

PRISON MISCONDUCT

Theoretical and Empirical Perspectives

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**WHY ARE WE
CONCERNED
ABOUT
PRISON
MISCONDUCT?**

- *Custody: Safety and Security of the Institution*
- *Mental Health Staff: Behavioral Analysis and Intervention*
- *Medical Staff: Injury/death due to assaults, fights, accidental overdose*
- *Parole Consideration: Recidivism*

OVERVIEW

- *Misconduct and Recidivism*
- *Theories of Misconduct*
- *Misconduct and Specific Populations*
- *Interventions and the Cessation of Misconduct*
- *FAD Misconduct Research Project*
- *Consideration of Disciplinary History in Risk Assessments*
- *Future Research*

**WHAT IS
RECIDIVISM?**

- *A tendency to relapse into a previous condition or mode of behavior, especially a relapse into criminal behavior*

**THE
RELATIONSHIP
BETWEEN
PRISON
MISCONDUCT
AND
RECIDIVISM**

- *Research results have been mixed:*
 - *No relationship between misconduct and recidivism seen in earlier research*
 - *More recent and better designed research shows a relationship between misconduct and recidivism for adult incarcerated persons*
 - *Strongest relationship is seen between violent prison misconduct and recidivism*

**SOME
FACTORS
RELATED TO
RECIDIVISM**

- *Age*
- *Marital Status*
- *Street Gang Affiliation*
- *Criminal Thinking*
- *Criminal History*
- *History of Substance Abuse*

**SOME
FACTORS
RELATED TO
MISCONDUCT**

- *Victimization while incarcerated*
- *Type of Crime Committed*
- *Age*
- *Age at First Arrest*
- *Association with Criminal groups*
- *Age of Onset for Substance Use*

**THEORIES OF
PRISON
MISCONDUCT**

- *Deprivation Model (1950's)*
- *Importation Model (1960's)*
- *Situational Factors Model (1980's)*
- *Integration (recent years)*

**THEORIES OF
PRISON
MISCONDUCT:
DEPRIVATION
MODEL**

- *Incarcerated Behavior is a Function of the Prison Environment*
- *Misconduct is a Response to the 'Pains of Imprisonment' such as:*
 - *Loss of Liberty*
 - *Restriction of Movement*
 - *Limited Access to Goods/Services*
 - *No Sex*
 - *Limited Contact with Family/Friends*
 - *Loss of Personal Control*
 - *Loss of Personal Safety*
 - *Boredom*

**THEORIES OF
PRISON
MISCONDUCT:
DEPRIVATION
MODEL**

- *Personal Safety and Misconduct:*
 - *Victimization/Coercion leads to increased misconduct, violent or otherwise*
 - *Younger incarcerated persons (and the newly incarcerated) may engage in aggression to ward off victimization*

**THEORIES OF
PRISON
MISCONDUCT:
IMPORTATION
MODEL**

- *Prison misconduct is shaped by experiences, values and beliefs developed prior to prison.*
- *Demographic variables serve as proxy for such pre-prison characteristics*

**THEORIES OF
PRISON
MISCONDUCT:
IMPORTATION
MODEL**

- *Strongest predictors of prison adjustment:*
 - *Age*
 - *Prior Institutional Adjustment*
 - *Criminal history*
 - *Gang affiliation*

**THEORIES OF
PRISON
MISCONDUCT:
IMPORTATION
MODEL**

- *Age and the Importation Model:*
 - *Violent and nonviolent infractions significantly less common in older cohorts studied, regardless of their violent criminal history*
 - *Youths view aggression as a source of status, while older incarcerated persons perceive this behavior as foolish*

**THEORIES OF
PRISON
MISCONDUCT:
IMPORTATION
MODEL**

- *Prior Criminal History and the Importation Model:*
 - *Violent Crime → Violent Prison Behavior*
 - *Multiple Crimes → Violent Prison Behavior*
 - *Multiple Terms → Violent Prison Behavior*
 - *Drug use just prior to incarceration → Drug use in prison*

**THEORIES OF
PRISON
MISCONDUCT:
IMPORTATION
MODEL**

- *Prior Institutional Adjustment and the Importation Model:*
 - *Prior Violent Prison Behavior → Violent Prison Behavior*
 - *Increased Infractions → May point to accelerating pattern of misconduct*
 - *Less serious infractions less predictive of future misconduct*

**THEORIES OF
PRISON
MISCONDUCT:
SITUATIONAL
FACTORS
MODEL**

- *Macro-level view of misconduct, examining differences in levels of misconduct across prisons, rather than causes of individual misconduct.*

**THEORIES OF
PRISON
MISCONDUCT:
SITUATIONAL
FACTORS
MODEL**

- *Composition of the prison population*
- *Composition of the staff*
- *Impact of overcrowding*
- *Architectural design of the institution*
- *Perceived legitimacy of the management*

**THEORIES OF
PRISON
MISCONDUCT:
SITUATIONAL
FACTORS
MODEL**

- *Composition of the prison population*
 - *Younger, gang affiliated and higher security results in higher levels of disciplinary problems, particularly violence*

**THEORIES OF
PRISON
MISCONDUCT:
EFFORTS AT
INTEGRATION**

- *General Strain Theory:*
 - *Prison environment exposes those incarcerated to a difficult situation to which they must adapt*
 - *How they adapt depends on various imported factors, such as age, personal beliefs and coping abilities*

**THEORIES OF
PRISON
MISCONDUCT:
EFFORTS AT
INTEGRATION**

- *Criminal Life Course:*
 - *Begun from an early age, closing off more prosocial choices*
 - *Persisting through prison misconduct*
 - *Continuing back into the community again.*
 - *Higher levels of criminal thinking*

**THEORIES OF
PRISON
MISCONDUCT:
EFFORTS AT
INTEGRATION**

- *Trajectories of Misconduct:*
 - *Chronic: Persists over course of incarceration*
 - *Younger*
 - *More extensive criminal history*
 - *High Early Onset:*
 - *High number of infractions early in term, substantial drop over time*
 - *Also a younger group with a more extensive criminal history*

**THEORIES OF
PRISON
MISCONDUCT:
EFFORTS AT
INTEGRATION**

- *Trajectories of Misconduct:*
 - *Low Early Onset:*
 - *Slight drop after limited early term infractions*
 - *Stable limited:*
 - *Little change in low rate of infractions over time*
 - *Delayed Onset:*
 - *Upward trajectory of misconduct*

**MISCONDUCT
AND SPECIFIC
POPULATIONS:
WOMEN**

- *Considered less dangerous than men*
- *Prison environment frequently less restrictive*
- *Priorities are their needs for relationships, comfort and control*
- *More time served = more misconduct*

**MISCONDUCT
AND SPECIFIC
POPULATIONS:
INDIVIDUALS
WITH A HISTORY
OF SEX
OFFENSES**

- *Often less misconduct, infractions tend to be minor*
- *Higher levels of misconduct (and recidivism) for individuals with antisocial features*
- *Prison Sexual Misconduct (PSM) = more likely to recidivate and recidivate faster in general*
- *Individuals with ASOs and PSM more likely to recidivate sexually.*
- *Individuals with CSOs and PSM more likely to recidivate violently*

**MISCONDUCT
AND SPECIFIC
POPULATIONS:
THE MENTALLY
ILL**

- *Major Mental Illness (MMI) appears to be correlated to increased violence in the prison setting, particularly if they have a prior history of violence.*
- *Presence of delusions and/or higher severity of symptoms increases the risk of violence.*
- *Criminal thinking + MMI also increases the risk of violence*
- *Criminal thinking is present among the MMI incarcerated individuals about as frequently as the general incarcerated population.*

**MISCONDUCT
AND SPECIFIC
POPULATIONS:
INTIMATE
PARTNER
VIOLENCE (IPV)**

- *Reactive vs. Instrumental IPV*
- *The majority of intimate partner homicides involve some degree of planning*
- *Those with history of reactive partner violence may have higher rates of violent and IPV recidivism*
- *Higher levels of psychopathy and antisocial impulsivity = higher recidivism*

**INTERVENTION:
WHAT WORKS**

- *Prison programs associated with the greatest decrease in misconduct were also associated with the greatest decrease in recidivism*
- *Cognitive/Behavioral programs that target criminogenic needs consistently produce the greatest reductions in misconduct.*

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *Reviewed misconduct and risk assessment data for 194 incarcerated individuals.*
- *All individuals in the study received risk assessments in 2015, with subsequent parole denials.*
- *Misconduct history from three years pre-CRA through early 2019 was included.*

**FAD
MISCONDUCT
RESEARCH
PROJECT**

*Considered the occurrence of
misconduct in 5 time frames:*

1 – 3 Years Pre-CRA	0 – 1 Year Pre-CRA	0 – 2 Years Post-CRA	2 – 3 Years Post-CRA	3+ Years Post-CRA
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(CRA)

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *Considered several types of data:*
 - *Frequency of Misconduct*
 - *Type of Misconduct*
 - *Risk Ratings*
 - *Anecdotal Information*

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- **FREQUENCY OF MISCONDUCT:**
- *What Percentage of individuals have misconduct...*

OVERALL	70%
0-3 Years PRE-CRA	54%
0-3+ Years POST-CRA	50 %
Both PRE-& POST-CRA	34%

**FAD
MISCONDUCT
RESEARCH
PROJECT**

• *TYPE OF MISCONDUCT:*

TIME FRAME	Nonviolent Misconduct (Exclusive)	Violent Misconduct (Mixed)	Violent Misconduct (Exclusive)	No Misconduct
OVERALL	43%	27%	6%	30%
PRE-CRA	38%	16%	5%	46%
POST-CRA	32%	17%	3%	51%

**FAD
MISCONDUCT
RESEARCH
PROJECT**

• *RISK RATINGS:*

HIGH	22%
MODERATE	57%
LOW	21 %

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *Considered several questions:*
 - *How well does past misconduct predict future misconduct?*
 - *Does it matter if misconduct is violent or nonviolent?*
 - *Does the length of time since the last misconduct matter?*
 - *Does the frequency of past misconduct matter?*
 - *How well do risk assessment ratings predict future misconduct?*

**FAD
MISCONDUCT
RESEARCH
PROJECT:**

- *How well does past misconduct predict future misconduct?*
- *Does it matter if misconduct is violent or nonviolent?*

Pre - CRA	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	Violent (Exclusive) Post-CRA	No Misconduct Post-CRA
38%	← Non-Violent (Exclusive)	45%	16%	0%	38%
16%	← Violent (Mixed)	22%	41%	9%	38%
5%	← Violent (Exclusive)	10%	20%	10%	70%
46%	← No Misconduct	26%	9%	3%	65%

**FAD
MISCONDUCT
RESEARCH
PROJECT**

Does the length of time since the last misconduct matter?

- YES, but...
- Relationship between prior misconduct and subsequent misconduct drops sharply as time passes.

**FAD
MISCONDUCT
RESEARCH
PROJECT**

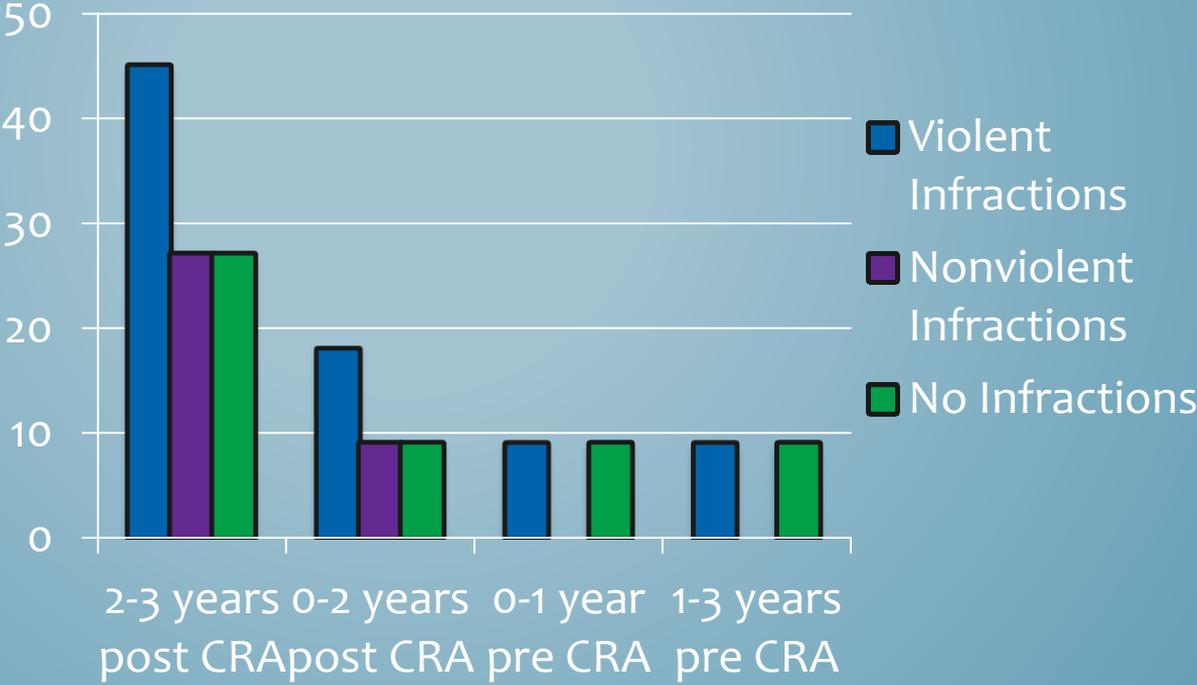
*A review as we move forward
on this particular question...*

1 – 3 Years Pre-CRA	0 – 1 Year Pre-CRA	0 – 2 Years Post-CRA	2 – 3 Years Post-CRA	3+ Years Post-CRA
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(CRA)

FAD MISCONDUCT RESEARCH PROJECT

- Of the individuals who committed violent infractions 3+ years post CRA, what percentage had...



**FAD
MISCONDUCT
RESEARCH
PROJECT:**

- *How well does VERY RECENT misconduct predict future misconduct?*
- *Does it matter if misconduct is violent or nonviolent?*

0-1 yrs Pre - CRA	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	No Misconduct Post-CRA
17%	← Non-Violent (Exclusive)	46%	33%	21%
4%	← Violent (Mixed)	0%	71%	29%
79%	← No Misconduct	32%	11%	57%

**FAD
MISCONDUCT
RESEARCH
PROJECT:**

- *How well does RECENT misconduct predict future misconduct?*
- *Does it matter if misconduct is violent or nonviolent?*

1-3 yrs Pre - CRA	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	No Misconduct Post-CRA
24%	← Non-Violent (Exclusive)	43%	7%	50 %
10%	← Violent (Mixed)	26%	32%	42%
46%	← No Misconduct	26%	9%	64%

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *Does the frequency of past misconduct matter?*

Frequency/ Type of Misconduct Pre-CRA		Violent Misconduct Post CRA	
Multiple Violent	(N1=7)	(N1a=5)	71%
Single Violent	(N2=25)	(N2a=8)	32%
Multiple Nonviolent	(N3=41)	(N3a=9)	22%
Single Nonviolent	(N4=41)	(N4a=6)	15%
No Misconduct	(N5=89)	(N5a=8)	9%

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *How well do risk assessment ratings predict future misconduct?*

Risk Rating	Percentage of individuals with RVRs Pre-CRA	Percentage of individuals with RVRs Post-CRA
HIGH	65%	65%
MODERATE	57%	52%
LOW	34%	29%

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *How well do risk assessment ratings predict future misconduct?*

Risk Rating	Average number of RVR's Pre-CRA	Average number of RVR's Post-CRA
HIGH	2.93	5.35
MODERATE	1.54	2.53
LOW	.41	.59

**FAD
MISCONDUCT
RESEARCH
PROJECT**

- *How well do risk assessment ratings capture future violent misconduct?*

- *For individuals with violent misconduct...*

0-2 Years Post CRA (N=19)	2-3 Years Post CRA (N=14)	3+ Years Post CRA (N=11)	0-3+ Years Post CRA (N=33)	What percent were rated...
(10) 53%	(6) 43%	(8) 73%	(15) 45%	HIGH
(9) 47%	(6) 43%	(3) 27%	(16) 49%	MODERATE
(0) 0%	(2) 14%	(0) 0%	(2) 6%	LOW

**FAD
MISCONDUCT
RESEARCH
PROJECT**

Do risk assessments predict violent misconduct more or less consistently than prior misconduct?

- *Among the individuals that committed violent misconduct Post CRA, what percentage have...*



**FAD
MISCONDUCT
RESEARCH
PROJECT**

*Combining factors to predict
misconduct:*

For individuals who have...	What percent have violence post CRA?
HIGH RISK RATING	35%
VIOLENT MISCONDUCT PRE CRA	41%
VIOLENT+NONVIOLENT MISCONDUCT PRE CRA	50%
VIOLENT MISCONDUCT PRE CRA+ HIGH RISK RATING	58%

**THE TAKE AWAY:
PRE-CRA VIOLENT
INFRACTIONS
AND POST-CRA
VIOLENT
INFRACTIONS**

- Most of the individuals we assessed (84%) had no VIOLENT infractions in the three years before the CRA. But among those who did, 13 of 32 (41%) incurred VIOLENT rules infractions in the four years after the CRA.

Pre -CRA (N=194)	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	No Misconduct Post-CRA
(N1=73) 38%	← Non-Violent (Exclusive)	(N1a=33) 45%	(N1b=12) 16%	(N1d=28) 38%
(N2=32) 16%	← Violent (Non-exclusive)	(N2a=7) 22%	(N2b=13) 41%	(N2d=12) 38%
(N4=89) 46%	← No Misconduct	(N4a=23) 26%	(N4b=8) 9%	(N4d=58) 65%

**THE TAKE AWAY:
PRE-CRA VIOLENT
INFRACTIONS AND
POST-CRA
VIOLENT
INFRACTIONS**

- Recent VIOLENT infractions are predictive of future VIOLENT infractions and this is particularly true of most recent VIOLENT infractions. 5 of 7 (71%) individuals who had VIOLENT infractions in the year before the CRA incurred VIOLENT rules infractions in the four years after the CRA.

0-1 years Pre -CRA	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	No Misconduct Post-CRA
(N1=33) 17%	← Non-Violent (Exclusive)	N1a=15) 46%	(N1b=11) 33%	(N1c=7) 21 %
(N2=7) 4%	← Violent (Mixed)	(N2a=0) 0%	(N2b=5) 71%	(N2c=2) 29%
(N3=154) 79%	← No Misconduct	(N3a=49) 32%	(N3b=17) 11%	(N3c=88) 57%

**THE TAKE AWAY:
MULTIPLE PRE-CRA
VIOLENT
INFRACTIONS AND
POST-CRA VIOLENT
INFRACTIONS**

- *Multiple VIOLENT infractions are predictive of future VIOLENT infractions.*
- *Five of the seven (71%) who had multiple VIOLENT infractions in the three years before the CRA incurred VIOLENT infractions in the four years after the CRA.*

Frequency/ Type of Misconduct 0-3 Years Pre-CRA	Violent Misconduct Post CRA
Multiple Violent (N1=7)	(N1a=5) 71%
Single Violent (N2=25)	(N2a=8) 32%

**THE TAKE AWAY:
PRE-CRA
NONVIOLENT
INFRACTIONS
AND POST-CRA
VIOLENT
INFRACTIONS**

- Roughly half of the individuals we assessed (51%) did not have one or more NONVIOLENT rules infractions in the three years before the CRA. But among those who had exclusively non-violent rules infractions, 12 of 73 (16%) incurred VIOLENT rules infractions in the four years after the CRA.

Pre -CRA (N=194)	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post- CRA	No Misconduct Post-CRA
(N1=73) 38%	← Non-Violent (Exclusive)	(N1a=33) 45%	(N1b=12) 16%	(N1d=28) 38%
(N2=32) 16%	← Violent (Non- exclusive)	(N2a=7) 22%	(N2b=13) 41%	(N2d=12) 38%
(N3=10) 5%	← Violent (Exclusive)	(N3a=1) 10%	(N3b=2) 20%	(N3c=7) 70%
(N4=89) 46%	← No Misconduct	(N4a=23) 26%	(N4b=8) 9%	(N4d=58) 65%

**THE TAKE AWAY:
PRE-CRA
NONVIOLENT
INFRACTIONS
AND POST-CRA
VIOLENT
INFRACTIONS**

- Recent NONVIOLENT infractions are predictive of future VIOLENT infractions and this is particularly true if there were multiple NONVIOLENT infractions and very recent NONVIOLENT infractions.
- Eleven of the thirty-three (33%) individuals who had NONVIOLENT infractions in the year before the CRA incurred VIOLENT rules infractions in the four years after the CRA.

0-1 years Pre -CRA	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	No Misconduct Post-CRA
(N1=33) 17%	← Non-Violent (Exclusive)	(N1a=15) 46%	(N1b=11) 33%	(N1c=7) 21 %

**THE TAKE AWAY:
PRE-CRA
NONVIOLENT
INFRACTIONS AND
POST-CRA VIOLENT
INFRACTIONS**

- Nine of the forty-one (22%) who had multiple NONVIOLENT infractions in the three years before the CRA incurred VIOLENT infractions in the four years after the CRA. Of the nineteen who had multiple NONVIOLENT infractions in the year before the CRA, seven (37%) incurred VIOLENT infractions in the four years after the CRA.

Frequency/ Type of Misconduct 0-3 Years Pre-CRA	Violent Misconduct Post CRA
Multiple Nonviolent (N1=41)	(N1a=9) 22%
Single Nonviolent (N2=41)	(N2a=6) 15%
Frequency/ Type of Misconduct 0-1 Years Pre-CRA	Violent Misconduct Post CRA
Multiple Nonviolent (N3=19)	(N3a=7) 37%
Single Nonviolent (N4=20)	(N4a=6) 20%

**THE TAKE AWAY:
ABSENCE OF INFRACTIONS PRE-CRA AND NONVIOLENT AND VIOLENT INFRACTIONS POST-CRA**

- Although NONVIOLENT and VIOLENT rules infractions are predictive of future violent infractions, especially when one takes into consideration recentness, severity, and persistence, the reverse is not always true. Of those who had no rules infractions prior to the CRA, 35% committed rules infractions in the four years after the CRA.
- And, there was a small but not inconsequential percentage (9%) who committed VIOLENT rules infractions after the CRA who, at least in terms of prior rules violations, showed no warning signs.

Pre -CRA (N=194)	Type of Misconduct	Non-Violent (Exclusive) Post-CRA	Violent (Mixed) Post-CRA	No Misconduct Post-CRA
(N4=89) 46%	← No Misconduct	(N4a=23) 26%	(N4b=8) 9%	(N4d=58) 65%

**THE TAKE AWAY:
THE CONTRIBUTION
OF NONVIOLENT
AND VIOLENT
INFRACTIONS TO
PSYCHOLOGISTS'
RISK ASSESSMENT
RATINGS**

- While there are some trends reflecting the contribution of prior misconduct to Risk Assessment outcomes, this relationship tends to be complex. The clearest trend can be seen among those who committed violence Pre CRA, as only 1 (3%) was considered Low Risk.

0-3 years Pre -CRA	Type of Misconduct	Low Risk Assessment (N=41)	Moderate Risk Assessment (N=110)	High Risk Assessment (N=43)
(N1=73) 38%	← Non-Violent (Exclusive)	(N1a=13) 18%	(N1b=44) 60%	(N1c=16) 22 %
(N2=32) 16%	← Violent (Mixed)	(N2a=1) 3%	(N2b=19) 59%	(N2c=12) 38%
(N3=89) 46%	← No Misconduct	(N3a=27) 30%	(N3b=47) 53%	(N3c=15) 17%

**THE TAKE AWAY:
THE PREDICTIVE
VALIDITY OF
PSYCHOLOGISTS' RISK
ASSESSMENT RATINGS
AND SUBSEQUENT
NONVIOLENT AND
VIOLENT
INFRACTIONS**

- Risk Ratings differentially predict Nonviolent Misconduct, Violent Misconduct and the absence of Misconduct Post CRA. This finding is most striking for the low risk ratings, with the majority (71%) of the low risk individuals remaining free of misconduct four years post-CRA, while in contrast a limited few (5%) go on to commit violence during that time frame.

Risk Assessment Rating	Non-Violent (Exclusive) Post CRA (N=63)	Violent (Mixed) Post CRA (N=33)	No Misconduct Post CRA (N=98)
LOW (N1=41)	(N1a=10) 24%	(N1b=2) 5%	(N1c=29) 71%
MODERATE (N2=110)	(N2a=40) 36%	(N2b=16) 15%	(N2c=54) 49%
HIGH (N3=43)	(N3a=13) 30%	(N3b=15) 35%	(N3c=15) 35%

**CONSIDERATION
OF DISCIPLINARY
HISTORY IN RISK
ASSESSMENTS**

- *Disciplinary History*
- *Confidential file*
- *Types of infractions*
- *Timing of infractions*
- *Examinee's understanding of their misconduct*
- *Disciplinary trend over time*

FUTURE RESEARCH

- Analogous study for a female cohort
- Follow up for male cohort