

Supervise Whom? Disciplinary Offences Committed by Incarcerated Persons⁽¹⁾

Some inmates pose a greater security risk and need closer supervision and monitoring than others. The trick is to identify these people in the general inmate population.

This article is based on research done in a provincial correctional institution (where remand and sentenced inmates are often housed together) in Quebec. In the provincial corrections system, risk management of inmates is essentially based on two models. The first model groups persons in custody on the basis of their legal status (i.e., accused or convicted). In the second model, inmates are grouped according to the level of supervision they need, maximum-, medium- or low-security supervision. Which model is most effective?

In theory, persons in custody awaiting legal proceedings should not be in contact with individuals convicted of offences under the *Criminal Code*. But when this is put into practice, remand inmates (accused persons held in custody without bail before trial) often have fewer privileges than sentenced inmates (such as access to sports activities, to educational services, to work, etc.). Also, people who have been charged but not tried yet are incarcerated with others who are often dangerous and violent.

With the risk management model that groups inmates according to the level of supervision they need, the institution is divided into two or three housing sectors with varying degrees of supervision. Inmates assigned to the maximum-security unit live under strict conditions whereas inmates housed in the minimum-security unit are able to move within the institution without having to go through control points. The latter therefore have access to the whole range of educational and recreational activities offered in a correctional institution.

The Context

Specific research on the characteristic behavioural patterns of remand and sentenced inmates is virtually nonexistent. Consequently, any hypothesis on the subject presented by psychologists, psychiatrists or criminologists is pure speculation. It is our opinion that the discussion must be based on empirical evidence. The study undertook to determine if, in the correctional institution where the research took place, disciplinary offences were committed more frequently by remand inmates or by sentenced inmates.

We also considered whether disciplinary offences were more likely to occur within particular security levels. In general, criminological studies dealing with the prevalence of violent and aggressive behaviour in correctional institutions are few. But, according to a recent study,⁽³⁾ the incidence of physical aggression among federal inmates is higher in medium- and high-security institutions than in minimum-security facilities.

Because of the lack of empirical research in Quebec on behavioural differences between remand inmates and sentenced inmates, we did an original survey in one of Quebec's correctional institutions. The objective of the study was to compare the differences in behaviour of remand and sentenced inmates on the basis of legal status and security classification.

Data

Data on disciplinary offences that occurred between November 1991 and August 1992 were used to analyze behavioural differences between types of inmates. To place the data in perspective, we had to have accurate estimates of the remand and sentenced populations over this same period.

Populations

To obtain reliable counts, we used the daily log listings of persons held in the institution. The logs of persons in custody in the correctional institution indicate, among other things, in which units inmates are housed and their legal status. Only inmates assigned to a cell in the correctional institution were included in the sample.

On each day during the 10-month period, there were, on average, 143 inmates in the correctional institution. Of these, approximately 28 were remand inmates who had been charged with an offence but who had not been brought to trial yet; approximately 115 were sentenced inmates. Therefore, remand inmates made up 19.2% of the population in the institution. These inmates were not evenly represented throughout the housing units. In Sector A, where the degree of security was highest, 23% were remand inmates. In Sector B, where the degree of supervision was medium to minimal, they made up 18% of the population.

Disciplinary Offences

The variable on which this whole study rests is that of disciplinary offences. The data, taken from a list of cases submitted to the correctional facility's disciplinary board, included the date of the offence, the person's status (remand or sentenced) and the unit in which the inmate was housed. A total of 344 cases appeared on these lists from November 1991 to August 1992. After a preliminary analysis of the data, 301 cases were selected for study.

It is possible to calculate the daily probability that an inmate will be found guilty of a disciplinary offence. There were 301 cases of disciplinary offences over the 10-month period. There are about 300 days in 10 months. Therefore, about one disciplinary offence is committed on average each day. With an average population of 143 inmates, the daily probability of an inmate committing an offence is less than 1 in 100 (0.7%). Disciplinary offences are therefore fairly rare.

Type of Disciplinary Offences

Under section 35 of the Quebec Regulation on houses of detention (Règlement sur les établissements de détention du Québec), the disciplinary board must penalize inmates who commit a disciplinary offence. This regulation sets out nine types of disciplinary offences, listed in the table below along with the number of reported cases by type.

The 301 inmates who appeared before the disciplinary board committed 484 disciplinary infractions. Of

these, the most common offences were: non-compliance with regulations, interference in the smooth-running of the institution, voiced threats and refusal to participate. There were 23 instances of physical violence between two inmates. The two types of disciplinary offences that occurred in less than 20 instances were not considered in the analysis of these data.

Table 1

Types of Disciplinary Offences		
Type	Number	Percentage
Physical violence	23	5%
Voiced threats	47	10%
Damage to property	20	4%
Refusal to participate	37	8%
Interference in the smooth running of the institution	113	23%
Possession of a prohibited article	33	7%
Circulating a prohibited article	5	1%
Obscene conduct	4	1%
Non-compliance with regulations	202	42%
Number of individual cases	301	
Number of offences	484	100%

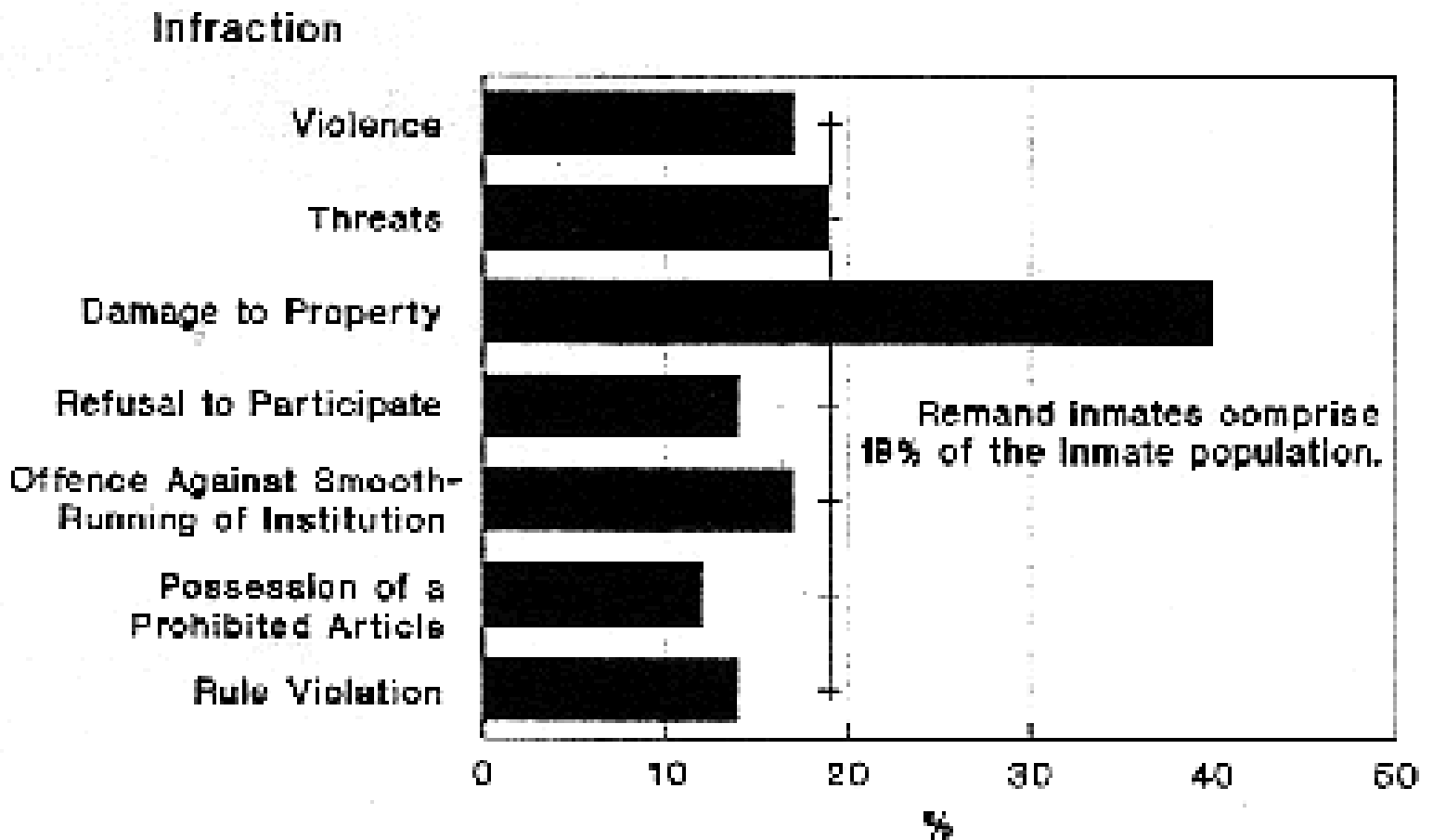
Results Comparison Based on Legal Status

The first variable of interest was the inmate's legal status. Were remand inmates a greater security risk than sentenced offenders? The results of this analysis are illustrated in Figure 1.

In general, remand inmates committed fewer disciplinary offences than expected given their proportion in the inmate population. For instance, remand inmates made up 19% of the prison population, but they were responsible for only 14% of cases of refusal to participate and 17% of physical violence. Remand inmates committed proportionately more disciplinary offences in only one area - that of damage to property. These differences between remand inmates and sentenced inmates are not strong enough to suggest important differences in their behaviour.

Figure 1

Figure 1
Percentage of Infractions Committed
by Remand Inmates



Comparison Based on Security Classification

Given these results, it does not appear that an inmate's legal status is a strong factor to predict security classification. Nonetheless, it has often been used by administrative authorities in prisons and penitentiaries to classify inmates. Remand inmates are generally kept apart from sentenced inmates.

The classification system used in the institution examined in this study was based on an innovative approach which grouped inmates based on the level of supervision they needed. The degree of supervision was determined by institutional staff using various criteria such as escape risk and ability to interact adequately with others. Legal status was not considered an important factor in the evaluation process.

Inmates who needed a high level of supervision were assigned to Sector A whereas inmates who required medium or minimal supervision were housed in Sector B. The latter enjoyed greater freedom within the institution. However, the following question can legitimately be asked: Does the security classification in the institution accurately discriminate between inmates who are likely to commit a disciplinary offence and those who are not? The results of the analysis are shown in Figure 2.

Figure 2

Figure 2
Percentage of Infractions Committed by
Inmates in the Maximum-Security Sector

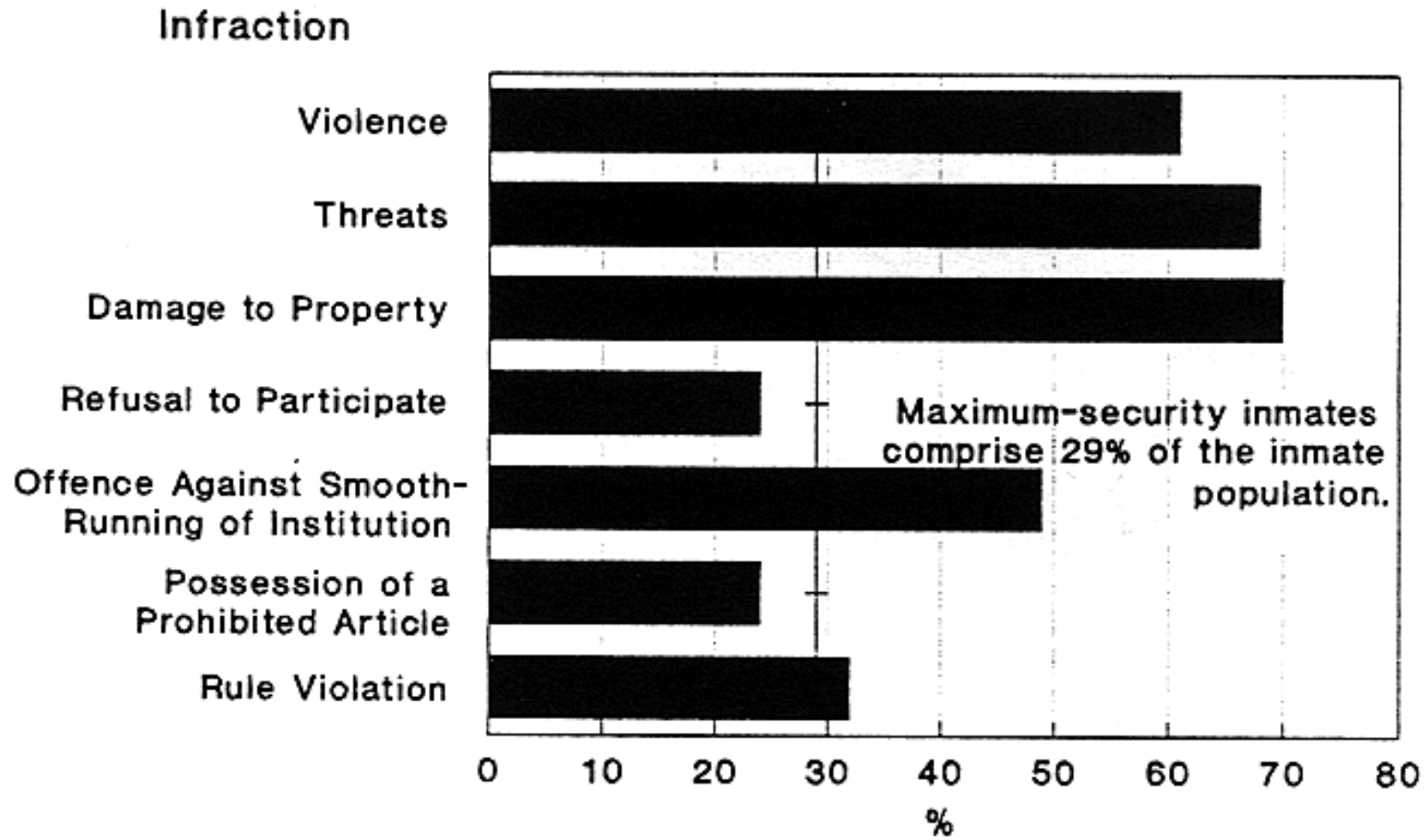


Figure 2 shows that inmates housed in Sector A made up 29% of the whole population of the institution. However, these inmates were responsible for 61% of cases of physical violence, 68% of threats, 70% of damage to property and 49% of interference with the smooth-running of the institution. It would therefore seem that inmates who were placed under greater supervision were more likely than those under medium or minimal supervision to commit offences prohibited by the regulations. But, was the risk of committing an offence increased because these inmates were under greater supervision? This question remains unanswered. For now, security classification remains a more accurate predictor of misbehaviour than a person's legal status.

When more detailed analyses were done, an interesting situation emerged. When only the high-supervision sector is analyzed, remand inmates made up 23% of the population, but were responsible for 29% of cases of physical violence, 28% of threats and 36% of damage to property. In this high-supervision unit, remand inmates committed proportionately more disciplinary offences than sentenced inmates in six (out of seven) types of offences. In summary, remand inmates held in high-security sectors displayed violent, aggressive or prohibited behaviour more often than sentenced inmates housed in these same sectors. But what about

the persons incarcerated under medium and minimal supervision? Here, we see a much different situation.

In the medium- and minimum-security sector, remand inmates made up 18% of the population. However, they were not responsible for one case of physical violence, nor for any of the instances of threats or possession of a prohibited article. Also, relative to their proportion in this sector's population, they committed fewer offences of refusing to participate, interfering with the smooth-running of the institution or non-compliance with the regulations. Damage to property was the only type of disciplinary offence that remand inmates were found responsible for more often than sentenced inmates.

Conclusion

Two questions needed answering: How can we determine whether remand inmates are more unpredictable than sentenced inmates? Does the link between an inmate's legal status and the likelihood of committing a disciplinary offence change according to the person's security classification?

In this study, we have come to the following conclusions.

- Overall, remand inmates were slightly less likely than sentenced inmates to display prohibited behaviour.
- In general, persons incarcerated in the high-security sector were considerably more likely than those incarcerated in the medium- or minimum-security sector to display prohibited behaviour.
- In the high-security sector, remand inmates were more likely than sentenced inmates to commit disciplinary offences.
- In the medium- or minimum-security sector, remand inmates were less likely than sentenced inmates to display prohibited behaviour.

On the basis of these results, it appears that classifying incarcerated persons based on the level of supervision they need (as evaluated by professionals) is a far more accurate management tool than classifying by legal status.

Grouping similar inmates together has several advantages. It allows remand inmates to benefit from the full range of educational and recreational tools available in the correctional institution; it reduces the likelihood that persons with greatly varying potentials for violence and aggressiveness will be housed together; and it permits the accurate identification of inmates requiring a high degree of supervision, thus keeping the frequency of security incidents (i.e., escapes, hostage takings, assaults) to a minimum.

⁽¹⁾*This article is a summary of the following report: Marc Ouimet, Differences comportementales entre les incarcérés-prévenus et les incarcérés-détenus à un établissement de détention du Québec. Research report, Centre International de Criminologie Comparée, Université de Montreal, 1992.*

⁽²⁾*Marc Ouimet, Ph.D., Assistant Professor, Ecole de criminologie, Centre International de Criminologie Comparée, Université de Montreal, Box 6128, Station A, 3150 Jean-Brillant #4079, Montreal, Quebec H3C 3J7.*

⁽³⁾*"Violence and Suicide in Canadian Institutions: Some Recent Statistics," Forum on Corrections*

