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Discrimination in Discipline: Race and Disciplinary Action in US State

Prisons

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Discrimination in Discipline: Race and Disciplinary Action in US State

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by

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Thesis

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Discrimination in Discipline: Race and Disciplinary Action in US State

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This study uses nationally representative self-report data from the 2016 Survey of Prison Inmates to examine the relationship between race and prison disciplinary action. Though ample research documents racial inequity in the criminal legal system, our understanding of race inside corrections facilities is limited. Disciplinary action within prison plays a prominent role in determining access to resources while inside and parole eligibility. Punishment is a prominent force within prisons, and there is evidence to suggest that surveillance and discretion based on race/ethnicity play a significant role in who and what actions receive discipline. The guiding questions of this research are: What is the nature of disciplinary action in state prisons? And what is the relationship between race/ethnicity and whether and how often people are disciplined while incarcerated in state prisons? Findings support that discipline is a routine occurrence within prisons, impacting over half of the prison population, and that Black people/people who are racialized as Black (Street Race Black) are at the greatest risk of being punished in prison. Some findings suggest that women are at greater risk of more frequent discipline than men and that intersectional inequalities play a role in how discretion operates to determine who gets disciplined and how often.

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INTRODUCTION

The United States criminal legal system is racialized at every level. Relative to White Americans, Black and Latinx Americans have been shown to encounter disadvantages at every legal intersection. The legal system has been studied widely, giving us an understanding of these compounding racial disparities that lead to disproportionate incarceration rates (Travis, Western, and Redburn 2015). For example, Black and Latinx Americans are disproportionately likely to be stopped compared to White Americans (Gelman, Fagan, and Kiss 2007). Black and White people have been shown to use cannabis at proportional rates, but Black people are more likely to be arrested for marijuana use (Nguyen and Reuter 2012). In comparisons between Black and White cohorts, there is evidence to support a growing disparity between likelihood of arrest, and Black people have been found to be at greater risk of arrest even in the case that no crime has been committed (Kochel, Wilson, and Mastrofski 2011; Weaver, Papchristos, and Zanger-Tishler 2019). Furthermore, Black people are disproportionately vulnerable to harsh sentencing practices (Stolzenberg, D'Alessio, and Eitle 2013).

Comparatively, little is known about the realities of life inside corrections facilities. Prisons and jails are sometimes referred to as a “black box,” but this black box is one of the most heavily surveilled spaces in American society. Discipline within prisons plays a significant role in determining access to resources, programming, and parole eligibility. Access to work and education can be restricted as a punishment while incarcerated, and disciplinary records are considered as people approach parole dates and by state parole boards as they determine who is released on parole. Prisons are highly structured environments in which policies and authority figures dictate every aspect of life. This combination of total surveillance and rigid structure leads to a compounding probability of encountering disciplinary action while incarcerated. Given

patterns of surveillance and punishment outside of prisons, there is cause to believe that similar inequalities permeate corrections facilities.

Using data from the 2016 Survey of Prison Inmates, this study seeks to explore the questions: What is the nature of disciplinary action in state prisons? And what is the relationship between race/ethnicity and whether and how often people are disciplined while incarcerated in state prisons? Findings from this study indicate that disciplinary action is routine within prisons and that discipline for discretionary infractions is the most common. This examination also finds that people who are either Black/Street Race Black or who are multiracial are more vulnerable to discipline than their White counterparts. Black people are most vulnerable to more frequent discipline. It is important to understand dynamics surrounding prison disciplinary action as it both impacts quality of life within prisons and can have lasting ramification on release and reentry processes (Cyphert 2020; Nurse 2003; Silver and Nedelec 2018).

LITERATURE REVIEW

Institutionalized Discipline in Other Contexts: Schools

Racial disparities in school discipline are well-documented, and there are organizational similarities between schools and corrections institutions that make this body of literature helpful in understanding disciplinary processes in prisons. Like prisons, schools are characterized by mandatory presence, extreme power differences between authority figures and subordinates, and significant opportunity for authority discretion. Four decades of research reflect consistent racial disparities in school discipline (Skiba et al. 2011). Minority students, specifically Black students, are at greater risk of more frequent and more severe discipline than White students. These disparities persist regardless of type of disciplinary action, school access to resources, or type of school (Nowicki 2018).

Within schools, racial stereotyping and authority figure discretion are key drivers of racial/ethnic disparities in discipline. Assuming that a problem behavior is exhibited, Black students are more likely than White students to be sent to the office. Black students are shown to be disciplined for discretionary behavioral issues at disproportionate rates compared to White students, and even when considering comparable problem behaviors, Black and Latinx students are also at greater risk for exclusionary discipline such as expulsion and suspension than White students (Skiba et al. 2002; Skiba et al. 2011). Teacher perceptions of Black students are subject to racial stereotypes and are a driver of disparities in discipline. Due to racial stereotyping, negative responses to Black students escalate throughout multiple interactions and teachers are more prone to identify behavior patterns of Black students (Okonofua and Eberhardt 2015). Prison disciplinary records are often assumed objective, but it is important to consider the how and if racial stereotyping may play a role in prison disciplinary processes as well.

Race and Ethnicity in Other Contexts

Race has been shown to heavily influence perceptions of and cognitive associations with Black people regardless of the context. Regardless of the race of a law enforcement officer, racial biases against Black people have been institutionalized as part of the culture of law enforcement (Brunson and Gau 2015; Sierra-Arevelao 2021). There is evidence suggesting that when perceiving a Black subject, lay people and law enforcement officers alike are more likely to shift their perception to one of potential or inherent criminality compared to when they perceive a White subject (Eberhardt et al. 2004). Furthermore, there are implicit societal associations between Black people and dehumanization that are correlated with harsher criminal punishments (Goff et al. 2008). To fully understand prison disciplinary processes, it is key to understand if there is room for similar racial stereotypes as prison staff and administrators perceive people who are imprisoned.

What We know about Prisons and Discipline

While knowledge of life within corrections facilities is insubstantial, evidence demonstrates that race plays a key and nuanced role within prisons. Race is a prominent lens for people that are incarcerated and corrections officers alike. Racial/ethnic groups are constructed and enforced uniquely within prisons and can play a key role in determining social relationships and power (Goodman 2014). Racial and ethnic identities impact corrections officers' experiences and perceptions of one another and of incarcerated people (Wooldredge and Steiner 2016).

Racial disparities in surveillance and punishment within prisons have been documented. Corrections officers are afforded significant latitude as they enforce prison rules and policies that are often discretionary in nature, which leaves ample opportunity for bias to give way to racial discrimination as rules are enforced and discipline is assigned (Armstrong 2015). Existing

evidence demonstrates that Black and Indigenous people in North Carolina state prisons are disproportionately vulnerable to prison disciplinary action, and as a result are disproportionately at risk for severe disciplinary sanctions like solitary confinement (Becker 2022). Nationally, Black people who are incarcerated report being placed in solitary confinement at disproportionate rates relative to their White counterparts (Olson 2016).

What Needs to be Learned About Prison Discipline

There is a diminished likelihood that discrimination at the hands of corrections officers would be accurately recorded due to the inefficacy of prison grievance processes. Theoretically, grievance processes offer incarcerated people recourse and an opportunity for self-advocacy in the face of obstacles, injustice, or discrimination encountered in prison. In reality, grievance processes are an inadequate mechanism for holding departments of correction accountable (Calavita and Jenness 2014; Jenness and Calavita 2017). Though many imprisoned people routinely complain about disrespect from prison staff, few grievances are filed against staff members due to a pervasive fear of retaliation (Calavita and Jenness 2014).

Disciplinary records have provided some insight into the relationship between race/ethnicity and prison discipline, but the objectivity of such records cannot be taken for granted. Disciplinary records reflect that Black, Latinx, and Indigenous people in prison are more violent and prone to violate rules in prisons (Berg and DeLisi 2006; Bonner, Rodriguez, and Sorensen 2017). When interpreting disciplinary records, it is crucial to consider the role that discretion and surveillance play in determining which behaviors are considered infractions, how infractions are classified, and how those infractions are punished. Official records are often approached as objective, but it is important to consider the discretionary nature of disciplinary records kept by prison staff. This type of data should be considered subjective to existing biases,

and it can even propagate existing disparities (Brayne 2020). Outside of the prison context, punitive action from law enforcement is often more closely related to discretion in police surveillance instead of actual deviance or criminality (Beckett, Nyrop, and Pfingst 2006). There is cause to believe that prison disciplinary records are similarly socially constructed, and that similarly racially disparate processes occur within prisons.

This study aims to build upon our understanding of racial/ethnic inequalities in corrections facilities and to further understand the nature of discipline in prisons at the national level. There is reason to believe that racial disparities permeate prison facilities and characterize prison disciplinary processes. Disciplinary action within prisons compounds the ever-present state of punishment within prisons and can have lasting impacts on the lives and wellbeing of incarcerated people. This study uses self-report data from the 2016 Survey of Prison Inmates to explore the ubiquity of discipline in prisons and to better understand how race and ethnicity impact who is being disciplined in state prisons and how frequently.

DATA AND MEASURES

Data

This study uses data from the Bureau of Justice Statistics' 2016 Survey of Prison Inmates (SPI). This is the latest available data from this active survey, formerly the Survey of Inmates in State and Federal Correctional Facilities (SISFCF). The 2016 SPI is a nationally representative survey in which 27,326 incarcerated people in 364 state and federal prison facilities participated. This study will focus on state prison facilities, utilizing responses from 20,064 participants in 306 state facilities.

This dataset allows for a reliable and generalizable exploration of conditions of confinement and punishment in United States state prisons. It is nationally representative and standardized, synthesizing information from heterogeneous facilities and departments of correction. The 2016 SPI survey accounts for nuanced demographic identities, which allows for a more intersectional approach. The 2016 Survey of Prison Inmates includes detailed questions about infractions and encounters with disciplinary action, accounting for specific reported infraction types.

Missing data is the major limitation of this dataset. Given the scale of data collection, the vulnerability of the population of interest, and the sensitivity of the questions asked, this is unavoidable. There are skip patterns within the survey that limit data collection among some sub-populations within the sample. For example, detailed questions about disciplinary action within the last year are reserved for respondents who demonstrate memory of disciplinary action since their admission to prison, and some respondents have been incarcerated for several decades.

Dependent Variables

The dependent variables of this study are *whether respondents have encountered disciplinary action since their admission to prison* and *the number of times they have encountered disciplinary action in the last 12 months* from the time of survey administration. Many of the questions pertaining to disciplinary action ask participants about being written up. Since all forms of prison disciplinary action are accompanied with a write up, this will be used as a proxy for disciplinary action.

The survey asks participants how many times they have been disciplined since admission to prison, which is the question used to create the dependent variable indicating whether someone has *encountered disciplinary action since admission to prison*. This question was asked of all survey participants (N=20,064). There is a wide variation in length of incarceration among participants, with some people having been incarcerated for decades. People are more likely to accurately remember whether they have been disciplined rather than how many times they have been disciplined throughout the entirety of their incarceration. This dependent variable is condensed into a binary variable indicating *whether participants have or have not been disciplined since admission to prison* [**Table 1**].

The dependent variable *frequency of disciplinary action in the last 12 months* is derived from a question asking participants how many times they were disciplined in the 12 months preceding the survey. This question was only asked of the subset of participants that have encountered disciplinary action since admission to prison (N=11,725). Recent memory is most accurate, which is why this study uses memory of discipline within the past year to capture frequency of discipline. *Frequency of disciplinary action in the last 12 months* is a continuous variable [**Table 1**].

Table 1: National Estimates for Encounters with Prison Discipline

Encountered Discipline Since Admission	Frequency	Percent	Valid	Cumulative
No	467456	37.44	38.31	38.31
Yes	752840	60.3	61.69	100
Total	1220296	97.74	100	
Missing	28157	2.26		
Total	1248453	100		

Frequency of Discipline in the Last Year					
	Obs.	Mean	Std. Dev.	Min	Max
	613,124	1.962246	6.271678	0	250

Independent Variable

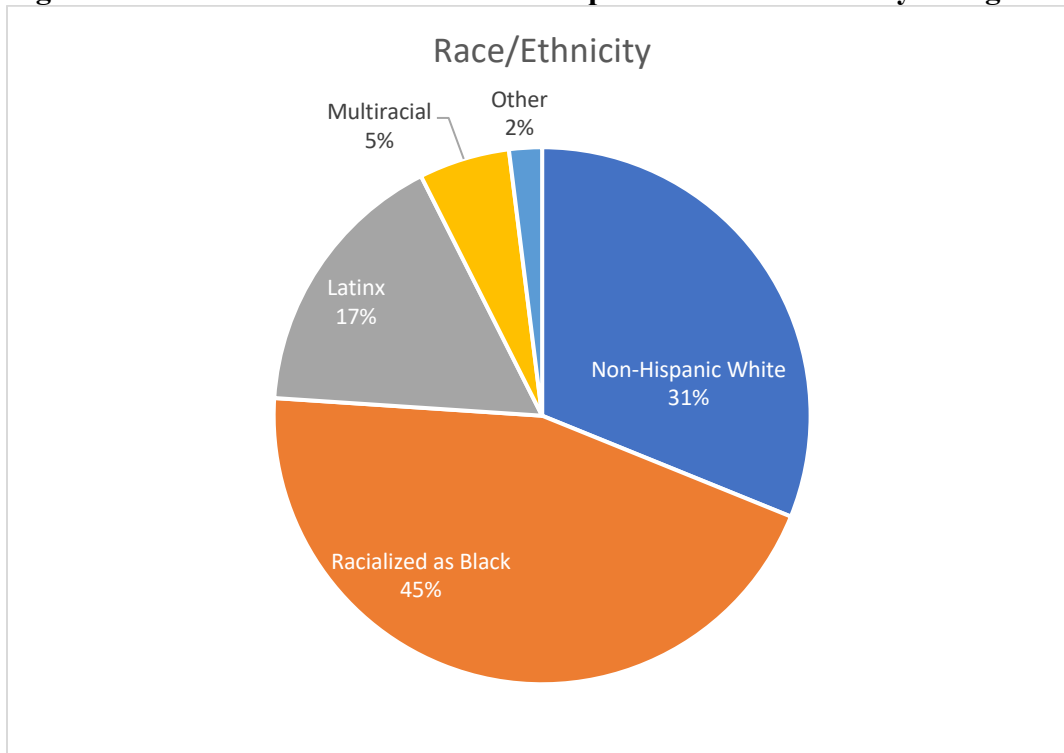
Race/ethnicity is categorical and the independent variable of interest for this study. The racial/ethnic composition of the SPI 2016 sample and the estimates of the racial/ethnic composition of the national prison population are shown in **Table 2** and illustrated in **Figure 1**. The 2016 SPI measures race categorically as non-Hispanic white, non-Hispanic Black, Hispanic, Native American/Alaska Native, Asian/Native Hawaiian/Pacific Islander, 2+ races, and other. Since racial/ethnic categories Native American/Alaska Native, Asian, Native Hawaiian/Pacific Islander, and other comprised 2.19% of the sample, these categories were condensed into a single “other” category [**Table 2**]. The Hispanic category includes all people that indicate Hispanic heritage, regardless of whether they indicate an additional race/ethnicity. The multiracial category comprises 11.88% of the sample, which is notable as this racial/ethnic category is growing both in and out of prison facilities. Blackness is racialized uniquely in the United States, and people who are perceived as Black, regardless of other or differing racial/ethnic identities, face anti-Black discrimination. Vargas and colleagues refer to these racial/ethnic labels that are ascribed by other people as “street race” (2021). For this reason, I have created a race variable with categories non-Hispanic White, Black/Street Race Black,

Latinx, Multiracial, and Other [Table 2]. The category “Black/Street Race Black” includes respondents who are Black, Black Hispanic, Black multiracial, and respondents who otherwise indicate that other people would perceive them as Black. Using this sample, it is estimated that slightly less than, one third of the U.S. prison population is non-Hispanic White (31.13%), close to one half of the prison population falls into the category Black/Street Race Black (44.92%), 16.5% is Latinx, 5.47% is multiracial, and 2% falls into the “other” category. “Non-Hispanic White” is used as the reference category in this study.

Table 2: Race/Ethnicity in United States State Prisons

	Frequency	Percent	Valid	Cumulative
Race/Ethnicity, SPI 2016 Sample				
Non-Hispanic White	7192	35.85	35.85	35.85
Non-Hispanic Black	6106	30.43	30.43	66.28
Latin	3698	18.43	18.43	84.71
Native American/Alaskan Native	271	1.35	1.35	86.06
Asian/Hawaiian/Pacific Islander	161	0.8	0.8	86.86
Multi-Racial	2384	11.88	11.88	98.74
Other	7	0.03	0.03	98.78
Uncategorized/Missing	245	1.22	1.22	100
Total	20064	100	100	
Race/Ethnicity, National Estimates				
Non-Hispanic White	386648	30.97	31.13	31.13
Black/Street Race Black	557882	44.69	44.92	76.05
Latinx	204894	16.41	16.5	92.54
Multiracial	67945	5.44	5.47	98.02
Other	24653	1.97	1.98	100
Total	1242022	99.48	100	
Missing	6431	0.52		
Total	1248453	100		

Figure 1: National Estimates for Prison Population Race/Ethnicity Categories



Control Variables

The models of this study control for age, sex, educational attainment prior to incarceration, time served, and offense type that led to incarceration. *Age* is treated as a continuous variable [Table 3.1] and is shown categorically in Figure 2. The sample only consists of respondents that are 18 years or older, and the oldest survey participant was 86 years old. The mean age of the national prison population is estimated to be 39 years. About 57% of the national prison population is younger than 40 years old, and over a quarter (26.4%) is younger than 20 years old.

Sex, accounting for categories male and female, is used as control variable. The survey asks about participants' assigned sex at birth and gender identities, but only 0.24% of the sample identified themselves as transgender or non-binary. Some respondents declined to answer these questions, but sex data is available for the complete sample (N=20,064). Male is used as the

reference category. It is estimated that 92.86% of the US prison population is “male” and that 7.14% is “female” [Table 3.2].

The *education* control variable accounts for educational attainment prior to incarceration and is categorical. It accounts for categories “less than high school education” (an estimated 62.35% of the national prison population), “high school education or equivalent” (22.77%), and “at least some college education” (14.89%) [Table 3.2]. Having at least some college education serves as the reference category as this is the most privileged educational attainment category.

This study controls for *time served* as a continuous variable because as someone spends more time in prison, they have greater exposure to potential disciplinary action. This variable is estimated using the year that each participant was admitted to prison for this period of incarceration and is used as a continuous variable [Table 3.1]. Time served is shown as a categorical variable in Figure 3. The national mean number of years served is 5.63 years. An estimated 37.51% of the US state prison population has been incarcerated for one year or less, and approximately half of the people serving time in state prison facilities have been incarcerated for two years or less (49.59%).

Offense type is categorical and is used as a control variable because the conviction that leads to someone’s incarceration often determines security classification and housing within prison facilities. The 2016 SPI survey accounts for violent offenses, property offenses, drug offenses, public order offenses, and other offenses. The *offense type* control variable condenses offenses into categories “violent” and “non-violent.” It is estimated that 57.5% of the national prison population is incarcerated for “violent” offenses and 42.5% is incarcerated for “non-violent” offenses [Table 3.2]. The “non-violent” offense category is used as the reference category.

Table 3.1: Descriptive Statistics for Control Variables, National Prison Population Estimates

Variable	Observations	Mean	Std. dev.	Min	Max
Age	1,248,453	39.01544	12.29054	18	86
Time Served	1,197,496	5.630132	7.439968	0	101

Figure 2: Age Groups within State Prisons, National Estimates

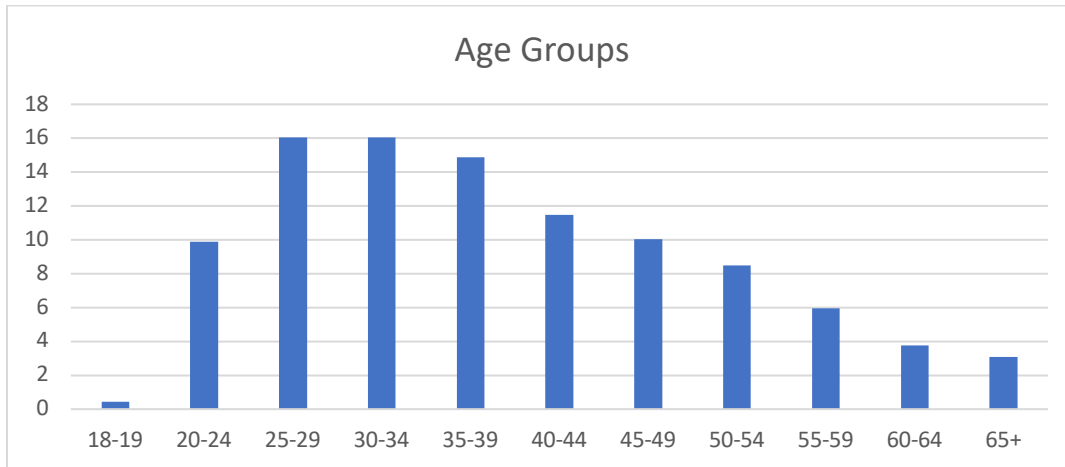


Figure 3: Time Served as a Categorical Variable

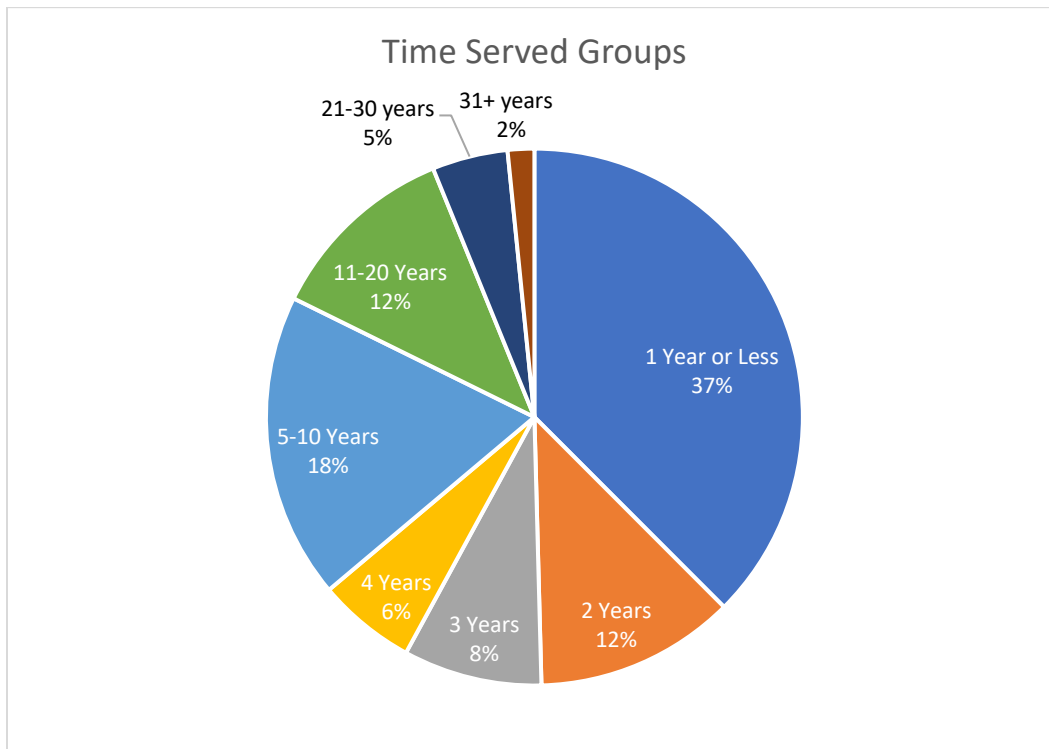


Table 3.2: Descriptive Statistics for Control Variables

Variable	Frequency	Percent	Valid	Cumulative
Gender, Sample Statistics				
Refusal/Don't Know	3	0.01	0.02	0.02
Male	14712	73.33	73.73	73.75
Female	5189	25.86	26.01	99.75
Transgender/Non-Binary	49	0.24	0.25	100
Total	19953	99.45	100	
Missing	111	0.55		
Total	20064	100		
Sex, National Estimates				
<i>Male</i>	1159283	92.86	92.86	92.86
Female	89170	7.14	7.14	100
Total	1248453	100	100	
Educational Attainment Prior to Incarceration, National Estimates				
Less than High School	770360	61.71	62.35	62.35
High School or Equivalent	281340	22.54	22.77	85.11
<i>At Least Some College</i>	183934	14.73	14.89	100
Total	1235634	98.97	100	
Missing	12819	1.03		
Total	1248453	100		
Offense Type, National Estimates				
<i>Non-Violent</i>	500359	40.08	42.5	42.5
Violent	677000	54.23	57.5	100
Total	1177359	94.31	100	
Mising	71094	5.69		
Total	1248453	100		

METHODS

First, I begin by contextualizing discipline within the prisons. This includes a descriptive analysis of the prevalence of discipline with US state prisons. Examples of infraction types and punishment types will also be provided.

Then, a logistic regression is used to describe the relationship between race/ethnicity and exposure to disciplinary action in state prison facilities [Model 1]. This model estimates the likelihood of encountering discipline based on race/ethnicity. It controls for age, sex, educational attainment, time served, and offense type. The sample size is the complete sample (N=20,064) with 17,580 valid responses. This model is weighted using the final analysis weight provided by the 2016 Survey of Prison Inmates, which yields nationally representative estimates.

Next, I examine the relationship between race/ethnicity and frequency of disciplinary action using an OLS regression [Model 2]. This model regresses race/ethnicity on frequency of disciplinary action in the past 12 months from the time of survey administration. It controls for age, sex, educational attainment, time served, and offense type. The sample for this model is limited to the subsample of survey participants who report having encountered discipline since admission to prison (N=11,725), and there were 8,886 valid responses. This model is also weighted using the final analysis weight provided by the 2016 Survey of Prison Inmates, which yields nationally representative estimates.

I conclude by returning to a descriptive analysis of prison discipline, informed by Models 1 and 2. This includes a discussion of the frequency of disciplinary action in the 12 months preceding survey administration based on reported infraction type. Questions pertaining to specific reported infractions in the past 12 months were asked of the subsample of participants who reported having been disciplined at least once in the year preceding the survey (N=4,989),

and these descriptive statistics are weighted to yield nationally representative estimates. Finally, I stratify the sample by race and sex to examine encounters with discipline since admission to prison, encounters with discipline in the past 12 months, and encounters with discipline related to reported minor infractions. I focus on the race/ethnicity and sex categories that are found to be significant in Models 1 and 2.

FINDINGS

Describing Discipline

An estimated 61.7% of people who are incarcerated in state prisons will be disciplined, and of the people that are being disciplined in prisons, there is an average of 2 encounters with disciplinary action in the last year. Spending time in prison is itself a punishment, and it is estimated that over half of the people that are incarcerated are being punished additionally while inside. Of those being punished, this is typically happening more than once a year. Disciplinary action is not being administered on occasion or to a few people, but rather it is a routine practice within state prisons that impacts most incarcerated people.

The specific offenses accounted for by the 2016 SPI include: drug or alcohol possession, possession of a weapon, possession of stolen property, possession of an unauthorized substance, verbal assault on an officer, physical assault on an officer, verbal assault on an inmate, physical assault on an inmate, and attempted escape. It also includes the less distinct categories “major” and “minor” violations. The survey describes potential major violations as work slowdowns, food strikes, setting fires, or rioting. The examples of minor violations given by the survey include being out of place, disobeying orders, uses of abusive language, horseplay, or failing to follow sanitary regulations, which are all discretionary infractions. The punishment types accounted for by this survey range from being written up to more extreme measures such as solitary confinement or additional sentence time.

Model 1

Race is significantly associated with the likelihood of encountering disciplinary action in state prisons. People who are either Black/Street Race Black or who are multiracial have significantly greater odds of being disciplined while incarcerated [**Table 4**]. People who are

Black/Street Race Black are estimated to have 23% greater odds of being disciplined than their non-Hispanic, White counterparts ($p < 0.001$). Multiracial people have 26% greater odds ($p < 0.05$).

In Model 1, control variables age, education, time served, and offense type are also estimated to have a statistically significant relationship with whether or not someone is encountering prison discipline ($p < 0.001$). As people get older, they are less likely to be disciplined. People with less than a high school education have 30% higher odds of being disciplined. As people serve more time in prison, their odds of encountering discipline increase, and people who are incarcerated for violent offenses have 16.2% greater odds of being disciplined.

Holding all other variables constant, people who are Black/Street Race Black and multiracial people have higher predicted probabilities of encountering disciplinary action than their White counterparts [**Table 5, Figure 4**]. People that are Black/Street Race Black have a 71.4% chance of being disciplined while incarcerated, and multiracial people have a 71.9% chance of being disciplined. Both groups have over a 4% greater probability of being disciplined than non-Hispanic White people in prison, who have a 67.1% probability. All racial/ethnic groups have a greater than 60% chance of encountering prison discipline while incarcerated.

Model 2

Race is also a statistically significant predictor for the frequency with which someone will be disciplined while incarcerated. Compared to non-Hispanic White people, people who are Black/Street Race Black are being disciplined significantly more frequently. Model 2 estimates that people who are Black/Street Race Black are disciplined 0.37 more times per year than their White counterparts, significant at the 0.05 level.

In Model 2, control variables age, sex, education, and time served were also shown to have a statistically significant relationship with frequency of disciplinary action in the last 12 months. As people get older, they are disciplined less frequently (-0.075, $p < 0.001$). Women are estimated to be disciplined almost 50% more frequently than men (0.49, $p < 0.05$). With each additional year that someone is incarcerated, it is estimated that they will be disciplined less frequently (-0.02, $p < 0.05$).

Race, Sex, and Reported Infractions

The minor infraction category is by far the most common justification for disciplinary action in state prisons. **Table 6** displays national estimates of the summary statistics for each reported infraction type from the 12 months preceding the survey. People who encounter discipline in state prisons are disciplined for minor infractions on average almost twice (1.88) a year. The second most frequently occurring reported infraction is verbal assault on an officer, which is disciplined 0.41 times per year, on average, among those encountering discipline. The most infrequent reported infraction type is attempted escape, which is disciplined on average 0.02 times per year among those encountering discipline. Excluding minor infractions, the cumulative average of disciplinary frequency for all other reported infraction types is 0.22, which means that discipline for minor infractions occurs over 8 times more frequently than the average frequency for all other infraction types.

There are intersectional inequalities demonstrated by who is disciplined in prisons and how frequently. People who are Black/Street Race Black and multiracial people are more vulnerable to prison discipline than White people. There is evidence to suggest that women are more vulnerable to more frequent discipline than men. Disciplinary experiences are stratified by race/ethnicity and sex in **Table 7**.

Table 4: Race as a Predictor of Prison Disciplinary Action

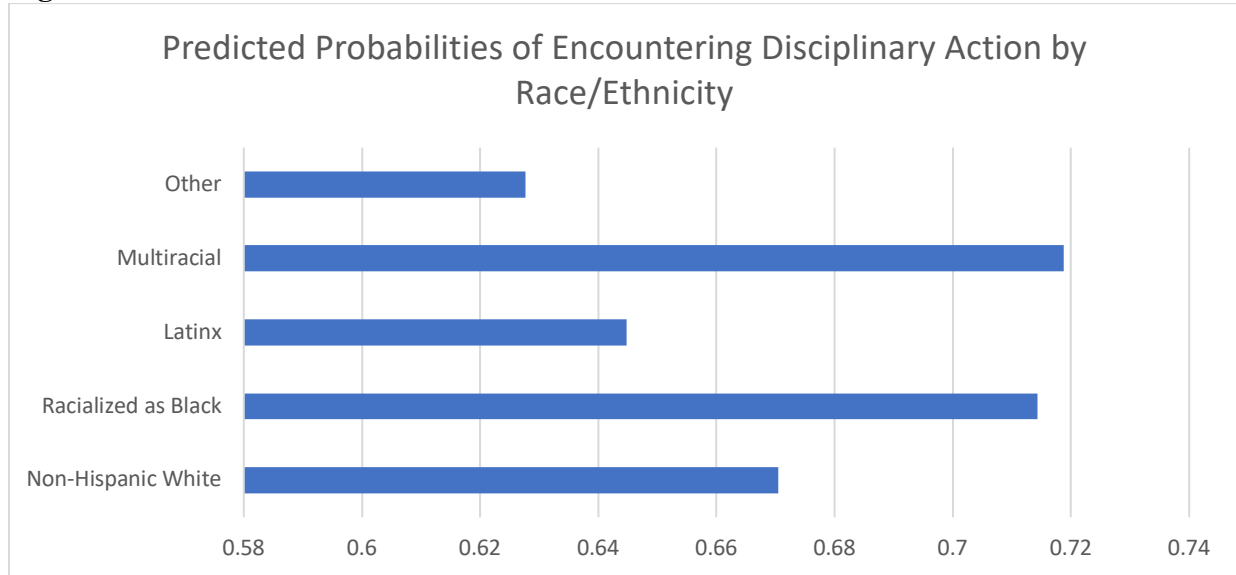
	Model 1 (Odds Ratios)	Model 2 (Coefficients)
	Encountered Disciplinary Action Since Admission to Prison	Frequency of Disciplinary Action in the Last 12 Months
Race/Ethnicity		
<i>Non-Hispanic White</i>		
Black/Street Race Black	1.22905***	0.369*
	0.0619099	-0.17
Latinx	0.8919003	-0.329
	0.0568178	-0.189
Multiracial	1.256128*	-0.0245
	0.1182135	-0.192
Other	0.8283347	0.145
	0.1473046	-0.481
Age	.9503476***	-0.0751***
	0.0018846	-0.00668
Sex		
<i>Male</i>		
Female	1.034285	0.486*
	0.05191	-0.198
Education		
<i>At Least Some College</i>		
Less than High School	1.301367***	0.404**
	0.0782764	-0.124
High School or Equivalent	1.114464	0.202
	0.076218	-0.183
Time Served	1.233162***	-0.0198*
	0.0110043	-0.00973
Offense Type		
<i>Non-Violent</i>		
Violent	1.161806***	0.109
	0.0518574	-0.164
Constant	3.374256***	4.518***
	0.3390625	-0.306
N	17580	8886
adj. R2		0.02799
F		26.86

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

Table 5: Predicted Probabilities of Encountering Disciplinary Action by Race/Ethnicity

	Predicted Probability	Std. Err.	z	P> z	[95% Confidence Interval]
Non-Hispanic White	0.6705036	0.0100376	66.8	0	0.6508302 0.6901771
Black/Street Race Black	0.7143704	0.0076241	93.7	0	0.6994274 0.7293133
Latinx	0.644755	0.0127999	50.37	0	0.6196677 0.6698424
Multiracial	0.718796	0.0182662	39.35	0	0.682995 0.7545971
Other	0.6276447	0.0410342	15.3	0	0.5472191 0.7080704

Figure 4



Sex was not shown to be significant in predicting whether someone would be disciplined while in prison, however a greater proportion of men encounter prison discipline than women, but there are racial disparities within sex groups. Approximately 62% of men in state prisons encounter disciplinary action during their incarceration, compared to 54% of women. Compared to other racial groups, a smaller proportion of White men will be disciplined while in prison (55.7%). About 69% of Black men in prison have been disciplined since admission to prison,

along with 63% of multiracial men. Disproportionately fewer White men are being disciplined in prison compared to men as a whole, and disproportionately more Black and multiracial men are being disciplined.

Among women encountering discipline, White women are underrepresented and Black women are overrepresented. About 48% of White women are being disciplined while in prison compared to 65% of women who are Black/Street Race Black. Black women are the only racial/ethnic category that demonstrate a higher proportion encountering discipline than the overall percentage of women being disciplined in prison (54%).

Of the people being punished in prisons, men are disciplined approximately twice (1.94) per year on average, while women are disciplined 50% more frequently (2.5 times per year). Black men and women who are being punished, are disciplined on average 2.25 times per year and 2.75 times per year, respectively. Latinx women and multiracial women who encounter prison discipline are being disciplined more frequently than any other group, each averaging over three times per year with Latinx women being punished almost four times a year on average.

Women in prison are being disciplined for minor infractions more frequently than men. Men who encounter discipline are punished for minor infractions on average 1.8 times per year, while women are punished 3 times per year. White men who encounter discipline are punished for minor infractions 1.6 times per year, and Black women are punished 4.25 times per year on average. Between White men and Black women who encounter discipline, there is an average intersectional disparity of 2.66 disciplinary actions for minor infractions per year.

Women are significantly more likely to encounter disciplinary action for minor infractions than men. Based on these descriptive findings, I used an OLS regression to estimate the relationship between sex and frequency of disciplinary action for minor infractions.

Controlling for race, age, educational attainment, time served, and offense type, women are encountering discipline for minor infractions an average of 1.27 more times each year than men ($p < 0.05$) [Table 8].

Table 6: Frequency of Discipline in the Last 12 Months by Reported Offense Type, National Estimates

Write Ups in the Last 12 Months for:	Obs	Mean	Std. Dev.	Min	Max
Drug or Alcohol Violation	326,526	0.3410509	2.268936	0	97
Possession of a Weapon	326,355	0.1093349	0.7053403	0	20
Possession of Stolen Property	326,464	0.0715883	0.5917008	0	22
Possession of an Unauthorized Substance	326,339	0.3872446	2.984909	0	222
Verbal Assault on an Officer	326,317	0.4098591	3.24262	0	100
Physical Assault on an Officer	326,362	0.1119371	1.350181	0	60
Verbal Assault on an Inmate	326,464	0.1896074	1.755481	0	60
Physical Assault on an Officer	326,386	0.3886043	2.059493	0	240
Attempted Escape	326,464	0.0238771	0.2108288	0	7
Major Violations*	326,310	0.2065337	1.578831	0	60
Minor Violations**	326,061	1.880596	6.471893	0	250

*Examples of major violations: work slowdowns, food strikes, setting fires, rioting

**Examples of minor violations: disobeying orders, uses of abusive language, horseplay, failing to follow sanitary regulations

DISCUSSION

Discipline is a routine element of the prison environment. Over half (61.7%) of the people in state prisons will be punished while incarcerated. Of that portion, people are disciplined an average of about twice per year. With discipline being this widespread and frequent, it is not deviant, but rather a normative occurrence. Though discipline is mundane occurrence, the impacts that it can have on the lives of incarcerated people are not inconsequential.

Table 7: Disciplinary Action Means by Sex and Rce/Ethnicity, National Estimates

	Encountered Discipline Since Admission		Frequency of Disciplinary Action in the Last 12 Months		Frequency of Discipline for Minor Infractions in the Last 12 Months	
Male						
Race/Ethnicity	Mean	Freq.	Mean	Freq.	Mean	Freq.
Non-Hispanic White	0.55721501	340,138	1.5979324	151,380	1.5903303	74,997
Black/Street						
Race Black	0.68642788	516,382	2.2452453	300,071	2.0776826	165,584
Latinx	0.56884388	188,804	1.6235845	85,658	1.3967582	44,420
Multiracial	0.62559728	59,436	1.4898006	30,590	1.4644427	15,468
Other	0.56324286	22,548	1.8226184	9,815	1.5683104	4,948
Total	0.62207666	1,127,308	1.936166	577,514	1.8196662	305,417
Female						
Race/Ethnicity	Mean	Freq.	Mean	Freq.	Mean	Freq.
Non-Hispanic White	0.48168638	40,489	1.7246818	12,491	1.9678586	7,467
Black/Street						
Race Black	0.64536956	25,246	2.7491576	12,167	4.2460009	6,439
Latinx	0.54159155	11,649	3.2472813	4,230	2.7516779	2,831
Multiracial	0.53924222	7,390	3.8730094	2,449	3.6765635	1,583
Other	0.48381963	1,885	2.3782837	571	1.3412463	337
Total	0.54237875	86,659	2.4937633	31,908	3.0066999	18,657

Race/ethnicity is a statistically significant predictor for whether and how often people encounter discipline while incarcerated. People who are Black/Street Race Black and people who are multiracial are uniquely vulnerable to encountering prison discipline. Black people have 23% greater odds than White people of encountering prison discipline and multiracial people have 26% greater odds. People who are Black/Street Race Black are at a significantly greater risk for encountering discipline more frequently than their peers. It is estimated that people who are Black/Street Race Black receive an additional 0.37 disciplinary actions per year, or one additional disciplinary action every 2 years and 9 months. There is some evidence to suggest that women are more vulnerable than men to being disciplined more frequently.

Minor infractions are the most commonly reported and punished type of infraction. Women are significantly more at risk for more frequent discipline of minor infractions. It is estimated that, on average, women encounter 1.27 additional disciplinary actions for minor infractions each year compared to men. Minor infractions are discretionary, which means that corrections officers have notable latitude in classifying and punishing behaviors that they place in this category.

Racial stereotypes are institutionalized into culturally normative practices in a vast array of contexts. Racial biases and stereotypes impact the perception of minority people, and specifically Black people, to prime expectations of deviance. This is true in the general social context (Eberhardt et al. 2004; Goff et al. 2008), in interactions between law enforcement and civilians (Brunson and Gau 2015; Sierra-Arévalo 2021), and in school discipline practices (Okonofua and Eberhardt 2015; Skiba et al. 2002; Skiba et al. 2011). This study provides evidence to support that this phenomenon may also permeate the prison environment.

Table 8: Sex as a Predictor for Frequency of Discipline for Minor Infractions in the Last 12 Months

Discipline for Minor Infractions in the Last 12 Months (Coefficients)	
Race/Ethnicity	
<i>Non-Hispanic White</i>	
Black/Street Race Black	0.377
	-0.2
Latinx	-0.359
	-0.219
Multiracial	-0.131
	-0.238
Other	0.00284
	-0.649
Age	-0.0482***
	-0.00867
Sex	
<i>Male</i>	
Female	1.272*
	-0.601
Education	
<i>At Least Some College</i>	
Less than High School	0.225
	-0.258
High School or Equivalent	0.00987
	-0.287
Time Served	-0.00163
	-0.0199
Offense Type	
<i>Non-Violent</i>	
Violent	0.205
	-0.184
Constant	3.106***
	-0.437
N	4765
adj. R2	0.00891
F	5.491

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

Implications

Exposure to prison disciplinary action contributes to the quality of life of incarcerated people and can have lasting ramifications on release and reentry processes (Cyphert 2020; Nurse 2003; Silver and Nedelec 2018). There is evidence to show that all negative encounters with law enforcement have negative effects on mental health (Sugie and Turney 2017). Similarly, in prison facilities, disciplinary contact of all kinds has negative ramifications on the well-being of imprisoned people (Nurse 2003). Furthermore, there is evidence that greater exposure to disciplinary action in prisons puts incarcerated people at greater risk for re-offense and recidivism (Hamilton and Drake 2018). Given the evidence to support the existence of a racial disparity in prison discipline, it is important to consider how these phenomena may be similarly racially disparate.

In addition to impacting conditions of confinement, exposure to disciplinary action is directly related to determination of parole and release eligibility. As algorithms play an increasing role in legal system processes, understanding the relationship between race and disciplinary action in prisons becomes even more imperative. The PATTERN tool to estimate risk of recidivism and determine chances for parole was implemented in 2019 and 2020 following the 2018 First Step Act. PATTERN uses an algorithm to quantify recidivism risk. It generates a static score using demographic and personal history factors, such as age at the time of incarceration and offense type, as well as a dynamic score. The dynamic score can change based on disciplinary history and participation in work and education programming (Cyphert 2020). Many facilities punitively restrict access to work and educational programming, which can doubly impact this dynamic score. Previously, the COMPAS algorithmic risk assessment tool was shown to be 77% more likely to label Black people in prisons as “high risk” and

therefore diminish their chances of early release (Angwin, Larson, Mattu, and Kichner 2016). Current internal reports on whether PATTERN is racially discriminatory are contradictory and inconclusive at best (Cyphert 2020). Regardless of potential racial discrimination in the PATTERN algorithm, due to racially disparate disciplinary processes, it is possible that the data used by the PATTERN algorithm might itself be racially biased.

CONCLUSION

This study finds that discipline is a ubiquitous occurrence within prison and that race/ethnicity drive significant disparities in disciplinary encounters. Based on current estimates, over half of the prison population will be punished while incarcerated, and the people encountering discipline will be punished an average of twice a year. People who are Black/Street Race Black and people who are multiracial are at the greatest risk of encountering discipline while incarcerated. Among the people that are disciplined in prisons, Black people are significantly more at risk of more frequent discipline compared to non-Hispanic White people. Minor infractions are reported and disciplined over 8 times more frequently than other types of infractions. Secondary findings of this study indicate that women are significantly more vulnerable to more frequent discipline than men, specifically for reported minor infractions.

Avenues for Future Research

Due to the institutional parallels between schools and corrections facilities, further research on prison discipline can draw helpful guidance from the literature on school discipline. Recent research on school discipline is particularly interested in identifying the drivers of racial/ethnic disparities in school discipline. Disparities in treatment and support of students by school faculty has been shown to be the most influential driver of disparities in school discipline (Owens and McLanahan 2020). Future research should aim to similarly parse out the most influential drivers of disparities in prison discipline. In the school context, discipline originates from three tiers: teachers, principals, and the school as an institution (Jarvis and Okonofua 2020; Owens and McLanahan 2020). Using school discipline research as a potential analogous case, future research should examine how corrections officers, wardens, and the prison as an institution operate in tiers to impact prison discipline.

Future research should examine the phenomenon of minor infractions within prisons. Minor infractions are the most widely disciplined reported infraction, and minor infractions are largely discretionary. The category “minor infraction” is discretionary and its implementation varies between facilities. What is considered a minor infraction from the perspective of one corrections officer or in one prison could be vastly different from that of another corrections officer or in another prison. More research should be conducted into the construction of minor infractions and the application of discipline for them. Considering that within schools, Black students are shown to be disciplined for discretionary behavioral issues at a disproportionate rate compared to White students (Skiba et al.), the role of discretion in prison discipline should be examined.

More research should be conducted into the disciplinary experiences of women and queer people. This study found a significant disparity in frequency of discipline between men and women across almost every racial/ethnic group. This study does not account for the experiences of queer people who are imprisoned. Queerness may impact the perception of imprisoned people by prison administrators and staff. Transgender people, for example, are a uniquely vulnerable population within prisons. There are many documented instances of transgender people being kept in solitary confinement, often with the justification of their personal safety (Lambda Legal 2016).

Lastly, future research should examine the construction of multiracial identities in prisons. This study found statistically significant disparities in the risk of being disciplined for multiracial people. Outside of the prison context, research suggests that multiracial people live a distinct racial experience (Ho, Sidanius, Levin, Banaji 2011). Further work is needed to unravel

how race is constructed during incarceration, and more specifically how racial construction impacts experiences with prison discipline.

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