. But nobody wants to have somebody looking at you while you using the bathroom ... I was using the bathroom. The guard came up, told me to put my blocker down. I'm like, "Man, I'm on the toilet. One minute and I'll take it down." We went back and forth for a minute. "I'm giving you a direct order to take it down." Like, "I can't get off the toilet right now." So lunch was served an hour and a half later. The guards was giving out trays. They gave me and my cellmate our trays ... Me and my cell buddy, we're in there eating and the guard comes back, sticks his mace in the slot and do one little burst and set the slot. Me and my cell buddy in there coughing and gagging ... We stayed in the cell for ten minutes. They came and got us out of the cell and put us in the recreation room. We was in handcuffs. We stayed in the recreation room for 15 minutes burning, eyes burning, still yelling. They never sent us to the hospital. They put us in the shower and let us wash off and stuck us back in the cell.

Terrance knew that he was breaking the rules by locking the window for privacy, but did not intend to disobey an order. He could not get up to unlock it while he was on the toilet, but the officer did not acknowledge that. The officer could have written Terrance an infraction ticket for disobeying an order, but instead came back an hour and a half later and sprayed mace to injure both he and his cellmate, which felt personal. This officer intentionally broke a rule in

order to cause harm, which is far from the ideal of an employee who completes his daily tasks with impersonal detachment (Lipsky 1980: 9). This incident happened early in Terrance's incarceration. He says that "after that happened, I hated all correctional officers. And stuff like that caused further conflict because now you're coming to a point where now I don't trust you all."

Verbal Degradation as a Way to Dehumanize:
"You ain't shit. You'll be back."

A central theme in the stories that formerly incarcerated people shared is the feeling of dehumanization. There are many instances of housing, environmental conditions, and policies that contribute to this feeling. I illuminate examples that are not artifacts of being incarcerated, but an active tactic of some correctional officers to remind incarcerated people of their (lack of) worth. Considering that most respondents witnessed or experienced serious physical violence during their incarceration spells, a surprising number recollect and share the pain of being spoken to in a degrading way by officers. These negative messages were a pain of their incarceration because they felt both unnecessary and personal. In these examples officers go beyond the bounds of their bureaucratic duties by making their judgments about people's deservingness known to their clients.

Respondents report being called "liar," "animal," "stupid," "needy bitch," "manipulator," "dog," and "piece of shit" by officers. This name-calling is mentioned in interviews, but the focus is on correctional officers' messages about respondents belonging in the facility. Pedro is a Hispanic man in his early 30s who spent years in multiple facilities in the West. He says that an officer laughed at him when he asked about his court date and said,

“You're gonna stay here forever.” On the other side of the county, Dwayne was told by multiple officers, “You're going to be here your whole life,” and, “You was made for this, you was made to be here.” Officers predicting recidivism was a theme of this verbal abuse. Respondents across the country were told some version of “you’ll be back.” Judy, a white female in her late 50s who spent two years in a federal prison, is troubled by officers making light of the struggle of another inmate who became re-incarcerated many times because of her addiction. She says the officers publicly bet on when this person would come back to the facility. Judy says, “They had the gambling pool at the table where you could see them doing it and she could see them doing it, betting on her failure.”

William is a black man in his mid-50s who did multiple spells in county jails and a six-year spell in a state prison in the Northeast. He says that officers used to say, “You guys are our job security - as soon as you get back, we good. I can retire off of you.” In addition to officers predicting recidivism for incarcerated people, some took it a step further. William says, “And then they would be so callous as to say, “Well, if not off of you, I'll retire off of your son.” How callous can you be to say that to somebody?” In this example officers acknowledge that the fates of correctional officers and inmates are linked (Sykes 1958: 33), though not simply through daily routines or facility safety. Officers seemed personally invested in the incarceration of inmates, and the next generation, for their own “job security.”

Inmates experienced these negative messages as an additional pain of their confinement. Kelly believes that people who commit crimes should be incarcerated, but not spoken to in a degrading way. She says, “But just because you have to be incarcerated doesn't mean that you have to be demoralized.” Marcus is a Black and Hispanic man in his early 30s who did several stints in a county jail and then four years in a state prison in the West.

Officers told him many times that he was a “piece of shit” and would be re-incarcerated. He believes that he deserved his sentence, but says, “Every human being, regardless of the state that they’re in, whether they’re free or bound, I believe that every human being has a certain level of dignity that they deserve, and respect.” Christine is a Native American and Hispanic woman who was incarcerated in county jail a few times and a state prison for just over a year in the South. She says, “You deserve to be here, you’re gonna be treated like a number. Well yeah, you should pay the penalty, you know, but still be treated like a human being.” Melissa thinks that these negative messages had a lasting impact on her life after incarceration. She says that most officers spoke to her disparagingly. She says, “That wasn't just one officer or two; that was chronic. It was rare that you got an officer that will call you by your last name. And I think that was probably the hardest thing for me to overcome was – even today, I have trouble recognizing my own self-worth.”

Stories about officers’ language demonstrate the centrality of correctional officers in the lives of incarcerated people; inmates experience interactions with officers as a source of human connection. Not using inmates’ names is part of the “mortification process” that strips them of their identities for life in a total institution (Goffman 1961), yet officers use personalized insults to remind them that they are destined to be an inmate forever. No street-level bureaucrat can be completely indifferent to her clients (Maynard-Moody and Portillo 2010), but name-calling is experienced as officers being too personal. While other street-level bureaucrats may feel disgusted by some clients (Lipsky 1980: 5), an employee in an institution with more oversight would not be able to speak to their clients in such a disparaging way.

The Focus on Women's Bodies during Incarceration:
"There was a few male guards that were always peeping in doors."

Every respondent has a story of witnessing or experiencing abuse from officers during their confinement. Still, a few obvious gender differences are evident in this sample. As others have found (e.g., Blackburn, Mullings, and Marquart 2008), female respondents in this sample report feeling taken advantage of by male officers. It is important to note that every single respondent discussed an instance of sex between an inmate and an officer; some had personal experience with that particular form of boundary crossing. In this sample more male than female respondents had had sex with staff during their confinement, but their perceptions of those experiences were positive. Even so, incarcerated people cannot consent to sex with correctional officers; so all sex between incarcerated people and correctional officers is legally considered rape (Corlew 2005).

Female respondents in this sample had negative opinions about sex with an officer. Yanira is a white and Hispanic female in her early 30s who spent two years in several federal facilities. She says, "I mean, you can look at any guard that uses, I mean that has sex with an inmate ... because of their status, or because of their position and the woman's position, like definitely that's a form of sexual violence if you ask me." Yanira experienced this type of "sexual violence" from a guard who aggressively pursued her while she was incarcerated.

Many female respondents shared stories of male officers looking at them in a way that felt uncomfortable, and using excuses to come into areas where they technically were not allowed to be, such as the showers. Melissa tells a story about an officer who used to stop her for a "random" search every time she left the chow hall. She says:

It was straight up sexual touching. I mean, they're supposed to use the back of their hand if they go underneath your breast, and he would just, hand flat across my breasts,

up in between my legs. You know, they're supposed to use, again, the back of their hands.

She says that the nature of the searches was so obviously inappropriate that her cellmate wrote a grievance on her behalf. She reports that the grievance was “pretty much pooh-pooed off, but he left me alone after that.” Melissa was incarcerated in the early 21st century when PREA went into effect. She says that it had a noticeable impact on how women were handled by male officers. In addition to cutting down on inappropriate touching, it reduced outright violence. Explaining the time before PREA, Melissa says, “But before ... you would see, women would yell at an officer and the officer would slam her against the wall.”

Officers contributed to the pains of confinement by policing women’s bodies in a way that felt too vigilant. Women of different ages and races, who lived in different facility types, report that officers seemed primarily concerned with them not touching each other. Women in this sample who were caught having sex with another incarcerated woman understand that they were breaking a rule, but those who got warned or disciplined for inappropriate contact that was not sexual felt this scrutiny as a source of stress. Women shared that giving a supportive hug (Meg), putting an arm around a shoulder (Melissa), and saying “I love you” (Emma) were all read as sexual contact by officers.

Cindy’s story highlights how officers misreading human contact can contribute to the pains of confinement. She is a white woman in her mid-50s who spent 20 months incarcerated in a state prison in the South. Cindy had serious medical issues while incarcerated so was housed in a facility with other people with medical conditions; her story highlights the medical inadequacies of the system. Though many of these deficiencies are at a facility and department level, correctional officers’ decisions could make medical situations feel worse. For instance, Cindy had a brain aneurism during her incarceration and was forced to clean up

her vomit and urine before officers would take her to the medical unit. In response to a question about seeing a disproportionate response to something that seemed minor, Cindy tells a story about being in line in the prison and noticing that another incarcerated woman was going to have a seizure. She explains:

Cindy: I looked at her, and her eyes [were] rolling into the back of her head, and I told the girl behind me to catch her, to get her feet 'cause she's fixing to go down. And I took her top half to lay her down in the doorway because she started flopping. And we got in so much trouble for that. We were supposed to let her fall standing up to the ground.

Interviewer: Why did they say you were supposed to just let her fall?

Cindy: Because it's inappropriate contact.

In this case, the officers transformed Cindy's helpful touching during a medical emergency into violent or sexual touching. The fact that many female respondents experienced hypervigilance from officers in their enforcement of no-contact policies between inmates could indicate that policies to protect women from sexual violence during incarceration are working. In respondents' experience, though, the misreading of non-sexual touching seemed like an intentional tactic by some officers to exacerbate the pains of imprisonment.

*The Use of Physical Violence against Incarcerated Men:
"The guy got beat almost to death."*

Correctional officers are unlike street-level bureaucrats in most other contexts because they can legally use physical force with their clients (Stohr and Zupan 1992). Police officers can also use force in some situations, but there is more public oversight of those incidents, particularly since the advent of cellphone cameras (Kies 2011). A common way that confinement was painful for men in this sample is through physical violence from correctional officers. The pains of imprisonment that Sykes (1958) outlined in the mid-20th century are

psychological (Crewe 2011), but all men witnessed or experienced physical violence between inmates and between officers and inmates during their incarceration. Penal institutions are uniquely hostile environments (Cheeseman and Downey 2012), and there are some circumstances where officers have to use physical force. Here, I share stories where officers use extralegal violence to impose physical pains during incarceration. Benny says this about the ubiquity of violence by officers: “When you get [to prison], it's made very clear to you to stay in line and do what the fuck you gotta do or you're gonna go to the box or get beat the fuck up.”

Jose is a Hispanic man in his early 30s who did multiple stints in county jails and a three-year prison spell in the West. He spent time in a large jail where he explains, “They used to call it flashlight therapy, when [officers] had those big flashlights ... They'll just beat you senseless with the flashlight.” Simon is a white man in his early 40s who was first incarcerated as a juvenile and then spent 17 years in a state prison in the West. He says that there was a notoriously violent officer who beat people with a handheld metal detector. Simon says, “I was incarcerated for close to 17 years, and I was probably beaten ten times in 17 years; most of it when I was young, and then a couple times later.” He thinks this was just part of the normal experience for men in his facility. Benny talks about his stay in a small prison “where [officers] put hands and feet on you a lot.” He tells the story of a time when inmates were put in a line to march when a young inmate quietly asked somebody where they were going. Benny says, “And because he spoke while marching, the [officer] ran and tackled the kid, hit the kid, sent the kid flying. The kid's face slid across the pavement. And so what they did was they put the kid in the SHU. They put him in the box for 30 days till his face healed and then they took him out.”

Another common strategy that officers used in male facilities was encouraging violence between inmates. In particular, officers had an active role in guaranteeing that sex offenders were met with violence from other inmates. Like other street-level bureaucrats, officers make their own judgements about deservingness that are influenced by their moral values (Lipsky 1980; Maynard-Moody and Musheno 2003). I include a story from Lucas in its near entirety because he provides a careful explanation of all the steps of this process that may not be evident to people who have not experienced a similar event. Lucas says:

Everybody was in the cube and the CO got up and he said, "Listen, I just want everybody's attention." And he pointed over and he's like, "That piece of shit over in [that] cube raped a four-year-girl. I just thought everybody should know that. And if you guys don't handle it, we're going to handle it." So basically what he was saying by that was if you don't do something about this, we're going to do something to all of you. So then, a few minutes go by and the CO stands up and he stretches and he says very clearly, "You know, I'm going to go take a shit, and I'm probably going to be gone 10-15 minutes. So you guys just hold it down." And what he was saying there was, I'm going to walk out of the room - whatever happens when I walk out of the room, I don't see. So as soon as he walked out of the room, the guy that's pointed out - it was the most brutal thing I've ever seen. I don't feel bad for him, mind you. You get what you get, especially committing a crime like that, but he was just beaten beyond anything you would ever see. And when the CO came back in he was laying on the floor in a pool of blood, and [the CO] was like, "Oh what happened to him?" And somebody was like, "I don't know I think he slipped and fell." So when [the CO] called to the infirmary to get the medical people, he made sure he said, "Oh yeah, you know the guy we're talking about? Oh he slipped and fell." ... So he was in the infirmary for two days and he comes back. They put him back in the same house, which is unheard of; you just don't put somebody back in the same house. And that night he killed himself in the bathroom.

Like other respondents who shared similar stories, Lucas does not view this as a particularly problematic event ("I don't feel bad for him"). Officers using extralegal physical violence against inmates had a significant impact on respondents' feelings of safety during confinement. On the other hand, respondents did not report feeling unsafe when officers encouraged violence, particularly against sex offenders who are seen as deserving of violence.

I include this story in order to demonstrate how officers can use their power to exacerbate confinement experiences for a subset of offenders who they believe deserve punishments beyond confinement. Without having to commit violence himself, the officer in this story orchestrated a man's death. Like police officers who use excessive force when they believe that someone deserves extra punishment (Oberweis and Musheno 1999), correctional officers can have inmates mete out physical violence when they deem confinement to be an insufficient consequence for a crime.

*The Centrality of Racial Bias during Confinement:
"That's how they was raised, to have disdain for people color."*

A key component of Lipsky's theory (1980) is that street-level bureaucrats will use shortcuts to determine deservingness when they have too many clients to consider individually, which is a common issue for these employees. When these shortcuts rely on racial stereotypes, a differentiation of services by race will result (Lipsky 1980: 108). There is evidence that the tight link between race and incarceration (Western 2006) is partially due to the decisions of street-level bureaucrats in criminal justice institutions. For instance, New York City police officers use race as a shortcut for deservingness by disproportionately stopping black and Hispanic men for pedestrian searches (Gelman et al. 2007), and prosecutors leverage more serious charges against minority than white defendants for similar crimes (Cole 2000). The scant academic evidence about confinement experiences suggests that correctional officers play a role in reinforcing racial boundaries between inmates, at least in penal institutions in California (Goodman 2008; Walker 2016). The experiences of formerly incarcerated people in this study show that penal facilities are race-making

institutions (Wacquant 2005; Walker 2016),¹⁹ and that officers' decisions help reify racial hierarchies during incarceration.

Many respondents think that correctional officers distributed harsh punishments and institutional resources, such as desirable jobs, differently by inmate race. In most facilities white inmates were thought to be at the top of the hierarchy and black inmates were perceived to be at the bottom. For instance, Tyrek says, "All of the best jobs in the facility went to white inmates," and Melissa believes that when it came to punishment, "African-Americans got nailed." Henry is an Asian Pacific Islander in his late 30s who spent multiple spells in jails and prisons in the West. He says that black inmates not only got the worst treatment by white officers, but also by black officers who were abusive toward members of their in-group in order to showcase their loyalty to white officers. When I ask if white officers ever distanced themselves from white inmates, he says, "No. Who's watching them?" Just as the inmates in their care, white correctional officers were perceived to be at the top of the hierarchy. There are two exceptions to the belief about the racial hierarchy for inmates. Most Hispanic males in California name their own group²⁰ as being singled out for harassment by officers. Three white women also feel that their group was targeted in circumstances where the majority of

¹⁹ All respondents report that inmates organize themselves by race, though there is considerable variation in the rigidity of racial boundaries depending on the region of the country and facility type. Respondents from California report the centrality of race as an organizing principle in both jails and prisons, which is consistent with prior scholarship about the gravity of racial politics in the daily lives of inmates in that context (e.g. Goodman 2008; Walker 2016). Though I spoke to many respondents who had lived in penal institutions in California, some of their voices are absent from this account because the rules and punishments in the facilities where they lived were almost entirely dictated and controlled by other inmates. As one respondent put it, the CO rules were "invisible" because the inmate's codes are so strict and heavily policed. The racial politics in California are of life-and-death importance for people incarcerated there and are thus a critical site for further study.

²⁰ Hispanic inmates are not all part of the same group in California. The division between "North Siders" and "South Siders" is a salient group division that is mostly by race and completely by region.

officers were nonwhite. For instance, Emma says, “Ninety-five percent of the officers were African American, and they did not like white people.”

In some instances, officers’ racial biases were overt. Rafael says that in a prison where he spent time in the Midwest, officers’ language revealed their feelings about nonwhite inmates. He says:

If you speak Spanish, [officers] say, "Speak English. You're in America," those sorts of things. They're not calling us wetbacks or immigrants, but come on. It's very evident. Some staff used to use humor as a way of covering their bigoted ways. I ran into staff that used to actually use the n-word and they used to actually call me a wetback. I only had to tell them once ... they got the point, but I could tell by some of the jokes that were used - if you put a Mexican, a black, and a Polish guy - all those dumbass little racialized jokes.

Rafael is not the only person who noticed overt racism in penal institutions in the Midwest.

Jay says, “I do recall an instance where there was one CO who was actually removed from the premises because he was attempting to recruit people for the KKK. It wasn’t surprising that kind of influence was there.” That an officer promoting the Ku Klux Klan did not surprise Jay indicates that officers helped support an overt culture of white supremacy in that facility.

People who spent time in penal institutions in the Northeast also report officers’ unconcealed racism. Dwayne says, “I've seen tattoos with black babies hung with a noose on a white officer’s arm. I've seen that on more than one.” Lucas is a white man who was sent to the correctional officer in charge of his pod to get razors because the officer refused to give materials out to the black inmates in his care. I ask if this was surprising and he says, “I mean there was one of the COs wearing a t-shirt that showed a picture of the Ku Klux Klan and on the t-shirt it said, "The real boys in the hood." And it was very overt. I mean, the COs had no kind of shame to it. They would say whatever they were going to say right out loud in the dorm and what were you going to do about it?” Though Lucas felt uncomfortable with how

some officers spoke to black inmates, he thinks the power differential between officers and inmates prevented any recourse.

Tyrek is a black man in his early 20s who also experienced racial bias during his five-year spell in a state prison in the Northeast. He says, “I was walking to the yard one day and the officer told me, “There's too many blacks in the yard, go back to your dorm.” This was in [a] correctional facility that's comprised of 100 percent Caucasian cops.” Tyrek knew that challenging this racial bias could have a profound impact on his incarceration. He says,

Officers, when you come in, they'll say stuff like, “You f'in guys, you niggers, you don't understand anything, you're stupid.” That's their typical language. And if we challenge it, they force you into an ultimate submissive position because it's either me go back and forth with you and end up in the box. And if I don't allow you to just hit or beat on me and I defend myself, then you're going to ... give me a new charge and my whole sentence can go downhill from that.

Though Tyrek was made aware of officers’ racial biases, he did not feel there was anything he could do because if he fought back he could be put in “the box,” get beaten, and end up with an additional charge.

Just as racial bias impacts punishment, it can also shape access to human capital building jobs and education programming during incarceration. William thinks that his race and education combination made him a threat to the racial hierarchy in the prison where he lived.

He says:

I was a guy who – I've had decent jobs in corporate America. I went to college. And when I got there, they told me that all I was qualified to do for them was to clean the toilets, and that's what they did to me for four and a half years. I was told to my face – and this is by an officer - he said, "A smart nigger like you is a threat so we're gonna keep you down." And that's what they did; they kept me down for years.

William knows that his skills could have been put to better use in the facility, but the officer made his opinion about where William belonged clear. These stories demonstrate that race is

beyond an organizing principle amongst inmates; overt racial bias amongst the professional staff is thriving in some facilities.

Contemporary racial ideology maintains that race does not shape life chances (Bonilla-Silva 2010). Though racial inequalities persist in the U.S., the white supremacy that helps perpetuate the racial hierarchy is subtle (Bobo, Kluegel, and Smith 1997). For instance, when nonblack teachers fail to recommend black students for gifted programs (Grissom and Redding 2015), these street-level bureaucrats' reliance on race in their decision making is hidden. On the other hand, white supremacy is overt when correctional officers have tattoos promoting racial violence, wear clothing in support of the Ku Klux Klan, and use racial epithets to address black and Latino inmates. When officers flaunt their racial biases, they not only violate colorblind racial ideology, they make it clear that nonwhite inmates will receive inferior treatment during their confinement. While street-level bureaucrats in settings with more oversight may have their own racial biases, a teacher or a nurse could not explicitly state those beliefs because of both norms and laws against racial discrimination (Bobo et al. 1997). The respondents in this study demonstrate that street-level bureaucrats in closed institutions where clients have little recourse can flaunt their bigoted beliefs. This racial bias leads to fear and material consequences for nonwhite inmates.

Perceptions of Internal Proceedings:
"Either it got you nowhere or it got you grief"

All street-level bureaucrats are, by their definition, embedded in bureaucracies. Though they have significant discretion to be flexible or rigid when implementing bureaucratic policies, their decision making is constrained and shaped by these policies. This is

also true for correctional officers, whose power is limited by the laws of their bureaucracy (Sykes 1958: 42). These limits, though, are not always apparent to the formerly incarcerated people in this study. Respondents' perceptions of the ways that correctional officers influence internal processes that are designed to protect inmates' rights expose an additional dimension of the incarceration experience that is shaped by correctional officers. The behaviors of some correctional officers are believed to delegitimize these protections for all respondents.

The first internal process that respondents view as corrupted by the influence of correctional officers is the disciplinary process. There is variation by department, but the disciplinary process is typically designed to mirror the larger criminal justice procedure (Flanagan 1982). Officers police inmates and can issue infraction tickets for misconduct. Depending on the severity of the infraction ticket, inmates can plead to their charge, and those who plead "not guilty" receive a hearing. The committee that hears the case can find the inmate "not guilty" and drop the charges, or "guilty" and assign punishment based on the charge.

Respondents think that correctional officers undermine this process by relying on their in-group loyalty instead of the facts of the case. Dwayne explains: "Everybody calls it the kangaroo court. You know, you go in there; the guy that holds the hearing is the sergeant or whatever of the guy that wrote the ticket. So this guy, they may have been on the force together for 20 years." In addition to this perceived loyalty between officers and against inmates - "It's always green against blue" (Bob) - sometimes incarcerated people are tasked with the burden of proof to show that they did not commit an infraction. Dwayne goes on to explain, "You have to have [the incident] on audio. And how the hell you going to get it on audio or video when you don't have anything? ... Like why we even going through this

process when you already know you're going to find me guilty no matter what I say, no matter what happened?" Karl explains why he thinks that facilities have this process: "It was just a formality that they went through to say that you was afforded due process. That's all it was."

Respondents echo these beliefs regardless of their gender, race, or region of incarceration. Emma says that in these proceedings, "It doesn't matter what you say; you're guilty. You're just always guilty ... they always take the officer's word over the offender's word." She tells a story about having a disciplinary hearing during her incarceration. She says, "You know, I actually got in trouble one time, and I remember the [hearing] officer – she knew I didn't do what I was accused of doing, and she told me, "Well, I'm gonna find you guilty because this is for all the things that you've probably gotten away with."" The perception that there was no way to get a fair trial and that there is corruption in the process negatively impacted respondents' assessment of the legitimacy of the formal punishment process in facilities.

In addition to not being a fair process, the perception that the disciplinary process is always going to be "green against blue" is problematic because it sets up a vulnerability in the system where officers can abuse their power by writing disciplinary infraction tickets for a fabricated or exaggerated incident, which is often called a false ticket. Most respondents share that they had a deep fear of receiving a false ticket during incarceration. This practice, coupled with unfair disciplinary proceedings, put inmates at risk of receiving serious consequences for misconduct that they did not commit.

I share one story to demonstrate how serious this misuse of power can be. When talking about his perceptions of the disciplinary process, Tyrek tells the following story:

There was one case where I was in SHU confinement. I was in one cell and there was an offender right next to me in [another] cell. And the officer, he didn't like the guy. [The officer] didn't give him his tray one day. The guy didn't complain, he didn't say anything. [The officer] just closed his slide and said, "You're not eating today." I'm listening to him talking. The guy didn't say anything back to the officer. The next day, the guy received a ticket, a tier three ticket saying that he refused to close his slide, that he refused to eat, and that he threw the tray back at the officer. So throwing a tray at an officer is attempted assault, refusing to close a slide is attempting to escape from the SHU confinement.

Because Tyrek had received a false ticket before, he decided to come forward and testify on behalf of the other inmate. He was able to convince an administrator that the event did not happen by arguing that he had no reason to make himself vulnerable to retribution from the officer for telling a lie on the behalf of a stranger. After he told the administrator what happened and she indicated that she believed him, she conducted an interview with the officer who wrote the ticket. Tyrek continues:

I'm in the next room, but the walls are hollow. I can hear [the officer] convincing [the administrator], persuading her like, "I need this guy out of here. He can't be in this facility anymore. I don't feel safe." And this is what the guy is saying, that he doesn't feel safe. The correction officer is saying he doesn't feel safe from a person that's being detained. So she - even though she knew that he trumped up the charges - because of him saying that he didn't feel safe, gave the guy 90 days.

What that 90-day charge meant for the inmate who received the false ticket is that he lost his opportunity for a merit release date automatically. He also missed his conditional release date because he had to do an anger management program because of the nature of the fabricated offense, which took a year to complete because he had to get on a waiting list for the program. When I ask if there was retribution against Tyrek for testifying against an officer, he says that he did not receive breakfast or lunch for two days, but he had expected worse.

Tyrek, along with all other respondents who received an extralegal punishment, knew that their rights were being violated. For the most part, they did not feel that there was any

way to change their circumstance using the formal grievance procedure. There are two major flaws with the grievance process. The first, like the “kangaroo court” of the disciplinary process, is that other officers receive the grievance against one of their own. Judy says, “Who are you going to tell? When they cuss you out, who am I supposed to appeal that to? There's nobody to appeal that to and there's nobody who cared, so you sit on it and you don't say a word, and you don't make waves.” Many respondents indicated their doubt that a grievance would ever be seen by someone with the power to intervene. Jay says, “I literally with my own eyes saw – this is coming from having worked in the kitchen during midnight shift - I literally saw a grievance officer take a grievance, share it with other staff. They have a good laugh and tear the thing up.”

The second issue is that officers exact retribution when inmates file grievances. Terrance says, “There's a grievance process, but they don't respect it. You bringing a officer to another officer. It's not an outside entity that controls the grievance. You'll get more penalized if you try to write them up.” Miguel was threatened with retribution after filing a grievance against his counselor. He says, “So I submitted the [grievance] and he called me in to talk about the [grievance], and he said, “Okay, I see this.” He goes, “I want you to keep in mind that I write your board reports. I'm not telling you to submit this; I'm not telling you not to submit this. I'm just saying, remember that.” And so of course I tore up my [grievance] and just let it go.”

The practice of writing false tickets in conjunction with corrupted internal processes allows abuse to flourish unchecked. Lucas says that the grievance process is “a joke.” He believes that grievances that make it to high-level administrators put inmates in a worse position. He says:

If you are any kind of threat, you're going to get the shit beat out of you and there's nothing you're going to do about it because at the end of the day they're going to say you tried to hit an officer or you did something and they were defending themselves. And you're an inmate and they're a corrections officer so you're automatically wrong.

Tyrek spent time incarcerated in the same state. He says: “The officers know all the parts of the facility where there's no camera ... so they'll take you there, do whatever they want to you, and there's no way - it's just our word verses their word and when it comes down to our word, our word is never going to be enough.” This fundamental unfairness was the scariest part of incarceration for him. He says, “I was worried about the correctional staff and that's what I would say most of my trauma would come from ... I was worried about if I had a discrepancy with an officer and I wrote a complaint against him, would I be able to make it home to my mother?”

Research with street-level bureaucrats in other contexts shows that they are “judicious and strategic” (Maynard-Moody and Portillo 2010: 15) in how they use their discretion because of the limits of their bureaucracies. Correctional officers’ power is legally constrained (Sykes 1958), but their influence on the official disciplinary process and grievance procedure make it feel boundless to the formerly incarcerated people in this sample. Even when inmates understand that their rights are violated in the gap between official policies and actual practices, the corruption of the formal disciplinary process and the grievance system leaves them to endure these injustices without hope that the bureaucratic policies will work to protect them. In this way, correctional officers are different from other street-level bureaucrats because their clients do not see the power of the bureaucracy to limit the power of the employee. This leads to lack of trust in the system, resistance to engaging in the grievance process, and long-term consequences for people who receive false tickets.

Lived Experiences of Correctional Officer Abuse:

"I think I still got some fingerprints on my neck from them choking me."

To this point I have presented findings of the ways that correctional officers' discretion shapes incarceration experiences by theme. While this categorization is useful for illuminating the multiple dimensions of impact that officers have on inmates, people do not experience their lives by theme. In this section I present more unified stories to demonstrate how these themes overlap for people who have experienced them. I focus on the narratives of three black men in their late 50s that are strikingly similar considering that one was incarcerated in the Northeast, another in the West, and the last in the South. Karl, Martin, and Antoine spent a combined total of 95 years in prison. I share parts of their stories because correctional officers substantially contributed to the pains of their incarceration experiences. This "thick description" of the horrors of being an incarcerated black man as the carceral state expanded illuminates the reality of racial violence during incarceration in the U.S.

Karl spent 30 years incarcerated in a state prison in the South. He says: "Back then, you heard the N-word pretty often." He experienced the gamut of mistreatment from officers that ranged from petty bullying to abuse. Many of his negative interactions left him with a spell in solitary confinement. He tells the following story about being in the chow hall:

Karl: One day I was in there eating and it's like as soon as I sat down to eat, the officer was telling me, "Okay, you're finished. It's time for you to go." So I'm sitting there and I just sat down to eat. You just watched me sat down to eat. But he said, "It's time to go." So as far as the system is concerned, it's time for me to go, just to get up, dump my tray and leave because he told me to. So I had two choices: sit there, continue to eat my food and ignore him and afterwards go ahead onto confinement, or get up and leave. I chose to sit there and continue to eat my food and deal with the consequences later.

Interviewer: And what were the consequences?

Karl: I went to confinement and end up getting sentenced to 30 days for disobeying an officer.

At one point in his incarceration, Karl had to be transferred to a different facility because two officers targeted him so frequently because of a personal vendetta against him. He says that the bad blood stemmed from an incident when he was growing his hair out, which was against institutional policy. He says that these two officers came to his cell and “they were actually getting ready to try to hold me down and make the barber cut my hair! So, I fought 'em. And I end up in confinement about that. And from that point forward, it was a continuing beef between those two officers and myself.” As part of this “continuing beef” with these officers, Karl spent significant time in solitary confinement. He says that this was a strategy designed to “break” him by making him become complacent in the abuse and stop fighting back. The multiple spells in confinement that began when he “fought” the officers were made worse by the specifics of his confinement. He says, “They got two cells all the way to the back where no one can see what's going on. They put you in one of those cells, and when it's time to eat, a tray gonna go to every cell and stop short of those two cells. And then they gonna go in the pipe, turn off the water to those cells, and try to make it as hard as possible for you.” He not only had to spend time in solitary confinement, he was also deprived of food and water.

Karl is one of the few respondents who successfully fought some of his abusive treatment during incarceration. During his time in the facility where he transferred, more officers targeted Karl for abuse. His story is below:

What [officers] said is that I was throwing defecation on the officers, but it was a lie. They had to fabricate that in order to put me on this mental ward wing. They had to show there was some type of mental – I was having some type of mental or emotional breakdown or something ...So they end up putting me on the mental ward wing They would completely strip you naked and strap you to that [sterling silver table] and then every hour they would come around and shoot some medication in you called

Thorazine ... And so while that was taking place, after they leave you strapped down for 24 hours, then they would take you, unstrap you, and put you in a padded cell. So while I was in the padded cell, an officer came by and I knew him from general population. He said, "Man, what the hell you doing back here? You ain't crazy." I said, "Yeah. You right I'm not crazy." He said, "What you want me to do?" I said, "Man, I'm gonna write a letter." I said – no, I told him – I said, "I'm gonna write two letters. I want you to send one of 'em to [the state capital] and one of 'em to [name] newspaper." And he done it for me.

As a result of those letters, the mental ward wing in that facility where inmates were being strapped down and medicated against their will was closed. This positive outcome only happened because Karl was able to get his story to someone outside of the facility. As a normal part of his incarceration he experienced violence, solitary confinement, personal retribution, humiliation, and racism. The decisions that officers made had a profound impact on making Karl's confinement punitive well beyond the deprivation of liberty that he was sentenced to by the state. It is not lost on Karl that a correctional officer was instrumental in getting him released from the mental ward where he ended up because of a lie that other officers told. Of the man who sent out his letters, Karl exclaims, "He done it 'cause it was the right thing. I didn't have to pay him nothing!" In Karl's experience, it was exceptional for officers to do the "right thing."

Martin also experienced rampant mistreatment during his confinement. Martin spent 38 years in prison in the Northeast. He tells me that, "Back when I came through, there was just so much racism and ... a lot of torture." He says that it was difficult to get his institutional needs met by officers who wore "Klan uniforms" and told him, "Nigger, get the fuck out my face." I ask him for examples of in-group favoritism, like through job assignments, and he gives me a much more extreme example that reflects the intensity of his experiences. He says, "Well, put it like this: there'd be more chance the officer give a white inmate a knife to kill

you as opposed to give a black inmate a knife to kill a white inmate.” During his time in prison he reports being “beaten” and “whipped” by correctional officers on many occasions.

One of his interactions with officers escalated into an incident that ended in a six-month sentence in solitary confinement. He says that three officers came into his cell for a search and tried to take one of his personal items. When he tried to hold on, it escalated into a physical altercation. Martin says that for days after, “When I came out the cell, the officers tried to sucker punch me. They would hit me with keys and everything ... they kicked me in my testicles.” In addition to the physical violence, the officers pressed charges. Martin explains:

They gave me three assault charges. I was charged for assault on three correctional officers. Then they retried me again, gave me an all-white jury. This is no joke. I didn't pick my jury. They gave me a all-white jury, found me guilty, and gave me 90 days all within a half hour.

The 90-day sentence that Martin received so quickly from his all-white jury was in addition to his life sentence. He also had to serve 180 days in solitary confinement as a result of these charges. Martin experienced physical violence, retribution, corrupt internal proceedings, racism, and humiliation during his incarceration.

Antoine had similar experiences. He spent 27 years in state prisons in the West. He received many infraction tickets during his incarceration and spent considerable time in solitary confinement. He says:

I had hit the police and I was in the hole. They literally came into my cell and beat me for two weeks. Every day, they would come. The midnight shift would come in and my cell door opened up, and these two police officers would come in with their batons and they'd just go to beating me.

He thinks that his constant beatings were retaliation for a physical altercation that he had been in with another correctional officer (“I had hit the police”). Many respondents talked about

physical violence at the hands of officers, but Antoine also experienced sexual violence. He says, “I remember one time they tried to sodomize me with a baton. [An officer] had snatched my pants down. I was in the hole and he took the baton. He was running it between my cheeks, my butt cheeks ... Things like that make you so fucking angry.”

Though being physically and sexually assaulted by correctional officers infuriated Antoine, he presents a clear understanding of how power really worked in the institutions where he lived. Antoine tells a story that he witnessed during a spell in solitary confinement when a young inmate complained to a sergeant about the inedible prison loaf that he was served. Antoine says:

[The sergeant] slaps this kid upside his head and the kid’s complaining. He goes, “Hey, you can’t do that. You can’t do that.” Then the sergeant hits him again. He goes, “You’re not supposed to hit me. You’re not supposed to hit me.” And the sergeant hits him again and I’m sitting there thinking to myself, when is he gonna get it? This sergeant don’t care. Don’t you get it? He’s telling him what he can’t do and he’s still showing you that he can.

The observation that the “sergeant don’t care” and that the “kid” is unable to end his mistreatment reflects the lived experience of incarcerated people who know when there is a gap between official policy and the practices of some street-level bureaucrats, but are powerless to make them stay within the bounds of their role.

Antoine says that after his release he has been following political movements that he did not know much about during his incarceration. He says:

I’ve learned how much opinion is being paid to Black Lives Matter movement, the police brutality movement. I’m trying to pay attention to the fact that people just now noticing that, that brutality that’s used against African American men and people of color period by the police department. But, what do you think happens once we’re inside that prison? If they’re doing the things they’re doing out here in public, what do you think they’re doing in there? They’re literally killing guys in prison. We’re way behind trying to address that.

Antoine's point about the importance of race during confinement is critical. The few stories of these three men expose a dimension of racial inequality that is often overlooked in scholarship about racial bias in criminal justice institutions. Penal institutions are closed to outsiders and there is a dearth of information about conditions of confinement. This invisibility allows race-based resource distribution, and even overt acts of racial violence, to thrive. Karl, Martin, and Antoine would all have been considered defiant inmates because of the serious nature of the infraction tickets they received and the number of times that they were assigned to segregated housing. Their stories demonstrate the hidden role that violence by representatives of the system plays in creating inmate types.

Stories of Correctional Officers who ease the Pains of Imprisonment:
"Most of the cops just wanna make it through the day."

In this study I outline the specific ways that correctional officers' discretion shapes incarceration experiences. In order to accurately reflect data that I collected from respondents, the themes to this point have highlighted how officers use their discretion to negatively influence incarceration experiences. In interviews I also asked about ways that officers positively impacted incarceration. Through there were fewer of these stories, it is important to note that not a single respondent believed that all correctional officers contributed to the pains of confinement. Bob explains:

There was 800 officers in total. Out of the 800 ... 500 were there to do their job. They didn't take it personal, do what you're supposed to do, end of story. Then there were 200 that were kinda friendly and treated you like a human and so on. Then there was 100 scumbag, lowlife, abusive, vicious people. The good cops that talked to inmates, they found their tires cut. They found their door kicked in. They found they had no camaraderie with any of the officers.

Many respondents noted a similar distinction between officer types. Rafael says that "Just because one person is a dickhead doesn't mean they're all assholes." He thinks that officers

who asked him about his day and checked in on his progress with school made his confinement experience easier. Dwayne echoes this sentiment and says that he felt humanized when officers stopped to chat or ask for a plate of food that inmates made in their cells.

A few inmates had profoundly positive experiences with correctional officers. Simone was pregnant when she went to jail and she delivered her baby while she was incarcerated. A female officer accompanied her to the hospital and held her baby after he was born. Isabel experienced a medical emergency that an officer helped her through. She says:

I had an asthma attack one day out in the field and I couldn't breathe. And [an officer] got down off his horse and he sat down next to me and he talked me through the asthma attack. And then he had them bring one of those little cars that you drive, and they put me in the back and he had them take me back up to the unit.

Marcus was brought into a mutually supportive relationship with an officer after they witnessed someone murder his cellmate. They both turned to religion and began discussing their faith after this event. He says, "Ever since then, she was really cool. She was probably one of the nicest [officers] that I have ever communicated with." Though Karl had a life sentence, he became involved in programming and was able to work time off of his obligation to the state. He says that a specific officer saw his potential. According to Karl, this officer was "instrumental in me making the change that I've made that enabled me to eventually get released."

Incarcerated people understand that officers have thankless jobs that are often dangerous. Just as respondents felt supported by some officers, they also used their insider knowledge of an institution to help officers who they perceived as deserving. Tyrek says:

There was one [officer] for about six to seven months that was African American; she was the only black staff in the whole facility. And she told me one day ... "I go back

to my car and stuff [is] written on my car. They call me a nigger here, I have to leave here, I have to get out of here.” So, what I did was I took it upon myself that every black administrative person that came through the facility for training, I would tell them just do your training and leave this facility because they're going to harass you.

The officer confiding in Tyrek, and Tyrek subsequently warning other black officers about the harassment, demonstrates the shared humanity of people who live and work in these institutions. Though their roles are at odds – the keepers and the kept – incarcerated people and officers have to work together daily for facility safety and order (Bottoms 1999).

Nevertheless, some respondents could not think of any examples of a correctional officer providing support during their incarceration. One reason may be because memory favors dramatic events over the mundane (Maynard-Moody and Musheno 2003). For instance, Simon recalls the officer who beat him with a metal wand, but officers who did not assault him went unmentioned. Additionally, correctional officers have significant discretion in rule enforcement, which they exercise by frequently not enforcing rules (Sykes 1958). Respondents did not emphasize small instances of correctional officers overlooking rule breaking, likely because they did not see officers make those decisions.

DISCUSSION

Policies of mass incarceration have brought jails and prisons into the daily lives of millions of Americans. During this era, researchers have documented the myriad ways that the specter of incarceration haunts former prisoners. Much less is known, however, about the incarceration experience itself. Formerly incarcerated people have an insider’s perspective on institutions that are closed to outsiders. I use data collected from in-depth interviews with 45 formerly incarcerated people to illuminate the experience of contemporary confinement. In particular, I apply the theory of street-level bureaucracy to correctional officers in order to

understand how relationships between people who live and work in penal institutions matter during incarceration. I find that these relationships are central to the incarceration experience, and that some correctional officers contribute to the pains of imprisonment by using their discretion to mete out bullying, extralegal, or retributive punishments.

There are multiple ways that officers negatively affect confinement. One way is by misusing their discretion. Incarcerated people live in bureaucratic institutions with an abundance of rules. Being unable to predict when specific rules will be enforced leaves them vulnerable to the whims of officers. These whims can lead to material consequences for inmates who receive a disciplinary infraction. Another way that respondents view officers misusing discretion is when they feign powerlessness in decision making and choose to enforce illogical policies or ignore personal context. Officers also heighten the pains of imprisonment when they provoke inmates by engaging in bullying behavior that is barely within their legal means, such as putting inmates “on the wall” or ruining personal items during searches. Officers break out of their bureaucratic roles by intentionally humiliating inmates, particularly during the necessary indignities of having to get undressed or use the bathroom in front of other people. Officers worsen these experiences by violating scant privacy, using crude language, or turning these events into ceremonies of degradation. Additionally, officers make confinement a demoralizing experience by calling inmates names and telling them that they belong in prison and will never succeed in leaving the system. Officers make confinement unsafe for incarcerated people when they mete out extralegal physical violence or encourage violence between inmates. When officers act in ways that corrupt the formal disciplinary process and grievance procedures, their decisions undermine the legitimacy of the system.

All the respondents in this sample experienced multiple instances of officers contributing to the pains of incarceration. Women's bodies were over-policed by officers who misread brief and innocuous human contact as sex. Men experienced violent abuse from officers and spent long spells in solitary housing. Most inmates believe that officers strengthened racial boundaries by distributing punishments and facility resources unevenly by race. In most regions, respondents report overt acts of racism against black inmates, including race-based violence. Respondents from California did not report officers using racial slurs, which they believe would lead to a riot, though officers still show racial favoritism and bias in their actions. There are examples of officers in all regions issuing false tickets to get inmates caught in a disciplinary process that is overwhelmingly viewed as unfair.

These findings are consistent with the theory of street-level bureaucracy. Like teachers, welfare agents, counselors, and police officers, correctional officers have a considerable amount of discretion (Lipsky 1980; Meyers et al. 1998; Sandfort 2000; Maynard-Moody and Musheno 2003; Taylor 2007). Similar to police officers, correctional officers seem to see themselves as "moral agents" (Maynard-Moody and Musheno 2003: 40) and use their power to abuse inmates who they think are deserving of that treatment, such as sex offenders. Some of the strategies that officers use involve taking advantage of a loophole in the system (Lipsky 1980: 22), such as putting inmates "on the wall." Correctional officers are like other street-level bureaucrats who use racial stereotypes to distribute institutional supports and sanctions (e.g., Schram et al. 2009; Grissom and Redding 2015), but in some instances they rely on overt racism, which is only possible because their language and decisions are hidden from outsiders.

Correctional officers are a special case of street-level bureaucrats because of the unique context where they work. Unlike the fleeting contact that police officers have with their clients, officers have long-lasting relationships with their clients (Maynard-Moody and Portillo 2010) that are inherently personal because inmates live in these total-institutions (Crawley 2004). Lipsky (1980: 4) argues that street-level bureaucrats “hold the keys to a dimension of citizenship.” For inmates, correctional officers have control over all aspects of their lives. Inmates cannot withdraw from the institution or go somewhere else to have their needs met. Clients can always be mistreated if they are nonvoluntary (Lipsky 1980: 56), but confinement is an extreme situation because there is no incentive to inmates them (Maynard-Moody and Portillo 2010: 6).

The common negative experiences that formerly incarcerated people report could be an artifact of this specific sample. Because I recruited respondents through network contacts, a listserv, and snowball sampling, some people in this sample know each other and were likely incarcerated in the same facilities.²¹ Respondents may also have selected into the study because of their negative experiences with correctional officers. This seems unlikely because the recruitment material did not mention correctional officers and I asked about many facility-level experiences during the interviews. I used grounded theory to analyze the interview transcripts and decided to present findings about interactions between officers and inmates based on the data. Still, it is possible that formerly incarcerated people who did not have negative experiences during confinement did not opt to participate in the study.

²¹ I did not ask respondents for facility names in order to ensure their confidentiality. Even if people were incarcerated in the same facility, no two people experience incarceration identically (Sexton 2015).

It is important to highlight that this is a select sample in terms of educational attainment. Because the listserv where I posted the study announcement is related to higher education in prison, the participants are highly educated. They are more educated than a cross section of American adults and not remotely representative of people who experience incarceration, as low educational attainment is one of the strongest predictors of incarceration (Western 2006). It is possible that people who can graduate from college are substantively different from incarcerated people with less education or education potential, or that they experience the pains of their confinement more acutely than other inmates. If this were the case though, incarceration experiences should vary based on education prior to incarceration, which I do not find. The role of education during incarceration was a central theme for all respondents who participated in educational programming. Many named this opportunity as instrumental for changing their life trajectory. The stories in this study come from people with high levels of human capital who got out of the system. I do not expect that people with less human capital have easier incarceration experiences.

Additionally, I interviewed people who are no longer incarcerated about incarceration experiences. Having people report memories could lead to recall bias. Stories are never completely historically accurate, but they reveal what is important to the teller (Maynard-Moody and Musheno 2003: 31). There is significant heterogeneity in the length of time between respondents' reentry and my interviews, so respondents who have lived in society for many years may have a harder time recalling mundane events, as all stories bias toward the memorable (Maynard-Moody and Musheno 2003). Still, these stories have remained in respondents' personal narratives about their incarceration, indicating their lasting significance.

The finding that some correctional officers contributed to the pains of confinement for all respondents does not mean that correctional officers' behaviors were the only source of physical and psychological pain during confinement. I collected data about facility-level pains – such as unsanitary environmental conditions, inadequate food, and a dearth of meaningful programming – but did not present them in this paper. The pains of imprisonment were also exacerbated by the strict informal set of rules and punishments that are created and monitored by inmates, particularly for respondents who spent time in penal institutions in California.

By using qualitative data, I was able to provide details about the ways that correctional officers' decisions matter for incarcerated people. I find that respondents' treatment by officers has a profound influence on their confinement experience (Liebling 2011: 534). I did not collect quantitative data about the frequency of specific instances, but it is important to note that every single respondent shared one or more instance of officers breaking the bounds of their profession, often egregiously through bringing drugs into the facility, having sex with inmates, beating inmates (once to death), and writing false tickets to put inmates in solitary confinement or have them transferred without cause. Considering the significant between and within category variations in penal institution types (Travis et al. 2014), the fact of this consensus is striking. Though not all officers engage in misconduct, that all respondents experienced officer misconduct indicates a pressing need for further research about confinement that can influence policies aimed at making it a more humane experience. These stories show that incarceration can be brutal, particularly when street-level bureaucrats use their discretion to supplement the state's sentence of confinement with their own punishments.

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APPENDIX 3.A

INTERVIEW GUIDE FOR FORMERLY INCARCERATED PEOPLE

Before I ask about your experiences of formal and informal punishment and rewards during incarceration spells, I need to get some context about the place or places that you were incarcerated.

Incarceration and Facility Context

- How many places have you been incarcerated? For how long?
- Have you spent time in a jail or a jail and a prison?
- If jail only, was it a county jail or a city jail?
- If prison, was it a state prison or a federal prison?
- Roughly how old were you at the time of your incarceration?
- Did you know anyone who was incarcerated before you were incarcerated?
- Did you know anyone who worked in corrections before you were incarcerated?
- What was the racial/ethnic breakdown of the inmates in the facility where you lived? How would you describe race relations between inmates there? Were people housed by race?
- What was the racial/ethnic breakdown of the correctional officers?

Facility Expectations and Rule Enforcement

- When your incarceration spell began, how did you learn about the rules of the facility?
- What rules were emphasized as being the most important?
- Were there any rules that seemed minor (for instance, how you made your bed, underwear color, shirt tucked in)?
- What was the official procedure when someone broke a rule? What were the punishments that someone could receive (for instance, disciplinary housing, loss of privileges)?
- What strategies did officers use when they did not go through the formal system? Were there ways that they punished incarcerated people outside of writing them a ticket (for instance, withholding toilet paper, turning off electricity)?
- Tell me about a time when you saw an officer overlook something that they could have written up. Did you think that was the right decision?
- Tell me about a time when you or someone you knew received a formal punishment. Was this a fair punishment?

- Tell me about an instance of an officer disciplining someone outside of the formal system. Did this make more sense than ignoring what happened or going through the formal channels?
- Were there certain officers who were more or less likely to ignore rule breaking? Were there types of people who they were more or less likely to overlook rules for?
- Were there certain officers who were more or less likely to formally discipline inmates? Were there types of people who they were more or less likely to formally discipline?
- Were there certain officers who were more or less likely to punish someone outside of the formal system? Were there types of people who they were more or less likely to informally discipline?
- How common was it to see officers ignore something, enforce a formal punishment, or discipline someone in a different way?
- For people who spent time in both jails and prisons – how were rules enforced differently in these settings?

Resource Distribution

- Were there any programs that incarcerated people in the facility could participate in (education, religious, support groups)? Did you do that?
- Were there housing options that were more or less appealing, like better blocks or cells?
- If there were jobs, were there some that were better than others?
- Did the incarcerated people have any say over their housing? Their jobs? Whether they participated in programming? Who else had control over those decisions?
- Were there some inmates who seemed to get special privileges? Give me an example.
- Were there any official rewards for good behavior?
- Were there ways that officers supported some incarcerated people outside of the formal system?
- When you needed something while you were incarcerated – like had a problem with housing or had a question about court - who did you talk to?
- Did you ever ask an officer to help you out with one of these issues?
- Did you ever confide in an officer about a personal issue or ask for help with something that was personal? Did other people do this?
- Did you form a relationship with any officers?
- Did an officer ever break a rule for you? What about for people who you knew?

Perceptions of Correctional Staff

- What kinds of officers get a lot of respect from inmates? Why do you think that is?
- Did you encounter any officers who were really bad at their job? What made them bad officers?
- Were there certain types of incarcerated people who were treated well by officers?
- Were there certain types of incarcerated people who were treated poorly by officers?
- Were male and female officers different from one another in how they treated incarcerated people? Did black and white officers treat incarcerated people differently?
- Did officers ever misuse their power? Was there abuse?
- What was the most common complaint that incarcerated people made about officers?
- What was the most common complaint that officers made about incarcerated people?
- If someone who lived in your facility felt mistreated by an officer, could they file a grievance? How often did this happen?
- In some facilities it seems that officers discipline black inmates more harshly than white inmates - did you ever notice signs of racial bias in how officers distributed punishments or rewards?

Now I want to drill down a little bit and talk more specifically about your own experiences.

- Did you get anything positive out of your incarceration experience?
- Do you think the incarcerated people were treated fairly? Were any of them given too many privileges?
- Who supported you emotionally during your incarceration?
- Who supported you financially during your incarceration - put money on your books, sent you packages, paid for calls?
- If you were in charge of that facility, what would you do to make it better for the people who have to live there?
- We have over two million incarcerated people in the U.S., high rates of recidivism, some facilities with violence between incarcerated people and officers – do you have any ideas about how we can improve our criminal justice systems?
- What was most the most challenging part of reentry for you? Did you or do you owe any money for your incarceration?
- Since being released, have you encountered any hurdles because you were incarcerated in the past?

We're just about done here. I'd like to finish by collecting some additional information about your background.

- What is your age? Race? Gender?
- What kind of family did you grow up in? Parents? Siblings? Parent income?
- How far did you go in school?
- What is your job? Are you married or in a relationship? Do you have children that live with you? Children that don't live with you?
- Is there anything else that you want to tell me about punishments, rewards, or other systems of control in penal institutions that we did not get to discuss?

CONCLUSION

In this dissertation I investigate the “black box” (DeLisi et al. 2011) of confinement using three studies. Taken together, these studies demonstrate that race shapes incarceration experiences, largely through the actions of correctional officers. In the first chapter, I provide updated evidence about race and discipline in prisons over time in a state system. I find that the first decision point in the formal disciplinary process is the primary source of racial stratification during confinement. Black inmates receive more annual and overall disciplinary infraction tickets than white inmates; the racial disparity increased after the change to determinate sentencing in North Carolina. Respondents in the third chapter (N=45) reveal that informal punishments and systems of support are also impacted by racial bias. Black inmates across the country experienced rampant physical abuse from some officers, while white inmates were favored for human capital building jobs. In the Northeast, South, and Midwest, officers continue to use racial slurs and engage in race-based intimidation. The finding that there are racial disparities in infraction tickets and in informal punishment and support provide evidence about mechanisms during incarceration that explain unequal consequences of incarceration by race.

Interviews with correctional officers in the second chapter (N=20) demonstrate that inmates are not the only raced bodies in penal facilities. Black officers also experience racism that impacts their careers and is a source of stress, particularly for employees who wanted to be patrol officers but instead work in the Piedmont County jail. By studying the race talk of a sample of mostly black correctional officers, I expand evidence about the language of colorblind racial ideology (Bonilla-Silva 2010) beyond white respondents. Officers use varied

racial discourse, including colorblind language, which is unexpected considering the centrality of race in criminal justice practices, including in Piedmont County. The main finding from this chapter is that some officers (35%) talk about race in their own lives differently than they talk about how race shapes the circumstances of justice-involved others. The heterogeneity of race talk in this group of people who are superficially alike on multiple dimensions points to the need for future research about the race talk of street-level bureaucrats in different contexts.

The three empirical chapters of this dissertation highlight the importance of correctional officers in shaping confinement experiences. In the third chapter, I apply the theory of street-level bureaucracy (Lipsky 1980) to these employees. I find that correctional officers are like other street-level bureaucrats because their discretion has a profound impact on their clients, but they are a special case because the types of interactions that they have with their clients who live in these total institutions allow for abuse. Because penal institutions are closed to outsiders, the misuse of power can be hidden.

A key contribution of this dissertation is the use of qualitative methods to collect nuanced data from people who have lived and worked in jails and prisons. Though millions of people spend part of their lives in penal institutions, their voices are often missing from research about punishment. The stories of correctional officers and formerly incarcerated people uncover sources of hardships behind prison walls. For the formerly incarcerated people in Chapter 3, confinement is a time of uncertainty and deprivation. Formerly incarcerated people feel dehumanized by their confinement, and unsafe when correctional officers allow, encourage, and even participate in violence. Interviews with correctional officers in the second chapter demonstrate that they are also impacted by a real fear of violence from

inmates, and that the traumas they witness in the jail permeate other parts of their lives.

Though these stories may align with common sense perceptions about confinement, bearing witness to the stories of people who have lived the experience is necessary for expanding research on incarceration beyond the numbers (Western 2018).

This dissertation exposes a critical need for future studies of confinement itself. North Carolina is just one state system. Similar studies about the relationship between race and institutional punishment in other systems could illuminate how state demographics and policies are related to racial hierarchies in prisons. Studies in multiple contexts also have the potential to highlight departments with practices that are aimed at mitigating racial biases in punishment and other sources of hardship for people who live and work in penal institutions. Future studies should continue to incorporate the lived experiences of correctional officers and formerly incarcerated people; both groups have unique insights into what happens in penal institutions and can shed light on the gaps between policy and practice.

There is a policy implication embedded in the call for future research on confinement. American voters and policy makers have chosen to rely heavily on penal institutions to punish criminal offenders and to house poor, drug addicted, and mentally ill people. Those choices have frequently been made without sufficient data about what happens during incarceration. A portion of correctional funding should be devoted to data collection within facilities. These data should capture discipline beyond solitary housing, as well as resource allocation including job assignments and program participation. These data should be available to researchers, advocacy organizations, and the public, as a lack of public oversight has allowed this dimension of racial inequality to remain hidden. Because informal methods of control are common, these funds should also be used to support technology use in facilities. Video

cameras can provide evidence about informal control and be used to reduce violence among inmates and between officers and inmates. The Prison Rape Elimination Act demonstrates that it is possible to collect data within penal institutions, and that some dimensions of confinement can become safer with public oversight (Corlew 2005).

Another policy implication of this dissertation is that correctional officers need better training and support. All correctional officers are trained, but there is significant variation in the quality of their training and the support that they receive after training. An organization exists that could lead efforts to improve training for officers nationwide. The American Correctional Association (ACA) is a voluntary regulatory body that provides accreditation to facilities that opt-in to their process. The ACA leads facilities through an audit process and helps them make improvements, including through correctional officer training. Because this process is voluntary, most facilities do not seek accreditation (Gibbons and Katzenbach 2006). If jails and prisons had to engage with this process, they would become safer for the people who live and work there. Most correctional officers in Chapter 2 discussed the negative impacts of their job on their sense of wellbeing outside of work. Officers need mental health support, as they encounter serious traumas in their work, and often lack resources to manage the stigma of their jobs, which affects their own health, as well as facilities through employee turnover. It is important to invest in training and support for correctional officers because their gatekeeping role between inmates and social services and punishments has implications for stratification beyond the prison walls.

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