John Howard Association

"Location, Location, Location": How Where A Prisoner is Housed Influences the IDOC Disciplinary Process

Three Key Findings from a Graduate Thesis on the IDOC Disciplinary Process Completed by JHA Staff

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Executive Summary

This report on the Illinois Department of Corrections (IDOC) disciplinary process addresses three key findings derived from research conducted for a graduate thesis written by JHA staff during their candidacy for a degree of Master of Arts in Criminal Justice and Criminology at Loyola University Chicago. The full text of the thesis, "Location, Location, Location": How Where a Prisoner is Housed Influences the Prison Disciplinary Process [can be found here]. This work is referenced throughout this report as "Thesis."

The research objective of the thesis was to gauge the extent to which Illinois' prisons varied in the severity of disciplinary sanctions imposed upon a sample of prisoners found guilty of committing similar low-level, less serious prison rule violations (hereafter referred to as offenses).[1] This research also sought to identify factors that were determinative of severity of disciplinary sanctions imposed upon prisoners after accounting for variance between prisons.

The sample was constructed using data provided by Illinois prison officials concerning all prisoners released from prison in Illinois during a four-year period (SFY's[2] 2010 through 2014) who were found guilty of committing at least one offense during their last term of incarceration.[3] The research objective was achieved through multiple statistical analyses, including the use of multi-level statistical models.

The results of the analyses demonstrated the existence of substantial variation between Illinois' prisons in severity of disciplinary sanctions imposed upon prisoners in response to similar offenses and showed how the discretionary authority of prison staff was exercised at key points of the disciplinary process. The results also indicated that the influence of factors reflecting the demographic characteristics of prisoners were non-determinative of severity of disciplinary sanctions imposed upon prisoners relative to factors reflecting characteristics of an offense and the disciplinary history of prisoners. These results suggested that within each Illinois prison, there was a predominant view shared by staff and administrators as to how severely prisoners should be disciplined in response to similar offenses.

Based on research findings reported within focal concerns perspective[4] academic literature applied to the prison disciplinary process, it was expected that the prison staff embedded within the 27 IDOC prisons included in the analyses who effectuated the disciplinary process discussed herein reduced the uncertainty inherent in their decisions regarding culpability and impact of disciplinary sanctions by developing patterned responses to offenses. These patterned responses were most likely guided by three concerns of prison staff: blameworthiness of the prisoner, preservation of the safety and security of the prison community, and the impact of disciplinary sanctions upon both prisoners and the prison in which the prison staff operated.

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[1] For a listing of the individual low-level offenses (level 300 & 400) included in the analyses, see Thesis: Table 501, p. 54 and Table 601, p. 100. For the official description of these offenses, see Thesis: Appendix A: Offense Numbers and Definitions, p. 181

[2] SFY = State Fiscal Year, July 1st to June 30th.

[3] For a list of issues and limitations that may have resulted from the analyses being based on a population of prisoners who exited IDOC, see Thesis: Chapter Eight: Issues and Limitations beginning at p. 160.

[4] For a comprehensive explanation of the focal concerns perspective as applied to the prison disciplinary process, please refer to the following works: Butler & Steiner (2017); Logan, et al. (2017); and Steiner & Cain (2017) (full citations: Thesis, p. 205); a brief explanation of the focal concerns perspective can be found in Thesis, Chapter Two: Literature Review beginning at p. 9.

It was also expected that the patterned responses to offenses developed by the IDOC staff who effectuated the disciplinary process within each prison included in the analyses were influenced by the bureaucratic and cultural norms of the prison they were embedded in would show in the results of the analyses. Finally, it was expected that the patterned responses to offenses applied by IDOC staff were influenced by legal factors (offense characteristics and a prisoner's disciplinary history) and extralegal factors (characteristics of a prisoner, such as demographic traits).

Three key findings and JHA policy recommendations:

1. A high amount of variance was observed across IDOC prisons in the severity of disciplinary sanctions imposed upon prisoners who were found guilty of similar low-level, less serious offenses (level 300 & 400 offenses) after accounting for the influence of other variables.

   Recommendation: IDOC should make disciplinary data publicly available, partner with outside experts to conduct a deeper analysis of variance in disciplinary outcomes between prisons and use this information to ensure that disciplinary policies are consistently implemented throughout IDOC.

2. Whether a low-level offense was classified as minor or major was highly predictive of the severity of disciplinary sanctions imposed relative to other variables. Such classifications substantially varied across the IDOC prisons represented in the sample.

   Recommendation: IDOC should eliminate 'offense classification' from the IDOC disciplinary process for level 300 and 400 offenses.

3. Variables representing demographic characteristics of prisoners were not strongly associated with severity of disciplinary sanctions after controlling for the effect of factors related to the offense and a prisoner's disciplinary history (legal factors), and the prison in which a prisoner was disciplined. Additionally, the results of supplemental analyses suggested that racial bias was not masked by legal factors included in the analyses of the IDOC disciplinary process reported in the thesis.

   Recommendation: IDOC should increase transparency by making contemporaneous data regarding the disciplinary process available to the public.

Definitions:

Terms Used Throughout the Thesis

- **Disciplinary Sanction:** the punishment imposed upon a prisoner after they were found guilty of committing an offense by a prison disciplinary committee.

- **Extralegal Factors:** variables representing prisoner characteristics, including, but not limited to the demographic traits of a prisoner who was included in the sample of prisoners. All extralegal factors included in the analyses are described in the thesis, p. 41 through 46.

- **Legal Factors:** variables representing characteristics of an offense or a prisoner's disciplinary history. All legal factors included in the analyses are described in the thesis, p. 46 through 52.

- **Offense:** a disciplinary incident, or, in other words, a violation of a prison rule or rules by a prisoner. The term offense in this instance is in no way related to the criminal offense that resulted in a prisoner's court-imposed prison sentence.

- **Prisoner:** any person imprisoned in an IDOC prison who was included in the sample subjected to the analyses contained within the thesis.

- **Variable:** a quantity that may assume any one of a set of values (example: the variable Subject to Truth in Sentencing, an extralegal factor, has two possible values (no or yes) for every prisoner included in the analyses). For a full explanation of all variables included in the analyses discussed herein, see Thesis, p. 38 through 52.

- **Variance:** the act or process of varying, or the state or fact of being varied (the extent to which the possible values of a variable differ)

Outcome Measures: Disciplinary Sanctions Imposed Upon Prisoners

Three outcome measures were used in the analyses discussed herein representing a range of formal disciplinary sanctions. These outcome measures were used as the basis of the analyses because they were the most typical disciplinary sanctions imposed upon the prisoners included in the sample who were found guilty of a level 300 or 400 offense. The disciplinary sanctions used as outcome measures were limited to 'verbal warning,' 'loss or restriction of privileges only,' and 'other (harsher sanction).'[5]
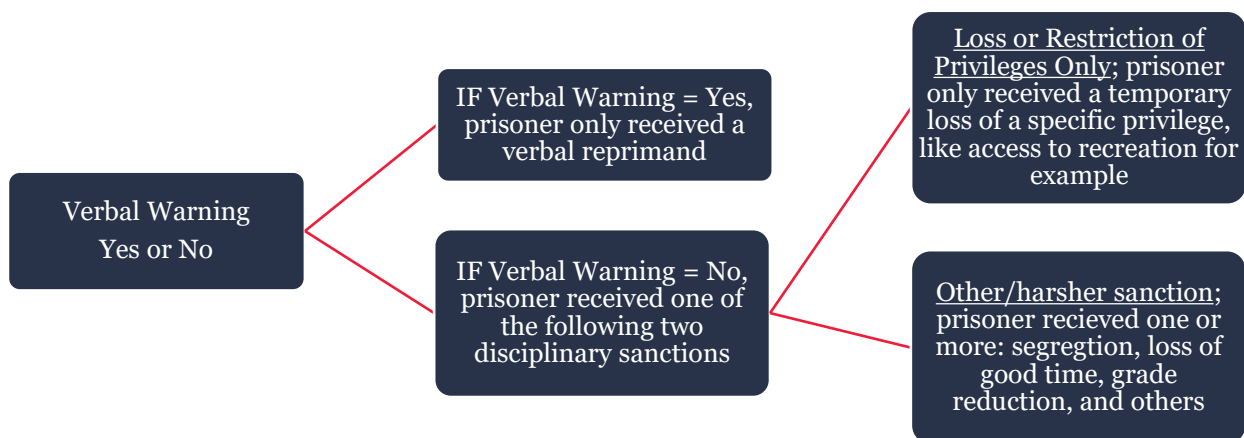
1. **Verbal Warning** (least severe formal disciplinary sanction)**:** if a prisoner received a verbal warning in response to an offense, the prisoner had no disciplinary sanction imposed upon them other than a verbal reprimand.

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[5] For a full description of the outcome measures (referred to as dependent variables in Thesis), see Thesis p. 38.

2. **Loss or restriction of privileges only** (second least severe formal disciplinary sanction): if a prisoner received 'loss or restriction of privileges only' in response to an offense, the prisoner had no disciplinary sanction imposed upon them other than a temporary loss of privileges.

3. **Other sanction/harsher sanction** (most severe formal disciplinary sanction): if a prisoner received 'other/harsher sanction' in response to an offense, this means the prisoner had one or more of the following disciplinary sanctions imposed upon them: disciplinary segregation, loss of good time, grade reduction, restitution, and loss or restriction of privileges (this sanction was coupled with one of the other possible sanctions if included in this outcome category). According to IDOC disciplinary policy, a prisoner could have had any combination of these sanctions imposed upon them if they were found guilty of an offense (other than a verbal warning).[6]

Flow Chart of the Outcome Measures Used in the Analyses

| Verbal Warning Yes or No | IF Verbal Warning = Yes, prisoner only received a verbal reprimand | Loss or Restriction of Privileges Only; prisoner only received a temporary loss of a specific privilege, like access to recreation for example |
| | IF Verbal Warning = No, prisoner received one of the following two disciplinary sanctions | Other/harsher sanction; prisoner recieved one or more: segregation, loss of good time, grade reduction, and others |

Offense Levels: Categorization of the Offenses Included in the Analyses

There are 42 offenses listed within the IDOC Department Rule (DR 504) governing the prison disciplinary process.[7] These offenses are grouped together according to offense level, indicated by the first number in a three-number sequence. Officially, there are six offense levels (100, 200, 300, 400, 500, and 600). The offense levels are ordered according to the seriousness of the individual offenses included in each offense level, ranging from level 100 (most serious) to level 400 (least serious). Levels 500 and 600 are distinct from the other four offense levels because these offense levels do not include offenses less serious than those that fall within the level 400 offense level category. Level 500 is a violation of a federal or state statute. Level 600 is an inchoate offense (prisoner accused of attempting, aiding, or solicitation to commit any of the other 41 offenses). Level 500 and 600 offenses were not included in the sample.

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[6] For more information on possible disciplinary sanctions, see Thesis: Table 405a, p. 36; Chapter Five: Results—Section A, beginning on p. 54; Chapter Six: Results—Section A, beginning on p. 100; also, a link to a listing of the possible disciplinary sanctions that could have been imposed upon prisoners included in the sample can found at the start of Appendix A: Offense Numbers and Definitions, p. 181; DR 504 was amended April 1, 2017.

[7] For the official description of offenses, see Thesis: Appendix A: Offense Numbers and Definitions, p. 181

Department Rule 504 contains the formal rules for the IDOC disciplinary process, lists and defines all offenses, and sets the maximum disciplinary sanction that can be imposed upon a prisoner in response to an offense.[8] DR 504, like all Department Rules, was proposed by IDOC administrators and then codified by the Joint Committee on Administrative Rules (JCAR) of the Illinois General Assembly (ILGA) after the proposed rule was subjected to the formal rule making process for Illinois' state agencies. Thus, offenses and the possible disciplinary sanctions for offenses were created by IDOC officials in conjunction with Illinois' lawmakers.

The majority of disciplinary sanctions imposed upon prisoners are relatively minor sanctions levied in response to relatively low-level offenses that fall exclusively within the level 300 and 400 offense categories. Of the 42,637 prisoners included in the final sample, 36,622 (85.9%) were found guilty of a level 300 or 400 offense. Although level 100, 200, and 301—Fighting offenses were discussed in the thesis, the analyses were limited to level 300 and 400 offenses. Level 300 offense are considered to be low-level offenses, but more serious in comparison to level 400 offenses.

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[8] For a link to the version of DR 504 that was in effect at the time all prisoners included in the sample were subjected to the prison disciplinary process, see Thesis: Appendix A, p. 180.

Three Key Findings from an Analysis of the IDOC Disciplinary Process
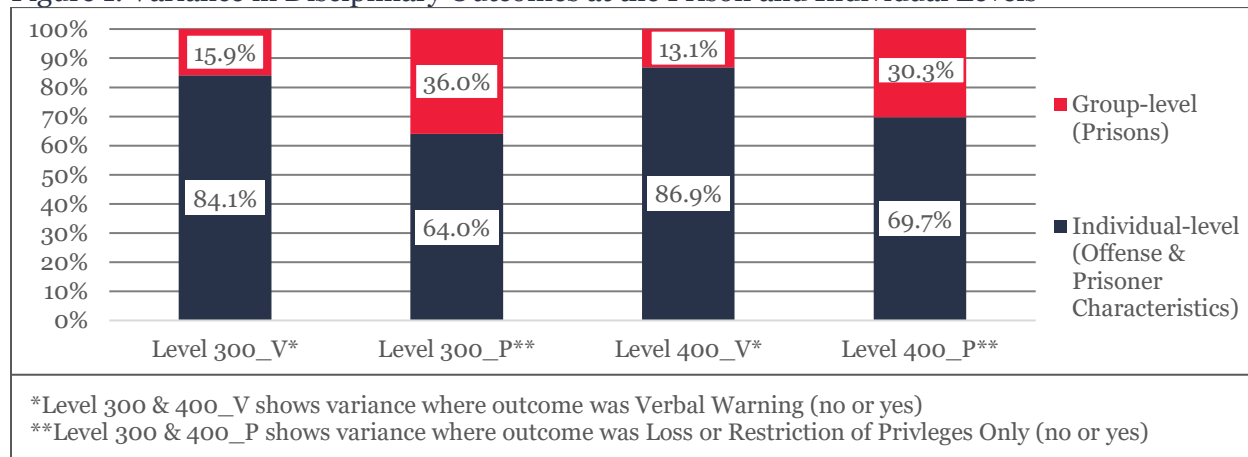
Key Finding #1:

A high amount of variance was observed across IDOC prisons in the severity of disciplinary sanctions imposed upon prisoners who were found guilty of similar low-level, less serious offenses (level 300 & 400 offenses) after accounting for the influence of other variables.

The prison in which a prisoner was subjected to the disciplinary process was determinative of the harshness of the disciplinary sanction imposed upon them. Four multi-level logistic regression models indicated that where a prisoner was disciplined for an offense strongly influenced how harshly prisoners were sanctioned for similar low-level, less serious offenses (level 300 and 400 offenses) relative to other factors. Also, the proportion of prisoners who received a certain disciplinary sanction in response to a low-level offense substantially differed by prison. These findings suggest that similarly situated prisoners were disciplined for similar offenses more or less harshly at some prisons compared to others, thereby indicating that prevailing norms about prisoner discipline amongst staff at a given prison influenced disciplinary sanctions imposed.

Results of Multi-level Logistic Regression:

The results of four multi-level logistic regression models reported in Figure 1[9] show the amount of variance in disciplinary outcomes that existed at the group-level (prison where a prisoner was disciplined) and the individual-level (extralegal and legal factors). In this instance, the statistical models demonstrated that how harshly prisoners were sanctioned for similar offenses was largely influenced by the prison in which they were disciplined in. This was most noticeable where the disciplinary outcome was 'loss or restriction of privileges only (no/yes)' for both level 300 and 400 offenses. Although the majority of the difference in how prisoners were sanctioned existed within prisons (extralegal and legal factors) rather than between them, 13% to 36% of the variance in disciplinary outcomes existing between prisons is high given that IDOC's disciplinary policies should be uniformly applied systemwide.

Figure 1. Variance in Disciplinary Outcomes at the Prison and Individual Levels

*Level 300 & 400_V shows variance where outcome was Verbal Warning (no or yes)
**Level 300 & 400_P shows variance where outcome was Loss or Restriction of Privleges Only (no or yes)

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[9] For full results of the multi-level logistic regression models, see Thesis p. 75, 94, 118, and 137.

Breakdown of Disciplinary Sanctions Imposed Upon Prisoners by Prison:

The four graphs that follow[10] illustrate the percentage of prisoners who had the disciplinary sanctions 'verbal warning (no or yes)' and 'loss or restriction of privileges only (no or yes)' imposed upon them after being found guilty of level 300 and 400 offenses at all 27 IDOC prisons[11] represented by the sample. These graphs demonstrate that prisoners were sanctioned differently in response to similar, low-level, less serious offenses across IDOC prisons. The disparities in the severity of disciplinary sanctions imposed for similar offenses across prisons likely resulted from exercises of discretionary authority of IDOC staff who effectuated the disciplinary process within each prison being influenced by the bureaucratic and cultural norms of the prison they work at. It is unlikely that the observed disparities solely resulted from differences between the fact-based narratives underlying each offense, as the analyses reported in the thesis demonstrated that severity of disciplinary sanctions was more strongly associated with the variable 'prison' than specific offenses (there are several offenses included in each offense level).

Overall, 24.8% of prisoners received a verbal warning as a disciplinary sanction in response to a level 300 offense across the 27 prisons included in the sample. When treated as a continuous variable, the percentage of verbal warnings issued across prisons was normally distributed with values ranging from 1.4% (P16) to 44.4% (P2). The mean percentage of verbal warnings issued across prisons was 23.9%, and one standard deviation from the mean was ±12.8%, a range of 25.6%. Thus, within 18 of the 27 prisons (approximately 68%) included in the sample, verbal warnings were used as a disciplinary sanction in response to 11.1% to 36.7% of level 300 offenses.

Figure 2. Percentage of Prisoners Who Received a Verbal Warning for a Level 300 Offense by Prison
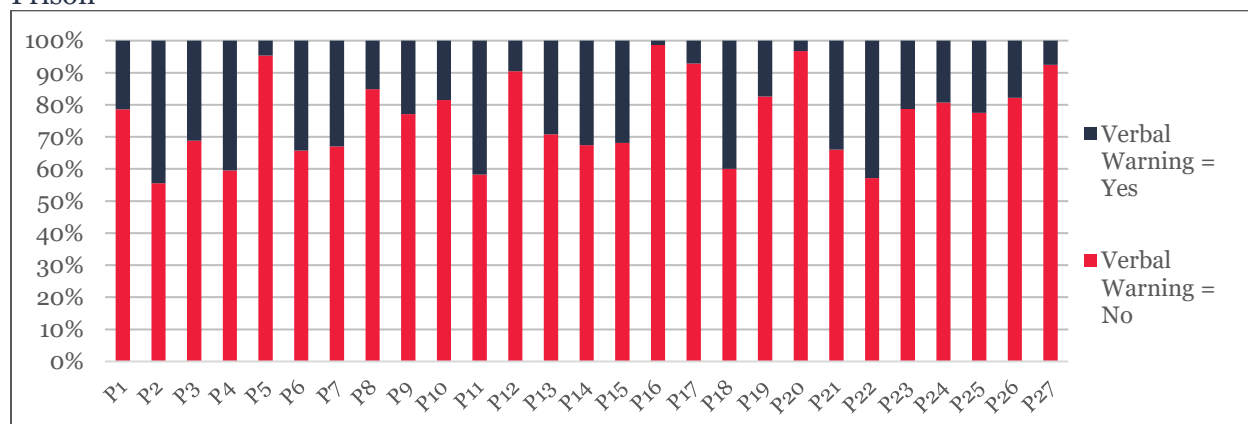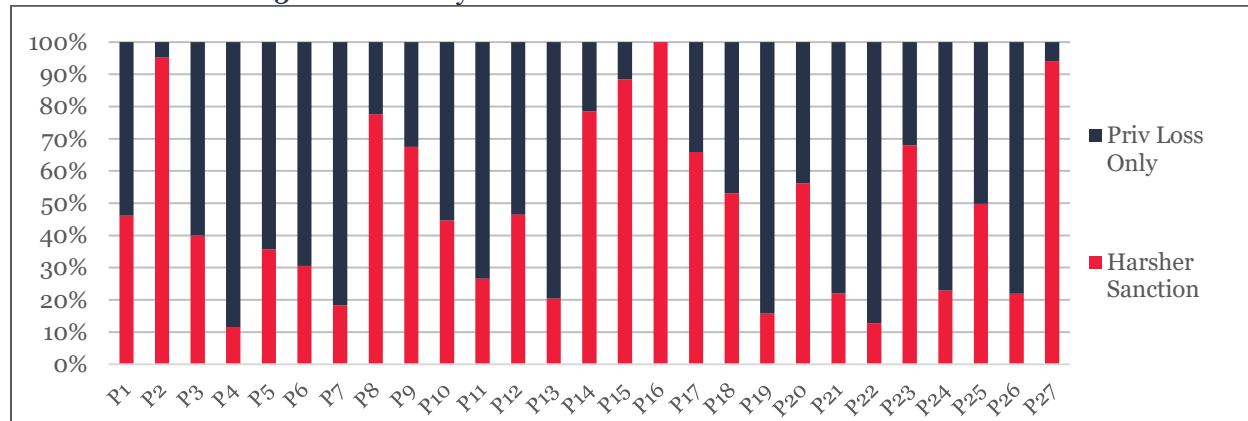

Overall, 56.0% of prisoners received a loss or restriction of privileges only as a disciplinary sanction in response to a level 300 offense across the 27 prisons included in the sample (limited to prisoners who did not receive a verbal warning). When treated as a continuous variable, the percentage of 'loss or restriction of privileges only = yes' imposed across prisons was normally distributed with values ranging from 0.0% (P16) to 88.4% (P4). The mean percentage of 'loss or restriction of privileges only = yes' imposed across

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[10] Figures 2 through 5 are visual representations of the numbers tabulated in Thesis: Tables 508a, p. 64, 513a, p. 83, 608a, p. 108, and 613a, p. 127.

[11] The 27 IDOC prisons were labeled P1 through P27 in Thesis so the individual prisons would be anonymous at request of Loyola faculty who supervised the research, as the naming of prisons in this context was not contemplated in the data sharing agreement between IDOC and Loyola.
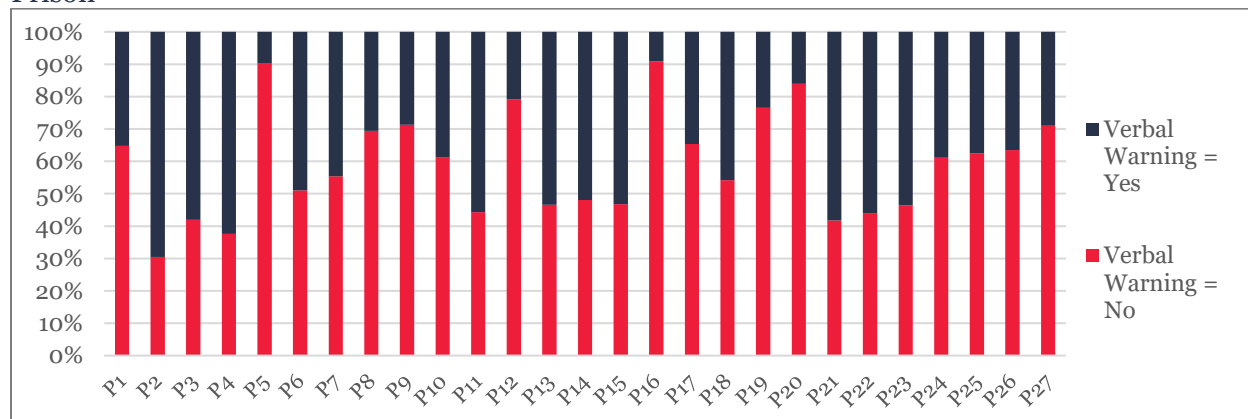
prisons was 51.5%, and one standard deviation from the mean was ±27.2%, a range of 54.4%. Thus, within 18 of the 27 prisons (approximately 68%) included in the sample, a loss or restriction of privileges only was used as a disciplinary sanction in response to 24.3% to 81.6% of level 300 offenses.

Figure 3. Percentage of Prisoners Who Received a Loss of Privileges Only Versus a Harsher Sanction for a Level 300 Offense by Prison

Overall, 40.0% of prisoners received a verbal warning as a disciplinary sanction in response to a level 400 offense across the 27 prisons included in the sample. When treated as a continuous variable, the percentage of verbal warnings imposed across prisons was normally distributed with values ranging from 1.9% (P16) to 69.5% (P2). The mean percentage of verbal warnings imposed across prisons was 40.8%, and one standard deviation from the mean was ± 15.9%, a range of 31.8%. Thus, within 18 of the 27 prisons (approximately 68%) included in the sample, a verbal warning was used as a disciplinary sanction in response to 24.9% to 56.7% of level 400 offenses.

Figure 4. Percentage of Prisoners Who Received a Verbal Warning for a Level 400 Offense by Prison

Overall, 61.4% of prisoners received a loss or restriction of privileges only as a disciplinary sanction in response to a level 400 offense across the 27 prisons included in this sample (limited to prisoners who did not receive a verbal warning). When treated as a continuous variable, the percentage of 'loss or restriction of privileges only = yes' imposed across prisons was normally distributed with values ranging from 5.4% (P2) to 95.6% (P13). The mean percentage of 'loss or restriction of privileges only = yes' imposed across prisons was 56.3%, and one standard deviation from the mean was ± 29.2%, a range of 58.4%. Thus,

within 18 of the 27 prisons (approximately 68%) included in the sample, a loss or restriction of privileges only was used as a disciplinary sanction in response to 27.1% to 85.5% of level 400 offenses.

Figure 5. Percentage of Prisoners Who Received a Loss of Privileges Only Versus a Harsher Sanction for a Level 400 Offense by Prison
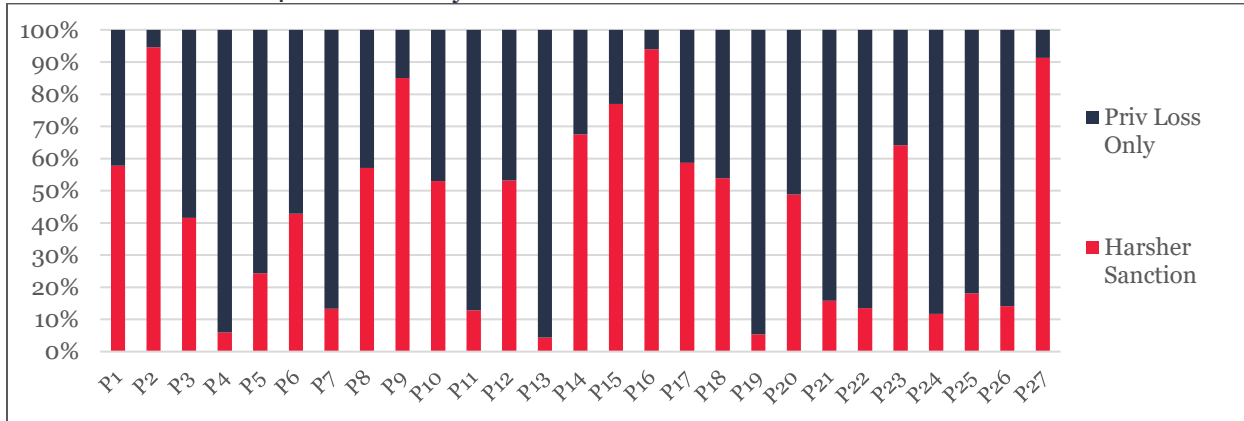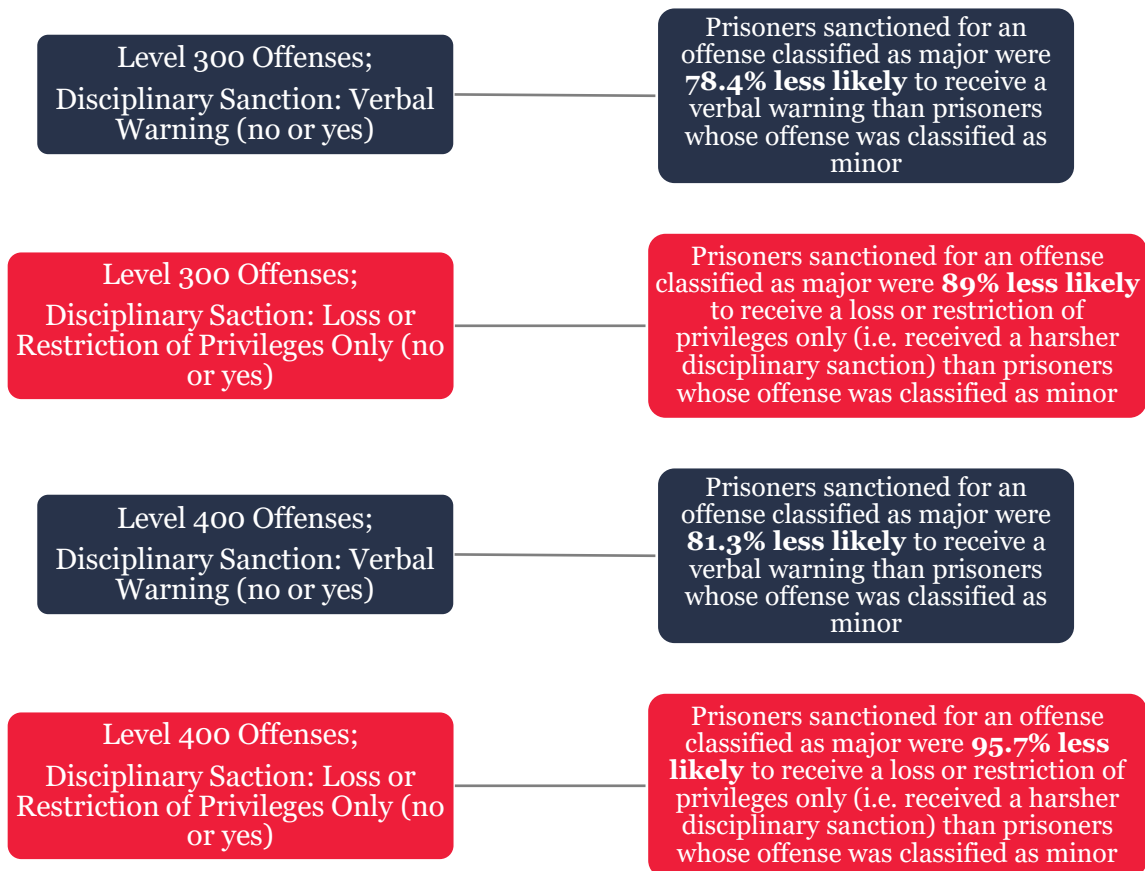
Key Finding #2:

Whether a low-level offense was classified as minor or major was highly predictive of the severity of disciplinary sanctions imposed relative to other variables. Such classifications substantially varied across the IDOC prisons represented in the sample.

Second only to the variable 'prison,' the variable 'offense classification (minor or major)' was the strongest predictor of how harshly a prisoner was sanctioned after controlling for the influence of other variables in three of the four multivariate statistical analyses reported in the thesis. All offenses included in the analyses of level 300 and 400 offenses were formally classified as either minor or major by the shift supervisor of the prison in which the offense occurred. Offenses classified as major by a shift supervisor were deemed to be more serious in nature than similar offenses classified as minor.[12]

The Impact of How an Offense Was Classified (Major or Minor) by Shift Supervisors Upon the Harshness of Disciplinary Sanctions:[13]

Level 300 Offenses; Disciplinary Sanction: Verbal Warning (no or yes)	Prisoners sanctioned for an offense classified as major were **78.4% less likely** to receive a verbal warning than prisoners whose offense was classified as minor
Level 300 Offenses; Disciplinary Saction: Loss or Restriction of Privileges Only (no or yes)	Prisoners sanctioned for an offense classified as major were **89% less likely** to receive a loss or restriction of privileges only (i.e. received a harsher disciplinary sanction) than prisoners whose offense was classified as minor
Level 400 Offenses; Disciplinary Sanction: Verbal Warning (no or yes)	Prisoners sanctioned for an offense classified as major were **81.3% less likely** to receive a verbal warning than prisoners whose offense was classified as minor
Level 400 Offenses; Disciplinary Saction: Loss or Restriction of Privileges Only (no or yes)	Prisoners sanctioned for an offense classified as major were **95.7% less likely** to receive a loss or restriction of privileges only (i.e. received a harsher disciplinary sanction) than prisoners whose offense was classified as minor

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[12] For more details regarding the variable 'offense classification,' see Thesis, p. 47 and Subsection A of Chapter 7 beginning on p. 143.

[13] The information reported in this graphic was taken from results of four separate multi-level logistic regression statistical models. The full results of these statistical models are reported in Thesis at p. 75, 94, 118, and 137.

How Similar Offenses Were Classified Substantially Varied Across IDOC Prisons:

How an offense is classified (minor or major) by a prison's shift supervisor is a key point in the disciplinary process at which the discretionary authority of prison staff is exercised in a way that reflects the prison's prevailing cultural and bureaucratic norms regarding the discipline of prisoners. As demonstrated above, how an offense is classified by a prison's shift supervisor has a very strong influence upon how harshly a prisoner is disciplined for an offense.

The following two graphs[14] reveal how similar low-level, less serious offenses were classified by shift supervisors across IDOC. These graphs illustrate wide disparities in how similar offenses were classified across IDOC prisons. Numerous statistical analyses strongly suggested that how an offense was classified by a shift supervisor was very predictive of the harshness of disciplinary outcomes relative to other factors. Thus, knowledge of how strongly the 'prison' and 'offense classification' variables were related is critical to understanding why prisoners were disciplined more or less harshly for level 300 or 400 offenses at certain prisons more so than others.

Overall, 41.0% of level 300 offenses were classified as major by a prison's shift supervisor across the 27 prisons included in the sample. When treated as a continuous variable, the percentage of offenses classified as major was normally distributed with values ranging from 14.1% (P4) to 97.3% (P16). The mean value of percentage of offenses classified as major was 43.8%, and one standard deviation from the mean was ± 23.8%, a range of 47.6%. Thus, within 18 of the 27 prisons (approximately 68%) included in the sample, 20.0% to 67.6% of level 300 offenses were classified as major.

Figure 6. Percentage of Level 300 Offenses Classified as Major by Prison
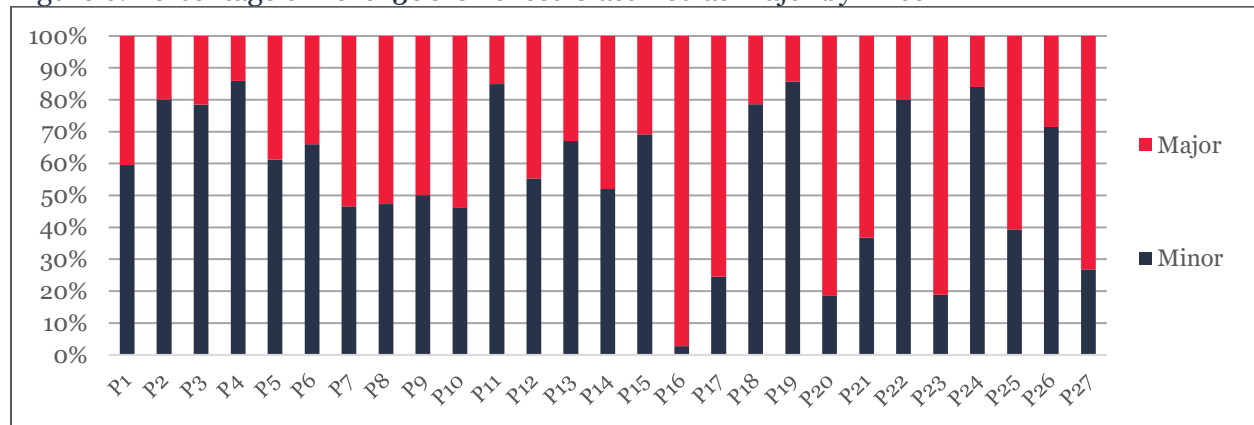
Overall, 25.4% of level 400 offenses were classified by a prison's shift supervisor as major across the 27 prisons included in the sample. When treated as a continuous variable, the percentage of the offenses classified as major was normally distributed with values ranging from 2.3% (P19) to 90.9% (P16). The mean value of percentage of offenses classified as major was 30.1%, and one standard deviation from the mean was ± 24.6%, a range of 49.2%. Thus, within 18 of the 27 prisons (approximately 68%) included in the sample, 5.4% to 54.7% of level 400 offenses were classified as major.

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[14] Figures 6 and 7 are visual representations of the numbers tabulated in Thesis: Tables 701a, p. 144 and 702a, p. 147.

Figure 7. Percentage of Level 400 Offenses Classified as Major by Prison
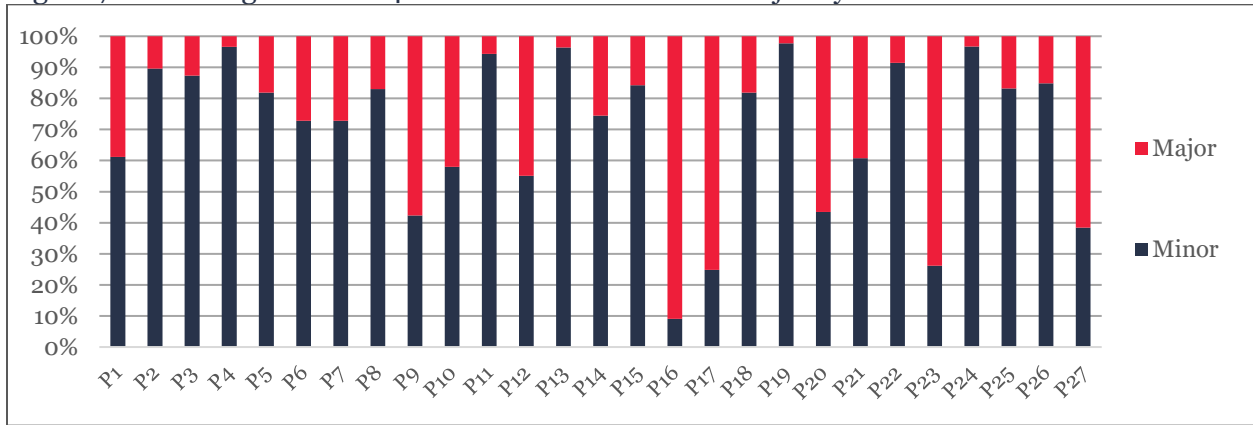
Key Finding #3:

Variables representing demographic characteristics of prisoners were not strongly associated with severity of disciplinary sanctions after controlling for the effect of factors related to the offense and a prisoner's disciplinary history (legal factors), and the prison in which a prisoner was disciplined. Additionally, the results of supplemental analyses suggested that racial bias was not masked by legal factors included in the analyses of the IDOC disciplinary process reported in the thesis.

The results of numerous statistical models[15] suggested that extralegal factors were at most mildly predictive of disciplinary outcomes relative to legal factors. As demonstrated within Figures 8 and 9, eliminating extralegal factors from the models did not substantially diminish the predictive validity or the amount of variance explained by the models. Taken together with the results of the models, this suggests that extralegal factors did not have a notable influence upon the decision-making process of prison disciplinary committees when prisoners were sanctioned for offenses. Conversely, these findings suggest that a person need only know where a prisoner was disciplined, characteristics of the offense, and a prisoner's disciplinary history to understand much of what determines the harshness of disciplinary sanctions imposed upon prisoners for low-level offenses (level 300 and 400).

List of Variables Representing Extralegal and Legal Factors Included in the Analyses:[16]

- **Extralegal Factors:** 'age at time of offense,' 'sentence,' 'race,' 'street gang status,' 'subject to Truth in Sentencing'

- **Legal Factors:** 'number of offenses this Offender Disciplinary Report (ODR),' 'offense classification,' 'prior level 100 violent offense (current incarceration),' 'found guilty of any prior offense (current incarceration,' 'placed in disciplinary segregation prior to this offense (current incarceration),' 'placed in disciplinary sanction during prior incarceration(s)'

Figure 8. Multi-level Logistic Regression Models: Variance in Disciplinary Outcomes Explained (Conditional R Squared) With and Without Extralegal Factors

Model	Complete Model	Model w/o extralegal	Difference	% Change
Level 300: Verbal Warning	.370	.346	-.024	-6.5%
Level 300: Privilege Loss Only	.542	.541	-.001	-0.2%
Level 400: Verbal Warning	.348	.316	-.032	-9.2%
Level 400: Privilege Loss Only	.597	.596	-.001	-0.2%

Figure 9. Single-level Logistic Regression Models: Accuracy With and Without Extralegal Factors

Model	Complete Model	Model w/o extralegal	Difference	% Change
Level 300: Verbal Warning	79.2%	78.8%	-0.4%	-0.5%
Level 300: Privilege Loss Only	79.8%	79.8%	0.0%	0.0%
Level 400: Verbal Warning	72.7%	72.0%	-0.7%	-0.7%
Level 400: Privilege Loss Only	84.4%	84.4%	0.0%	0.0%

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[15] The results of the single-level logistic regression models are tabulated in Thesis: Tables 509a, p. 71 – 509c, p. 73, 514a, p. 91 – 514c, p. 93, 609a, p. 116 – 609c, p. 118, and 614a, p. 134 – 614c, p. 136; The results of the multi-level logistic regression models are tabulated in Thesis: Tables 510, p. 77, 515, p. 98, 610, p. 122, and 615,p.141

[16] A full description of the variables listed can be found in Thesis: p. 41 through p. 52; Variables not included in the analyses are discussed in Thesis: Chapter Eight, Issues and Limitations beginning on p. 160.

Intersectionality of Race and Variables Representing Legal Factors:[17]

The findings of the analyses of level 300 and level 400 offenses strongly suggested that the prison in which a prisoner was subjected to the disciplinary process and select variables representing legal factors were most predictive of the severity of disciplinary sanctions imposed upon prisoners. The findings of these analyses also suggested that the 'race' variable was either not predictive or at best slightly predictive of severity of disciplinary sanctions imposed. However, it is possible that racial bias was masked by seemingly race neutral legal factors, such as an IDOC employee's decision to issue an Offender Disciplinary Report (ODR) and a shift supervisor's decision to classify an offense as minor or major.[18]

The methodology employed for the analyses reported in the thesis was developed to probe for the existence of variance in the harshness disciplinary sanctions imposed upon prisoners across prisons, and to identify factors most predictive of the harshness of disciplinary sanctions. The methodology was not constructed for the express purpose of probing for the existence of racial bias in the IDOC disciplinary process. However, if racial bias was masked by legal factors included in the analyses of level 300 and 400 offenses contained within the thesis, the results of the bivariate analyses reported in Chapter Seven of the thesis should have suggested that the variable 'race' was measurably associated with variables representing legal factors. The results of the analyses in Chapter Seven did not indicate the existence of a strong association between race and any legal factor included in the thesis, nor were wide disparities observed between the number of ODR's issued to the racial cohorts of prisoners who were included in the sample overall and the racial composition of the sample.

The figures tabulated below illustrate the statistical relationship between the variable 'race' and 'offense classification' for level 300 and 400 offenses. As discussed in Key Finding #2, the variable 'offense classification' was very predictive of the harshness of disciplinary sanctions imposed upon prisoners after controlling for the effect of other variables in multivariate statistical models. Thus, the relationship between 'offense classification' and race are highlighted in this special report.

The Chi-square test suggested that a statistically significant association existed between the race of prisoners found guilty of level 300 offenses and the variable 'offense classification' (X^2 = 96.97, p < .001), but the strength of the association between these variables was extremely weak, as indicated by a Cramer's V value of 0.067 (p < .001). There was scant racial disparity observed in Figure 10. Concerning the offense classification of level 300 offenses, prisoners identified as Black by IDOC were overrepresented by 3.9%, Hispanics were underrepresented by 1.4%, and white prisoners were underrepresented by 2.4% relative to their share of the sample population.

> ### Translating Cramer's V:
>
> Cramer's V, a Chi-squared based statistical measure, operates on a scale of zero to one, a value of zero indicating no measurable association between variables and a value of one indicating a perfect association between variables (i.e. the closer Cramer's V is to one, the stronger the possible association between variables).
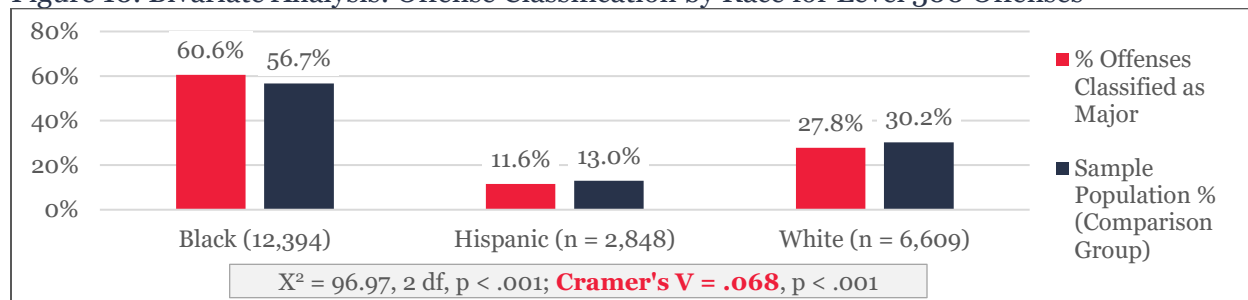
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[17] The full analysis of the intersectionality of race and variables representing legal factors is reported in Thesis, beginning at p. 150.
[18] Logan, et al, 2017. (full citation: Thesis, p. 205)

Figure 10. Bivariate Analysis: Offense Classification by Race for Level 300 Offenses

X² = 96.97, 2 df, p < .001; **Cramer's V = .068**, p < .001

The Chi-square test suggested the absence of a statistically significant relationship between the race of prisoners found guilty of a level 400 offense and 'offense classification.' The strength of association between variables is typically not reported absent a statistically significant relationship between variables.

Figure 11. Bivariate Analysis: Offense Classification by Race for Level 400 Offenses

X² = 4.57, 2 df, p = .102; **Cramer's V = .018**, p = .102
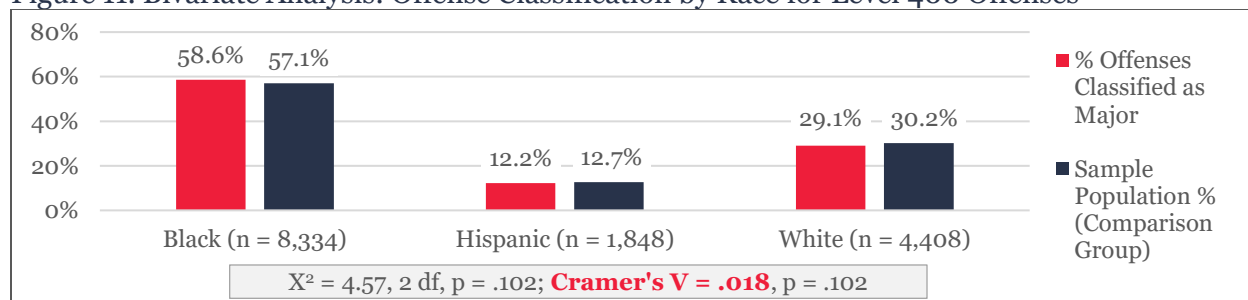
Level 300 and 400 offenses constitute the majority of the sample (85.9%) in the thesis, and official IDOC data indicated that level 300 and 400 offenses constitute the majority of offenses committed by prisoners overall. Thus, if racial bias was masked by legal factors included in the analyses of the IDOC disciplinary process reported in the thesis, the existence of this bias should have manifested in the results of the analyses of these low-level offense categories.

It is also possible that an IDOC employee's decision to issue an Offender Disciplinary Report (ODR) may be influenced by racial bias. If racial bias played a role in whether an ODR was issued to the prisoners included in the sample, the results of the statistical analyses of the relationship between race and ODR's issued for specific offenses should have suggested as much. However, the results of the analyses tabulated below suggest that specific ODR's were not disproportionally distributed between racial groups represented within the sample for level 300 and 400 offenses overall.

Three offenses, 304—Insolence, 307—Unauthorized Movement, and 308—Contraband/Unauthorized property constituted 87.2% of the level 300 offenses included in the sample.[19] The Chi-square test suggested that a statistically significant association existed between race and these three most common level 300 offenses (X² = 437.11, p < .001), but the strength of the association between these variables was weak, as indicated by a Cramer's V value of 0.107 (p < .001). There was negligible racial disparity observed overall when focusing on these three offenses, with prisoners identified as IDOC as Black being

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[19] The numbers associated with all level 300 offenses included in the analyses, 10 in total, are tabulated in Thesis: Table 703a, p. 153.

underrepresented by 0.3%, Hispanics being overrepresented by 0.5%, and white prisoners being underrepresented by 0.1% relative to their share of the sample population.

Figure 12. Bivariate Analysis: Specific Level 300 Offenses by Race

Offense Description	n	Black (n = 10,800)	Hispanic (n = 2,529)	White (n = 5,733)	% of Level 300 Offenses
X² = 437.11, p < .001; **Cramer's V = .107**, p < .001					
304—Insolence	5,705	64.5%	8.0%	27.5%	26.1%
307—Unauthorized Movement	8,069	56.9%	12.8%	30.2%	36.9%
308—Contraband or Unauthorized Property	5,288	47.8%	19.6%	32.6%	24.2%
Totals	**19,062**	**56.7%**	**13.0%**	**30.2%**	**87.2%**
• All percentages by race equal 100% for each offense					

The Chi-square test suggested that a statistically significant association existed between race and specific level 400 offenses (X² = 72.27, p < .001), but the strength of the association between these two variables was very weak, as indicated by a Cramer's V value of 0.050 (p < .001).

Figure 13. Bivariate Analysis: Specific Level 400 Offenses by Race

Offense Description	n	Black (n = 8,334)	Hispanic (n = 1,848)	White (n = 4,408)	% of Level 400 Offenses
X² = 72.27, 18 df, p < .001; **Cramer's V = .050**, p < .001					
402—Health, Smoking, or Safety Violations	373	52.0%	13.7%	34.3%	2.6%
403—Disobeying a Direct Order	5,639	60.8%	10.9%	28.3%	38.6%
404—Violation of Rules	6,389	54.9%	13.2%	31.9%	43.8%
405—Failure to Report	1,637	56.5%	15.3%	28.2%	11.2%
406—Trading or Trafficking	552	50.5%	15.4%	34.1%	3.8%
Totals	**14,590**	**57.1%**	**12.7%**	**30.2%**	**100%**
• All percentages by race equal 100% for each offense					

JHA Policy Recommendations

Key Finding #1:

A high amount of variance was observed across IDOC prisons in the severity of disciplinary sanctions imposed upon prisoners who were found guilty of similar low-level, less serious offenses (level 300 & 400 offenses) after accounting for the influence of other variables.

Recommendation: IDOC should make disciplinary data publicly available, partner with outside experts to conduct a deeper analysis of variance in disciplinary outcomes between prisons and use this information to ensure that disciplinary policies are consistently implemented throughout IDOC.

IDOC will increase accountability and the legitimacy of the disciplinary process as perceived by prisoners by making contemporaneous disciplinary data publicly available, thereby allowing for exhaustive data exploration of IDOC disciplinary practices to be conducted by objective third parties. Minimally, the findings of such research should be made readily available to the public. This will allow stakeholders to ensure Departmental policies are implemented as intended across IDOC facilities.

Key Finding #2:

Whether a low-level offense was classified as minor or major was highly predictive of the severity of disciplinary sanctions imposed relative to other variables. Such classifications substantially varied across the IDOC prisons represented in the sample.

Recommendation: IDOC Should Eliminate "Offense Classification" from the IDOC Disciplinary Process for Level 300 and 400 Offenses.

Whether a level 300 or 400 offense warrants a harsher disciplinary sanction should be determined solely by a prison disciplinary committee after a thorough review of the facts detailed in an Offender Disciplinary Report. All 42 individual offenses[20] listed in Department Rule 504 falls within an offense level (100, 200, 300, 400, 500, and 600), with level 100 offenses being the most serious and level 400 being the least serious (level 500 is a violation of federal or state law and level 600 is an inchoate offense). Hence, the degree to which an offense is serious in nature was determined by Agency officials when offenses were defined, and the possible disciplinary sanctions for each offense were determined through the official rule making process for Illinois' state agencies. Current IDOC policy dictates that all level 100 and 200 offenses be automatically classified as major. Thus, this recommendation will not impact the disciplinary process for offenses deemed to be more serious by IDOC and Illinois lawmakers. Implementation of this recommendation appears to be necessary to ensure uniform application of IDOC disciplinary procedures across all IDOC prisons based on the findings reported in the thesis.

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[20] For description of all 42 offenses, see Thesis: Appendix A beginning at p. 180.

Key Finding #3:

Variables representing demographic characteristics of prisoners were not strongly associated with severity of disciplinary sanctions after controlling for the effect of factors related to the offense and a prisoner's disciplinary history (legal factors), and the prison in which a prisoner was disciplined. Additionally, the results of supplemental analyses suggested that racial bias was not masked by legal factors included in the analyses of the IDOC disciplinary process reported in the thesis.

Recommendation: IDOC should increase transparency by making contemporaneous data regarding the disciplinary process available to the public.

As previously stated, the methodology underlying the research reported in the thesis was created to probe for the existence of variance in the harshness disciplinary sanctions imposed upon prisoners across prisons, and to identify factors most predictive of the harshness of disciplinary sanctions. The objective of the research was not to exhaustively investigate whether racial bias manifests in the IDOC disciplinary process.

If IDOC were to share data with objective third parties, independently conducted research could be undertaken to investigate the extent to which race and other demographics play a role in the IDOC disciplinary process. The results of such research will inform IDOC of potential issues so that corrective action can be taken in a timely manner if necessary.

Additionally, increased transparency will benefit IDOC. Many people have strong feelings about the IDOC disciplinary process, but few have facts about the IDOC disciplinary process. Feelings are not facts, but feelings may lead to policy changes being imposed upon IDOC that may have an adverse impact upon the Department, frontline staff, and prisoners. Increased transparency will result in stakeholders being adequately informed as to IDOC disciplinary practices, thereby enabling officials and administrators to enact fundamentally sound disciplinary policies. Also, a transparent and consistent disciplinary process is more likely to be viewed as legitimate by prisoners, which may enhance safety and security within institutions for both prison staff and prisoners. As Steiner & Cain opined, it is important that "laws are applied fairly and equitably so as not to undermine the legitimacy of the justice system." The same is true of the prison justice system, the disciplinary process.

Summary of Data, Sample and Methodology
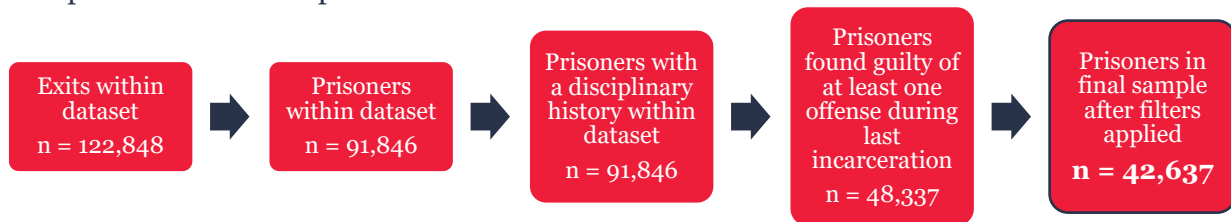
Source of Data:

Two datasets provided by IDOC to Loyola University Chicago were utilized in the analyses reported in the thesis: One, a file identifying all prisoners who exited IDOC between July 1st 2010 and June 30th 2014 (State Fiscal Years (SFY) 2011 to 2014), hereafter referred to as the exit file dataset; and two, a disciplinary dataset containing data related to all prison rule violations, hereafter referred to as offenses, incurred by all prisoners included within the exit file dataset throughout their history of incarceration while imprisoned in an IDOC facility(s). Both the exit file and disciplinary datasets contained identifiable data to allow for the matching of the prisoner data and the disciplinary offense data, the prisoner's unique IDOC identification number assigned to every prisoner placed in the custody of IDOC.

Strict protocols set by Loyola University's Internal Review Board (IRB) regarding identifiable data involving a vulnerable population were followed to ensure prisoner anonymity and the confidentiality of the datasets at all stages of the research reported in the thesis. The thesis discussed herein was listed as external research project and partnership by IDOC.[21]
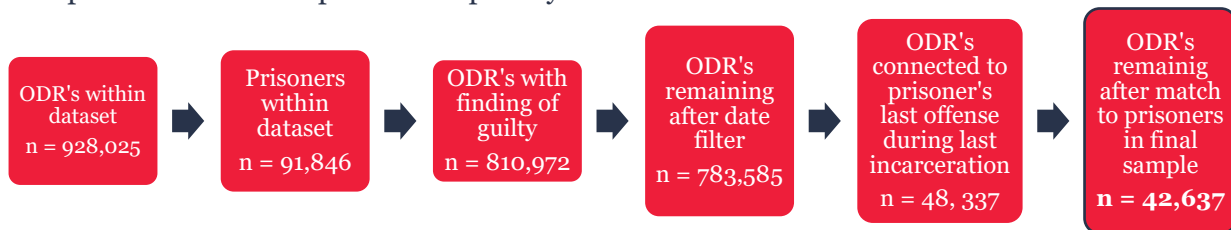
Summary of the Sample: [22]

The analyses reported throughout the thesis were based on the last offense committed by prisoners who were found guilty of at least one offense during their last incarceration (exit[23] during SFY 2011 to 2014) as documented within the exit file and disciplinary datasets. A summary of the process by which the final sample was constructed is illustrated below.

Composition of the Sample I: Exit File Dataset[24]

| Exits within dataset n = 122,848 | → | Prisoners within dataset n = 91,846 | → | Prisoners with a disciplinary history within dataset n = 91,846 | → | Prisoners found guilty of at least one offense during last incarceration n = 48,337 | → | Prisoners in final sample after filters applied **n = 42,637** |

Composition of the Sample II: Disciplinary Dataset[25]

| ODR's within dataset n = 928,025 | → | Prisoners within dataset n = 91,846 | → | ODR's with finding of guilty n = 810,972 | → | ODR's remaining after date filter n = 783,585 | → | ODR's connected to prisoner's last offense during last incarceration n = 48, 337 | → | ODR's remainig after match to prisoners in final sample **n = 42,637** |

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[21] See https://www2.illinois.gov/idoc/reportsandstatistics/Documents/online%20research%20project%20list.pdf

[22] A detailed explanation of the sample is provided in Thesis: Chapter Three, Data and Sample beginning at p. 16.

[23] An exit from IDOC occurs when a prisoner is released onto Mandatory Supervised Release (MSR) status—a term of post-release supervision imposed upon every prisoner sentenced to prison in the state of Illinois (see 730 ILCS 5/5-8-1), the prisoner is discharged after the prison sentence imposed by a sentencing court expires, or the prisoner dies.

[24] There are more prisoners than exits in the exit file dataset due to recidivists having more than one documented exit from IDOC between SFY 2010 and 2014

[25] ODR = Offender Disciplinary Report

Summary of Methodology:[26]

- The analyses reported in the thesis were cross-sectional in nature, conducted using a non-random sample of a population prisoners who exited IDOC within a given time frame, constructed using official data provided by IDOC on both prisoners who exited IDOC between SFY 2010 and SFY 2014 and the offenses committed by them while in IDOC custody.

- Univariate, bivariate, single-level logistic regression, and multi-level logistic regression statistical analyses were utilized to examine the application of disciplinary sanctions imposed upon prisoners housed in 27 IDOC prisons who were subjected to the disciplinary process, and to measure the extent to which the prison in which a prisoner was sanctioned for an offense influenced the severity of the sanction a prisoner received.

- The foci of the analyses reported in the thesis were limited to two offense levels, level 300 and level 400 offenses. Both offense levels include offenses considered to be low-level, or offenses that do not jeopardize the safety and security of a prison in and of themselves to the extent of most level 100 or 200 offenses. The majority of disciplinary sanctions imposed upon prisoners by Illinois' prison officials are relatively minor sanctions levied in response to relatively low-level offenses that fall exclusively within the level 300 and 400 offense categories. As indicated by Figure 14, 85.9% of offenses committed by prisoners who were found guilty of an offense during their last term of incarceration included in the analyses reported in the thesis were low-level (level 300 or 400) offenses. Additionally, a review of the IDOC disciplinary dataset provided indicated that the vast majority of offenses committed by prisoners are level 300 and 400 offenses.

Figure 14. Frequency of Sample by Offense Level

Offense Level	n	%	Cumulative %
Level 100	945	2.2%	2.2%
Level 200	3,260	7.7%	9.9%
Level 300 (301-fighting only)	1,810	4.3%	14.1%
Level 300 (301-fighting not included)	21,959	51.5%	65.6%
Level 400	14,663	34.4%	100%
Totals	**42,637**	**100%**	

- Two dichotomous outcome measures were used to gauge severity of disciplinary sanctions imposed: one, 'verbal waring (no = 0/yes = 1),' and two, 'loss or restriction of privileges only (no = 0/yes = 1).' Both outcome measures were utilized in analyses conducted on two subsets of the sample, level 300 and 400 offenses, resulting in four distinct analyses. A verbal warning or loss or restriction of privileges were the least severe formal disciplinary sanctions that could have been imposed upon a prisoner. The offenses included in the analyses that utilized 'loss or restriction of privileges only (no/yes)' as an outcome measure were limited to level 300 or 400 offenses that did not result in a verbal warning as a disciplinary sanction. As illustrated by Figure 15 below, these disciplinary sanctions were the most frequently imposed upon prisoners by prison disciplinary committees in response to level 300 and 400 offenses. Thus, using the most common offenses (level 300 and 400), and the most common disciplinary sanctions imposed in response to these offenses ('verbal warning' or 'loss or restriction of

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[26] A detailed explanation of the methodology is provided in Thesis: Chapter Four, Methods beginning at p. 24.

privileges only') as the basis of the analyses was the most effective methodological approach to achieve the research objective.

Figure 15. Disciplinary Sanctions Imposed Upon the Sample of Prisoners: Offense Level by Sanction Type

Offense Level	Sanction Type					
	Loss or Restriction of Privileges	B or C Grade	Good Time Revocation	Segregation	Verbal Warning	% of Sample
Level 100	52.8%	93.4%	48.1%	96.6%	0.0%	2.2%
Level 200	58.3%	59.3%	11.0%	50.7%	6.9%	7.7%
Level 300 (301-fighting only)	37.0%	87.8%	23.0%	98.6%	0.1%	4.3%
Level 300 (301-fighting not included)	57.3%	21.2%	1.0%	12.9%	24.8%	51.5%
Level 400	44.8%	15.2%	1.5%	12.2%	40.0%	34.4%

- Of the sanction types listed above, only Verbal Warning is single outcome sanction. A prisoner may have one or more of the other sanction types imposed upon them other than Verbal Warning, in any combination, after being found guilty of an offense. Thus, percentage of sanctions imposed do not total to 100%
- % of Sample totals to 100.1% due to rounding to one-tenth of a percent

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John Howard Association