

May 2019

Reviewing the Literature on Staff Misconduct and Specific Responsivity

Ernest M. Oleksy
Cleveland State University

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/tdr>



Part of the [Criminology and Criminal Justice Commons](#)

[How does access to this work benefit you? Let us know!](#)

Recommended Citation

Oleksy, Ernest M.. "Reviewing the Literature on Staff Misconduct and Specific Responsivity." *The Downtown Review*. Vol. 5. Iss. 2 (2019) .

Available at: <https://engagedscholarship.csuohio.edu/tdr/vol5/iss2/5>

This Article is brought to you for free and open access by the Student Scholarship at EngagedScholarship@CSU. It has been accepted for inclusion in The Downtown Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

Inmates within the U.S. Correctional System surrender many rights and liberties as consequence of criminal sentencing. Time spent within correctional facilities can be utilized for reflection, rebirth, and rehabilitation so that inmates are prepared to reenter society as functional citizens. However, all inmates face obstacles during their incarceration, and criminology's literature has recently begun uncovering the impact of an illegitimate hardship: staff misconduct. In addition to victimizing a vulnerable population, staff misconduct facilitates occupational deviance, recidivism, and dampens specific responsivity to programming. Through an analysis of the relevant extant research, staff misconduct is hypothesized to not only be a general detriment to corrections, but a relevant and negative specific responsivity factor.

One recurring theme from the literature on staff misconduct is the salience of occupational deviance. Occupational deviance is defined as antisocial behavior conducted by officials during the workday which is explained as part of their official duties (Worley & Worley 2017: 294). An example of occupational deviance by correctional officers is allowing inmates to physically abuse other inmates as a means of general deterrence. Occupational deviance is important as a theoretical concept since it connects the daily duties of COs with the potential for misconduct. Additionally, associations between inmate misconduct and responsivity have also been supported by the literature. For instance, staff members report that staff misconduct results in prisoners generalizing all correctional staff as a homogeneous group of bad actors who are trying to abuse the inmates, thus lessening inmates' responsivity to programming provided by any members of the correctional staff (Ricciardelli & Perry 2016: 416).

The literature suggests that occupational deviance is a common phenomenon within U.S. prisons. For example, a survey was created to capture the frequency at which correctional staff engage in deviant behavior while on-duty. The measure had an acceptable reliability, as evinced by its Cronbach's alpha of 0.731 (Worley & Worley 2017: 307). The self-report version of this measure did not have significant findings; however, the other-report data demonstrated that respondents had witnessed their colleagues and supervisors commit deviancy on a frequent basis (Worley & Worley 2017: 314-315). As an example, the average response on an item asking about whether a respondent's colleagues or supervisors engaged in sexual relations with inmates was 4.49 out of 5, where "1" corresponded with "strongly disagree" and "5" corresponded with "strongly agree" (Worley & Worley 2017: 309).

Occupational deviance can also manifest in nonphysical forms of staff misconduct and abuse. To this point, a study conducted in rehabilitative programs within Israeli prisons found that inmates reported a concern that staff members were irresponsibly discussing program meetings in a manner that breached

inmates' privacy, which put them at a higher risk of being victimized by violence at the hands of other inmates (Geiger & Fischer 2017: 2619). Occupational deviance is also not solely downstream from staff to inmates. For instance, 28% of inmates report that during their incarceration, they witnessed misconduct amongst staff members ranging from verbal to physical abuse (Trammell & Rundle 2015: 478). Occupational deviance can also dampen responsivity to programming, as demonstrated by the fact that therapists who are verbally abusive and accusative to their inmate clients have higher dropout rates and, thus, lower responsivity (Geiger & Fischer 2017: 2619).

Occupational deviance can also become embedded within how COs maintain control of inmates and other staff members. For instance, when looking at communication styles within prisons, a particular style which is adopted by COs is referred to as the "old school rough 'em up approach". This style is characterized by harsh verbal punishments that could be considered abusive as a way of intimidating inmates and other staff members into obedience (Ricciardelli & Perry 2016: 409). When compared to communicative styles which emphasize relationships, warmth, and trust, the "old school rough 'em up" approach is inferior in cultivating general responsivity towards programming, thus demonstrating how occupational deviance can be inhibitory towards the success of rehabilitation (Ricciardelli & Perry 2016: 416).

Occupational deviance does not occur uniformly across U.S. prisons. In fact, there are particular styles of prison management which foster greater occupational deviance. For instance, prisons which are characteristic of the deprivation model of prisonization, involving policies like racial integration and disciplinary segregation of inmates, have stronger positive correlations with inmate-staff assault rates. Such correlations were found when either a staff member or an inmate was the perpetrator (Randol & Campbell 2017: 462).

Lastly, occupational deviance has an acculturative, brutalizing effect, whereby inmates become more prone to misconduct when staff members also commit misconduct against the inmate group at-large. The experience of inmates observing staff misconduct lowers the degree of legitimacy with which they view the prison staff. Lower perceived legitimacy contributes to higher levels of nonviolent inmate infractions (Steiner & Wooldredge 2018: 24). Through such associations, staff misconduct, as conceptualized by occupational deviance, can explain more than just the occurrence of staff misconduct; occupational deviance can also provide insight as to how staff misconduct contributes to inmate misconduct. Similarly, when prison staff are inconsistent in how they discipline inmates and how distributive justice is enacted across different inmates, social relationships amongst inmates and between inmates and staff erode, and higher rates of inmate misconduct ensue (Liebling & Arnold 2012: 413).

Beyond occupational deviance, recidivism was a relevant theme across the extant literature. The previous discussion about links between staff and inmate misconduct can be expanded into a hypothetical pathway for recidivism. Possible evidence of this claim is found in the statistic that former inmates who engaged in misconduct while incarcerated are 7% more likely to recidivate on any criminal offense than their counterparts. The largest effect size amongst this subsample was noticed from former inmates who committed violent misconduct while incarcerated (Cochran et al 2012: 1050; 1056).

In addition to inmate misconduct, program completion has also been found to be a significant variable when studying recidivism. For sex offenders, specifically, inmates who complete programming recidivate at a rate of 4%, as contrasted to inmates who did not complete programming recidivating at a rate of 20% (Olver & Wong 2013: 584). Programming being beneficial to lowering recidivism rates further supports the importance of minimizing staff misconduct so to increase responsivity and to minimize reoffending.

One of the most successful theoretical models for programming to be based on is social learning theory (Geiger & Fischer 2017: 2602). For programs based on social learning theory, staff misconduct hampers general responsivity since inmates who observe staff committing deviance will be prone to mimic such behavior, thus contravening the strategies that they learn through programming. As such, inmates who commit rule-breaking behavior are more likely to recidivate (Cochran et al 2012: 1048).

Further issues may arise from staff members not believing in the efficacy of programming, since 35% of respondents to an all-staff survey were ambivalent as to whether programming could reduce recidivism and also thought that it was generally very difficult to achieve (Porporino 2003: 10). Distrust in programming may lead to issues with fidelity in treatment and a rationalization for staff members to enact their own methods of minimizing inmate misconduct, which could result in occupational deviance and increase recidivism rates.

Recidivism is also associated with facility characteristics in which inmates are incarcerated. As an illustration, inmates within medium-security prisons are at higher risk of reoffending than their counterparts within minimum- and low-security prisons. Researchers hypothesize that this is a result of medium-security facilities housing offenders of higher risk levels, which creates social facilitation in learning more criminal behavior from their fellow inmates. As further evidence, COs at medium-security prisons enact more physical discipline against inmates to maintain order (Neller et al 2014: 426).

Finally, matters of specific responsivity consistently appeared in the literature regarding staff misconduct. In fact, when analyzing the RNR Model (risk, need, and responsivity) of rehabilitative programming, risk and responsivity were determined to be the only significant predictors of the model in terms of lowering rates of reoffending for violent offenders, while elements like criminal sanctions and abuse of inmates during incarceration increased reoffending (Dowden 1998: 54; 95).

As previously mentioned, programming has generally been found to be a protective factor against recidivism (Gutierrez et al 2018: 326). However, programming which is designed with particular populations in mind has more pronounced contributions to lowering recidivism rates. For instance, programming which was specifically designed for indigenous offenders resulted in a 9% decrease in reoffending rates for that population when compared to indigenous offenders who were in control groups with programming that was not culturally relevant (Gutierrez et al 2018: 339). Such results are consistent with not only specific responsivity, but also with the pedagogical theory that learning gains will be greater when students are in an environment that is engaging and relevant (Gutierrez et al 2018: 322).

Indigenous offenders are not the only population of inmates that prefer programs which foster specific responsivity over general responsivity. In fact, survey data from a task force developed to study rehabilitative programming found that 87.4% of inmates from a variety of demographic backgrounds had a preference for programs which emphasized self-improvement and specific responsivity (Neller et al 2014: 426). Such findings suggest that inmates' perceptions of the meaningfulness and efficacy of programming is a relevant factor in the program's actual efficacy.

Specific responsivity is also salient within different styles of rehabilitative programming. In addition to the RNR Model, the Rehabilitation and Reasoning (R&R) Model is a widely practiced model within the U.S. (Voorhis et al 2013: 1250). Upon studying its efficacy, researchers did not find a significant difference in recidivism between the R&R group and the control group. However, R&R did significantly decrease recidivism for particular subsamples. These included high-risk offenders, whites, and parolees ages 28 through 32 (Voorhis et al 2013: 1266). As such, even evidence-based practices can have insignificant or detrimental effects on reoffending if specific responsivity is not considered.

Matters of specific responsivity are the most common reasons behind attrition amongst inmate clients within rehabilitative programming. Considering this, the extant literature does not provide much guidance in terms of how to ensure inmate engagement within programming. In fact, there were no studies

between 1964 and 2014 that specifically looked at investigating inmate interest in programming and what elements inmates report as being most interested in (Neller et al 2014: 424-425).

Furthermore, psychological elements appear to also be a relevant element to specific responsivity, since parolees with high anxiety evinced higher recidivism rates than the comparison group with lower anxiety (Voorhis et al 2013: 1250). Personality had differential contributions on responsivity to programming, too. Inmates with high trait neuroticism, for example, had a significantly higher recidivism rate than the comparison group (Voorhis et al 2013: 1273). Given that the populations of inmates with high anxiety and inmates with high trait neuroticism already have a difficult time responding to programming, managing staff misconduct to not further exacerbate this association becomes much more important for correctional facilities if rehabilitation is to be attained.

When reading the literature on staff misconduct, the topics of occupational deviance, recidivism, and specific responsivity all consistently appeared as important considerations when thinking about how the misconduct of correctional professionals is inhibiting inmates from rehabilitating during their incarcerations and from reentering society as prosocial individuals. With this knowledge, correctional facilities should make efforts towards managing prisons so that staff members are appropriately monitored, disciplined for misconduct, and rewarded for fostering a prosocial environment that facilitates rehabilitative learning through programming. Given that there appears to be a feedback loop between staff misconduct and inmate misconduct, correctional management must consider the behavior of their employees when determining how best to maintain order within the facilities and, concomitantly, lower recidivism rates of their inmates.

To incentivize a more prosocial prison culture, prisons' budgets and staff wages should be linked to how well-adapted inmates are to reenter society upon leaving the prison, whether that be measured by low recidivism rates, low attrition rates within programming, or other measures that can be determined through further research. Moreover, considering that prisonization also affects staff members, correctional facilities should incorporate programming for the staff as standard practice. By doing so, staff members would learn better stress and emotion management strategies, making them better suited to both administer similar programming to inmates as well as maintain order in an efficacious manner that does not abuse and antagonize inmates. Such a dynamic would cultivate a prison culture which is less overwhelming, more prosocial, and, hence, more appropriate to rehabilitate inmates out of the criminal justice system and into the general public.

References

- Cochran, Joshua C., Daniel P. Mears, William D. Bales, and Eric A. Stewart. 2012. "Does Inmate Behavior Affect Post-Release Offending? Investigating the Misconduct-Recidivism Relationship among Youth and Adults." *Justice Quarterly* 31(6):1044–73.
- Geiger, Brenda and Michael Fischer. 2017. "What Works in Israeli Prison-Based Sex Offender Rehabilitation Programs: Program Participants' Perspective." *International Journal of Offender Therapy and Comparative Criminology* 62(9):2601–23.
- Gutierrez, Leticia, Nick Chadwick, and Kayla A. Wanamaker. 2018. "Culturally Relevant Programming versus the Status Quo: A Meta-Analytic Review of the Effectiveness of Treatment of Indigenous Offenders." *Canadian Journal of Criminology and Criminal Justice* 60(3):321–53.
- Liebling, Alison and Helen Arnold. 2012. "Social Relationships between Prisoners in a Maximum Security Prison: Violence, Faith, and the Declining Nature of Trust." *Journal of Criminal Justice* 40(5):413–24.
- Neller, Daniel J., Michael J. Vitacco, Philip R. Magaletta, and A. Brooke Phillips-Boyles. 2014. "Eliciting Responsivity: Exploring Programming Interests of Federal Inmates as a Function of Security Classification." *International Journal of Offender Therapy and Comparative Criminology* 60(4):423–34.
- Olver, Mark E, & Wong, Stephen C.P. 2013. Treatment programs for high risk sexual offenders: Program and offender characteristics, attrition, treatment change and recidivism. *Aggression and Violent Behavior*, 18, 579-591.
- Porporino, Frank J. 2003. "Getting to "What Works" Through Organizational "Responsivity": Engaging Staff in Organizational Change." *Journal of Community Corrections*.
- Randol, Blake M. and Christopher M. Campbell. 2017. "Macro-Correlates of Inmate Violence: The Importance of Programming in Prison Order." *The Prison Journal* 97(4):451–74.
- Ricciardelli, Rose and Kelsea Perry. 2016. "Responsivity in Practice." *Journal of Contemporary Criminal Justice* 32(4):401–25.
- Steiner, Benjamin and John Wooldredge. 2018. "Prison Officer Legitimacy, Their Exercise Of Power, And Inmate Rule Breaking." *Criminology* 1–30.
- Trammell, Rebecca and Mackenzie Rundle. 2015. "The Inmate as the Nonperson." *The Prison Journal* 95(4):472–92.

- Voorhis, Patricia Van, Georgia Spiropoulos, P. Neal Ritchie, Renita Seabrook, and Lisa Spruance. 2013. "Identifying Areas of Specific Responsivity in Cognitive–Behavioral Treatment Outcomes." *Criminal Justice and Behavior* 40(11):1250–79.
- Worley, Robert M. and Vidisha Barua Worley. 2011. "Guards Gone Wild: A Self-Report Study of Correctional Officer Misconduct and the Effect of Institutional Deviance on 'Care' within the Texas Prison System." *Deviant Behavior* 32(4):293–319.