

Shattering the Myth of Humane Imprisonment in the U.S.

TO ASSESS THE EXTENT AND DIMENSIONS OF SEVERE DISCIPLINE in contemporary prison settings, the Prison Discipline Study (PDS) distributed a questionnaire nationally to prison administrators, guards, prisoners, and prisoners' visitors and families. There were 15 multiple-choice questions concerning issues related to custody levels, disciplinary housing, severe punishment, and demographic information. Additional comments were also encouraged.

For distribution, the PDS relied on channels trusted by prisoners that were completely independent of prison administrations or government. The study meets standard academic criteria for significance in social research.

In spite of both covert and overt intimidation by prison administrations against those responding, we received 650 responses from 41 states: 31% from California, 29% from the South, 19% from the Midwest, 12% from the East, and 9% from the Northwest. The typical respondent was a long-time prisoner in a maximum-security prison (see Table 2).

Findings

The central findings of the PDS are:

1. That severe physical and psychological abuse are the norm in maximum-security prisons throughout the country; and
2. That the most frequently disciplined groups of prisoners are jailhouse lawyers, Black prisoners, and prisoners with mental handicaps. There is no significant variation by state or region. (See Tables 5, 6, 7, 9.)

Jailhouse lawyers assist other prisoners, many of whom are illiterate, to participate on their own behalf in formal grievance and appeal procedures, both within the prison and in the courts. Hundreds of respondents commented that the internal justice system in all prisons is arbitrary, biased, and inconsis-

tent, thus generating constant grounds for administrative and legal challenge. Because of this, respondents observed that guards and administrators have a standard practice of "singling out jailhouse lawyers" for discipline in retaliation for so challenging the status quo. Individual comments also verified the well-known racist nature of a criminal justice system that sentences disproportionate numbers of Blacks to disproportionately longer and harsher (e.g., the death penalty) sentences as well as to more severe discipline within the prison. Because they are inappropriately placed and fail to receive appropriate treatment, prisoners with mental handicaps represent management problems for guards, who treat them abusively as a result. Injury is added to abuse with the frequent practice of housing those who are unstable and disturbed with other prisoners as a method of punishing those prisoners who guards dislike.

The data showed that solitary confinement, loss of privileges, and physical beatings constitute a definable "package" of disciplinary activities within the various prisons. Table 6 reveals that these beatings are performed in a combination of ways. That is, multiple methods of corporal punishment are employed. Foremost among these are the use of fists, boots, and clubs (in that order).

About 100 respondents indicated that they have witnessed beatings after a prisoner has been restrained with handcuffs or steel shackles. Another 40 testified that guards performed a "body slam" (e.g., being thrown to the floor or against a wall face first) after prisoners have been cuffed behind the back. Another 30 respondents reported seeing "goon squad" beatings (e.g., a formal or informal group of guards assaulting a single, often handcuffed, prisoner). Methods of severe physical beatings were reported to include the use of mace, tear gas, Tasers, fire hoses, flashlights, riot batons, mop handles, rubber hoses, and wooden bullet guns.

A total of 25 of the female respondents also attested to either being beaten by male guards, being raped by male guards, or of being restrained to a bed naked and sexually ridiculed by male guards. One female prisoner testified that she lost her baby after guards shot her with a stun gun.

Fifty-seven respondents reported "hidden" physical abuse. Methods used included setting up fights between prisoners by housing known enemies in the same cell or releasing enemies at the same time to a public area (called "dog fights" or "cock fights" by the guards). Also, prisoners are beaten in their cells or assigned to security-housing areas for the purpose of administering a beating away from the view of others. Others complained of being forced to do hard labor while sick or infirm.

Table 7 indicates that the frequency of mental discipline is nearly the same as the frequency of physical beatings. Only 10% of the sample has never witnessed such discipline. The remaining 90% verified that it does occur, mostly on a routine basis. Among the various methods of mental discipline examined

in the study, nearly 40% of the sample witnessed prisoners receiving involuntary psychiatric treatment or medication. Nearly a third (32%) attested to incidents involving verbal abuses and racial slurs, food tampering, frequent unnecessary shakedowns and body searches, false write-ups, and death threats.

Severe psychological abuse is at the very core of incarceration with the purpose being to "beat people down." Most respondents reported that an environment permeated by "mind games" can be the most debilitating part of imprisonment. A long-time prison visitor summarized the common experiences of prisoners by saying:

Physical abuse has a beginning and end, while psychological abuse is all pervasive. It affects everything done, every decision. Even those who want to stay out of trouble are deeply affected, often to immobility over measuring every little detail of an interaction: a glance, a new routine, a letter a day late, a refused appointment, a change in the diet tray, a comment about the mail. Every small encounter may have multiple meanings and serious disciplinary repercussions.

The study reveals that there are multiple behaviors that bring about severe disciplinary action (see Table 8). The leading causes are: (1) prisoners being verbally hostile to guards; and (2) prisoners refusing to follow orders. It is important to note that the leading "cause" of severe discipline — being verbally hostile to guards — is considered only a minor security infraction in most correctional institutions throughout the United States (Bureau of Justice Statistics, 1989). It is also important to note that physical beatings are not a formally sanctioned punishment for rule violations in any U.S. prison system (*Ibid.*). Hence, prisoners are most likely to endure severe punishment — including illicit beatings — for personal, nonviolent (and otherwise petty) verbal responses to prison guards.

A review of the comments from respondents revealed another category of people who are singled out for severe discipline with great frequency. These people can best be described as exhibiting personal integrity: "those with principles or intelligence," "those with dignity and self-respect," "authors of truthful articles," "motivated self-improvers," "verbally expressing one's opinion," "wanting to be treated as a human being," and "reporting conditions to people on the outside." Those who respond to their environment based on internal criteria and/or file grievances, lawsuits, or think for themselves, or are different or the wrong color, are singled out for harassment, abuse, and punishment.

Summary

Over the past 50 years, the image of a humane American prison has become the conventional wisdom among academics, government officials, and

the public. The central findings of the Prison Discipline Study shatter this myth.

The myth holds that there is a distinct temporal ordering to severe prison discipline: prisoners make unprovoked attacks against guards, who respond with a judicious level of (high tech) discipline designed only to force rule-compliance and preserve prison security. There is nothing arbitrary, frequent, or brutal about it. It is all done in a professional manner by alienated prison guards. This is the cornerstone of the myth of humane imprisonment. It is a myth that rests on the lack of serious investigation into prisoners' actual experiences. The PDS has examined reports from prisoners and found that severe discipline is frequent and is delivered for petty violations in a discriminatory fashion, most often to punish those who are literate, Black, or able to fight back.

Mainstream penology holds that the beating of prisoners by guards is a rare occurrence in modern prison communities. Yet Table 3 shows that more than 7 out of 10 respondents (70.8%) have witnessed such beatings. Notably, Table 3 also shows that almost the same percentage of prisoners have witnessed solitary confinement and loss of privileges as routine forms of prison discipline. Solitary confinement is described in the academic literature as the most individually destructive, psychologically crippling, and socially alienating experience that could conceivably exist within the borders of the country. Researchers have recorded signs of severe psychological pathology among prisoners who are incarcerated in solitary for periods up to a year. The sanitized myth of humane imprisonment holds that 20 days of continuous punitive segregation is the maximum in many prisons. As our data shows, the maximum amount of time most commonly spent in solitary confinement is not 20 days; rather, it is more likely to be periods of months, and most commonly years (see Table 4).

At this time in the United States of America, we are engaging in a dramatic expansion of our reliance on imprisonment to address social problems. Since 1984, the U.S. has added 44% more prison space and 65% more guards (Bureau of Justice Statistics, 1990). Our rate of incarceration is unprecedented in the Western world. Our prison population has increased 113% since 1980 (*Ibid.*). The public will underwrite large expenses for prisons while ignoring educational and health-care needs.

Today over 40% of the U.S. adult prison population are confined to maximum-security institutions (American Correctional Association, 1989). Maximum-security prisons are not intended for rehabilitation; rather, they are intended to be punitive, and are viewed as "prisons of last resort." Prisoners are increasingly given long sentences, housed in high-security prisons and even higher security (and more brutal) units within these prisons, and warehoused without rehabilitative opportunities. The excessive physical and mental

punishment documented in the PDS completes the present picture of imprisonment in the United States.

The injury suffered by prisoners results in the destruction of the very social behaviors and personality traits required for successful reintegration into society. The consequence is that the communities from which prisoners come and to which almost all will return are adversely affected. These mostly poor and minority communities must receive and cope with ex-prisoners who are often in worse shape than before incarceration. Thus, our prisons damage the very communities in our society that need more support, renewal, and rehabilitation. The brutality documented in our prisons reaches out into every home and workplace in the United States, changing our lives in dramatic and significant ways.

Table 2:
Characteristics of Sample (N = 605)

Characteristic	% of Sample
<i>Status</i>	
Guard	.2
Administrator	.5
Prisoner	93.7
Visitor	1.2
Family member	2.0
Expert observer	.8
Lawyer	1.6
<i>Type of Facility Reported On</i>	
Minimum security	3.3
Medium security	14.2
Maximum security	66.1
Control unit	6.9
Psychiatric unit	2.9
Medical unit	1.6
County jail	4.7
Juvenile facility	.3
<i>Years of Observing Prison Routine</i>	
Less than 1 year	2.8
1-to-3 years	16.8
4-to-10 years	50.3
More than 10 years	30.1

Table 3:
Prevalence of Discipline (N = 576)

Type of Discipline	% of Sample Observing
Solitary confinement	72.7
Loss of privileges	71.4
Physical beatings	70.8
Mental discipline	49.7

Table 4:
Time Spent in Solitary Confinement (N = 583)

Maximum Time Spent	% of Sample Observing
Hours	.8
Days	2.8
Weeks	6.7
Months	26.3
Years	63.2

Table 5:
Frequency of Prisoners Receiving Beatings by Staff (N = 557)

Frequency	% of Sample Observing
Never	10.7
Rarely (once per year)	14.1
Occasionally (one time per month)	34.5
Routinely (as a matter of common practice)	40.7

Table 6:
Methods Used in Physical Beatings of Prisoners by Staff (N = 467)

Method	% of Sample Observing
Fists	86.7
Boots	70.7
Clubs	66.6
Stun Guns (Tasers, etc.)	25.1
Other	35.3

Table 7:
Frequency of Prisoners Receiving Mental Discipline by Staff (N = 533)

Frequency	% of Sample Observing
Never	10.6
Rarely (once per year)	6.4
Occasionally (one time per month)	11.4
Routinely (as a matter of common practice)	71.6

Table 8:
Behaviors Bringing About Severe Disciplinary Action (N = 566)

Behavior	% of Sample Observing
Being verbally hostile to guards	68.9
Refusing to follow orders	61.7
Violating prison rules	50.5
Fighting with other prisoners	45.8
Objecting to cell changes	39.0
Possession of contraband	35.5
Refusing to take psychiatric medication	22.8

Table 9:
Most Frequently Disciplined Groups of Prisoners (N = 567)

Group	% of Sample Observing
Jailhouse lawyers	60.8
Blacks	48.5
Prisoners with mental handicaps	37.9
Gang members	31.0
Political prisoners	29.8
Hispanics	27.0
Homosexuals	26.6
Whites	22.6
AIDS patients	19.9
Prisoners with physical handicaps	18.7
Asians	5.1

The Prison Discipline Study (PDS) was developed in 1988 to investigate the extent of severe discipline in prisons by allowing prisoners to speak for themselves.

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