THE OPERATIONAL PAINS OF CARCERAL CONFINEMENT: PRISON STAFF AS
FRONT-LINE ARBITERS OF PUNISHMENT

by

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LIST OF ABBREVIATIONS

American Correctional Association .... ACA
Correctional Officer .... CO
Department of Corrections .... DOC
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment
or Punishment .... CPT
General Population Unit .... GPU
Restricted Housing Unit .... RHU
United States of America .... US

ABSTRACT

THE OPERATIONAL PAINS OF CARCERAL CONFINEMENT: PRISON STAFF AS FRONT-LINE ARBITERS OF PUNISHMENT

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George Mason University, 2023

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Prisons are notoriously painful places that cause a great deal of harm to incarcerated people (Sykes, 1958). They are often dirty, dehumanizing, and can pose serious risks to both mental and physical health (Brinkley-Rubinstein, 2013; Caravaca-Sanchez et al., 2022; Crewe, 2011). Existing literature considers not only people's actual carceral experiences, but also how these experiences translate into perceptions of punishment. This research suggests that staff play a large role in shaping the confinement experience but does not adequately consider *how* staff actions contribute to people's perceptions of punishment. Using the *penal consciousness* framework proposed by Sexton (2015), this thesis explores how staff influence people's perceptions of punishment. Through mailed correspondence with 83 incarcerated people living in 13 different prisons across one U.S. state, I find that staff act as front-line arbiters of punishment in three ways: in their role as gatekeepers to goods, services, and systems; when they physically assault incarcerated

people; and when they purposefully antagonize the individuals they supervise. The practical and theoretical implications of staff arbitrating punishment in these ways suggests that without reform, prison staff will continue to cause additional, excessive, and unjust harm to incarcerated people.

INTRODUCTION

Prisons are incredibly painful places that are often dirty and dehumanizing (Crewe, 2011) and can pose serious risks to both safety (Caravaca-Sanchez et al., 2022) and mental and physical health (Brinkley-Rubinstein, 2013). Because of their role as front-line bureaucrats who wield a tremendous amount of discretion (Lipsky, 1980; Haggerty & Bucerius, 2020a), prison staff, and particularly custodial staff, can make the prison environment even more challenging when they disregard institutional policies, abuse their authority, or outright break the law (Haggerty & Bucerius, 2020a; Rudes et al., 2021). The tribulations that incarcerated people[1] face have been a topic of research for quite some time and many scholars use the "pains of imprisonment" framework proposed by Sykes (1958) to organize and understand these experiences. This research has uncovered horrifying injustices within prisons and has provided insight into how punishment actually operates "on the ground" as opposed to in a theoretical, abstract, or ideal form (Sexton, 2015, p. 117).

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[1] In recognizing the important shift towards using person-centered language, I use the term "incarcerated people", "incarcerated individuals", or simply "people" and "individuals" to refer to those held in custody. I contemplated using the term "prisoner" to convey the power dynamic present in prisons, but I ultimately chose the term "incarcerated person" because it denotes a particular locale rather than conveying a stigmatizing label as words like "inmates," "prisoners," and "convicts" do. However, I do use the term "inmate" or "prisoner" verbatim when research participants use them or as described by research scholars.

The theory of *penal consciousness*, proposed by Sexton (2015), "examines the ways in which prisoners orient to and make meaning of their punishment" (p. 114). One especially important component of her theory is the idea of the "punishment gap," which is the difference between the punishment an individual expected and the punishment that they actually experienced. It is invaluable to the study of prisons and punishment because it allows us to better understand the lived experiences of the people actually experiencing what researchers, policy-makers, and the public so fervently discuss and debate. As Sexton points out, "punishment is not just something that is done – it is something that is done *to* people and experienced *by* people. And the subjectivity of the people who are punished matters" (p. 115). By listening to incarcerated people's accounts of punishment *in practice,* policy-makers and the public alike are able to make more informed policy decisions that actually reflect the reality of life in prison. Most importantly, it gives the people actually impacted by these decisions a voice in how punishment is distributed and received, and a say in what is a fair consequence and what is unjust.

The research on the subjectivity of punishment and on the pains of imprisonment suggests that staff play a large role in shaping the confinement experience. However, this research does not adequately consider *how* staff actions contribute to the severity of punishment and what this means for incarcerated people's perceptions of the punishment gap. Because staff are given so much discretionary power, they have immense control over the actual application and experience of confinement, making them de facto arbiters of punishment who have the power to make punishment more or less severe and to narrow or widen the punishment gap. This thesis contributes to our understanding of

penal consciousness by examining incarcerated individual's experiences with staff and how these experiences contribute to their perceived punishment gap. This work not only expands the theory of penal consciousness, but may also help generate policy reforms to reduce the harm experienced by people held in carceral confinement.

<center>**LITERATURE REVIEW**</center>

THE CONFINEMENT EXPERIENCE

Incarcerated people consistently report feeling like "objects in a warehouse" (Fleury-Steiner & Longazel, 2013, p. 9) or like they are a "nonperson" with little agency over their own lives and actions (Trammell & Rundle, 2015, p. 473). People are also at risk of being physically and sexually abused at the hands of staff and other incarcerated people. Globally, it is estimated that approximately 19% of incarcerated people have been physically assaulted, while approximately 12% have been sexually abused (Caravaca-Sanchez et al., 2022). This same study found that women are more likely than men to be abused (both physically and sexually) at some point during their incarceration. Finally, incarceration is widely considered a "catalyst for worsening health" (Brinkley-Rubinstein, 2013, p. 3), with diseases spreading rampantly (Dutheil et al., 2020), frequent exposures to environmental hazards like Superfund sites[2] (Wang, 2022), and horribly unsanitary and unhealthy food options available (Incarcerated Workers Organizing Committee, 2018). Concerningly, the meals individuals receive have been linked to serious health issues, including foodborne illnesses resulting in hospitalizations and in a few cases, death (Marlow et al., 2017). To make matters worse, these health hazards are often compounded by inadequate prison medical and mental health treatment systems (e.g., Damberg et al., 2011; Wilper et al., 2009). What is apparent in all of these

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[2] "Superfund" sites are abandoned industrial sites that are used for dumping toxic materials and waste. Approximately one third of prisons are located within three miles of these sites. For more information on Superfund sites, see Wang (2022).

experiences is that staff have a role in shaping the confinement experience – whether through their attitudes and behaviors or through more overt actions like abuse or deviating from policy. In the words of Gendreau and Bonta (1984), "People create problems for each other. Physical environments are often relatively innocent bystanders" (p. 474). The following subsection explores the different ways in which staff influence people's incarceration experiences.

The Role of Prison Staff in Shaping the Confinement Experience

Front-line bureaucrats have an immense amount of discretionary power as they operate in the space "in between" (Jenness & Grattet, 2005) explicit rules and ground-level decision making (Lipsky, 1980). This is true in any profession, and is especially apparent in prisons where staff operate with minimal oversight from supervisors and where rules are up to interpretation and constantly changing (Rudes et al., 2021). While prisons have become more bureaucratic over time (Garland, 1990) with increased superintendence from both internal and external agencies (Liebling, 2006), prior research has found that oversight from external agencies like the American Correctional Association (ACA) does not actually reduce how often staff improperly exercise discretion (Ross et al., 2016; Ross, 2013; Worley & Worley, 2011) and that internal agencies like grievance review boards rarely address people's concerns (Jenness & Calavita, 2018; Van der Valk et al., 2022). Prison staff, and particularly correctional officers (COs), have tremendous influence on the daily lives of incarcerated people and a vast amount of discretion in how they carry out their duties (Haggerty & Bucerius, 2020a). COs constantly interact with incarcerated people during cell-checks and

scheduled rounds, and are responsible for getting people to the dining hall, to showers, outside to recreation, to medical appointments, and to the visitation room. However, prior literature has shown that COs do not always act as they should, and sometimes disregard policies or engage in law-breaking behavior (e.g., Gendreau & Bonta, 1984; Haggerty & Bucerius, 2020a; Ross et al., 2016; Ross, 2013; Rudes et al., 2021; Worley & Worley, 2011). The same is of course true of employees in any setting, but is particularly alarming in correctional environments where staff have total control over people's lives and well-being.

Scholars have offered several potential reasons for why staff commit misconduct. Some lines of research consider how staff's personality and life and work experiences relate to rule-breaking behavior (Lambert & Paoline, 2008; Tracy, 2004; Zimbardo, 2007). Interviews with COs revealed that staff are often incredibly overburdened with daily tasks, an issue that is only exacerbated by a crisis of short-staffing (Haggerty & Bucerius, 2020a; Rudes et al., 2021). In addition, COs pay more attention to security/control (Rudes et al., 2021) and maintaining relationships to make their jobs easier and potentially less dangerous (Haggerty & Bucerius, 2020a; Liebling, 2000; Sparks et al., 1996) than anything else. Moreover, staff are tasked with learning hundreds of rules and policies during their training (Haggerty & Bucerius, 2020a), and to make absolute policy-adherence even more unrealistic, these rules are constantly changing (Rudes et al., 2021). Finally, the likelihood of getting caught also seems to influence COs willingness to disregard policy. Haggerty and Bucerius (2020a) found that staff take the "visibility" of their actions into account, however, other research has found that there is

minimal, if any, monitoring of CO conduct (Rudes et al., 2021), suggesting that

misconduct probably occurs quite regularly.

Prior literature finds that prison staff commit a wide variety of misconduct.

Numerous studies have reported physical and sexual abuse perpetrated by staff inside

prisons (e.g., Caravaca-Sanchez et al., 2022; Irwin, 2005; Marquart, 1986), and one study

found that some staff stole things from incarcerated people, smuggled in contraband,

embezzled from both the institution *and* incarcerated people, and abused their authority

(McCarthy, 1996). COs also sometimes deny people the things they are entitled to by

both policy and law, like meals, showers, and recreation (Hulley et al., 2011; Rudes et al.,

2021), and are generally apathetic to people's needs (Smoyer & Lopes, 2017). Non-

custodial prison staff like medical clinicians do not behave much better. In the words of

one incarcerated person, "You have to be almost dead before [medical staff] ever really

work on you in prison" (Wennerstrom et al., 2022, p. 1767). Studies also capture verbal

abuse (e.g., name-calling, yelling, harassing) by COs, directed not only towards

incarcerated people (Hatton, 2018), but also to each other (Trammel & Rundle, 2015), as

well as times where staff abused their sick time and allowed incarcerated people to break

prison rules (Worley & Worley, 2011). These sorts of misconduct are not few and far

between – they are a regular occurrence over the eight-hour work-day (Worley &

Worley, 2011) and cause incarcerated people a fair amount of injustice and distress.

Many scholars have used the "pains of imprisonment" framework proposed by

Sykes (1958) to organize and understand these experiences. Sykes first introduced the

pains of imprisonment in his book *The Society of Captives,* writing about the deprivations

of liberty, goods and services, heterosexual relationships, autonomy, and security that incarcerated people experience. This framework is often referred to as "foundational" and "pioneering", and laid the groundwork for many scholars interested in the study of prisons and the experiences of the individuals confined to them. Haggerty and Bucerius (2020b) review the literature on the pains of imprisonment and sort the findings into four categories: *additional pains* (beyond Sykes's original five)*, disaggregated pains, pains beyond prison walls,* and *distinctively modern pains*. A myriad of pains are discussed in this literature, ranging from the sorrow of isolation from one's community (Shammas, 2017) to the frustration of being used for cheap – and often free – labor (Fleury-Steiner & Longazel, 2013; Gibson-Light, 2022). Other work pays more attention to the causes of these pains, like Crewe (2011), who found that officer misconduct and systemic issues result in an environment that is increasingly "tight" and oppressive, as well as psychologically burdensome and deeply restrictive of liberty. Of course, everyone's prison experience is uniquely their own, and some work considers how the pains of imprisonment vary for different groups, like juveniles (Cox, 2011), the elderly (Crawley, 2005), long-timers (Flanagan, 1980), and women (Bosworth, 2017).

All of this work paints a rather grim picture of life inside prison walls, and also offers insight into how people actually interact with punishment they were sentenced to. Historically, punishment has been presented as a rather objective legal sanction that people experience in one singular way (Sexton, 2015). However, this research shows that not only do people have different confinement experiences, but also that the "experience of punishment on the ground" is markedly different from this objective legal sanction and

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is actually incredibly subjective (Sexton, 2015, p. 117). This line of inquiry was explored by many scholars interested in how people interact with and make meaning of their punishment.

THE SUBJECTIVE EXPERIENCE OF PUNISHMENT IN PRISON

Sexton's (2015) *penal consciousness* theory examines how people interpret the punishment they receive and has several important components. First, through her conversations with 80 incarcerated men and women, she discovered that people experience both *concrete* and *symbolic* punishment. Concrete punishments are more of an inconvenience (like denial of quality hygiene products) while symbolic punishments are the meaning that people assign to conditions (like feeling a loss of personal identity because of various institutional rules). Second, two distinct aspects of punishment emerged: salience and severity. The *severity* of punishment is the intensity of the punishment experienced, while the *salience* of punishment is the extent to which that punishment pervades people's everyday lives. When individuals experience a higher degree of salience, they have what Sexton describes as a positive punishment gap, which is the difference between the punishment an individual expected, and the punishment that they actually experienced. She found that people generally had clear expectations about what prison ought to be like and assumptions about the fairness of the treatment they would receive while incarcerated, though those who perceived their punishment as more severe than warranted generally compared the treatment they received to the treatment people who had committed "worse crimes than them" had received. This theoretical framework, and particularly the concept of the punishment gap, provides a unique and

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useful way to understand the experience of punishment on the ground and will be used to frame the findings and discussion section of this thesis.

The subjectivity of punishment is not only of interest to Sexton. One study, which occurred before Sexton's, examined the perceptions of people held in Federal prisons. In this study, Van Voorhis and colleagues (1997) asked people about their perceptions of deterrence, rehabilitation, incapacitation, and retribution. Individuals in their study had varying beliefs, with some reporting that they felt that the punishment was a deterrent and deserved, while others saw no purpose of prison as a punishment. Other scholars also found punishment to be a particularly subjective experience. In their study in England and Wales, Van Ginneken and Hayes (2017) found that incarcerated people viewed punishment in two primary ways: either as deprivation of liberty or as hard treatment. Similarly, Schinkel (2014), who conducted interviews with individuals at multiple points during their incarceration in Scottish prisons, found that no consistent "moral message" of punishment was perceived by those experiencing it (p. 592). These studies all highlight the nuance of punishment and how unique (and influential) the experience is to each person.

Research on the subjectivity of punishment offers some insight into how staff shape the punishment experience, as does prior literature on staff discretion and misconduct. However, this research does not adequately consider *how* staff actions can either increase or decrease the salience and severity of punishment, or what this means for people's perceptions of the punishment gap. This thesis uses Sexton's (2015) *penal*

consciousness and punishment gap framework to explore how staff influence people's

perceptions of the punishment gap.

METHODS

The data in this study comes from four larger projects aimed at understanding the lived experiences of incarcerated people. During data collection for these projects, we were unable to interview all of the people who volunteered for the study, and we offered these people the option of sharing experiences via letters with the research team. At present, 83 people living in 13 different prisons in one U.S. state have sent in mail to the research team. I analyzed these letters using the qualitative data analysis program Atlas.ti. In these letters, people by-and-large wrote about how harmful different aspects of incarceration were to them. Many of these experiences centered around staff, and people described how these interactions shaped their confinement experience.

STUDY SITE CONTEXT

The study site is a large Eastern state correctional system with over 20 sex-segregated male prisons, more than one sex-segregated female prison, and five or more community correctional reentry centers, in total supervising nearly 50,000 incarcerated individuals. Each prison may contain many different styles of housing units, including General Population Units (GPUs) and Restricted Housing Units (RHUs). Most incarcerated people live in GPUs. However, it is estimated that between 40 and 60 percent of all individuals in prison spent time in an RHU at some point during their incarceration (Rudes, 2022). Individuals are placed in RHUs for administrative (e.g., their safety in GPUs is at risk) or disciplinary (e.g., violation of an institutional rule) reasons for set periods of time, which may range from a few months to multiple years

(Correctional Leaders Association & The Arthur Liman Center, 2022). Operationally speaking, RHUs are often referred to as a "prison within a prison" (Browne et al., 2011, p. 47), and the individuals confined there are locked in their cells for roughly 23 hours a day, with highly restricted movement only for shower and yard.

Most individuals in the present study previously or currently live in RHUs. However, most who sent in mail often refer to their incarceration experience without distinguishing between RHU and GPU experiences. Therefore, the present study considers the experiences individuals shared to be reflective of life during incarceration generally, and not specific to life in the RHU, though I will discuss unit-specific experiences when appropriate.

DATA AND SAMPLE

The data in this study come from four larger projects aimed at understanding the lived experiences of individuals confined in both GPUs and RHUs, called *The Prison Project, Together Alone, Change the W(hole) Mind*, and *The Prison Mail Project.* These four projects covered a wide range of topics, including conditions of confinement, procedural justice, relationships, punishment, health, empathy, identity, rights/privileges, coping, trauma, rules, safety, and mercy. Due to time constraints during data collection for these projects, we could not interview all of the people who consented to an interview, and we offered that these people could send in letters to the research team. Sometimes, people wrote to the team asking for a copy of the interview questionnaire, and we would mail back a packet with space for written responses under each interview question. As mentioned, these projects covered a wide range of topics, so questions

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varied across each project's questionnaire. Some examples of questions include; "Describe this prison and unit. How does it compare to other prisons you've lived in?", "Define punishment", "Tell me about a time you felt powerful and a time you felt powerless", "What causes the most conflict in this facility? What allows it to continue? What makes it worse?" and "Describe the rights incarcerated people have." and the follow-up question, "Tell me a story about when people might not get their rights." Those letters and questionnaires make up the data for this study.

Recruitment

Individuals were recruited for *The Prison Project, Together Alone,* and *Change the W(hole) Mind* using a convenience sample (Etikan et al., 2016). To elicit participation in an interview, in teams of two, researchers walked cell-to-cell in the RHU. One researcher would introduce the goals of the project, and after explaining the study and allowing time for questions, if the individual agreed, the second researcher would record the individual's name. Individuals were also offered a copy of the recruitment flyer which included a mailing address for correspondence in case the research team did not have time to interview them during data collection. Researchers noted that although they could not guarantee confidentiality in the same way that they could during interviews because the letters would have to pass through the prison mail system, the letters would be protected to the best of the team's ability and only members of the research team would have access to the data. All individuals recruited met the eligibility criteria, including 1) they spoke English; 2) they were not presenting with any active mental health symptomology, and 3) they had not collected a misconduct on the day of our recruitment.

All recruitment and interview protocols were reviewed and approved by George Mason

University's Institutional Review Board (IRBNetID #619187-18; #1063781-19;

#1773901-1).

During data collection for *The Prison Project, Together Alone* and *Change the*

W(hole) Mind, our team was unable to interview all of the individuals who volunteered

for the study due to time constraints. As mentioned, these individuals were invited to mail

us their answers to interview questions or send letters to the research team. In addition,

during data collection for the *Prison Mail Project,* which occurred in Summer 2021,

research assistants mailed new questionnaires to individuals who had previously

corresponded with the research team. Using the mail system to interview incarcerated

people is certainly not a traditional qualitative method, but some scholars (e.g., Bosworth

et al., 2005; Maycock, 2021; Umamaheswar, 2014) have used this method specifically to

circumnavigate the hardship of gaining access to prisons. These scholars all noted the

rich data that results from letters, with one scholar noting that participants offered even

more detail in the letters than they had in their interviews (Umamaheswar, 2014).

Sample

At present, the research team has received mail from 114 incarcerated people

living in 13 different prisons across one U.S. state, 83 of whom are considered in the

present study. The 31 individuals whose letters are not included in the present analysis

were excluded for a variety of reasons, including that they were just saying "thank you"

for their initial interview, were asking for more information about the study, were curious

if we could provide them legal advice, or if they did not meet the eligibility criteria stated

above. A total of 115 mail packets were received by the research team, including both letters (75) and questionnaires (40). Of the individuals who mailed letters, the majority sent in only one letter (71.08%), while some sent in multiple. The letters and the questionnaire responses ranged from only one page to 76 pages typed single-spaced (one man sent in copy of a journal he had been keeping for several months), with the average length being roughly three pages[3]. Most of the individuals whose letters are considered in the present study were recruited through the larger projects, while a few volunteered after seeing a flyer or hearing about the project from others. Further, as mentioned previously, during data collection for the *Prison Mail Project* research assistants mailed new questionnaires to individuals who had previously corresponded with the research team, yielding 10 additional questionnaire responses.

The demographic information of study participants is a mix of self-report data and administrative data. In questionnaire packets, individuals were invited to share basic demographic information with the research team, including their gender identity, age, race and ethnicity, and time in incarceration. Because of the nature of the letters (i.e., the individual was usually the first to reach out and they had no way of knowing what information we were looking for), demographic information was typically not included in these. However, during the coding process when individuals noted demographic information in other places in the letter (e.g., saying "I have been in prison for 18 years"), that information was recorded and considered as self-reported data. When demographic

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[3] The value of 76 pages was excluded as an outlier as the longest page length under this was 16. If this value was included, the number of pages in each letter would average at 3.53. With this outlier removed, the average page count is 2.83 pages.

information could not be located in the mailed packets (either questionnaires or letters), I

obtained this information from the States' Department of Corrections (DOC) website

which posts publicly-accessible demographic information (e.g., age, race/ethnicity,

gender, and current location) for each individual under DOC supervision.

In total, roughly 39% of participants shared at least one type of demographic

information (e.g., length in incarceration) in their mail correspondence, while roughly

61% of participants did not share any demographic information. All necessary

supplemental demographic information was gathered from the DOC website, with the

exception of some age, race, and length in incarceration variables. Age and race/ethnicity

information was not able to be gathered for five individuals, assumedly because they had

been released from prison and thus the DOC no longer has their information on their

website. In addition, the DOC does not provide any information on length of time in

incarceration. Thirty-nine individuals did share their time in incarceration, but 44 did not,

suggesting that the actual time served in incarceration may be different from the average

presented below (see Table 1).

Table 1. Study Sample and Participant Demographics

	Participant Total	Percent
Institution		
Prison 1 *(male, med sec.)*	12	14.46%
Prison 2 *(male, med sec.)*	15	18.02%
Prison 3 *(male, med sec.)*	6	7.23%
Prison 4 *(male, max sec.)*	27	32.53%
Prison 5 *(female, max sec.)*	3	3.61%
Prison 6 *(male, max sec.)*	1	1.20%
Prison 7 *(male, max sec.)*	2	2.41%
Prison 8 *(male, max sec.)*	4	4.82%
Prison 9 *(male, varied sec.)*	2	2.41%
Prison 10 *(male, max sec.)*	1	1.20%
Prison 11 *(male, med sec.)*	1	1.20%

Prison 12 *(male, med sec.)*	6	7.23%
Prison 13 *(male, med sec.)*	3	3.61%
Time in Incarceration		
Avg. (months)	175.46	
Age		
Avg. (years)	40.13	
Gender		
Male	80	96.39%
Female	3	3.61%
Race		
Black	47	56.63%
White	23	27.71%
Hispanic	6	7.23%
Asian	1	1.20%
Indigenous	1	1.20%
Unknown	5	6.02%

Individuals in the present study have been incarcerated for an average of 15 years and are approximately 40 years old. The overwhelming majority of study participants are male (96.39%), while only a few are female (3.61%), and most of the individuals who participated in this study are Black (56.63%). Of the 83 study participants, most individuals are incarcerated in Prison Four, which is one of the States' male maximum-security facilities. However, throughout the findings I refer to individuals in the aggregate across all 13 prisons because transfers across institutions are common and because the experiences shared are not unique to each prison.

ANALYSIS

Each time a letter or interview questionnaire arrived, it was scanned and transcribed[4] into a Word template by a Research Assistant and uploaded into a secure folder on Dropbox. A number of Research Assistants have been involved with

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[4] All letters were de-identified.

transcription, but I have completed the majority of transcriptions since Summer 2018. Additionally, I created a database that contains information on individual's demographics and tracks correspondence.

Coding Process

The analysis of prison mail correspondence was separate from the analysis of the other prison interviews. The data from those interviews is not included in this analysis, and I analyzed all of the mail data myself. At the conclusion of mail transcription, I linked all Word documents to the qualitative data analysis program Atlas.ti. I used inductive coding techniques (Glaser & Strauss, 1999) during analysis, which digs deeper into the data than a simple thematic analysis and allows a narrative analysis to emerge from the data itself, rather than starting with any pre-conceived research questions or ideas. In addition, I used an open-coding technique where each line of text is read and codes are assigned as within-focal theme concepts emerged (Charmaz, 2006). This process allows researchers to identify other areas in the transcript where individuals discussed experiences relevant to the present study (Corbin & Strauss, 1990).

From this inductive coding process, four themes emerged, resulting in 168 individual codes. These included the "Pains of Imprisonment" (82 codes), "Coping Strategies" (43 codes), "Areas for Reform" (27 codes), and "Positives of Imprisonment" (16 codes). This analysis will focus specifically on the "Pains of Imprisonment" as these codes shed the greatest insight into individual's experience of the punishment gap.

Categorizing the Pains of Imprisonment. First, I sorted the "Pains of Imprisonment" codes into 14 different categories of pains: *lack of privacy, lack of*

rehabilitation, lack of autonomy, physical health impacts, mental health impacts,

conditions of confinement, mixed case seriousness, being in a special population,

loneliness, being dehumanized, systemic frustrations, trauma and violence, staff actions,

and *general, unspecified pains.* Next, I sorted these categories and the codes within each

into two overarching categories of pains: *structural pains of imprisonment* and

operational pains of imprisonment. These two categories and the specific pains within

each will be discussed in more detail in the findings section of this thesis. In addition, all

of the individuals whose quotes were used to illustrate points in this thesis were all given

pseudonyms to assure confidentiality.

FINDINGS

When given the opportunity to share their confinement experience, individuals by-and-large wrote about how harmful different aspects of incarceration were to them. Some wrote of *structural pains* that are inherent to the design of the modern-day prison, while others wrote about more insidious, *operational pains* that are created by staff member's actions. In their role as front-line workers, staff have tremendous influence on people's daily interactions with, and experiences of, punishment. On the ground, this means that staff are put in a precarious and powerful position to determine someone's carceral and punishment experience. Since the experience of punishment is so subjective, people often experience a difference between the punishment they expected and the punishment they actually received, which results in the punishment gap (Sexton, 2015). This thesis looks specifically at how the operational pains created by staff can influence the punishment gap, though a brief discussion of structural pains will be presented in order to give a holistic account of life within prison walls.

STRUCTURAL PAINS OF IMPRISONMENT

Many individuals discussed structural pains that are inherent to the design of the modern-day prison. By their very structure, prisons inflict certain pains on the individuals who live there. These pains include a lack of privacy, denial of autonomy, subjugation to less-than-desirable environmental conditions, isolation from outside communities, and dehumanizing institutional policies. While undeniably unpleasant, these structural pains are hallmark aspects of incarceration in the United States (Sykes, 1958).

Many individuals wrote about a lack of privacy, and shared that they not only experience a lack of privacy because of the layout of cells and living with a cellmate, but also because of constant camera surveillance. Denial of autonomy was also a huge pain to many individuals. Prisons have strict procedures that people must abide by on a daily basis, and all of these policies strip individuals' ability to make choices about their daily routines and behaviors. Rules vary by institution, but they may include things like being present at specified count times, following orders, and policies for access to activities like yard or showers. In addition, prisons are crowded, noisy, unsanitary, and gloomy places. Jamal shares his experience quite bluntly, saying "Prison is an ugly place to be, ugly cells, people's ugly attitudes … its easy to end up with an ugly outlook eventually." Also, and of course, being incarcerated means being physically separated from the outside community. Many people lose connection with family and friends and feel shunned from their communities. Finally, dehumanizing institutional policies caused people a great deal of pain. Immediately upon intake, individuals are stripped of their identity by being forced to wear a particular uniform, being assigned a number rather than being called by their name, and obligatory grooming/physical appearance requirements (Sykes, 1958). John commented on this process, writing "Once you are in this system, you cease to be a human being."

OPERATIONAL PAINS OF IMPRISONMENT

In addition to the structural pains that prisons inflict on the individuals who live there, the staff working in, and largely operating, the formal systems in place within prisons create *operational pains.* In their letters, countless people wrote about staff

disregarding institutional policies and acting out-of-line, leading many to conclude that "These guards think they are [the] policy." Others wrote about the lack of oversight from administration or even other staff members, like when Randy explained that "There remains no accountability for the staff here but the inmate population is critically scrutinized each and every day of our existence" and when Darryl explained that,

> A lot of problems are due to the lack of direct oversight regarding staff. If employees don't follow the outlined policies, then the inmates suffer directly. A lot of inmates have lost faith in the chain of command because a CO can deny you food, assault you, or openly disregard policy without reprimand… inmates feel like COs are "untouchable".

Darryl's comment sheds some insight into the ways that staff commonly disregard policy, like when they deny people the things they need to survive or assault them. What makes this even more troubling is that staff members often face no consequences for these actions and can continue with this abuse unfettered. When staff intentionally or unintentionally disregard institutional policies and procedures (and especially when they face no consequences for doing so), they contribute above and beyond to the punishment endured in prisons, which creates a widening punishment gap and increased harm to millions of incarcerated people. This thesis finds that staff contribute to the punishment gap in three primary ways: in their role as gatekeepers to goods and/or services, when they physically assault incarcerated people, and when they purposefully antagonize the individuals they supervise.

In Their Role as Gatekeepers

In their role as gatekeepers, prison staff have a great deal of power and control over incarcerated individual's access to goods, services, and systems. While not all staff gatekeep resources, countless individuals in the present study wrote about situations where they were denied access to things that they were entitled to by both policy and law, often describing formal systems as "broken" and "a mess" and staff actions as "abusive" and "petty".

Gatekeeping Goods. A consistent theme throughout the letters was that prison staff "burned" (i.e., took away or denied) rights like meals, showers, and yard. Burning happens everywhere in prison, but is an increasingly worrisome issue in the RHU where incarcerated people are forced to rely on staff for *literally everything* (like bringing them meals or books or taking them out to showers or yard) because they cannot leave their cells. Below, Ben describes his experience with being "burned" by staff in the RHU,

> There are no rights… [and] they will violate the few we are supposed to have…
> they will 'burn' you for a meal or yard for not having your light on… the same for
> your shower. When COs have it out for you or anyone, they will destroy your
> commissary order. They're supposed to turn them in, but after you place your
> order in the side of the cell door, they'll pick it up and trash it.

You can tell from Ben's example that he is (understandably) upset by the lack of rights and autonomy people have while they are incarcerated. The rights people are given are few and far between already, and sometimes staff even take those away. People need these goods to survive, like how Mike pointed out when he wrote that "not feeding me

for not standing at the door with the light on is crazy, you shouldn't use food as form of punishment. I need that to live, are you trying to kill me?" When staff deny people access to the things that they quite literally need to live, they create a new form of punishment that makes the sanction of incarceration far more than just deprivation of liberty.

Gatekeeping Services. In addition to denying access to goods, prison staff effectively gatekeep systems of care like mental and physical health treatment when they do not listen to people's complaints or input. In these instances, "prison staff" is not just limited to COs, but also includes clinicians and providers working within the institution. Issues with prison medical and mental health systems were common across the letters, and most of these issues boiled down to one single complaint: staff do not seem to care about people's well-being. For example, so far Connor has experienced "21 medication errors in the dispensing of [his] medications" and he was suddenly denied access to his wheelchair even though a doctor had prescribed him one three years prior. Brady had a similar experience with the mental health system, writing, "I have been diagnosed and on psych meds since I was a kid. They took me off all my meds here and won't listen to me about my problems and what I need". In addition to disregarding prescriptions, staff sometimes do not even begin to get people the care that they need. For instance, Gerald asked to meet with psych staff because he was "close to a complete psychotic break" and his request was denied because there was no one available to see him at that time, which ultimately meant that Gerald was left in crisis.

The stories shared by Connor, Brady, Gerald, and numerous other incarcerated people show the immense influence that prison staff have over not only people's day-to-

day life, but also their well-being. Though people did not voice what they expected out of the prison healthcare system, their actual experience was clearly inferior when they referred to treatment as "veterinary medicine" and simply saying that "it sucks." While there are certainly systemic issues at play (like budgetary restrictions or lack of staff), the prison staff working in these systems can increase the punishment gap when they are not able to provide people with the care that they need because of their own actions, like disregarding people's medical histories and prescriptions or denying people access to treatment in the first place.

Gatekeeping Systems. Grievance systems in prison give individuals the opportunity to report injustices or complaints (usually against prison staff or conditions of confinement) to prison administration. While these systems appear beneficial as a way to rectify both the structural and operational pains that individuals experience, prior literature suggests (e.g., Jenness & Calavita, 2018), and the individuals in the present study consistently reported, that this system does not function as intended because of staff member's actions. In fact, people's grievances were rarely addressed and often actively ignored. Charles describes the experience of many when he writes that the process normally ends in one of three ways;

> 1) The inmate grievance never makes it to the mailbox, or is otherwise not received by the grievance office; 2) The grievance is received and filed, but is then "rejected" for some improper or ridiculous reason; or, 3) The grievance is received and filed, but not answered either at the grievance stage or at the first appeal stage.

In all of the potential outcomes of the grievance process, Charles' concerns and complaints are never adequately addressed. Many individuals speculated as to why this was, with many believing that staff were biased against them. Liam summed up many people's thoughts when he wrote that "At this time I'm still trying to get help because my grievances and request slips to staff are going to the same people that are violating my rights." When considering this, it seems obvious why the grievance system rarely results in any actual rectification – the people addressing the grievances are often the ones causing the grievances in the first place.

Another system that is often gatekept by prison staff are misconduct hearings. Misconduct hearings occur whenever an individual is accused of engaging in "inappropriate" or illegal behavior while they are incarcerated. One potential outcome of a misconduct hearing is placement in the RHU for a set duration of time. Some individuals wrote about their experience with misconduct hearings, and shared a common sentiment that these hearings are unfair and favor staff perspectives. For example, Khalid commented,

> The hearing examiners, they are not fair. It seems to me that it don't matter how you plead, in the end, NO matter what kind of evidence, we are guilty. I believe its because we are already doing real time in the DOC and they see it as, "well they're already guilty and doing prison time, if they get a misconduct, they have to be guilty on that too." It's fixed! We don't ever get to fight a fair fight!

While the misconduct system is designed to sometimes *inflict* punishments (like placement in the RHU), Khalid's account demonstrates how the hearing examiners make

the process itself a punishment when they automatically presume guilt without any evidence. By doing this, prison staff widen the punishment gap by turning a supposedly objective process into a punitive and distressing experience.

By Physically Assaulting Incarcerated People

Many people shared horrifying accounts of staff physically and sexually assaulting them or other incarcerated people. Billy shared that he was sexually assaulted by a staff member, and that he is "currently doing 120 days [in the RHU] for bucking at a CO that told me "my mom is burning and I'm going to keep raping you." Not only does the staff member who assaulted him continue to threaten him, but when Billy rightfully fought back, he was punished with time in the RHU. Others wrote about staff intentionally upsetting people so that they could "justifiably" hurt them, "There is one Sgt. who frequently threatens inmates and tries to get people to wring at him so he can injure them" and this same Sergeant also "grabs and throws people on the wall for a pat search, and has a tendency to hit people in the balls during pat searches." The stories of violence do not stop there. Gabriel wrote about a time in the RHU when he witnessed another incarcerated person being attacked by staff,

> I asked "Where is the camera? This is supposed to be recorded, audio and video".
> Lt. Jones said: "Mind your fucking business!" Michael exited the cell without
> incident… minutes later, you could hear Michael screaming. At 9:10pm, the
> extraction team brought him back to the pod, with officer Smith holding the
> handheld camera. They escorted him back in the cell. Seconds later, you could
> hear Michael screaming "They are trying to kill me, he's smashing my head in,

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take your knee out my back!" then the nurse Evans went in and took photos… this

took place in retaliation to Michael beating up a male nurse a few days ago.

Justice is to be served in accordance with the law and DOC policy. Not vigilante

justice.

In Gabriel's example, staff brutually assaulted Michael because he had attacked a

nurse a few days prior. Although Michael arguably should not have done this, Gabriel

speaks to how staff retaliate and respond to situations like this when he writes that

"Justice is to be served in accordance with the law and DOC policy" instead of "vigilante

justice." In the present study, many individuals shared that staff often go about pursuing

"justice" in their own way, and this sort of response amplifies people's experiences of

punishment and creates an incredibly harmful environment.

By Purposefully Antagonizing Incarcerated People

Staff not only influence the punishment gap in big, obvious ways when they

gatekeep resources and assault people, but also when they make small remarks day-to-

day and remind people of their incarcerated status. One individual spoke to the

experience of many when he wrote that "At the end of the day they are all on the same

side; you are a prisoner, they are cops. We will always be on different sides!", and

another who shared that "if you got a problem with one, you got a problem with all." In

the present study, many individuals shared that staff members were racist, dehumanizing,

and made it clear that they did not like their jobs or the individuals that they are assigned

to supervise. Carter's experience shows how overt racism is in prisons when he "asked a

CO the next day 'Why did you torture Gabe in his cell yesterday?' and the officer

responded 'I'm the boss around here, shut up nigger!'" Not only is the officer openly

racist towards Carter, but the officer also clearly asserts his authority and Carter's status

as an incarcerated person. In addition to being openly racist, staff also contibute to

people's experiences of punishment when they clearly demonstrate their disdain for both

the individuals they supervise and their job. Below, Brian shares his experience

interacting with officers who have this sort of mentality,

> A man asks for a request slip and the officer will huff and puff like it's such a
>
> tedious job that he has to put an effort in to open the desk drawer and hand the
>
> man a slip of paper… staff have the mentality that we inmates do not deserve
>
> anything… to better our situation and life.

When officers "huff and puff" about doing simple tasks for an incarcerated

person, it clearly suggests that they view them as a burden and "less than." While one

small remark may not have much influence, getting this same message day after day

would upset anyone. People experience a similar message when staff either speak or act

in ways that dehumanize them. Many people explained that they feel like "animals" –

warehoused, locked in cages, and constantly on display. Carl's compares his confinement

experience to that of a zoo animal when he writes, "I feel like an animal locked in a cage

and the gatekeepers keep coming past my cage kicking it just to get me upset… you don't

go to the zoo and fuck with the lions?" Others describe experiences where staff literally

called them as such, with Jonathan sharing that he "remembers [a time when] a Sergeant

was escorting people from the outside on a tour of the RHU and the words that came out

that Sergeant's mouth were 'meet the animals!'" and that he "would never forget that."

By antagonizing people through brazen remarks like these and very clear ill feelings towards their job and the people they supervise, staff consistently contribute to the punishment gap by creating an inhospitable – and sometimes hostile – environment.

When looking at all the different ways that staff influence people's day-to-day activities and the control that they have over their lives, it becomes obvious that these actions influence people's perceptions of their punishment. Staff are essentially front-line arbiters of punishment who have immense control over the actual application and experience of confinement, and with this authority they have the power to make punishment more or less severe and to narrow or widen the punishment gap. Indeed, the environmental conditions and structural pains of imprisonment are horrible, this thesis does not seek to downplay that, but the findings of this paper demonstrate that the punishment inflicted *by* incarceration is so much more than just confinement to the institution. The ways that people are spoken to, the value that is placed on their well-being, and the resources available to them all influence people's experience of punishment, and people made it clear that staff do not just supervise and provide "care and control", but instead actively contribute to their punishment by disregarding institutional policies and purposefully causing them harm and suffering. This big takeaway was summed up in Robby's letter when he wrote that, "I know we did bad to get in here but these are the people who [are] supposed to make us better to return to society. They make us worse."

DISCUSSION

Incarceration is a notoriously painful experience (Sykes, 1958), with some describing prison as "punishment on top of punishment" (Sexton, 2015, p. 122). Living conditions are subpar at best, with the physical environment often described as "indecent" and "dehumanizing" (e.g., Crewe, 2011; Fitzgerald, 1977; McDermott & King, 1988). Diseases run rampant (Dutheil et al., 2020), food is often spoiled and unhealthy (IWOC, 2018; Marlow et al., 2017), and staff and incarcerated people perpetrate physical, sexual, and mental abuse against each other (Marquart, 1986; DOJ, 2013; Wolff & Shi, 2009). These pains all contribute to the punishment gap (Sexton, 2015), or the difference between the punishment an individual expected and the punishment that they actually experienced. Prior research found that staff contribute to punishment when they mistreat people or fail to do their jobs (e.g., Hatton, 2018; Sexton, 2015; Smoyer & Lopes, 2017), but no research specifically looks at how staff action (or inaction) may influence individuals perceptions of the punishment gap.

Using this framework, the present study finds that staff can influence the punishment gap in three primary ways: through their role as gatekeepers to goods, services, and systems, physical assault, and purposeful antagonism. These actions are all *operational pains of imprisonment* that are introduced by the staff working in, and largely operating, the formal systems in place within prisons. By and large, these operational pains result from staff intentionally or unintentionally disregarding institutional policies and procedures, and in so doing contributing to the punishment gap experienced by

incarcerated people. In their role as gatekeepers, prison staff have immense power and control over incarcerated people's access to goods like food and commissary, services like showers or mental/physical healthcare, and systems like the grievance process. A consistent theme throughout the letters was that staff "burned" rights like food or showers, and effectively gatekept access to necessary care like mental health treatment when they did not listen to people's complaints or input. Moreover, staff displayed control over systems like misconduct hearings when people did not even "get to fight a fair fight" against an already biased group of misconduct examiners. In addition, numerous individuals shared horrifying accounts of staff sexually abusing and beating incarcerated people, with "vigilante justice" being commonplace inside institutional walls. Finally, in addition to physically abusing people, staff emotionally abuse incarcerated people. Many individuals spoke of staff intentionally antagonizing incarcerated people, with some being openly racist, others "huffing and puffing" when asked for something, and many who clearly viewed incarcerated people as less-than-human when they said "meet the animals!" and kicked their cell doors. When prison staff engage in any of these actions, whether it be gatekeeping services or assaulting or antagonizing people, they create a punishment that is more severe than what was initially expected, therefore increasing the punishment gap and causing additional harm to millions of incarcerated people. In essence, staff essentially get to choose what people's punishment looks like. One individual spoke for many when he wrote, "I know we did bad to get in here but these are the people who [are] supposed to make us better to return to society. They make us worse."

IMPLICATIONS FOR THEORY, PRACTICE, AND RESEARCH

This work carries many theoretical, policy, and research implications. Expanding upon Sexton's (2015) theory of penal consicousness leads to several policy implications, including recommendations for changes to current regulatory systems and hiring procedures. However, these recommendations are informed by a lesson that is well-known in implementation science research: the solution is not simple. In addition to these theoretical and practical implications, the correspondence method used in this thesis has implications for future research using a similar approach.

Theoretical Implications

Since Sexton's (2015) introduction of *penal consciousness,* literature on the topic has generally focused mostly on the overall subjective experiences of punishment rather than the specific idea of the punishment gap nestled within this framework. Moreover, this research mentions how staff actions shape people's carceral experiences, but this research does not adequately consider how staff actions contribute to the punishment gap experienced by incarcerated people. For example, prior research has found that prison staff are generally apathetic towards people's concerns and needs, especially concerning physical health (Smoyer & Lopes, 2017; Wennerstrom et al., 2022) and are often belitting of people's efforts or actions while incarcerated (Hatton, 2018). However, this research does not fully explore the relationship between the experiences with staff and how these experiences may serve to widen the the punishment gap. By exploring the immense amount of influence staff have over incarcerated people's punishment experience, this

thesis expands the theory of *penal consciousness* and sheds new light on the relatively under-researched punishment gap.

Policy Implications

In understanding the immense power prison staff have in shaping experiences of punishment, one overarching implication stands out: the solution is not a simple one. Prison staff are front-line workers who have a wide amount of discretion in how they carry out their duties and interact with incarcerated people (Haggerty & Bucerius, 2020a). Consistent across letters were stories of staff disregarding institutional rules and policies, abusing their power, and outright breaking the law. These stories speak to a message that is pervasive in implementation science research: just because a policy is written (law on the books), it does not mean that it is followed (law in action). The real-world implications of this for carceral spaces is that we may not be able to legislate away the pain that incarcerated people experience and from which they suffer. This is not to say that all trainings, policies, oversight measures, and legislative efforts should be abandoned—surely, these endeavors eliminate some harm—but they are not capable of changing entire systems. However, in recognizing that a total upheaval of these institutions is unlikely and that the use of prisons will probably continue, this remains a cautionary tale that frames the following recommendations.

Reform Regulatory Systems. Two of the existing regulatory systems of prison conditions should be reformed. One is the prison's internal grievance system, and the second is the external accreditation system. Though these are two different systems, they essentially serve the same purpose: to make sure that conditions of confinement are fair

and administered equally. These systems should be changed in three ways: they should be more rigorous and objective, they should be more transparent, and they should be mandatory.

The American Correctional Association is the national accreditation system for U.S. prisons. Prior studies have found that both the ACA and internal grievance committees are not incredibly thorough in their assessment of prison conditions (e.g., Jenness & Calavita, 2018; Office of Senator Elizabeth Warren [OSEW], 2020). Some scholars suppose that this is because the ACA is a paid service provider that represents the interests of institutions rather than the people confined to them (Feeley & Swearingen, 2004). In addition, "it is almost impossible for a facility to fail an ACA audit" because of such advanced notice and assistance with preparation (OSEW, 2020, p. 2). Likewise, prior scholars (e.g., Van der Valk et al., 2022) and the participants in this study all argue that internal grievance systems are unfair because they are lead by a biased group of investigators. In the present study, many people took issue with the grievance system, arguing that the system is set up to fail because grievances are "going to the same people that are violating [people's] rights," and advocated for outside agencies to operate grievance systems in order to eliminate bias.

Harding (2012) suggests replacing the ACA with international models like the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that provide much more robust monitoring of prison conditions. The CPT is composed of different member states, and experts from each state routinely make unannounced or announced inspections of prisons where they make observations,

interview incarcerated people and staff, and conduct surveys. Importantly, to eliminate

bias, the inspection team does not include a member from the state that is being

inspected. In the U.S., prisons should be routinely inspected (both with warning and

without) to gauge living conditions and identify any sort of injustices. This same sort of

model could also apply to grievance systems, where outside (and importantly, impartial)

agencies are tasked with investigating and rectifying incarcerated people's complaints. At

the very least, if grievance systems are continually operated by institutional actors, these

systems should be audited by the accreditation agency during inspections.

In the United States, regulation of prison conditions relies heavily on

constitutional provisions and legal appeals and is largely secretive (Harding, 2012).

However, as Harding (2012, p. 5) points out, transparency is an "essential element of

accountability" that is necessary for both regulation and for rectifying unjust conditions

of confinement. The CPT makes all reports publically accessible, and I urge policy-

makers and administrations to make external reports and internal grievances (and

outcomes) publically available because, as Frank wrote, "Everybody don't know how life

in prison really is for us." Allowing for public insight into life behind prison walls not

only forces institutions and the people working within them to be held accountable, but

also helps bridge the divide between those who are incarcerated and their communities

that dispirited and frustrated so many people. In addition, accreditation from the ACA is

voluntary (Harding, 2012), and the participants in this study make it apparent that the

grievance process does not always take their issues seriously, like when Charles

explained how the grievance process typically ends in one of three ways and none of

these outcomes adequately address his concerns and complaints. Making both accreditation (and subsequent investigations) and grievance reviews mandatory may improve conditions of confinement across the board, and ensure that all people receive fair and equal treatment during their incarceration.

Reform Hiring Practices. Prisons should also change their hiring practices and adopt measures that screen for contempt for incarcerated people. Countless people wrote about awful experiences where staff belittled, verbally abused, and dehumanized them. From the spiteful remarks to the blatant disdain, people were left with one common take-away: "Prison teaches you one thing. Don't nobody love you, don't nobody care about your problems. You're the scum of the earth… you're all alone in this world. That's what jail teaches you." Making sure that staff don't come in with the intention of causing more harm is obviously important. That being said, prior research does consider that even the best-intentioned staff member may be professionally socialized into a negative occupational subculture (e.g., Kauffman, 1988; Zimbardo, 2007). As such, this is not a cure-all for the many problems plaguing institutions, but by asking questions that specifically inquire about contempt for incarcerated people, and by prioritizing the results of those measures in hiring decisions, hopefully these situations will be less common and people will experience less harm during their incarceration.

Of course, not all people take issue with the perils of prison life (Sexton, 2015). Nothing makes this more obvious than the "tough on crime" sentiment common in public discourse. For those who argue against these changes because they believe prison *should* inflict mental and physical punishments, I turn to the writings of Sharon Dolovich (2009),

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who argued that "what the state owes its prisoners it owes not because prisoners deserve it but because of the choice the state has made to punish with incarceration" (p. 911). Dolovich argues that by choosing to punish via incarceration, the state has an obligation to protect incarcerated individuals from serious physical and psychological harm because "when [the state] puts people in prison, it places them in potentially dangerous conditions while depriving them of the capacity to provide for their own care and protection" (p. 881). If this argument is not enough to make people reconsider their ideas about the function and purpose of prisons, we might consider the fact that 95% of people return home to their communities (Hughes & Wilson, 2004), and to consider the evidence that suggests that prisons may place people at a higher risk for committing future crimes (Loeffler & Nagin, 2022), effectively making prisons a public safety hazard. While the problems with staff only make up a small percentage of the issues that plague institutions, it is in the best interest of the public to reform how prisons currently operate, both to improve public safety and to assure that the State is carrying out its end of the carceral burden.

Research Implications

Some prior research has used the mail system to "interview" incarcerated people (e.g., Bosworth et al., 2005; Maycock, 2021; Umamaheswar, 2014), and while these scholars found great successes in this work and noted benefits like rich data and greater access, they also noted some drawbacks to using the mail system instead of traditional methods, like literacy levels, delays in correspondence, and willingness to participate. Three major lessons were learned from using this methodology.

1) The Data is Rich. First, this method garnered incredibly rich, detailed data about topics that were important to the people about whom so many researchers write. By allowing people to write about *whatever they wanted,* this gives people the power to write about what is important to them and lets them have voice and agency in an enlightening way. People shared personal, thoughtful, and revealing stories that researchers may not have thought to ask people about if they went into prison with a preconceived list of topics to discuss, making this methodology particularly promising.

2) Track Correspondence. Since the letters analyzed came from participants that were recruited from many different projects, it was tedious to keep track of the number of letters from each person, the project for which they were originally identified, and how many letters had been sent back and forth between the research team and the participant. The team did their best in tracking this information but using the mail system is tedious and open to error. For example, envelopes can be lost or sent back if the person has been released and/or transferred to a different prison. Keeping track of that correspondence from the outset would greatly reduce the amount of time spent searching for this information when it came time for coding, analysis, and writing.

3) Ask People About Demographics. As mentioned earlier, due to the nature of the method, the majority of participants did not share demographic information with the research team. While most of the missing information was able to be supplemented using official DOC data, it would have been much easier (and, likely, more accurate) to gather this information from the individuals themselves. If others are to use similar methodology in the future, I would suggest researchers note in their recruitment flyers that participants

should include specific demographic information in their letters, though making sure to leave out their name in order to ensure confidentiality, and then follow up with participants if they did not include any demographic information in the original letter.

LIMITATIONS AND FUTURE RESEARCH

There are several limitations to this work. First, nobody wrote specifically about the treatment they *expected* to receive from staff. Instead, they wrote about the treatment they *actually* received and how they viewed that treatment. Understandably, many people took issue with the treatment they received from staff. In Sexton's (2015) study, the punishment gap resulted from people's expectations based on vicarious knowledge, prior prison experience, and thoughts about what should or ought to be. In the present study, participants did not explicitly mention any of these expectations, but they did clearly state that they did not believe that they deserved the treatment they were receiving. One participant spoke for many when he wrote that "Wrong is wrong, right is right, no matter what. And the way the DOC treats its inmates is wrong." By expressing their frustration with staff, participants shed light on how they believed they should be treated, which mirrors the conversations Sexton had with participants in her study and demonstrates how different people's expectations and actual carceral experiences are.

Second, because of the methodology, I was not able to ask follow-up questions. This goes hand-in-hand with the prior limitation, but asking follow-up questions may have allowed for deeper insight into people's expectations and experiences. Essentially, I was just working with the information that people wanted to share with me, and while I

do think that this has many benefits like increased agency (discussed above), it is also a limitation that could be addressed in future research on the topic.

Third, though some women did send in letters, the overwhelming majority of the sample was male, or at least living in sex-segregated mens prisons. Therefore, this study is more reflective of men's experiences with staff and the punishment gap and cannot adequately speak to the experience of incarcerated women. Their experience is likely, based on what research suggests, very different (e.g., Holsinger, 2014). Future research should consider how staff may influence *women's* perceptions of the punishment gap.

As briefly mentioned above, there are many areas for future research on how staff infuence the punishment gap. Future research should consider women's perspectives and ask specifically about expectations of staff actions prior to coming to prison. In addition, future research should investigate staff's views of the punishment gap, which would shed insight into *why* staff act in the way that they do and potentially identify factors that make staff more likely (or not) to adhere to policy. Understanding the experience from their perspective would not only have many theoretical implications, but it would also allow for stronger, more useful policy recommendations. For example, staff may express a desire for different trainings or resources that would not come to light in interviews just with incarcerated people. These recommendations would all shed more insight into the nuance of the punishment gap, and hopefully research in this area will incite change that decreases the harm experienced by millions of incarcerated people.

CONCLUSION

When incarcerated people were given the opportunity to write about whatever they wanted to share, they mostly wrote about how painful the prison was for them. People described a laundry list of pains that are both *structural* and *operational.* Structural pains of imprisonment included things like a lack of privacy, denial of autonomy, subjugation to less-than-desirable environmental conditions, isolation from outside communities, and dehumanizing institutional policies. Operational pains are introduced by staff who either intentionally or unintentionally disregard institutional policies, and this thesis finds that by failing to adhere to policy, prison staff contribute to the punishment gap experienced by incarcerated people. Specifically, this thesis finds that staff can influence the punishment gap in three ways: in their role as gatekeepers to goods, services, and systems; when they physically assault incarcerated people; and when they purposefully antagonize the individuals they supervise. Because of the huge amount of discretion given to staff, they have tremendous influence on the experience of incarceration, which means that in essence, staff are front-line arbiters of punishment who are capable of either making punishment more or less severe and narrowing or widening the punishment gap. The implication of this in a practical and theoretical sense is that without reform, prison staff will continue to cause additional, excessive, and unjust punishment and harm to millions of people that are confined in already challenging environments.

REFERENCES

Bosworth, M. (2017). *Engendering resistance: Agency and power in women's prisons*. Routledge.

Bosworth, M., Campbell, D., Demby, B., Ferranti, S. M., & Santos, M. (2005). Doing prison research: Views from inside. *Qualitative inquiry*, *11*(2), 249-264. https://doi.org/10.1177/1077800404273410

Brinkley-Rubinstein, L. (2013). Incarceration as a catalyst for worsening health. *Health & Justice*, *1*(1), 1-17. https://doi.org/10.1186/2194-7899-1-3

Browne, A., Cambier, A., & Agha, S. (2011). Prisons within prisons: The use of segregation in the United States. *Federal Sentencing Reporter*, *24*(1). 46-49. https://doi.org/10.1525/fsr.2011.24.1.46

Caravaca-Sánchez, F., Aizpurua, E., & Wolff, N. (2022). The prevalence of prison-based physical and sexual victimization in males and females: a systematic review and meta-analysis. *Trauma, Violence, & Abuse*, *00*(0), 1-17. https://doi.org/10.1177/15248380221130358

Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. Sage.

Corbin, J. M., & Strauss, A. (1990). Grounded theory research: Procedures, canons, and evaluative criteria. *Qualitative Sociology*, *13*(1), 3-21. https://doi.org/10.1007/BF00988593

Cox, A. (2011). Doing the programme or doing me? The pains of youth imprisonment. *Punishment & Society*, *13*(5), 592-610. https://doi.org/10.1177/1462474511422173

Crawley, E. (2005). Institutional thoughtlessness in prisons and its impacts on the day-to-day prison lives of elderly men. *Journal of Contemporary Criminal Justice*, *21*(4), 350-363. https://doi.org/10.1177/1043986205282018

Crewe, B. (2011). Depth, weight, tightness: Revisiting the pains of imprisonment. *Punishment & society*, *13*(5), 509-529. https://doi.org/10.1177/1462474511422172

Damberg, C. L., Shaw, R., Teleki, S. S., Hiatt, L., & Asch, S. M. (2011). A review of quality measures used by state and federal prisons. *Journal of Correctional Health Care*, *17*(2), 122-137. https://doi.org/10.1177/1078345810397605

Dolovich, S. (2009). Cruelty, prison conditions, and the eighth amendment. *New York University Law Review*, *84*(4), 881-979. https://www.nyulawreview.org/wp-content/uploads/2018/08/NYULawReview-84-4-Dolovich.pdf

Dutheil, F., Bouillon-Minois, J. B., & Clinchamps, M. (2020). COVID-19: a prison-breaker?. *Canadian Journal of Public Health*, *111*, 480-481. https://doi.org/10.17269%2Fs41997-020-00359-6

Etikan, I., Musa, S. A., & Alkassim, R. S. (2016). Comparison of convenience sampling and purposive sampling. *American Journal of Theoretical and Applied Statistics*, *5*(1), 1-4. https://doi.org/10.11648/j.ajtas.20160501.11

Feeley, M. M., & Swearingen, V. (2004). The prison conditions cases and the bureaucratization of American corrections: Influences, impacts and implications. *Pace Law Review*, *24*, 433-475. https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1200&context=plr

Fitzgerald, M. (1977). *Prisoners in revolt*. Penguin.

Flanagan, T. J. (1980). The pains of long-term imprisonment: A comparison of British and American perspectives. *The British Journal of Criminology*, *20*(2), 148-156. https://doi.org/10.1093/oxfordjournals.bjc.a047154

Fleury-Steiner, B. & Longazel, J. G. (2013). *The pains of mass imprisonment.* Routledge.

Garland, D. (1990). *Punishment and modern society.* The University of Chicago Press.

Gendreau, P., & Bonta, J. (1984). Solitary confinement is not cruel and unusual punishment: People sometimes are!. *Canadian Journal of Criminology*, *26*(4), 467-478. https://doi.org/10.3138/cjcrim.26.4.467

Gibson-Light, M. (2022). *Orange-collar labor: Work and inequality in prison*. Oxford University Press.

Glaser, B. G. & Strauss, A. L. (1999). *The discovery of grounded theory : Strategies for qualitative research*. Aldine Transaction.

Haggerty, K. D., & Bucerius, S. M. (2020a). Picking battles: Correctional officers, rules, and discretion in prison. *Criminology*, *59*(1), 137-157. https://doi.org/10.1111/1745-9125.12263

Haggerty, K. D., & Bucerius, S. M. (2020b). The proliferating pains of imprisonment. *Incarceration*, *1*(1), 1-16. https://doi.org/10.1177/2632666320936432

Harding, R. W. (2012). Regulating prison conditions: Some international comparisons. In J. Petersilia & K. R. Reitz (Eds.), *The Oxford handbook of sentencing and corrections*, (pp. 432-462). Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199730148.001.0001

Hatton, E. (2018). When work is punishment: Penal subjectivities in punitive labor regimes. *Punishment & Society*, *20*(2), 174-191. https://doi.org/10.1177/1462474517690001

Holsinger, K. (2014). The feminist prison. In F. T. Cullen., C. L. Jonson, & M. K. Stohr (Eds.), *The American prison: Imagining a different future* (pp. 87-110). Sage Publications. https://doi.org/10.4135/9781506374628

Hughes, T. & Wilson, D. J. (2004). *Reentry Trends in the United States.* Retrieved from https://bjs.ojp.gov/content/pub/pdf/reentry.pdf

Hulley, S., Liebling, A., & Crewe, B. (2012). Respect in prisons: Prisoners' experiences of respect in public and private sector prisons. *Criminology & Criminal Justice*, *12*(1), 3-23. https://doi.org/10.1177/1748895811423088

Incarcerated Workers Organizing Committee. (2018). *Cruel and usual: A National prisoner survey of prison food and health care quality.* https://incarceratedworkers.org/sites/default/files/resource_file/iwoc_report_04-18_final.pdf

Irwin, J. (2005). *The warehouse prison: Disposal of the new dangerous class*. Roxbury Publishing Company.

Jenness, V., & Calavita, K. (2018). "It depends on the outcome": Prisoners, grievances, and perceptions of justice. *Law & Society Review*, *52*(1), 41-72. https://doi.org/10.1111/lasr.12312

Jenness, V., & Grattet, R. (2005). The law-in-between: The effects of organizational perviousness on the policing of hate crime. *Social problems*, *52*(3), 337-359. https://doi.org/10.1525/sp.2005.52.3.337

Kauffman, K. (1988). *Prison officers and their world.* Harvard University Press.

Lambert, E. G., & Paoline, E. A. (2008). The influence of individual, job, and organizational characteristics on correctional staff job stress, job satisfaction, and organizational commitment. *Criminal Justice Review*, *33*(4), 541-564. https://doi.org/10.1177/0734016808320694

Liebling, U. A. (2006). Prisons in transition. *International journal of law and psychiatry*, *29*(5), 422-430. https://doi.org/10.1016/j.ijlp.2006.03.002

Lipsky, M. (1980). *Street-level bureaucracy*. Russell Sage Foundation.

Loeffler, C. E., & Nagin, D. S. (2022). The impact of incarceration on recidivism. *Annual Review of Criminology*, *5*, 133-152. https://doi.org/10.1146/annurev-criminol-030920-112506

Marlow, M. A., Luna-Gierke, R. E., Griffin, P. M., & Vieira, A. R. (2017). Foodborne disease outbreaks in correctional institutions – United States, 1998–2014. *American journal of public health*, *107*(7), 1150-1156. https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2017.303816

Marquart, J. W. (1986). Doing research in prison: The strengths and weaknesses of full participation as a guard. *Justice Quarterly*, *3*(1), 15-32. https://doi.org/10.1080/07418828600088771

Maycock, M. (2021). "I do not appear to have had previous letters": The potential and pitfalls of using a qualitative correspondence method to facilitate insights into life in prison during the Covid-19 pandemic. *International Journal of Qualitative Methods, 20*(0), 1-11. https://doi.org/10.1177/16094069211047129

McCarthy Jr, B. J. (1996). Keeping an eye on the keeper: Prison corruption and its control. *Justice, crime and ethics*, *64*(2), 229-241. https://doi.org/10.1177/003288558406400212

McDermott, K. & King, R. (1988). Mind games: Where the action is in prisons. *British Journal of Criminology, 28*(3), 357–377. https://doi.org/10.1093/oxfordjournals.bjc.a047734

Office of Senator Elizabeth Warren. (2020). *The accreditation con: A broken prison and detention facility accreditation system that puts profits over people.* https://www.warren.senate.gov/imo/media/doc/The%20Accreditation%20Con%20-%20December%202020.pdf

Ross, J. I. (2013). Deconstructing correctional officer deviance: Toward typologies of actions and controls. *Criminal Justice Review*, *38*(1), 110-126. https://doi.org/10.1177/0734016812473824

Ross, J. I., Tewksbury, R., & Rolfe, S. M. (2016). Inmate responses to correctional officer deviance: A model of its dynamic nature. *Corrections*, *1*(2), 139-153. https://doi.org/10.1080/23774657.2016.1178082

Rudes, D. S. (2022). *Surviving solitary: Living and working in restricted housing units.* Stanford University Press.

Rudes, D. S., Magnuson, S., Ingel, S., & Hartwell, T. (2021). Rights-in-between: Resident perceptions of and accessibility to rights within restricted housing units. *Law & Society Review*, *55*(2), 296-319. https://doi.org/10.1111/lasr.12550

Schinkel, M. (2014). Punishment as moral communication: The experiences of long-term prisoners. *Punishment & Society*, *16*(5), 578-597. https://doi.org/10.1177/1462474514548789

Sexton, L. (2015). Penal subjectivities: Developing a theoretical framework for penal consciousness. *Punishment & Society*, *17*(1), 114-136. https://doi.org/10.1177/1462474514548790

Shammas, V. L. (2017). Pains of imprisonment. In K. R. Kerley (Ed.), *The encyclopedia of corrections* (pp. 1-5). John Wiley & Sons.

Smoyer, A. B., & Lopes, G. (2017). Hungry on the inside: Prison food as concrete and symbolic punishment in a women's prison. *Punishment & Society*, *19*(2), 240-255. https://doi.org/10.1177/1462474516665605

Sparks, J. R., & Bottoms, A. E. (1995). Legitimacy and order in prisons. *British Journal of Sociology*, 45-62. https://doi.org/10.2307/591622

Sykes, G. (1958). *The society of captives*. Princeton University Press.

The Correctional Leaders Association & The Arthur Liman Center for Public Interest Law. (2022). *Time-in-cell: A 2021 snapshot of restrictive housing.* https://law.yale.edu/sites/default/files/area/center/liman/document/time_in_cell_2021.pdf

Tracy, S. J. (2004). The construction of correctional officers: Layers of emotionality behind bars. *Qualitative Inquiry*, *10*(4), 509-533. https://doi.org/10.1177/1077800403259716

Trammell, R., & Rundle, M. (2015). The inmate as the nonperson: Examining staff conflict from the inmate's perspective. *The Prison Journal*, *95*(4), 472-492. https://doi.org/10.1177/0032885515596516

Umamaheswar, J. (2014). Gate keeping and the politics of access to prisons: Implications for qualitative prison research. *Journal of Qualitative Criminal Justice & Criminology*, 2(2), 2-30. https://doi.org/10.21428/88de04a1.a0f03b64

Van der Valk, S., Aizpurua, E., & Rogan, M. (2022). "[Y] ou are better off talking to af****** wall": The perceptions and experiences of grievance procedures among incarcerated people in Ireland. *Law & Society Review*, *56*(2), 261-285. https://doi.org/10.1111/lasr.12603

Van Ginneken, E. F., & Hayes, D. (2017). 'Just 'punishment? Offenders' views on the meaning and severity of punishment. *Criminology & Criminal Justice*, *17*(1), 62-78. https://doi.org/10.1177/1748895816654204

Van Voorhis, P., Lee Browning, S., Simon, M., & Gordon, J. (1997). The meaning of punishment: Inmates' orientation to the prison experience. *The Prison Journal*, *77*(2), 135-167. https://doi.org/10.1177/0032855597077002003

Wang, L. (2022, April 20). *Prisons are a daily environmental injustice.* Prison Policy Initiative. https://www.prisonpolicy.org/blog/2022/04/20/environmental_injustice/

Wennerstrom, A., Sugarman, M., Martin, D., Lobre, C. B., Haywood, C. G., & Niyogi, A. (2022). 'You have to be almost dead before they ever really work on you in prison': A qualitative study of formerly incarcerated women's health care experiences during incarceration in Louisiana, US. *Health & Social Care in the Community*, *30*(5), 1763-1774. https://doi.org/10.1111/hsc.13556

Wilper, A. P., Woolhandler, S., Boyd, J. W., Lasser, K. E., McCormick, D., Bor, D. H., & Himmelstein, D. U. (2009). The health and health care of US prisoners: results of a nationwide survey. *American journal of public health*, *99*(4), 666-672. https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2008.144279

Worley, R. M., & Worley, V. B. (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. https://doi.org/10.1080/01639621003772738

Zimbardo, P. (2007). *The Lucifer effect: How good people turn evil*. Random House.

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