

Corrections Research Brief

North Carolina Department of Correction, Office of Research and Planning

Analysis of Inmate Infraction Trends Fiscal Years 1996/1997 through 2002/2003

Introduction

There has been increased interest in tracking inmate infraction behavior since 1994 when the Structured Sentencing Act (SSA) was implemented. The SSA set priorities for the use of prison and community correction resources and ended early release from prison on parole; it reserves prison space for the most serious and chronic offenders and uses community corrections for less serious, less chronic offenders. A 1998 study *Comparing Disciplinary Infraction Rates of North Carolina Fair Sentencing and Structured Sentencing Inmates* (John Memory, J.D., Ph.D.) implied that as the percentage of SSA inmates increased in the prison system, the rate of infractions would likely rise. The purpose of this research brief is to describe infraction rates during the past seven years to determine trends in infraction rates since passage of the Structured Sentencing Act.

Infractions in North Carolina Prisons

The Division of Prisons is responsible for the safety and security of inmates and staff. The Division sets policies that include rules to govern the conduct of inmates under the custody of the Department of Correction. Inmate conformity to prison rules is necessary for the orderly, safe and secure operation of correctional institutions. An infraction is a violation of a rule by an inmate.

The current code of inmate conduct groups infractions into Classes A through D. Class A infractions represent the greatest risk to the orderly operation of the prison facility and to public safety. Examples of Class A infractions include (1) manufacturing, possessing, introducing, selling or using any unauthorized controlled substances, intoxicant or alcoholic beverage, or possessing associated paraphernalia, (2) assaulting another with a weapon or any other means likely to produce injury, (3) assaulting a staff member with a weapon or any other means likely to produce injury, and (4) refusing to submit to a drug test or breathalyzer test, or interfering with the taking of such tests. Examples of Class B infractions include (1) committing, soliciting, or inciting others to commit any sexual act or indecently exposing oneself, or touching the sexual or other intimate parts of oneself or another person for the purpose of sexual gratification, (2) possessing any weapon or instrument to aid in an escape, assault, insurrection or riot, (3) willfully damaging, destroying, altering, tampering with or losing State property or property belonging to another, and (4) interfering with a staff member in the performance of his/her duties. Examples of Class C infractions include (1) willfully disobeying or failing to obey or causing another inmate to disobey or fail to obey any lawful order of prison official or employee, (2) leaving any job, work, or program assignment without authorization, (3) directing toward or using in the presence of another, oral or written language or specific gestures or acts that are generally considered disrespectful, profane, lewd, or defamatory, and (4) fighting or engaging in mutual physical confrontation not involving weapons. Examples of Class D infractions include (1) possessing contraband, (2) possessing unauthorized funds, (3) exchanging or possessing unauthorized clothes, and (4) willfully creating a hazardous or physically offensive condition or situation.

Inmate rules of conduct and the associated penalties change over time. These changes reflect efforts by prison administrators to reduce infraction behavior. The most recent changes occurred in November 2000. Drug-related violations were raised from infraction Class B to Class A. At the same time, new limits on trust fund withdrawals were set, some coding changes were made, and a \$10 administrative fee for inmates was adopted to offset costs of disciplinary procedures.

Methodology

In order to compare infraction behavior over time, it is important to compare the infraction rate (number of infractions per 1,000 inmates) rather than the number of infractions. The number of infractions is expected to increase as the prison population increases, but the infraction rate changes only if inmate behavior or policy changes. Between FY 1996-1997 and FY 2002-2003, the overall inmate infraction rate remained stable, at less than two infractions per inmate annually. This Brief examines infraction rates of all inmates, and infraction rates by demographic groups - adult males, youth males (under age 22), and females. Because infraction rates are based on the size of the demographic group, infraction rate changes appear more dramatic in the youth male and the female demographic groups than in the adult male group.

N. C. Infraction Data

Most inmates do not commit infractions. During FY 2002-2003, the Division of Prisons supervised 56,514 inmates. Of these inmates, 63.72% did not commit an infraction. Of the 21,247 inmates who exited prison during FY 2002-2003, 56.22% did not commit an infraction during the entire period of incarceration. While most inmates are fairly compliant while in prison, a small proportion of inmates is non-compliant and commits numerous infractions.

On June 30, 2003, there were 33,583 inmates in North Carolina prisons. Adult males represented 85% of the prison population, youth males represented 9% of the prison population, and females represented 6% of the prison population. Therefore, the infraction rate of adult male inmates drives the overall inmate infraction rate. During FY 2002-2003, 59,772 infractions occurred, an infraction rate of 1.785 per inmate. Table I displays the number and rate of the 10 most frequently occurring infractions. Class C infractions including disobeying order and profane language, represent the largest proportion of infractions that occur each year.

Table 1: Ten Most Frequent Infraction Types in FY 02-03

Infraction Class	Infraction Type	Infraction Count	Annual Infraction Rate/1000
C	Disobey Order	18,861	563.22
C	Profane Language	7,492	223.72
A	Substance Possession	3,952	118.01
B	Sexual Act	3,018	90.12
D	No Threat Contraband	2,801	83.64
C	Unauthorized Leave	2,282	68.14
C	Fighting	2,260	67.49
D	Unauthorized Location	1,809	54.02
C	Barter/Trade Money	1,284	38.34
C	Threaten to Harm/Injure Staff	1,242	37.09

**Chart I: Infraction Rates by Demographic Group for All Classes of Infractions
Fiscal Years 96/97 through 02/03**

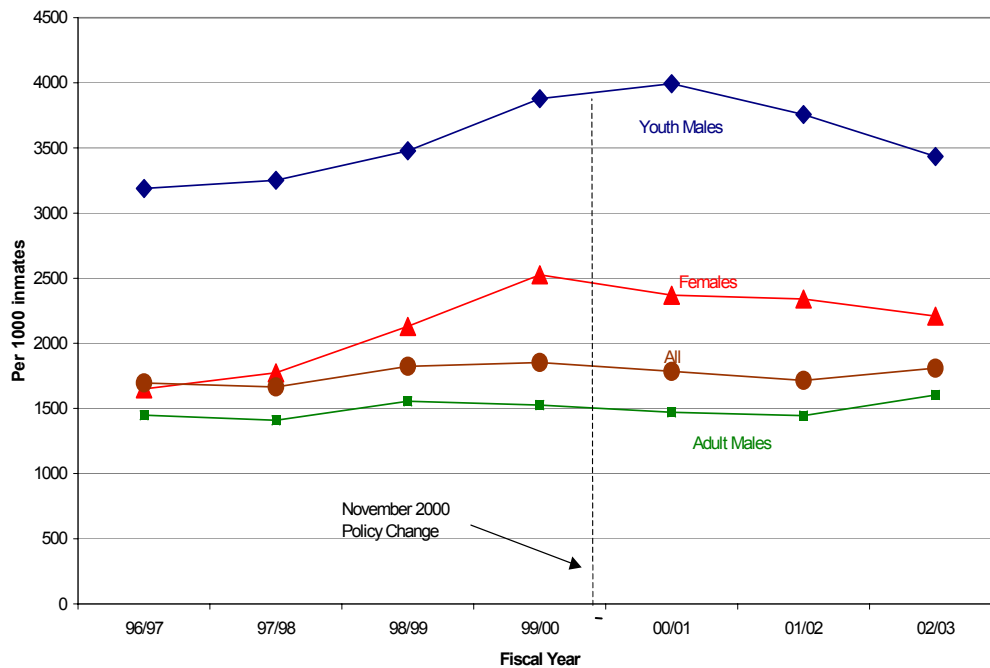


Chart I displays the infraction rates of adult males, youth males, and females for the past seven years for all classes of infractions (A-D). During this period, 96%-97% of all infractions were nonviolent, 1%-2% of infractions were violent, and 2%-3% were violent with weapons. Policy changes in November, 2000 may have affected subsequent infraction rates.

- The infraction rate among all inmates for all classes of infractions fluctuated slightly during the period. At its lowest point in FY 97/98, the rate was 1,666 per 1,000 inmates and at its highest point in FY 99/00, the rate was 1,854 per 1,000 inmates.
- The infraction rate for adult male inmates for all classes of infractions fluctuated slightly during the period. At its lowest point in FY 97/98, the rate was 1,410 per 1,000 inmates and at its highest point in FY 02/03, the rate was 1,604 per 1,000 inmates.
- The infraction rate for youth male inmates for all classes of infractions rose from 3,189 infractions per 1,000 inmates in FY 96/97 to 3,994 per 1,000 inmates in FY 00/01, and then declined to 3,436 per 1,000 inmates by FY 02/03.
- The infraction rate for female inmates for all classes of infractions rose from 1,652 infractions per 1,000 inmates in FY 96/97 to 2,528 infractions per 1,000 inmates in 99/00, and then declined to 2,210 infractions per 1,000 inmates by FY 02/03.

Chart II: Infraction Rates by Demographic Group for Substance Abuse Infractions
Fiscal Years 96/97 through 02/03

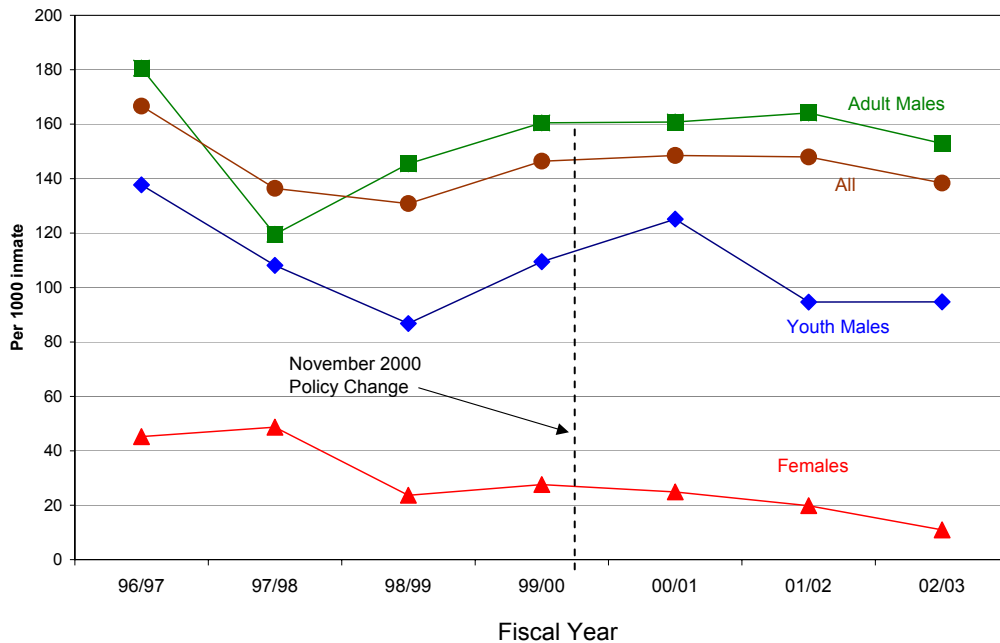


Chart II displays the infraction rate for substance abuse related infractions (substance possession, refusal to submit to a drug/breath test, inhaling a substance) for all inmates, adult male inmates, youth male inmates, and female inmates during the past seven years. These infractions are also included in the rates for all other infractions in Chart IV. The Division of Prisons raised the Class of substance abuse related infractions in November 2000 from Class B to Class A. The policy change may have led to a decline in substance abuse related infractions among youth male, and female inmates.

- The infraction rate for substance abuse related infractions for all inmates fluctuated during the period. The rate dipped to its lowest point of 131 infractions per 1,000 inmates in FY98/99, rose to its highest level of 148 infractions per 1,000 inmates in FY 00/01, and then declined by FY 02/03 to 138 infractions per 1,000 inmates.
- The infraction rate for substance abuse related infractions for adult males fluctuated during the period. The rate dipped to its lowest point of 120 infractions per 1,000 inmates in FY 97/98, and rose steadily to 164 infractions per 1,000 inmates in FY 01/02 before declining to 153 infractions per 1,000 inmates in FY 02/03.
- The infraction rate for substance abuse related infractions for youth male inmates fluctuated during the period. The rate dipped to its lowest point of 87 infractions per 1,000 inmates in 98/99, rose to 125 infractions per 1,000 inmates in FY 00/01, and declined to 95 infractions per 1,000 inmates by FY 02/03.
- The infraction rate for substance abuse related infractions for female inmates declined over the seven-year span from a high of 48 infractions per 1,000 inmates in FY 97/98 to 11 infractions per 1,000 inmates by FY 02/03.

**Chart III: Infraction Rates by Demographic Group for Serious Institutional Violence Infractions
Fiscal Years 96/97 through 02/03**

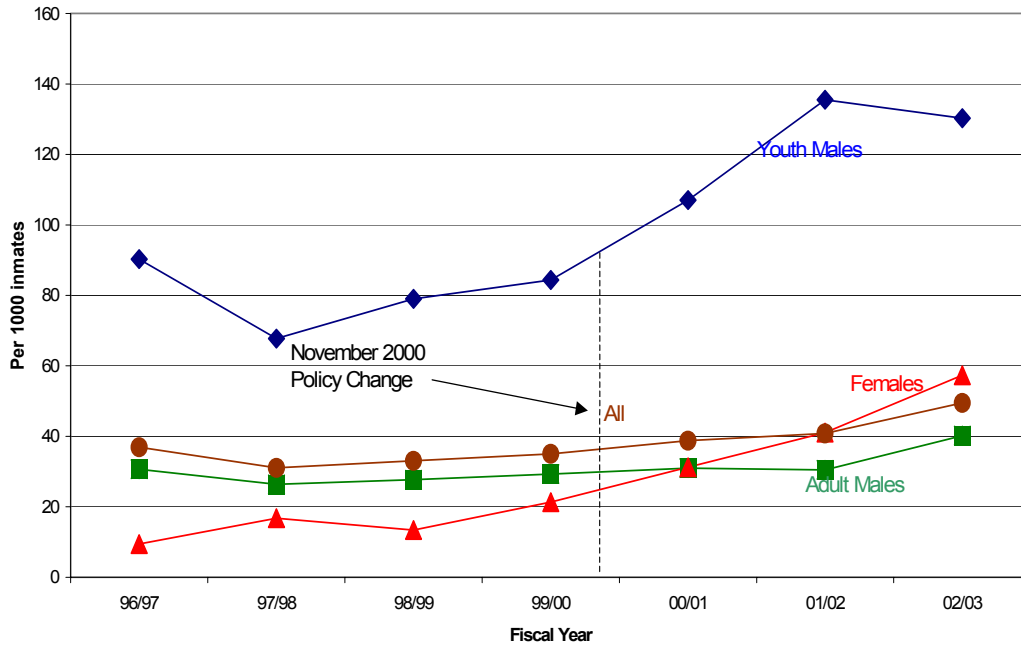


Chart III displays the infraction rate for serious institutional violence infractions for all inmates, adult male inmates, youth male inmates, and female inmates during the seven-year period. This grouping of infractions includes the following: assaulting staff with a weapon, assaulting a person with a weapon, fighting involving weapons, sexual assault, assaulting staff by throwing liquids, assaulting staff with sexual intent, taking hostage(s), active rioter, threat by fire, and detonating explosives. This type of infraction occurs infrequently but is a major safety concern to prison operations.

- The infraction rate for serious institutional infractions among all inmates increased during the period from a low of 31 infractions per 1,000 in FY 97/98 to a high of 49 infractions per 1,000 inmates by FY 02/03.
- The infraction rate for serious institutional violence infractions for adult males remained relatively stable between FY 96/97 and FY 01/02. The lowest point was in FY 97/98 with a rate of 26 infractions per 1,000 inmates in FY 97/98 and the highest point was in FY 02/03 with a rate of 40 infractions per 1,000 inmates.
- The infraction rate for serious institutional violence for youth males dropped from 90 to 67 infractions per 1,000 inmates between FY 96/97 and FY 97/98, rose steadily to 135 infractions per 1,000 inmates in FY 01/02 and then dropped to 130 infractions per 1,000 inmates in FY 02/03.
- The infraction rate for serious institutional infractions for female inmates rose considerably from a low of 9 infractions per 1,000 inmates in FY 96/97 to a high of 57 infractions per 1,000 inmates in FY 02/03.

**Chart IV: Infraction Rates by Demographic Group for All Other Infractions
Fiscal Years 96/97 through 02/03**

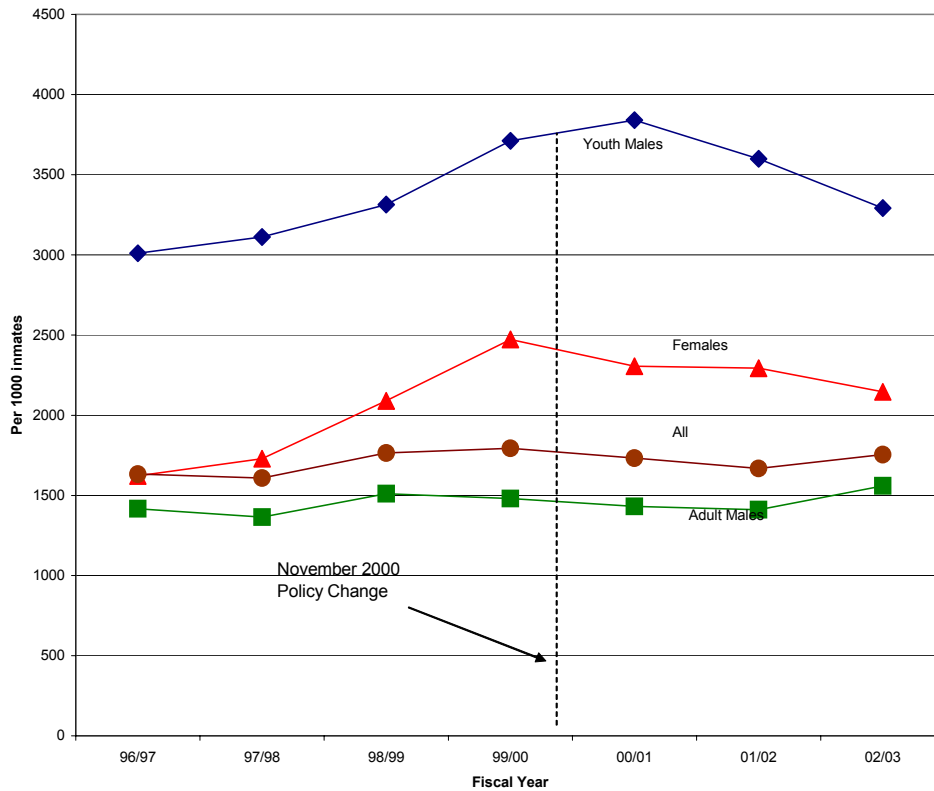


Chart IV displays the infraction rate of all other infractions for all inmates, male inmates, youth male inmates, and female inmates between FY 96/97 and FY 02/03. These infractions comprise approximately 97% of all infractions, including all Class C and D infractions, most Class B infractions, and a few Class A infractions. Examples include disobeying orders, using profane language, possessing non-threatening contraband, unauthorized leave, fighting, unauthorized location, and threatening to harm/injure staff.

- The infraction rate for all inmates for all other infractions remained relatively stable during the period. The lowest point was an infraction rate of 1,608 per 1,000 inmates in FY 97/98, and the highest point was in FY 99/00 with an infraction rate of 1,794 per 1,000 inmates.
- The infraction rate for adult males for all other infractions fluctuated slightly during the period. The infraction rate was lowest at 1,364 infractions per 1,000 inmates in FY 97/98 and highest in FY 02/03 when it was 1,559 infractions per inmate.
- The infraction rate for youth male inmates for all other infractions rose from 3,010 infractions per 1,000 inmates in FY 96/97 to 3,840 per 1,000 inmates in FY 00/01, and then declined to 3,291 per 1,000 inmates by FY 02/03.
- The infraction rate for female inmates for all other infractions rose from 1,621 infractions per 1,000 inmates in FY 96/97 to 2,473 infractions per 1,000 inmates in 99/00, and then declined to 2,146 infractions per 1,000 inmates in FY 02/03.

The 2000 revalidation of the Division of Prisons' objective classification system places strong emphasis on the prediction of offender misbehavior, particularly predicting violent misbehavior. A primary goal of the classification system is to place inmates who commit violent infractions in a secure setting - close custody. Inmates with less violent propensities are identified through classification for medium custody, and inmates predicted to be the least problematic are identified for minimum custody placement.

Charts V and VI display infraction data for adult males, females and youth males by custody level at the time of infraction during fiscal year 2002/2003. Chart V displays infraction rates for infractions that score serious institutional violence points on the objective classification instrument. Chart V shows that inmates in close custody have a significantly higher infraction rate than medium or minimum custody inmates.

Chart V: Rate of Serious Institutional Violence Infractions for Adult Males, Females, and Youth Males by Custody Fiscal Year 2002-2003

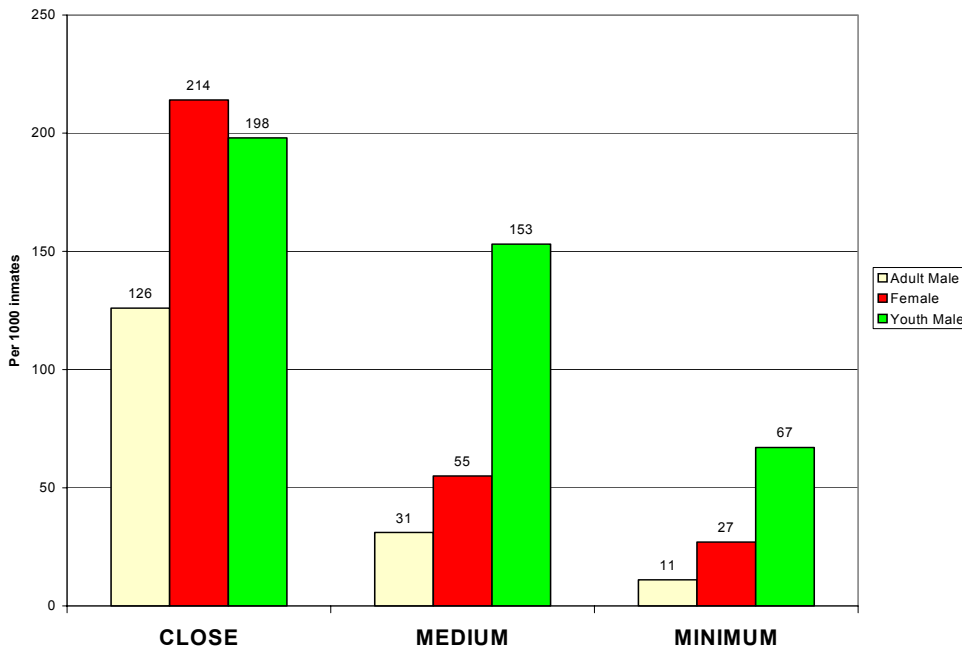
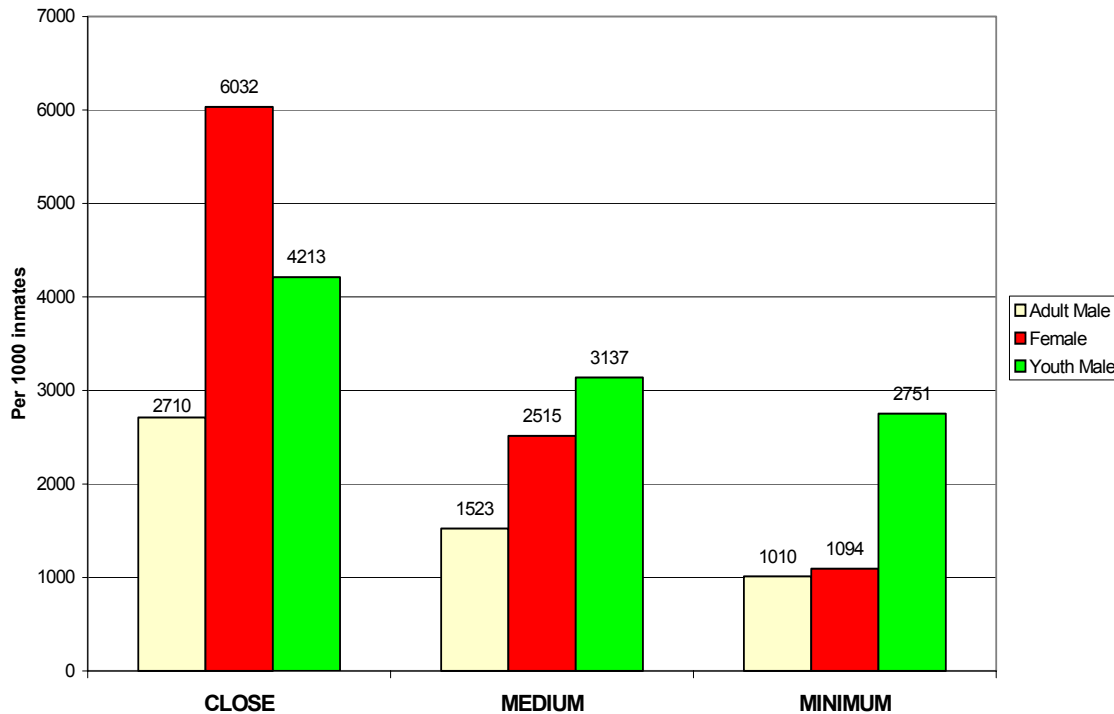


Chart VI displays rates for all other infractions by close, medium and minimum custody for adult males, female, and youth males at the time of the infraction. It shows that during fiscal year 2002/2003 inmates in close custody had a higher rate of all other rule violations than inmates in medium and minimum custody. Chart VI shows the high infraction rate of females in close custody, almost 50% higher than youth male inmates and double that of adult male inmates.

Chart VI: Rate of All Other Infractions for Adult Males, Females, and Youth Males by Custody Fiscal Year 2002/2003



Data in Charts V and VI indicate that the classification process is generally assigning inmates to appropriate custody levels. Evidence of this is the higher serious, institutional violence infraction rates occurring in close custody. Youth males have the high rates of serious, institutional violence, as expected. It is interesting that female inmates have a higher rate of serious, institutional violence in all custody levels than adult males.

Infraction Behavior

There is a body of research that seeks to explain inmate misbehavior in prison. In general, there are two predominant theories about why inmates commit infractions, referred to as importation and prisonization. The first of these, importation, suggests that offenders enter prison with personal characteristics (e.g. criminal history, age, race, socioeconomic status) that increase their likelihood of breaking the rules. Offenders' rule-breaking tendencies are "imported" into prison due to their individual characteristics, attitudes and behaviors.

In contrast, prisonization theory argues that infraction behavior is the result of adapting to prison society. Rule violations are seen as a means of adjusting to loss of liberty, material possessions, heterosexual contact, and personal autonomy and security. Infraction behavior is seen as the result of frustration, pressure and strain due to the prison culture. Institutional factors such as prison size and security, participation in prison programs and jobs, and institutional crowding are believed to affect levels of inmate misconduct.

Most current research indicates that a combination of these two theories provides the best explanation of prison infractions. Sharon Frazee PhD. published one such research project in 2003 titled "The Social Context of Inmate Misbehavior: A Contextual Analysis of Infractions in North Carolina Prisons." The study uses 1997 male population data from North Carolina prisons to examine the interaction of individual and environmental characteristics on infractions. The researcher found that both importation factors including age, marital status, race, educational level, employment history and prior incarcerations, and prisonization factors such as prison security level, average facility infraction rate, and proportion of violent offenders contribute to infraction rates.

Summary

Since the General Assembly passed the Structured Sentencing Act, the overall prison infraction rate has remained relatively stable, predominantly due to the influence of the stable infraction rate of adult males. The overall serious institutional violence infraction rate increased slightly over the seven-year period, due primarily to increases over time in the infraction rates in youth males and females. The overall substance-abuse-related infraction rate declined during the period, across all demographic types, probably due to changes in policy. The overall rate of infractions for all other infractions increased only slightly, due to increases for adult males in the past fiscal year. The prediction in the 1998 infraction study that infraction rates would increase due to the Structured Sentencing Act is not borne out by infraction rate trends during the past seven years.

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