

INVESTIGATING JUVENILE SUPERVISORY  
OFFICERS' ATTITUDES AT A TEXAS  
JUVENILE DETENTION  
CENTER

by

JUSTIN MICHAEL PATRICK REGAN

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ABSTRACT

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Justin Regan, M.A.

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Supervising Professor: Christian Zlalniski

Punitive and rehabilitative ideologies have traditionally competed to influence correctional policy. The growing emphasis on prisoner rights however, has subtly transformed the mindset of the carceral institution. Juvenile detention officers, the frontline negotiators of these changes in the juvenile justice system, have been the focus of little ethnographical research concerning their ideological orientation or the pressures that shape that outlook. While sociological and criminal justice studies have quantitatively identified a number of individual and organizational factors that affect officers' attitudes, these studies give scant attention to the actual impact of those views on rehabilitative efforts. This paper extends the carceral literature by giving qualitative focus to a particular detention center's culture. The ethnographic approach shows how the interaction between prisoner rights and the need to function has patterned a focus on safety and security that, driven by the locomotion of protecting legal vulnerability while dealing with structural overwork, pushes officers away from punitive or rehabilitative attitudes toward a custodial mode of action.

## TABLE OF CONTENTS

|   |      |
|---|------|
| ACKNOWLEDGEMENTS .....  | iii  |
| ABSTRACT .....  | iv   |
| Chapter   | Page |
| 1. INTRODUCTION.....  | 1    |
| 1.1 Entering the Carceral World.....                                      | 1    |
| 1.2 George Miller Detention Center .....                                  | 6    |
| 1.3 Research Goals .....  | 7    |
| 1.4 Methods.....  | 8    |
| 1.5 Relevance.....  | 11   |
| 2. CARCERAL LITERATURE .....  | 13   |
| 2.1 Criminal Justice in America.....                                      | 13   |
| 2.2 The Juvenile Justice System.....                                      | 14   |
| 2.3 The Growth of the Prison System .....                                 | 16   |
| 2.3.1 Effects of the Prison Growth .....                                  | 17   |
| 2.4 Criminological Models for Assessing Correctional Culture .....        | 18   |
| 2.5 American Prison Ethnography .....                                     | 21   |
| 2.5.1 Anthropology in the Prison .....                                    | 22   |
| 2.5.2 International Prison Ethnography .....                              | 25   |
| 2.6 Contributions .....   | 26   |
| 3. JUVENILE DETENTION CENTERS .....                                       | 27   |
| 3.1 The Dual Functions of Detention.....                                  | 27   |
| 3.2 Juvenile Supervisory Officers at George Miller Detention Center ..... | 28   |

|   |    |
|---|----|
| 3.1.2 Operational Shift Routines .....                              | 29 |
| 3.3 Sources of Juvenile Control .....                               | 31 |
| 4. "IT'S ALL ABOUT THE KIDS": LIABILITY IN THE JUSTICE SYSTEM.....  | 33 |
| 4.1 Liability in Detention Centers .....                            | 33 |
| 4.1.1 Juvenile Rights .....   | 34 |
| 4.1.1.1 Undermining Authority .....                                 | 37 |
| 4.1.1.2 Cutting Deals.....  | 38 |
| 4.1.2 Physical Violence .....                                       | 39 |
| 4.1.2.1 Personal Restraint Technique.....                           | 39 |
| 4.2 Juvenile Rights versus Officer Rights .....                     | 40 |
| 4.3 Safety and Security .....                                       | 42 |
| 4.3.1 Juvenile Behavior.....  | 44 |
| 4.3.1.1 Guilty Juveniles .....                                      | 45 |
| 4.4 Job Insecurity .....  | 46 |
| 4.4.1 Budgetary Concerns .....                                      | 47 |
| 4.5 Conclusion.....   | 48 |
| 5. "WE'RE JUST SLAVE LABOR": UNPREDICTABILITY IN THE WORKPLACE..... | 50 |
| 5.1 The Stay-over List .....  | 50 |
| 5.1.1 Full-time versus Part-time .....                              | 51 |
| 5.2 A History of the Stay-over List.....                            | 52 |
| 5.3 "Getting Through" an Extended Day .....                         | 52 |
| 5.4 Conversations about the Stay-over List .....                    | 55 |
| 5.4.1 Functions of Complaining.....                                 | 58 |
| 5.5 Management and the Stay-over List .....                         | 60 |
| 5.6 Forms of Resistance .....                                       | 62 |

|  |     |
|--|-----|
| 5.7 Conclusion.....  | 63  |
| 6. DISORDER IN THE WORKPLACE: DEALING WITH BUREAUCRACY .....           | 66  |
| 6.1 Organizational Structure .....                                     | 66  |
| 6.1.1 Inter-shift Divisions.....                                       | 67  |
| 6.1.1.1 Getting “Played” .....   | 69  |
| 6.2 A Tyrannical View of Management .....                              | 70  |
| 6.2.1 System of Control.....   | 71  |
| 6.2.2 A Self Serving Management .....                                  | 72  |
| 6.3 Changes and Authority.....   | 74  |
| 6.4 “Using” JSOs .....   | 75  |
| 6.4.1 Wising Up.....   | 75  |
| 6.4.2 Attitudes toward Learning New Skills.....                        | 77  |
| 6.5 Conclusion.....  | 78  |
| 7. “ALL I CAN SAY IS DON’T GET LOCKED UP”: CUSTODIAL CONVERGENCE ..... | 81  |
| 7.1 Rehabilitative Officer: Jones .....                                | 82  |
| 7.2 Punitive Officer: Turnock.....                                     | 86  |
| 7.3 Three Custodial Officers .....                                     | 88  |
| 7.4 The Movement toward the Custodial Mindset.....                     | 91  |
| 8. CONCLUSION .....  | 97  |
| 8.1 Contributions .....  | 99  |
| 8.2 The Myopic Nature of the Detention Center .....                    | 103 |
| 8.3 Thoughts on Recidivism.....  | 106 |
| 8.4 Recommendations .....  | 108 |
| REFERENCES.....  | 109 |
| BIOGRAPHICAL INFORMATION .....   | 113 |

CHAPTER 1  
INTRODUCTION

1.1 Entering the Carceral World

My clock read 10:48 as I pulled into the parking lot; grabbed my clear plastic backpack, hopped out of the car, and headed toward the George Miller Juvenile Justice Center. As I neared the door, it clicked and swung open. I walked in and the door swung silently closed behind me. I walked across an empty foyer and then through an empty waiting room until I reached a wall of glass and steel beams. Past the transparent wall was a small containment room, and beyond that, past another wall of glass and steel beams, was central control, filled with video screens and computers, and manned by two officers. The outside door whirred and I trudged into the containment cell, waved at officer Bennett controlling the doors, and then made my way through three more mechanically operated metal doors.

The last door opened into a white and blue hallway, with a time clock positioned opposite the door. Several Juvenile Supervisory Officers (JSOs) were already inside, leaning against the wall around the clock. I greeted them, glanced at the clock and settled against the wall.

“How many did they keep this morning?” Dugan, standing on the opposite wall, asked Richard.

“Five.” Several people shook their heads.

“I was number four and they kept me till twelve,” Moore added.

Everyone shook their heads again, then a woman swiped the time clock with a card and everyone slowly crowded toward the clock in a vague semblance of a line and, after swiping in,



headed down a long hallway to a supervisors' office, positioned just before the hallway split four ways into a maze of hallways.

Inside the supervisor's office, against a back wall, was a large white board with four columns of JSO names. Above each column was a heading: 7-3, Swing, 3-11, 11-7, and to the right side were two black squares with the words 'call in' and 'sick call' at the top of each box. Four names were inside the 'call in' box and beside each name was a time, ranging from 6: 35 to 7:45. "Geez," one man complained, "they let in four. That makes me number three. Whatcha gotta do to catch a break around here?"

I went to the sections E2 and E3. A section—technically called a pod—consisted of a long rectangular room, about 30 yards deep and 12 yards wide, with a series of either ten or twelve cell doors set evenly in the walls of the perimeter. Extra doors led to a closet, a janitor's closet, an outside recreation area, a sub-control room and a door leading to the outside hallway. Each pod faced a mirror opposite pod that shared the same sub-control. During the day time, when the residents were out and functioning, one JSO was assigned to each pod; however, at night time, with the residents 'behind their doors' one JSO was assigned to two pods.

Each section had a bulky plush chair of soft plastic pushed three to four feet in front of each cell, forming a large semi-circle; a television mounted seven feet up the wall on a bracket; a surveillance camera in the back ceiling; a desk strewn with a log book, papers, and folders for each resident in the section; a clock (usually); and a telephone set into the wall next to the desk. A pile of clothes, consisting of pants, a shirt, and socks were on each chair, along with a clear bag full of hygiene products.

The section was gloomy, but the light from the sub-control was sufficient to show me that the light (flashlight) and the duress button (code red button) were on the desk next to a lopsided jumble of folders. I quickly counted the folders—12—and then checked the log sheet—  
12.

After the two other JSOs had left, I began walking around the section to check each blue door sheet, marking the time—11:13—my initials, and then an 'A' for what the resident was doing—A for sleeping, B for awake. Anytime a resident was “behind a door” detention policy mandated that JSOs had to check the door in staggered intervals that could not exceed fifteen minutes.

On a typical night, I would complete the paperwork, which might take anywhere from thirty minutes to three hours. After finishing this, until around six in the morning when I woke up the juveniles, I would have to check the doors. At seven I might be able to go home, or more likely I would have had to stay-over in a section until 11 or 12 PM. However, on this particular night, I was sent to the hospital at around 12:00 A.M. to relieve another officer from the 3-11 shift and watch a juvenile.

I waited for several hours with the shackled juvenile in the emergency room, while a team of doctors examined him. He was almost seventeen and a little smaller than me. At around 10:40 A.M. a nurse finally brought his release papers and transportation officer Smith came to pick us up. Smith and I locked the juvenile in the back of the transportation van and I climbed up into the front seat of the van to close my eyes and think with weariness that when I arrived at the center they would probably make me stay-over in a section until around 1:00 PM.

Smith parked the van at the back of the detention center and we both came around to the side door to unlock the door and let out the shackled juvenile. He was sitting quietly on the edge of his seat as Smith unlocked the door; however, suddenly he shoved the door violently open and jumped on the startled Smith, knocking him over. Surprised, I stood frozen for a second then took off after him, noting that he had dropped the pair of shackles—while we were driving he must have somehow gotten them off.

He headed into a patch of thick thorny woods that led down to a major highway. I knew I needed to catch him before he made it to the highway. Just as I got close, he darted out of the

woods into an open grassy area next to a tall brick building. A concrete ditch, some twelve feet deep ran around the perimeter of the building. At the bottom of the ditch, against the base of the building was a flat runway, approximately four feet wide. He slid down the ditch and began to run along the runway in the direction of the highway. I ran along the top and then at a corner, where the ditch turned so that it ran parallel with the highway, I slid down just behind him. Vulnerable, he turned and faced me, clenching his fists. I eyed the rough edges of the bricks behind him and the grated concrete that paved the surface of the narrow runway. We were alone; Smith had disappeared.

Only two weeks before an officer had restrained a juvenile inside the detention center and, in the process, the juvenile had acquired rug burns over his arms and legs. No one ever made official whether the officer had allowed his emotions to overcome him and used too much force to 'punish' the juvenile, or whether the juvenile had simply struggled too much, but different rumors had circled around the center. One fairly credible rumor alleged that he had been taken to jail. What was certain was that he had lost his job.

As I faced the juvenile, thoughts of the previous incident ran through my mind and caused a fair amount of circumspection. If I handled the restraint wrong, I could go to jail and/or lose my job. Regardless of how careful I was, the juvenile would probably get cut up: the concrete was rough and the juvenile was ready to fight. Or to run. With a boxer's stance, he was backing up to an area some ways further down where the ditch leveled off to only a few feet high—from there it was a straight shot to the highway. If I continued to wait for backup he would get away.

"Smith," I yelled, "Smith." No one answered. I gave up and moved in toward the juvenile, hoping to lure him off the wall so that I could restrain him properly. He came off swinging. I blocked three of his punches with my face and moved quickly, stepping in next to him and sweeping my arm around behind to pin his arms behind his back, as protocol

mandated was the only way I could restrain him. He kicked his foot against the wall and pushed his body sideways toward me, catching the side of my face with his mouth and biting down hard. I slackened my efforts to restrain him. When he finally tore away he freed himself from my grasp and darted off down the ditch. Blood ran down my face and neck. I could see it on my hand and shirt, but couldn't tell how bad the wound was.

I chased after him again; he whirled and backed up slowly—a veritable repeat of our earlier performance. This time however, a rhythmic motion of his jaws, similar in form to that of a kid smacking on a large wad of gum, caught my attention. As his jaws mechanically opened and shut, I could see he was chewing on a large flap of skin. My stomach turned and I felt sick. I realized that if I restrained him, I would have to take him down fast and hard, such that any case of rug burn would look mild in comparison; otherwise he'd bite me again. Such injuries on him could easily have made it seem that I'd beaten the hell out of him in retaliation for biting me. This made me leery of restraining him. On the other hand I didn't want to let him escape—I had grave reservations about how administration would take the news. I also however, didn't want to go to jail.

I continued to follow him, as he inched backward slowly, but did not move in to restrain. There was a thirty foot stretch of dirt and grass between the ditch and the highway; I thought that if I could catch him in this stretch after he made his break, then I could restrain him on the soft earth and lie on top of him until backup arrived. He must have sensed my plan though, for suddenly, much earlier than I anticipated, he dashed up the sloped ditch. I followed after him, but he maintained a lead, until finally I broke off pursuit ten feet from the highway—a few years before, in a similar circumstance, two officers had chased a juvenile across the highway, causing him to be hit and killed. He crossed over safely, just as Smith arrived (I later learned that he had tripped in the woods and injured his back).

As we headed back to the center, I cycled through scenario after scenario. In all of them, my actions were correct and completely blameworthy: I had not put the shackles on the juvenile so I couldn't be blamed for him getting out of them; I had pursued him and even attempted to restrain him using proper technique; and I had stopped giving pursuit at the highway only to avoid killing him. Everything made sense to me: my reasons for not bringing back the youth were logically sound. Sound logic, however, might not be enough. Often at the center, it seemed that management simply needed someone to take the fall for an incident, regardless of their relative guilt or innocence. I would need to keep my wits about me. I tried to think of the arguments they might use against me and how I would counter them. Then I thought of my wound, which my left hand had been clamped over.

"How bad does this look?" I asked Smith, removing my hand.

"Oh fuck," he said, seeing the wound for the first time.

'Good,' I thought, gauging the look in his eyes with estimates of how bad it must be, 'the worse it is, the less they'll mess with me.'

### 1.2 George Miller Detention Center

In 2011, the George Miller Detention Center was a 24 hour facility that held detained juveniles of the ages 11 to 17 until their release to Texas Youth Camp (TYC), a placement center, or their legal guardians. Though an increasing number of diversion and alternative placement centers had been created to siphon juveniles away from penal institutions and to instill social values before fully releasing the juveniles back into the community, police continued to arrest high numbers of juvenile offenders. After arrest, juveniles could not immediately be sent to placements, and many juveniles could not be released back to their legal guardians to await trial. Those who could not be released home had to await trial at a juvenile detention center, such as the George Miller Detention Center. While theoretically the center was only a

temporary holding facility (1-3 weeks), in actuality many juveniles waited for 1 to 3 months, and often longer.

Due to their status as short-termed holding facilities, detention centers, like the George Miller Center, are programmed around security concerns. Since juveniles are deemed malleable to institutional persuasion, however, these centers must strike a balance between the custodial necessities of running a safe and secure facility with the simultaneous attempt to rehabilitate the juveniles—or, at the very least, avoid placing juveniles in an environment that exacerbates or normalizes criminal tendencies. In the past many researchers believed that detention centers provided a neutral area for juveniles. Recent research from the Annie E. Casey foundation has shown that at least statistically this is not the case and that juveniles held in detention centers show higher rates of recidivism than juveniles monitored through other programs (Mendel 2009).

While the juvenile system has been driven by its philosophical belief that a rehabilitative, a punitive, or some combinational approach will effectively lower the juvenile crime rate, another area that I believe can directly affect the result of which ever approach involves detention employees, particularly those on the front line. This study will not focus on the juveniles, but will focus on the juvenile guards and their work culture. Such a perspective is simultaneously confining and yet revealing. While it does leave out some of the viewpoints, actions, and inputs of others who contribute toward or are formed by the officer's work culture and routines, the gaze generates some insights into the detention center that might otherwise go unseen. By showing this often overlooked side of detention work, it draws attention to areas of detention culture that might prevent a lowering of criminal recidivism.

### 1.3 Research Goals

This ethnographic study describes the occupational culture of a juvenile detention center in a large metropolitan city in Texas by focusing on the work patterns of the juvenile

detention officers (JSOs) who found employment there. The goal of the study was to study the punitive or rehabilitative attitudes of JSOs in order to identify factors that might contribute or inhibit the success of juvenile rehabilitation. While structural elements, such as a temporary and rapidly changing population, limit a detention center's ability to effectively rehabilitate individuals, the potential undermining effect of this period on later rehabilitative efforts should not be underestimated. Though the juvenile detention center is only one segment or cog in the juvenile justice process, the differing segments together make up the whole experience of the juvenile in the hands of the law. Thus, this period has the potential to have much impact on juveniles: moreover, the experiences can color his or her view of the legitimacy of the law and directly affect the attitude with which he/she will approach the rest of his/her treatment.

To conduct this project, I focused primarily on the horizontal axis of JSO's collaboration with work and with other officers, but of necessity, placed those officers within the organizational structure of the center. This was done by inserting officers into the complex of rules, regulations, and duties, and into the vertical structure of their relationship with management above and with juveniles below. The formational attitudes and actions that resulted from this hierarchy offered perspective into the punitive and rehabilitative attitudes. I hypothesized that the work culture of the center often pushed JSOs from punitive and rehabilitative attitudes toward a custodial mindset, which potentially contributed to recidivism rates.

#### 1.4 Methods

I conducted this project as an ethnographic case study using participant observation and semi-structured interviews to obtain the quantitative and qualitative data needed to assess the interaction of the juvenile officers with their work culture and environment. For legal reasons I refrained from using questionnaires or more formalized interviews at the work center. While ethnographic access to the carceral setting is generally difficult for those researchers who balk at police arrest, my employment as a juvenile detention officer at the George Miller Juvenile

Justice Center facilitated a stigma-free entrance. However, the gate keeping effect did prevent the use of certain research methods.

I originally planned to conduct research with the approval of the detention center. Accordingly, I contacted the assistant director and learned that official permission would require the approval of the board of directors. Before the board would consider my project, however, I needed to have approval from the IRB at my university—a process which ultimately took five months. As I waited, the assistant director, in good faith, informed me that for the board of directors to approve it, they would need to have a compelling reason, such as how the project could directly benefit the detention center; otherwise there would be extremely unlikely to grant permission. She suggested that I alter my project to include a more pragmatic purpose than simply researching officer's attitudes. Accordingly, I changed my project to include reasons for a high turnover rate.

The assistant director then proposed that my project include multiple quantitative tests of officers, in order to allow the county to track employees over a period of time and assess whether attitude had any effect on the turnover rate. This data could then be turned into an interviewing tool that would allow hiring committees to actively select only those candidates who exhibited the characteristics correlated with lower rates of turnover. Additionally, via e-mail, she informed me that the county would need to have access to my materials before anyone else could see them, including the members of my thesis committee. By e-mail, I explained that I would have to let my informants see the paper before the county, and that furthermore my thesis adviser would be reviewing the paper as I wrote it. Later in another e-mail, after a discussion with my thesis adviser, I additionally explained that my project was an anthropological endeavor and that it would therefore rely less on quantitative data and more on qualitative data derived from participant observation and interviews. While the data could be used by the county as they wished, the project itself would not create such a hiring tool.



Although the assistant director seemed to acquiesce, when the IRB did approve the project a month-a-half later, she did not return any of my e-mails, and generally made herself unavailable to me.

Though on one level, I had wished for official approval—as among other things it would have allowed me to canvas the center with a general survey of officers—the intense scrutiny that the county desired was disconcerting, and caused some concern for the welfare my informants. As well, I had some unease about retribution against myself; I described the candid and often unflattering attitudes that some officers directed toward the center, and had some difficulty seeing the center accept this with grace. Were I to have written this paper with official approval, the results would have been somewhat different, as I would have left out much.

I brought several years of professional experience working in a juvenile detention setting to this project. In early 2004, I first began working full-time at the George Miller Center as a juvenile supervisory officer, and remained there for almost a year before leaving to travel abroad. In July of 2007, after a two-and-a-half year absence, I returned to the center, and continued to work there as a member of the night shift throughout the conduction and writing up of my research.

Familiarity with the center, staff, juveniles, and work culture augmented the potential reach and perspective of the project. As in any other social setting, an insider/outsider division existed in the detention center. Enhancing this division, however, was the sense of misunderstanding and misperception that public enforcers often feel when facing scrutiny from outsiders. My years of having worked alongside other officers at the detention center, however, had made me an insider, and given me the opportunity to establish a close and trusted relationship with the other JSOs. Additionally, as like the other JSOs, I was embedded in the work structure and sandwiched between the same juvenile and management forces, my participation allowed me to understand the molding forces of the center first hand, and to

interact with staff based on this experience. Years of similarly undergoing the same stimulants and stress had made me privy to staff's trust, allowing me access to the multiple conversations and experiences that defined work culture, and to which I would otherwise have remained oblivious. Altogether these factors contributed to removing the awkward friend-making stage that researchers often experience when first entering the field, and countered some of the loss of information that surveys and more formalized interviews would have provided.

As I was a member of the 11-7 shift, my research, focused on this group of individuals, but was not limited strictly to them. The viewpoint though, has the jaundiced cant of such a non-operational staff. Additionally, the viewpoint is not that of a researcher entering a fresh field with wide eyes, but that of a researcher who has already established a certain perception of reality and who in the course of his fieldwork had to break down and attempt to re-explore what his eyes and brain had learned to pass over and filter out. This resulted undoubtedly, in a certain form of myopia—a treating as given of what was in fact arbitrary construction.

This prior experience created a desire to use an auto-ethnographic approach and treat myself as a research subject; I resisted this to a large measure, however, because of the belief that the crutch of relying on my own experiences and emotions would facilitate this myopia, and simply provide a window into my own experiences at the center and not necessarily that of JSOs in general. Although in this ethnography I do occasionally describe some of my own experiences and my emotions on certain detention matters, I do so only after ascertaining that the emotions I describe are not something peculiar only to myself, but are emotions that other JSOs also described as experiencing as well.

### 1.5 Relevance

Both the anthropologist Lorna Rhodes (2001) and the sociologist Loic Wacquant (2002) have noted that prison ethnography has become something of a rarity, as the American justice system has shifted from a rehabilitative approach to a more punitive approach. While the

Juvenile Justice System has generally been partially shielded from this attitude, it has not been overly hospitable to the social researcher; less ethnographic work has been conducted in detention centers than in prisons. Moreover, even in the limited realm of ethnographic studies on prison, studies of guards have been rarer than studies of their wards. Very little is known about the psychological changes that ordinary people must undergo in order to function as prison guards (Crawley & Crawley 2008: 136).

Though some sociological and criminal justice studies have quantitatively identified a number of individual traits and organizational factors that affect officer's punitive and rehabilitative views, these studies have given scant attention to the actual effect of those views on rehabilitative efforts. To gain an understanding of the attitudes and behaviors of prison guards one must understand the conditions under which they work; not merely the physical work environment and set duties, but also the social relations and relational powers that traverse the work place (Crawley & Crawley 2008: 137). This project will extend the carceral literature by giving qualitative focus to such a group of detention guards, and in the process, give sideways perspective into ways to reduce criminal recidivism.

## CHAPTER 2

### CARCERAL LITERATURE

#### 2.1 Criminal Justice in America

The American Criminal Justice System has the distinction of leading the world in the proportional number of people that it locks behind bars. From 1970 to the mid-2000s the imprisonment rate for federal and state penitentiaries increased by a factor of five, from 98 Americans for every 100,000 to almost 500 (Greenberg and West 2001: 615). In contrast to many other countries this rate is phenomenal (Blumstein & Beck 1999). Currently more than two million people are living in American prisons. Boosting the population is an additional number of juvenile delinquents who are detained in juvenile detention centers while either waiting for court or waiting to be transferred to their placement. In 2006, 92,843 juveniles were held in detention centers for more than one day and roughly 600,000 were involved in some type of probationary program (Office of Juvenile Justice and Delinquency Prevention: <http://ojjdp.ncjrs.gov>).

Since its inception, the Juvenile Justice System has been characterized by an emphasis on rehabilitation. While the strength of that emphasis has waxed and waned according to fluctuating opinions, as a method of preventing criminal recidivism it has remained a consistent component of the system. The rehabilitative approach attempts to make the offender see the legitimacy of the law by showing how his or her actions affected the victim or the community, and to help the offender make better choices in the future by providing him with certain tools and strategies.

In the 1980s, though, legislative and political changes began to stress personal accountability and the punishment of juvenile offenders by comparing actions against a rational choice model (Lawrence & Hemmens 2008: 491). Recently, however, agencies and officials

have increasingly shifted back to a less punitive outlook on juvenile incarceration. Spurred by the notion that an environment which concentrates juvenile offenders into a group of companions has the potential to normalize crime, these officials have sought to sentence delinquents to home treatment and probation or to specialized placements, rather than to juvenile 'prison' camps for months and years on end. Problematically, however, many juveniles cannot be released home or sentenced to placement immediately, but must wait until their trial at a juvenile detention center.

## 2.2 The Juvenile Justice System

The American Criminal Justice System is composed of three main parts—law enforcement (police), adjudication (courts), and corrections (jails, detention centers, prisons, probation, parole)—that all work together to maintain the rule of law within society. In early American history, the criminal system emphasized punishment and retribution, and young criminals were treated and punished similarly to adults, often incarcerated simultaneously with them. By the early 1900s, modernization, urbanization, and the transformation to an industrial society inspired a series of 'Progressive reforms' that revolutionized the criminal system. As one consequence, separate courts for juveniles developed, distinguishing their purpose to be different than the adult penal codes: rehabilitation not punishment (Lawrence & Hemmens 2008: 24; Martin 1992-1993: 65-66).

Driving this division was a basic change in the assumption about the cause of crime and about the nature of childhood. Children were no longer seen as miniature adults, but as unformed individuals who needed guidance and preparation for later life (Day 1992: 401-403). The reforms suggested that social and biological influences rather than moral deviancy caused crimes and thus each individual required a unique response (Riveland 1999; Rothman 1980). The reformers believed that the application of the social sciences would prove more appropriate

and effective for juvenile offenders than the exertion of the law (Lawrence & Hemmens 2008: 24).

The concept of *parens patriae*—the state as parent—gave courts the basis to intervene into the life of the juvenile with more than just the desire to determine and punish guilt, but with the primary goal of determining what made the juvenile act as he/she did, focusing less on the juvenile's offense and more on his/her character, lifestyle, and home life. The juvenile courts wished to avoid branding juveniles with the life-long stigma of criminality and thus proceeded with the goals of therapy and rehabilitation using indeterminate sentencing (Day 1992: 402). The main differences that distinguished the proceedings of the juvenile courts from that of their criminal court predecessors and that have carried over to current day proceedings are summarized as: an absence of legal guilt; treatment rather than punishment; informal, private court proceedings; separateness from adult offenders; a focus on a juvenile's background and social history; shorter terms of supervision and incarceration; and distinctive legal terminology that protect juveniles from future ramifications of the misdeeds conducted as a youth (Lawrence & Hemmens 2008).

The ideological shift from a punitive to a rehabilitative orientation in the early 1900s was not unique to the juvenile system but roughly occurred simultaneously with a similar shift in the adult side of the criminal courts. Explanations of delinquency—juvenile and adult—have generally fallen into one of two broad categories: classical, or choice, theories and positivist theories. While many subcategorical theories have arisen, at its core, classical theory holds that people have free will and commit crime based on their own voluntary and rational choice. Since crime is a rational choice, potential offenders can be deterred by punishment if the illegal action is outweighed by the repercussions. Positivist theories, on the other hand, maintain that behavior is determined by outside factors over which individuals have little or no control. Because delinquency is therefore neither freewill nor a rational choice, the appropriate response

is treatment or some type of change strategy and not punishment (Lawrence & Hemmens 2008: 8). As a result of these theories, the two polar approaches to corrections in American have been the rehabilitative and the punitive philosophies of justice. Oscillations between the two are not uncommon: when policy makers and the public have grown disenchanted with the inability of one model to deter crime, support for the opposing model has swung the pendulum to the opposite approach.

### 2.3 The Growth of the Prison System

In the 1970s the deadly Attica prison riots of 1971, general social unrest, and an influential article by Robert Martinson (1974) on the inability of correctional treatment programs to prevent recidivism prompted a gradual return in the adult side of the system to the punitive approach, a hardened stance against crime, and the subsequent expansion of the prison system over the next several decades. This movement originally occurred solely in the adult side of the criminal courts; however, in only a few years the theories and attitudes driving it spilled over into juvenile courts.

Public perception of a trending increase in juvenile crimes led some to believe that justice policies were too lenient, thereby encouraging juvenile to 'laugh at' the system and commit more crimes. By the 1980s a conservative reform agenda began to swing the pendulum back towards deterrence and punishment. More punitive laws allowed juveniles to be transferred to the criminal justice courts if the offense was serious and to lose some of their in-court confidentiality. Courts additionally received greater authority to determine sentencing options, laws increased the role of victims in the justice process, and correctional administrators developed new programs. These changes in function and focus created a significant rise in the number of youth in detention centers, with the number of minority youths increasing disproportionately (Lawrence and Hemmen 2008: 52-97).

In addition to the rising crime rates, David Garland (2001) noted several factors that led to the movements in the criminal and juvenile justice systems away from rehabilitation toward retribution and “just deserts.” Among these were challenges to the welfare system, a diversifying population, growing sympathy for victims, and the perceived inability of families and institutions to assert control over deviant individuals. Under indeterminate sentencing, judges had sought to take into account the social and individual influences that had influenced the criminal action, and to appropriately determine a sentence that would be based on the crime as well as the juvenile’s treatment needs. The punitive movement however, increased the use of determinate sentencing and strengthened the belief that offenders of all ages need to be held accountable for their crimes (Lawrence & Hemmens 2008: 68-97). While this trend has toughened the stance against juvenile crimes, a belief in rehabilitation is still supported by the public, elected officials, policy makers, and some detention managers; thus rehabilitative goals remain a focus of the juvenile justice system (Moon et al. 2000).

### *2.3.1. Effects of the Prison Growth*

To accommodate this expansion of the carceral system, officials applied several strategies, which included constructing additional facilities, converting normal buildings into prisons, or filling existent prisons beyond their official capacity. By the year 2000, over the preceding twenty-five years, the number of facilities in operation had increased by almost 170 percent (Lawrence & Travis 2004: 1).

Though the prison system expanded in the late 1970s, it was not until the 1990s that there was a noticeable decline in crime. This inability of prisons to initially effect a decline in crime rates or, even when the crime rates did unexpectedly drop in the 1990s, to definitively show the correlation between that drop and the rising incarceration rate caused some commentators to label the increased reliance on imprisonment a failure (Nagel 1977; Rogers 1989; Selke 1993; Zimring & Hawkins 1991). While the lack of a clear increase of crime rates to



stimulate prison expansion has caused others to view this growth with cynicism, and to look elsewhere for explanations of the true cause of this expansion.

Such critics have challenged the premises of the prison boom and focused instead on economic and political forces that might drive the nation's emphasis on crime and punishment. A leading statistical element of this criticism is that one-half of all incarcerated people are African Americans, and three-fourths of all incarcerated people are non-white people. Moreover, the majority of those in prisons are from the lower socio-economic levels. Critics thus have ammunition to argue that prisons are being used to perform a social, economic, and political function by 'magically disappearing' large swathes of the lower socio-economic levels through policing and control of those deemed disorderly or dissenting (Hallinan 2001; Rhodes 2001: 67; Walker et al. 2000).

Some also argue that this drive to remove these elements from society is stimulated by the economic demand for jobs in prisons and in the prison related industrial sector (Adamson 1984; Evans & Goldberg 1998; Christie 2000; Schlosser 1998). Either through imprisonment or prison-related employment, critics then argue, the prison system thus removes the unemployed from statistical visibility and, through such artifice, allows officials to avoid seriously engaging the racism and marginalization that are amongst "the problems of late capitalism" (Davis 1998: 148, in Rhodes 2001: 67). Defenders of the expansion, however, have legitimately argued that the increase in prisons could be masking what would have been a greater rise in criminal activity through either deterrence (fear of incarceration) or incapacitation (inability to commit crimes while in prison) (Levitt 1996: 322; Levitt 2004; Marvell & Moody 1994). Without the increase, an explosion of crime might have swept across the country.

#### 2.4 Criminological Models for Assessing Correctional Culture

Historically, correctional literature has formulated three conceptual schemes to attempt to describe the shared values, beliefs, and norms of correctional officers. In more recent years

the schemes have attempted to maintain a balance between individual and group by refraining from foregrounding the description in such totalitarian terms that individual variation are completely overshadowed or are given such minor attention as to be deemed irrelevant. The earliest model, however, grapples less with achieving this balance, instead finding understanding in a unitary model, which envisions “a predominant subculture of officers with negative views toward inmates and a procustodial orientation” (Stojkovic and Farkas 2003: 38). In this model, a guard’s values are formed by his defined role of maintaining security, internal order, and control of inmates. A certain ‘us versus them’ attitude, pitting guards against prisoners, characterizes the formation of prison subcultures. So prevalent was the idea that an ‘us versus them’ subculture existed within prisons that during its heyday the model largely distinguished between differences in prison subcultures simply on the degree to which guards used tough discipline to carry out their tasks. This unitary model overemphasizes cohesiveness to the prison culture, leaving little room for flexibility or individual variation (Stojkovic and Farkas 2003: 84). Klofas (1984) argued that such a model did not reveal the diversity amongst officers or illustrate the possible contributions to correctional work by officers beyond simple custodial functions. Once researchers began to question its viability, they found that officers with anti-inmate and procustodial orientations were relatively rare, though many officers, influenced by the historic perception, believed them to be in the majority (Klofas and Toch 1982).

A second perspective on correctional culture stresses the individual variation and differentiations among guards, and proposes a ‘typologies of officers’ model. This model looks at multiple variables among officers and places them along a continuum with the two polar opposites being “custodian” and “human service worker.” The custodian generally views correctional work as centered around custodial concerns, and emphasizes coercive authority through toughness and the strict maintenance of social distance from prisoners. The human service worker, on the other hand, tries to enrich his/her job by decreasing the distance

between guard and prisoner, and tries to direct prisoners through interpersonal skills rather than relying on coercion. These officers wish to “advise, support, console, refer,” and otherwise assist prisoners. Many of these officers however, perceiving other officers as custodial, eventually grow lonely as “closet social workers” and take on a custodial veneer in order to fit in with their coworkers (Stojkovic and Farkas 2003: 40).

In addition to this pair of opposites, other typologies of officers have been identified. Kauffman (1988) speculates that officers move from type to type as part of both a “socialization process” and their own “moral transformation.” As officers become more socialized into the carceral environment, they search for a means to justify their increased antipathy toward prisoners. According to Kauffman’s theory of transformation, one major type of officer is the “functionary.” These functionaries estrange themselves from feelings of sympathy and kindness toward inmates; they do not try to strictly enforce rules or to incorporate human service activities into their jobs. In addition to prisoners, these offices are commonly ambivalent or indifferent toward other officers, and often try to insulate themselves from the prison’s social realities by involving themselves as little as possible and by doing little more than going through the motions of the job (Stojkovic and Farkas 2003: 84). Another typology that Kaufmann identifies is the “burnout.” Such officers have a basic mistrust and hostility toward inmates, officers, and administration, which results in strained relationships between them and their fellow officers and between them and prisoners. Generally, their reason for remaining at the job is simply because of salary and benefits.

While these typologies do allow for individual variation in regards to approach and style among correctional officer, Stojkovic and Farkas (2003) write that they have significant shortcomings. The typologies may be too rigid as conceptual frames: they overlook officer spontaneity, and do not explore officers’ ability to modify their outlook, reevaluate their beliefs and customary practices, or to develop or improve their relationships with prisoners or fellow

employees. Unlike the unitary model with its overemphasis on cohesion, the typologies model presents a fragmented culture and offers little help for researchers who wish to demonstrate something of the cohesion and shared purpose that, speculatively at least, many researchers still believe to exist among correctional officers.

A third model is the “Three Cultures” model of correctional work. Proposed by Farkas and Manning (1997), this model divides correctional organizations into three segments: an officer segment, a middle management segment, and a top command segment. It then serves to function as a framework for analyzing the values, sentiments, and modes of thinking of each cultural segment. By stressing the importance of understanding that the culture of officers may be different and even distinct from that of management and top officials, the model can be useful for expressing the relationships between one group and another, and for revealing the particular concerns that affect the relationship of one group to another (Stojkovic and Farkas 2003).

By highlighting the major issues and concerns of each segment, the Three Cultures model shows value, but, as Stojkovic and Farkas (2003) criticize, “the commonality of the concern is lost in the analysis.” The model fails to consider whether officers share the same ideas as the upper official, and shows insufficient concern for the ability of leadership to transcend the segmental barriers, and to develop a “shared mission, shared values, and shared understanding of the complexities of each segment’s task.”

### 2.5 American Prison Ethnography

The abandonment of the rehabilitative purpose behind the period of incarceration prompted a wide-scale embargo on the welcome that prisons and detention centers had typically extended toward social researchers. Before the 1970s, the U.S had led the world in carceral research and had fostered a rich tradition of prison writing; such writing helped to reach out and educate the public on the prison issues and on the prison experience in general. In the

prisons of Illinois, New Jersey, and California, additionally, social scientists “stimulated by the scientific belief in the rational betterment of social control and by the challenges to established forms of authority issued from the social movements of the 1960s” performed the “groundbreaking” studies that now form the core sociological literature on carceral institutions (Wacquant 2002: 383).

Social researchers, many of whom had actually been employed by the prisons themselves, had largely concerned themselves with advancing rehabilitation efforts. When, in the 1970s, the pendulum swung back toward a punitive approach, prison officials, now concerned primarily with custodial imperatives, saw little need for therapeutic research; thus gradually closed prison doors to much research. Ironically and certainly correlated with the punitive reorientation, this time period coincided with the explosive increase in the American prison populations. Though the prisons were expanding, the everyday world of inmates and guards remained largely invisible to outside scrutiny: prison ethnography “went into eclipse at the very moment when it was most urgently needed on both scientific and political grounds” (Wacquant 2002: 385). The belief that juveniles were still susceptible to institutional persuasion largely shielded the Juvenile Justice system from feeling the full effects of the punitive infatuation. However, like the adult system, bureaucratic control had discouraged the long term ethnographic researcher from plying his/her trade.

#### *2.5.1 Anthropology in the Prison*

The idea to approach the prison as an object of ethnographic inquiry did not grow simultaneously with the new fields of criminology and penology that arose in America in the late nineteenth and early twentieth centuries. Ethnographic studies delving into the social world of the prison did not begin until 1940 with Donald Clemmer's ethnography, *The Prison Community*. Using his own work as a correctional guard at Menard Penitentiary in Illinois, Clemmer sought to treat the prison as a functional whole, and to show the unique way that prisoners were

assimilated into prison society through a process of 'prisonization', in which, to varying degrees, prisoners learned, adjusted to, and took on "the folkways, mores, customs, and general culture of the penitentiary" (Clemmer 1940: 299). His work focused on the cultural and hierarchical elements that comprised the formal and informal organization of the prison, and showed the scholarly community that the prison "as a culture...could be fruitfully studied in its own right" (Sykes 1959: 576).

Eighteen years later Gresham Sykes' ethnography, *The Society of Captives* (1958), re-investigated this prison subculture, focusing on the psychological impact of the correctional setting. Sykes asserted that a prison subculture originated within the walls of the institution and was directly stimulated by the daily degradations that prisoners experienced. This theory, that prison subculture resulted directly from the experiences of the prisoners inside the prison, became known as the Deprivation Model. In support, Sykes listed five major deprivations or indignities endured by prisoners that particularly contributed to this subculture: liberty, autonomy, security, material goods, and heterosexual relations.

A few years later an alternative to the Deprivation Model was proposed by criminologists Irwin and Cressey (1962), who argued that Sykes had missed an important element: while much prison subculture did develop within the prison, inmates also brought values and identities with them from outside the prison. This alternative became known as the Importation Model and was supported by Rose Giallombardo's ethnography, *Society of Women: A Study of Women's Prison* (1966), which she wrote after spending a year of participant observation at Alderson, a female maximum security penitentiary. Giallombardo supported this importation model by arguing that women's experiences outside the prison informed the subculture that developed within the prison.

Several years later, James Jacobs, in his ethnography 'Stateville' (1977), mixed participant observation with historical analysis to trace the transformation of prison organization

and authority with the onset of mass society (Wacquant 2002: 384). His examination was the first of its kind to study the total prison system,—administrators, guards, prisoners, and special interest groups—revealing that with the enforced extension of civil rights to the incarcerated, control mechanisms became less authoritarian and more legalistic and bureaucratic in nature.

In the late 1980s the anthropologist Mark Fleischer underwent training as a certified prison worker and spent a year in the U.S. Penitentiary at Lompoc, California as a true participant observer, after the Federal Bureau of Prisons asked him to research why correctional officers experienced high levels of stress and had a high job turnover rate. His ethnography, *Warehousing Violence* (1989), offered a nuanced perspective into the functioning side of the institution that his combined role as anthropologist cum guard role provided. He argued that the structured employment based system of the institution resulted in lowering violence despite the presence of many violent prisoners by providing inmates with an immediate economic incentive for good behavior. His work came to the controversial conclusion that, for society, prison is the best place to keep many of these prisoners, as, in the long run, it is cheaper and safer.

More recently, the anthropologist Lorna Rhodes used her expertise in psychiatry to enter the social world of the prison in her ethnography *Total Confinement: Madness and Reason in the Maximum Security Prison* (2004). Rhodes' focus on the mental health units in these prisons revealed the internal contradiction of a system that mandates to both punish and treat. Though she did not attempt to apply the historical work of Foucault (1977) directly to the modern prison, her study did delve into the similar issues of power, knowledge, and subjectivity that so concerned him. Her inclusion of the routines and lives of prisoners—mentally ill and otherwise—and prison workers allowed her to show the power of the state, as focused in the particular environment of a certain prison, both to shape a formation of personhood and to show how that personhood was enacted daily through assertions of authority and resistance. Her

study assessed the punitive belief that punishment will instill a sense of rationalized individual choice and showed that the goals of technology and rational management have become more concerned with minimizing the opportunity for individual choice and asserting strict obedience.

### *2.5.2 International Prison Ethnography*

Fortunately, the American Justice System's repudiation of the participant observer has not been completely replicated elsewhere. Britain and France in particular have led Europe in a sociological revival and contributed greatly to an understanding of the normalized social relations and cultural amalgams that grow in the depths of the prison setting (Wacquant 2002: 385). Unfortunately, much of the French literature is untranslated, and thus accessible only to those researchers fluent in French. British writing, on the other hand, has the linguistic potential to prove more accessible to American scholars, but has yet to come close to internationalizing the ethnographic dialogue on prisons or promulgating some sense of the prison experience as a template of "broader social forces, political nexi, and cultural processes that traverse its walls." Rather, works, ethnographic or otherwise, have largely been relegated to the particular lineages and traditions of their country of origin (Wacquant 2002: 386).

Although not an ethnography, an exception to this rule is the revolutionary work by Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1977), which theorizes about the system of knowledge/power implemented in prisons, and which has become the standard text through which researchers, regardless of nationality, approach a generic understanding of carceral forces. In his book, Foucault examined the social, theoretical, and technological mechanisms that enabled the modern changes in Western penal systems, and challenges the idea that prisons arose as a form of punishment because of the humanitarian concerns of the reformists. Rather, he asserts, prisons arose as a form of maintaining political control through a penal mapping of the social body.



## 2.6 Contributions

My work will contribute to this somewhat sparse collection of ethnographies by filling the much neglected area of the correctional field that deals with juveniles. Moreover, it will focus on guards rather than prisoners. Beyond simply filling a gap in the carceral literature, however, my work will update and reassess the seminal assertion by James Jacob (1977) that the transformation of prisoner rights had changed the correctional field from authoritarian to one more bureaucratic and legalistic in nature. My study will reveal how because of this bureaucratic and legalistic transformation the system set in place to both rationalize management and to safeguard rights, , contributes to a tendency for little more than those prisoner rights to be met, by changing the manner that detention officers come to approach their jobs. Rather than viewing themselves as rehabilitators, the legal focus pressures many officer to protect their legal vulnerability by chiefly ensuring that those juvenile rights prioritized by their administration and deflecting other activities and goals.

## CHAPTER 3

### JUVENILE DETENTION CENTERS

The National Juvenile Detention Association defines juvenile detention as “the temporary and safe custody of juveniles who...require a restricted environment for their own or the community’s protection, while pending legal action” (Roush 1996). In addition to a restricted environment, detention has six basic characteristics: temporary custody, safe custody, restricted environment, community protection, pending legal action, helpful services, and clinical observation and assessment (Smith, Roush, and Kelley 1990). In line with these characteristics, juvenile detention facilities provide a range of services for juveniles’ physical, emotional, and social development including: education, visitation, communication, counseling, continuous supervision, medical and health care services, nutrition, recreation, and reading. Additionally, detention allows for a system of clinical observation and assessments that enhance legal decisions about juveniles.

#### 3.1 The Dual Functions of Detention

The range of expected services in detention contributes to a basic confusion about juvenile detention work by providing a long list of expectations while remaining vague about which tasks should be prioritized. Two functions or goals of juvenile detention, which have often been envisioned as somewhat opposed, contribute to a long history of ambiguity in juvenile detention: (1) detention restrains and restricts a youth’s freedom and liberty through physical restriction with some level of supervised custody; (2) detention additionally functions as a tool of the juvenile court when it includes programs for the “diagnosis remediation, or restoration of the juvenile offender.” (Roush 1996).

Preventive Detention, as its name suggests, is the type of detention that prevents certain occurrences from happening in order to ensure safekeeping. This type of detention

functions with three general goals: (1) detention will assure that the juvenile is present and available for all court hearings or other legal matters; (2) detention will safeguard the juvenile, the family, and the community; and (3) detention will prevent the juvenile from committing further crimes (Roush 1996). Perhaps somewhat misleading due to its name, Therapeutic Detention on the other hand, due to the temporary nature of detention, does not espouse complete rehabilitation as its goal, but does view detention as “the place where the process begins.” Ideally, Roush (1996) writes, detention is one of many programs and services available to and offered by the juvenile court. Detention allows the juvenile courts the time to gather information, such as home environment, peers, and disposition in order to make informed decisions about the future of the juveniles.

### 3.2 Juvenile Supervisory Officers at George Miller Detention Center

In late 2009 detention staff at George Miller Detention Center underwent a name change. Formerly they had been called Juvenile Detention Officers; however, consistent with the progressive idea of moving away from the idea of detention as purely custody, the administration changed this name to Juvenile Supervisory Officers (JSOs), although administration did not attach any orders that might change officers’ duties or call for them to approach their work any differently than before. JSOs continued to be responsible for ensuring that juveniles (also called residents) received food, clothing, education, medical attention, mail, telephone calls, visitations, and to ensure that juveniles were protected from physical, sexual, and emotional abuse. During operational hours, when juveniles were broken into 12 person groups or sections, JSOs were responsible for maintaining order, structure, safety, and discipline in these groups, while leading the section through meals, school, gym, cleanup, group discussions, and any other special programs. During non-operational hours (11 PM to 7 AM), JSOs were responsible for filling out paperwork and for continuously monitoring the juveniles’ cells every fifteen minutes to prevent suicide attempts.

There were eighty-nine male JSOs at the center, although female JSOs and Transportation Officers (TAs) boosted the number of actual people who worked there. They came from a mixture of backgrounds and had differing levels of experience working with juveniles. Some, such as I in 2004, had just graduated college and had little previous experience working with juvenile delinquents, while others had worked at the center for twenty plus years. The average number of years that a JSO had worked at this center though was 5, although some officers had additionally worked previously at other juvenile centers or worked with adults at prisons or jails.

Eighty-three percent of all the JSOs were African Americans, eight percent were Caucasian, and nine percent were Hispanic. In terms of age, officers varied widely; although the average age was thirty-four, some officers were in their early twenties while others were in their late sixties. In terms of formal education JSOs continued to vary. While many JSOs had bachelor's degrees, the job description only required fifteen hours as a bare minimum. Some JSOs had little more than this, while others had associate's degrees, bachelor's degrees, and a select few had master's degrees. Many JSOs had majored in criminal justice studies or criminology and had ventured into detention work as a somewhat natural outlet. Others, though, had pursued different areas of study, and had little familiarity with the academic side of the criminal justice system.

### *3.1.2 Operational Shift Routines*

The two shifts that worked from 7 AM to 3 PM and from 3 PM to 11 PM were termed operational shifts because the juveniles were active, while the 11 PM to 7 AM shift was termed a non-operational shift, since the juveniles were generally locked in their cells. Operational shifts typically functioned at a ratio of 1 JSO to 12 residents. During the 7-3 shift, after relieving the 11-7 JSO, a 7-3 JSO took juveniles to breakfast in the "multi", which functioned as a cafeteria or an activity room depending on the occasion. Six to eight juveniles ate at heavy cafeteria tables,

while the JSOs of each section stood and monitored to see that none of them talked or fought, and that no juvenile traded or stole another juvenile's food<sup>1</sup>.

After they had finished the JSOs escorted them out into the hallway and lined them up against a wall to pat search them for contraband<sup>2</sup>. Upon completion, they returned to the section for the shift orientation, which was a mandatory discussion that covered the rules of the center and explained how that particular JSO expected the juveniles to behave; did any last minute chores; and then, if it was a school day went downstairs to the classroom area for three classes before lunch. The first class lasted from 8:05 AM to 8:55 AM, the second from 9:00 AM to 9:55 AM, and the third from 10:00 AM to 10:55 AM. On a non-school day a section might stay inside and clean the area, have a group discussion, watch television, listen to the radio, or talk amongst themselves. On a school day, after morning classes were finished, a group would return to the section to sit for a few minutes to wait as the floorworkers set up for lunch. When the floorworkers were ready, the JSOs would take the juveniles to lunch. After lunch the group had a half-hour of free time in the section before the fourth period class began at 12:05 PM. Fifth period class then lasted from 1:05 PM to 2:00 PM, followed by sixth period from 2:05 PM to 3:00 PM. After sixth period the JSOs would return with the juveniles to their section, where the JSOs were usually relieved by the incoming 3-11 JSO.

Before leaving, the 7-3 JSO would account for any missing juveniles (such as those at court or the clinic) and then the two JSOs would exchange badges and keys. The 3-11 JSO would then start on the orientation and expectations for the day. After completing, the JSO would start the juveniles on showers, which for an entire section generally took about forty-five

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<sup>1</sup> Residents were not allowed to trade food since this might facilitate bullying or betting.

<sup>2</sup> This was supposed to be done after every meal and every time the group entered the section in order to prevent juveniles from bringing food for bartering back into the section, and to prevent the introduction of potential weapons, such as sporks, into the section.

minutes to an hour, with each juvenile generally allowed about five minutes for the entire process.

Dinner began at around 5:30 PM to 5:45 PM and afterwards a JSO might have the juveniles clean up the section, and then take care of any housekeeping activities, such as sick calls, clothing charts, telephone calls, acquiring linens, or going on visitations. On some evenings, particularly in honors<sup>3</sup>, certain sections had structured programs—such as church, etc.—that might last an hour or so. Additionally, some JSOs would take their groups to the multi to write letters or play board games, and JSOs working honors might take their groups to the gym. Generally, though, in a regular section, at around 6:30 PM, any resident who was placed on Early Bed Time (EBT) during the day would be ‘put up’ for the night. The other residents would be allowed to line up their chairs in rows and watch TV. At 7:00 PM any juveniles who were level 1s were supposed to go to bed; at 8:00 PM level 2s were supposed to go to bed; and at 9:00 PM level 3s were supposed to go to bed. If a level 4 resident was in an honors section then they would be allowed to stay up until 10:00 PM, but if the level 4 was in a regular section then usually they would go up at 9:00 PM or shortly thereafter. When each group went to bed the JSO would have to check the time on the doors in staggered intervals that could not exceed fifteen minutes. After all the juveniles had entered their cells for the night, the JSO would generally grade the folders and check doors until 11:00 PM, when he was relieved by the 11-7 JSO.

### 3.3 Sources of Juvenile Control

Reforms in the juvenile system had narrowed the types of punishment permissible at the George Miller Detention Center to only three forms: isolation from the group, loss of privileges, and loss of level points. A concentrated use of all these forms came through a ‘level

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<sup>3</sup> Honors sections were special sections for higher-leveled residents. These residents were allowed more activities and snacks.

system.’ In the level system residents earned points each day. Residents began each functioning shift (7-3 and 3-11) with 50 points and throughout the shift if they disobeyed a regulation or did not follow a JSO’s directions residents would lose points according to the JSOs discretion. Depending on how many points a resident lost, he or she would either advance or drop his or her level. If residents committed a serious infraction, they might be placed on Restricted Activities Plan (RAP), which lasted for a shift or two. RAP gave grounds for preventing a resident from participating in certain activities, but perhaps more importantly to a resident’s perspective, it ‘dropped’ their level to the lowest rung.

Residents wished to advance or keep their level as high as possible because residents with higher levels earned privileges such as being able to go to an honors section, extra food, or being able to stay up later. Additionally, the level system functioned as a means for the judge to assess a resident’s behavior at the center. Residents, encouraged by JSOs, believed that their level, in addition to their crime, would influence the length and location of the sentence, or even might mean that the judge allowed them to be released home. Every ten days, the law mandated that a juvenile needed to have an official review of his case before a judge. Two days before a juvenile’s trial, 11-7 JSOs wrote a report of the resident’s behavior over the previous ten days. This was composed of any comments, good or bad, that operational shifts had written about a juvenile, a brief account of any rule violations or incidents that the juvenile had committed, and a note on the resident’s current level.

## CHAPTER 4

### “IT’S ALL ABOUT THE KIDS”: LIABILITY IN THE JUSTICE SYSTEM

In the early years of this century, prisoners had little formal rights as officers believed that prison guards would safeguard and provide for their needs. A slew of scandals proved the fallacy of this notion and made officials vigilant against the possibility of neglect and abuse of those in vulnerable settings. This chapter will argue that the strengthened stance on prisoner rights has transformed the mentality of juvenile correctional institutions. Because a number of regulating agencies hold facilities legally responsible for assuring that juvenile rights are not infringed upon, the focus of much attention is on the maintenance of these rights. When a regulating agency finds that a right has been infringed upon then it looks for someone to hold accountable. This often caused administration and JSOs to search for someone to pin the blame upon when unwanted incident occurred. Though the maintenance of a safe and secure environment was only one of many juvenile rights, administration—and subsequently JSOs—often prioritized it because breaches of safety and security commonly resulted in more complex incidents that caused undesired scrutiny and intervention by regulating agencies. Because of this administration largely judged JSOs over issues of security, safety and security tasks formed the core scaffolding over which a JSO’s additional duties—such as counseling, domestic care, etc.—were hung. If necessary or desired other duties could be jettisoned and a JSO could simply focus on the core area.

#### 4.1 Liability in Detention Centers

Prisoner rights reforms have necessitated a high level of accountability for the welfare of those in the custody of the correctional system. Accordingly, the number of lawsuits heard in state and federal courts over alleged violations of prisoner rights has greatly increased in the last several decades. The level of legal accountability is particularly high at detention centers



where the majority of juveniles are minors, and, with the exception of those waiting on placement, are pre-adjudicated—their legal guilt or innocence still to be determined.

Liability is used by the legal system as one method to hold detention facilities accountable, thereby encouraging appropriate policies and behaviors and discouraging wrongful or lax behaviors (Roush 1996). Such accountability equated to a high level of legal responsibility for the welfare of the residents at this detention center. To avert and protect itself from legal liability, this detention center had to ensure that staff or other juveniles did not abuse or neglect the physical, medical, sexual, and mental rights of the juveniles. A failure to do so might lead to a lawsuit from juveniles, their parents, numerous third parties, and/or could lead to an investigation and sanctions from regulating entities. Any of these possibilities could result in the center coming under scrutiny and, as a penalty for allowing misconduct, could result in a decreased amount of federal or state budget funding, or, in a worst case scenario, the shutting down of the center.

The center's management therefore, for legal, ethical, and monetary reasons felt pressure to ensure that the building was kept up to code and that its staff met all training requirements and constantly acted in the prescribed and sanctioned manner. Trainers (supervisors and certified JSOs) taught this prescribed mode of conduct to newly arrived JSOs during initial training and constantly reinforced it to older JSOs during staff meetings and year round training sessions.

#### *4.1.1 Juvenile Rights*

With only a few special exceptions, juveniles at the detention center ranged from the age of 11 to 17, making them legal minors, covered under the legal structure of the Texas Family Code (TFC) and protected under the monitoring aegis of the Texas Juvenile Probation Commission (TJPC). As such, juveniles and detention officers interacted and operated daily in a legal structure that constricted their movements and suggested—without necessarily

determining—their final actions. Far more prevalent than displays of raw force, JSOs and juveniles daily grappled vocally over issues of legality and rights.

When juveniles first entered the detention center they were placed for several days in the assessment unit. In this unit juveniles read a copy of the 'Resident's Handbook' and were verbally instructed on the expected mode of conduct in the center; the consequences of not following these rules; and were told their juvenile rights. These rules categorized juveniles' legal right to such things as food, medicine, clothing, a grievance system, and their right to be held in a place that was free from abuse or neglect.

Residents varied in their knowledge of these rights, however, their daily routines and their interactions with other juveniles made them aware of basic and often specific rights and made some of them quick to cry foul if they thought their rights were being infringed upon or if they thought it might get them somewhere or something. Some juveniles complained to floorworkers or supervisors, and wrote and threatened to write grievances for what JSOs often considered trivial requests, such as not getting extra snacks, not getting extra blankets, not getting new shoes, not getting new sandals, not getting new socks if theirs had a hole in it, not getting pants that fit them well, or for losing points. Additionally, juveniles wrote and threatened to write grievances for more serious offenses, such as if JSOs used inappropriate language, threatened juveniles, physically harmed juveniles, sexually abused juveniles, made sexual advances, refused to allow juveniles to call their parents, or otherwise infringed on their juvenile rights.

Juveniles sometimes used the threat of complaining to a supervisor, floorworker, or writing a grievance as a leverage tactic to force staff to do something, give them something, or allow them to do something. This tactic generally worked best if staff was new and still unsure about what they could and couldn't do, but still could make more experienced staff at least pause and reevaluate their decision. Additionally residents demanded to speak with supervisors

or floorworkers if they thought that the JSO had taken too many points or sometimes simply because they knew it was a way that they might not lose any points or get something they wanted.

Running a section was an art and determining the proper amount of points that a juvenile deserved to lose for misconduct was not an exact science. The way that JSOs took points from juveniles might easily seem unfair to certain juveniles. There were many factors that a JSO had to take into consideration. If a JSO took too many points early in the day, the juvenile might act up all day since his level was already lost. For this reason JSO might not take as many points for something done early in the shift, when, if done near the end, the same offense might receive a greater number of points lost. On the other hand, if the JSO didn't take points, or only took a few, then a juvenile might act up because he thought it wouldn't matter since the JSO was 'friendly.' Certain juveniles who were notorious for acting out were allowed to get away with more minor infractions without consequence since a JSO did not want to lose the threat of taking points. Juveniles who generally followed rules, however, might lose points for these more minor infractions since a JSO didn't want them to begin thinking that they could break them without consequences.

Particularly when a JSO was unfamiliar with a section, such as when he was staying over, it could prove difficult to determine how many points to take with a certain individual, since he didn't have any personal experience with them. Thus, a certain amount of unfairness about how JSOs took points was built into the level. Incidents then, where residents argued that had taken too many points were a constant part of a JSO's day. Often the juveniles might truly have felt that they lost more points than they should have; however, sometimes a juvenile may have known that technically he 'deserved' to lose points, but if he created a scene then the JSO would take fewer points to prevent him (juvenile) from causing major problems by acting out; or, if the JSO did not budge, a supervisor might agree to reduce the number of points lost.

#### 4.1.1.1 Undermining Authority

Many JSOs expressed discontent with the way that supervisors entered as an arbiter into a dispute with a juvenile about a certain disciplinary acts. Because juveniles had the right of grievance they could appeal a JSO's decision about the number of points lost to a supervisor. Often the supervisors were not there when the occurrence happened. A juvenile would narrate his story and then would indignantly tell how many points the JSO had taken. If the supervisor was moved by the account and decided to change either the amount of points that the juvenile had lost or whether the juvenile lost points at all, then the JSO felt that this intrusion undermined his authority. As one JSO narrated:

"I wanted to kick a kid out of honors one day. The kid had traded food at the breakfast table [an offense which warranted being kicked out of honors]. "Smith" (the supervisor) said: "Did you see him trade?" I said no, but one second he has two waffles the next second he's got three and the kid next to him has only one. It doesn't take a brain surgeon to figure it out. "Smith" told me to let him make it. Okay so now my word is no good. The kid straight up told me he'd get his level back."

Undoubtedly there were times when the juvenile was unjustly accused of an infraction or else the JSO had taken too many points for a certain offense, and some JSOs did mention that the juveniles needed access to an unbiased third party; however, some JSOs saw these instances of supervisor intervention as negatively affecting their ability to effectively control their section by undermining their authority. Some JSOs as well expressed the idea that supervisors perhaps were not always an unbiased party as sometimes "the supervisors just want[ed] to be let alone, so they sa[id], aww just give them their points back."

When juveniles saw that supervisors might be more lenient or sympathetic they would constantly demand to see a supervisor anytime they lost points. This often discouraged JSOs from taking points for infraction of the rules. One JSO said: "I'm just like, shit, why am I going to even get into it with him. He'll [juvenile] just call the supervisor and get them [points] back." Another affirmed this by saying "These kids know who to go to get out of things." Not only did

disputes about point slow down any activity the section was trying to accomplish, the constant summoning of supervisors or floorworkers to act as arbiter signaled that a JSO was “weak” and couldn’t control his own section. Repeated undermining of this authority from supervisors only reaffirmed this to the juveniles in his section, who might then act up more.

#### 4.1.1.2 Cutting Deals

On occasion, both new and experienced JSOs cut deals with juveniles in order to avoid behavioral issues. These deals sometimes involved giving juveniles extra snacks, or sometimes simply meant that a JSO allowed juveniles to act contrary to detention rules in the section without the loss of points as long as the juveniles behaved well when outside the section. As one JSO said, “They feel like you’re giving them a break and they give you a break—sort of an I scratch your back, you scratch mine.”

Such compromises were, for one, the result of the inability of officers to ever have complete coercive control over a juvenile or group of juveniles. These compromises were not only deals with entire section, where they were allowed to misbehave in certain circumstances if they behaved in others, but commonly operated in one-to-one interactions between JSOs and juveniles through a form of informal reciprocity. Such relations formed because of the need to maintain order and to get things done in a section, as well as the human tendency to connect in positive ways with those around them.

Juveniles depended on officers for protection or for information about the “norms, procedures, and techniques” of the detention center. If in the good favor of officers, juveniles might have access to additional goods and privileges. JSOs relied on juveniles to help with certain tasks or functions; to behave themselves; to provide information about other juveniles; and to some degree for the JSO’s own personal safety. JSOs often used informal rewards to forge or control juvenile behavior; sometimes overlooking minor rule infractions; giving information, goods, services, or granting special favors or privileges.

#### *4.1.2 Physical Violence*

Physical violence was not nearly as commonplace as the violence associated with prisons and adult facilities. Depending on a JSO's position and shift, he or she might only rarely have to restrain or have any violent physical contact with a juvenile. The amount of times a JSO had restrained also varied according to the individual; some JSOs were more willing to jump into a fight to break it up and/or to restrain a kid, while others were more willing to wait until a floorworker responded.

When alone in a section with 12 residents, some JSOs were less enthusiastic about restraining a juvenile; not necessarily because they were afraid of the juveniles, but because for legal purposes it was best to have another JSO as a witness. Managers and supervisors might review the incident on camera to determine whether the restraint had been done using proper technique and whether it was justified. If the camera angle was bad, it was better to have another JSO as a witness than simply to have the account of the juvenile.

When talking with other male JSOs, most said that they really didn't fear for their physical safety. What they disliked about having to restrain juveniles was the paper work that accompanied the occasion. After any restraint JSOs had to write an incident report, which told the how, when, why, where, and who of the situation. One of the most important aspects of this report was to justify that the restraint was necessary and that it had been executed using a proper technique.

##### *4.1.2.1 Personal Restraint Technique*

JSOs were trained in PRT (Personal Restraint Technique) at least once a year. This method was the only technique approved by TJPC: if any other technique was used on a juvenile the officer could be fired or perhaps suspended. The movements in PRT involved wrapping one's arms around behind him the juvenile so that his arms were pinned behind him. If a juvenile alleged that an officer had grabbed him, or hit him, or used any display of force other

than that approved by PRT then the detention management could look at the video tapes from the in-section cameras to review the incident. After any restraint a juvenile had to be checked by a nurse for injuries or bruises. If a juvenile did turn up with a strange bruise, some type of injury, or the cameras showed a non-sanctioned restraint, then an investigation could be conducted by Texas Juvenile Probation Commission (TJPC) to see if the officer had used an excessive amount of force or a non-sanctioned technique. Several times throughout each year, a handful of JSOs disappeared from the center and rumors would circulate that they had restrained a juvenile too aggressively or otherwise used some unsanctioned method.

Most JSOs, however, believed that the PRT techniques were worthless and did not believe that any restraint could be 100 percent correct. As a result, for a large percentage of restraints, many JSOs often felt a certain amount of unease afterwards; if administration did want to scrutinize the technique on tape, there was some likelihood that they could find something wrong. This affected how JSOs viewed a restraint. In my particular case, on several occasions, when I had juveniles raging and threatening to attack me, though I did think momentarily about my physical danger, my larger concern was often trying to figure out how I was going to maneuver so as to restrain the juvenile using a proper procedure in order that I didn't get fired. Other officers also spoke about this anxiety concerning their being fired if they used the wrong hold. While the holds might protect juveniles, they exposed officers themselves to greater danger, particularly when a juvenile was attacking an officer.

#### 4.2 Juvenile Rights versus Officer Rights

At this detention center the changed outlook regarding prisoner rights was reflected in a phrase that members of administration constantly quipped at meetings and in conversation: "It's all about the kids." This phrase had two meanings: 1) that the center's functional purpose was to protect the legal rights of the juveniles and 2) that the majority of legal statutes were erected toward this purpose. In a summation of this stance, one supervisor told me that when he had

first started the superintendent had warned him where administration stood: "It's all about the kids. If a kid even says you touched him, we're going to pull you out of the section, and give them [investigators] all your files and all the videotapes. If TJPC does investigate and sees something that we didn't see, then we're going to let them make a case against you, and we're going to be on their side. The only advice we're going to give you is to get a lawyer." For legal reasons the administration could not protect its staff from investigations and subsequently could not offer a guaranteed job.

While officers did not argue that juveniles' rights were a bad thing that needed to be eliminated, frequently they complained that juveniles had "all the rights." Most legal institutions, organizations, and investigative units had been set up to advocate and safeguard the rights of juveniles through regular audits and the investigation of any allegations of abuse that a juvenile made. This caused officers to feel exposed and vulnerable. As explained during annual policy training amidst perennial outrage and frustration, such an allegation and the subsequent investigation would remain on an officer's record even if the charges were dismissed as false. Officers felt that such a mark on their record would look bad if they tried to get a job elsewhere, particularly one working in the correctional field or one working with juveniles. Moreover, officers believed that very little would be done to juveniles who made these false allegations.

Reinforcing this unease about the paucity of their legal protection was the occasional disappearance of officers from the detention center through firing or semi-forced resignation. Investigations, the more serious of which involved the police and the sheriff summoned to the building, often relied on eye witnesses. As frequently one JSO was accompanied solely by twelve residents, in areas where there were no cameras, or when a juvenile alleged verbal abuse, an investigation might rely on the testimony of the other juveniles in a section, which left open the possibility that, if all the juveniles of a section conspired against a JSO, and stuck with the story, the JSO could be charged with a crime that he did not commit..



Though daily incidents constantly reiterated to JSOs that their own rights were inferior to that of juveniles, one story in particular contrasts those rights with exceptional force. At the center, because of the attention given to juvenile rights, if a juvenile complained of medical problems such as an upset stomach, nausea, or even a small scrape a JSO was duty bound to get him medical attention. Mingled with true complaints were a host of sham maladies, such as claimed allergies to bologna in order to get substitute trays at meals, or other more elaborate complaints so as to procure prescription drugs. Despite skepticism of some complaints, if a JSO ignored the demands for medical treatment, then he could be fired and prosecuted for negligence and abuse. Contrastingly, JSOs own needs were often downplayed by management and made subservient to the need to staff the building.

During one operational shift a JSO complained that his stomach was hurting and asked to go home, or at the least not be made to stay-over. The supervisor said he couldn't allow this and, since it was his turn, forced the JSO to work overtime on the next shift, despite protests about his stomach hurting. Finally after four hours of staying over, another JSO came in early and relieved him. The ill-feeling JSO drove straight to the emergency room and in short time doctors operated on him for an emergency appendectomy. The supervisor did not face any consequences for his action, as in fact he was simply doing his job by making sure that the building was properly staffed in order that the juveniles' right to be kept in a safe environment would not be jeopardized.

#### 4.3 Safety and Security

The high degree of liability at the center meant that the maintenance of an environment free from preventable dangers ranked as high in priority at detention centers. This concern resulted in a high level of attention given to issues of safety and security. The term itself was used constantly throughout the center by superintendents, managers, supervisors, and by

JSOs. The attention given to this issue largely contributed toward shaping a custodial view of the JSOs role at the center.

During their initial training, JSOs learned that the detention center functioned around protocols implemented to prioritize safety and security. They were taught, for instance, only to allow only one activity at a time. To allow more would decrease a JSO's ability to monitor and supervise activities, and increase the potential for unwanted incidents to occur. Specific detention rules complemented the focus on security issues: all residents were to walk in the hallways with their hands behind their backs; all closets and doors were to be locked when not being opened; residents had to be pat-searched when returning to their section; residents had to be monitored in staggered intervals that could not exceed 15 minutes when in a cell; residents could not play one-on-one games when in the gym; and the ratio of residents to staff during operational shift could not exceed 12:1; etc. Trainees also learned that issues of safety and security could even, in some cases, trump juvenile rights. Specifically, as one example, if a juvenile acted up in line on the way to visitation with his parents, he or she could be denied their visitation, not as a punishment for acting up—the only methods of punishment were loss of points and isolation from the group—but rather on the grounds that he or she posed too great a security risk.

Trainers also assaulted trainees with stories of JSOs, who, having failed to follow some component of proper procedure, subsequently allowed a juvenile to escape, a juvenile to be injured or abused, or the JSO him/herself to be injured by a juvenile. Many of the stories ended on a moral high note with an amusing though dubious line: “that staff is no longer here.” Regardless of whether these stories were completely true or had been dramatized by detention gossip, newly arrived JSOs believed them to be true, and in general more veteran JSOs also believed that many stories of terminated JSOs could be reduced down to a failure to follow some component of basic safety and security, whether this meant absentmindedly leaving a

door unlocked, allowing several activities to occur at once, failing to properly restrain a juvenile, or some other lapse in procedural responsibility.

#### *4.3.1 Juvenile Behavior*

The issue of safety and security then affected the way a JSO viewed a particular juvenile's chances for success in future treatment plans and in his ability to avoid further entanglements with the law. Most JSOs were aware that upon release many juveniles returned to situations that were conducive to acts of criminality; however, if a juvenile behaved himself well at the center, JSOs generally believed that he stood a good chance of doing well in 'the free,' often regardless of his crime. If he did not behave himself well, regardless of his crime, JSOs were less inclined to believe that he would be able to do well when freed and, depending on the JSO, less willing to believe that he should be given a chance.

Many JSOs seemed to believe that the center operated as a microcosmic reflection of the free world. JSOs believed that juveniles who displayed the ability to behave themselves showed that they could function in the free world. On the other hand, many JSOs seemed to believe that those juveniles who could not follow rules at the center would not be able to do so in 'real' life. As an example, JSOs often said that one juvenile who had been locked up at the center for a very minor crime, but who chronically terrorized the detention center with his unruly behavior, needed to be locked up for life, as he would never be able to function in society. From a certain perspective this made sense since a member of society needed to be able to follow social rules; on the other hand, many—though certainly not all—of the rules that this juvenile broke were detention rules such as not talking at breakfast, not trading food, walking through the halls with his hands shaped in a V behind his back, or not getting up out of his chair without permission. While these rules were important at the center for maintaining security, when isolated from the detention environment they became inconsequential in nature.

#### 4.3.1.1 Guilty Juveniles

Though, JSOs at the detention center often functioned in the capacity of caregivers for juveniles, unlike medical staff or rescue workers who give care to 'blameless' individuals who can be deemed worthy of sympathy and compassion, the emotional strains placed on JSOs were more conflicting since they worked with individuals who, according to one's philosophical viewpoint, could be themselves blamed for being in detention and thus deemed unworthy of sympathetic emotions (Crawley 2004: 140). On the pre-adjudicated side of the detention center, most of the juveniles (except those waiting placement) had not been sentenced, and thus, according to criminal law, were blameless, since not proven guilty. Juveniles, therefore, had to be treated as if they were innocent. However, heightening JSO's potential internal conflict, JSOs sometimes knew the juveniles' cases by looking at their folder or else the juvenile would readily tell JSOs (without being prompted) that he had committed a crime. As well, JSOs constantly had to stop juveniles from telling their peers about what crimes they had committed.

After working at the center for some time, JSOs became normalized to the fact that juveniles at the center had committed crimes and often did not care to learn the specifics of each case. This meant that JSOs generally operated under the assumption that admitted juveniles had committed some crime, otherwise they would not have been brought to the center. Echoing a sentiment that all the JSOs I talked with espoused, one JSO said, "These kids are here for a reason." Only very rarely, if for instance a juvenile constantly reiterated that he was innocent, did a JSO ever question whether a juvenile might not be guilty.

While JSOs did not care whether juveniles were guilty, the issue of safety and security necessitated that JSOs maintain a high level of control over juveniles. More important to JSOs than a juvenile's crime was his willingness to behave and follow directions. For this reason, though a juvenile might have murdered someone, if he behaved himself well at the center,

JSOs preferred to have him in their section than a juvenile who was locked up for a menial crime and yet who would not follow detention rules and instructions.

#### 4.4 Job Insecurity

While the center could be held liable for the actions of its employees if their actions were condoned by detention policy, if the center proved that the guilty detention worker had engaged in unsanctioned activities then it could largely avoid being held accountable. Subsequently, the center had little incentive to defend its employees during an investigation if it could remotely be shown that the JSO had not been following policy. As exemplified by the former superintendent's words, "if TJPC does investigate and sees something that we didn't see, then we're going to let them make a case against you, and we're going to be on their side," the administration for legal reasons—and perhaps for more ulterior monetary reasons—would not side with the JSO but would leave the JSO to fend for himself. One result of this was a great degree of suspicion for administration. Although the degree and intensity varied amongst JSOs, a common sentiment was one of lack of trust.

This lack of trust caused many JSOs to voice concern that their job was not stable. This feeling was reinforced by the disappearance of JSOs throughout the year, as the center either fired or let an officer resign because of an incident. The somewhat frequent disappearance of JSO due to firing made some JSOs doubt the security of their job and made them leery of forming long term plans around this particular job. One JSO even told me that though he needed to buy a new car, he was afraid to do so because "this job is too unpredictable." Although this JSO, represented an extreme example, because many JSOs said that constant strict compliance with detention policy was almost impossible, there existed a persistent unease with the security of their job. Most all JSOs felt that if something happened and the opportunity presented itself, the center would fire them, blame them, or otherwise "use" them if it legally or monetarily proved advantageous.

#### *4.4.1. Budgetary Concerns*

In spite of the focus on safety and security, many JSOs believed the detention center also prioritized budgetary concerns, which caused them to overwork JSOs or else place them in positions where they had inadequate training. This sometimes contradicted the stated focus on safety and security and deepened the cynical view JSOs had of management. If the JSOs made a mistake while performing their tasks, then JSOs believed that the center would show little qualms about holding them accountable. "If you don't feel comfortable about doing something, then you'd better tell somebody," I heard an older JSO tell a newer guy. "Cause if you screw up, the county's gonna find somebody to blame, and it ain't gonna be them."

Such advice was illuminating, but often impractical. All fulltime JSOs were placed on a stay-over list and forced to work-over when needed. If a JSO refused to stay-over then he was fired. At certain times of the year, JSOs worked 12 and 16 hour shifts multiple times each week, making them less alert and more vulnerable to making mistakes in judgment. While they felt justified in believing that management should deal with their peccadilloes in a more lenient manner, in the case of an investigated incident, they did not believe that the center would attempt to protect them, but would use them as a scapegoat.

Additionally, for many years full-time 11-7 JSOs were never formally trained to work on an operational shift, only the night shift. Usually after their first two weeks at the center, a new JSO was placed on the stay-over list and forced to stay over on the day shift. The first time I worked at the detention center this happened to me. Though I had been paper trained on detention policy during initial orientation, I had never received any practical training during an operational shift. Not only was I unfamiliar with the schedule but, increasing the confusion and unease, I had to rely on the juveniles to tell me when they went to class, where they went to class, and what they did during the day. I had to follow everything they said with concealed skepticism, believing that they were taking advantage of my inexperience. This skepticism was

often justified; several times throughout the first few months of staying over, juveniles would assure me that they did some activity all the time, only to find out later that they had lied to me, often when another JSO came into the section and berated them or me. I had little alternative to slowly learning by experience, and then asking questions later: at that first breakfast I had asked a 7-3 floorworker what time classes started and what we were supposed to do and he had told me to “ask the kids,” that they would know the routine.

Training for working other shifts was surprisingly hard to receive. When I returned to the detention center after several years away, I asked to be trained for when I stayed over on the 7-3 shift. My request, however, was denied on the grounds that management was trying to keep JSOs' comp hours down. Despite this lack of formal hands-on training, most JSOs believed that they would be held accountable for any mishaps or errors of judgment that occurred while working on a non-operational shift.

#### 4.5 Conclusion

The issue of liability for the protection of juvenile's rights caused a particular outlook in management, which can be summarized by the phrase, “It's all about the kids.” Since management was accountable for protecting juveniles' rights—which included maintaining a safe and secure environment—, and outside scrutiny and intervention arose largely from incidents surrounding some breach in relevant protocol, administration seemed to largely prioritize these issues by grading JSOs' activities and performances on whether they violated any juvenile rights or broke any security measures. If JSOs did not break these protocols then they seemed to have been marked as doing an acceptable job by the fact that they were not punished or fired, since JSOs saw that those persons who were fired or were suspended were largely for reasons of safety. This subsequently affected JSOs interpretation on how they should perform their duties, causing them to filter actions and activities through lenses focused on issues of safety and security.

Though safety and security was a juvenile's rights—juveniles had the right to be held in a place free from preventable danger—it operated at a certain degree of tension with some other juvenile rights, since these other rights actually lessened the ability to maintain security. From a JSOs perspective then, additional tasks and juvenile rights often increased the risk potential to both themselves physically and to their jobs. Because of this tension between performing certain tasks and the focus on safety and security, some JSOs did not wholeheartedly welcome tasks not strictly mandated as juvenile rights. More and more they came to view the main function of their job as that of a custodian.



## CHAPTER 5

### “WE’RE JUST SLAVE LABOR”: UNPREDICTABILITY IN THE WORK PLACE

In this chapter I show how the work schedule directed affected JSOs actions. I argue that the unpredictable nature of work caused many to concern themselves with gathering information about intricate details of the detention center and about their coworkers. This combined with an undesired schedule of over-work to create a form of complaining that, in addition to lowering morale, served to distract many JSOs from dealing with juveniles. Additionally, in terms of weariness and fatigue, I argue that as their own workload increased JSOs grew more and more apathetic toward the needs of juveniles and toward the goals of administration, thus pushing them toward a custodial mode of action.

#### 5.1 The Stay-over List

The juvenile detention center operated as a 24 hour facility that constantly admitted and released juveniles; which meant that the actual number of residents present at any one time varied from day to day. Policy mandated that the maximum ratio of juveniles to JSOs be no more than 12 to 1 on an operational shift and 24 to 1 on a non-operational shift, when the juveniles were locked in cells. This quota, in combination with the number of admitted juveniles, the number of juveniles at the hospital, and the number of juveniles on suicide watch, determined the number of JSOs needed on a given day.

Though JSOs were divided into shifts, as a 24-hour facility the detention center had to constantly function; therefore if someone called in sick or a shift simply did not have enough people, full-time JSOs from the previous shift were required to stay-over and work on the next shift. In order to systematize who would stay and when, the names of all full-time JSOs were written on a board in the supervisors’ office. Each day a number was placed by the top eight JSOs working that shift. The JSO at the top of the list was given the number one and all

subsequent JSOs were given a higher number. According to how many JSOs the next shift needed, the JSOs beginning with the lowest number—number one—would be kept. If for instance, the next shift only needed three extra JSOs, then number one, two, and three would be kept. On the next shift as relieving JSOs came in early, usually after 4 to 8 hours, the JSOs would chronologically be allowed to go home, number three, then number two, and then number one. Though the number one JSO would thus be the last to go home, his name would drop to the bottom of the list, which meant that he would be less likely to be kept over the next day, or if he did have to stay, would be relieved earlier since he would be a high number.

At the start of the shift preceding their own, JSOs were allowed to call in and ask the supervisors if they needed them to come in early to work. Some did this to avoid having to stay over in the morning. Depending on whether the preceding shift had been short staffed and was then keeping JSOs over, that shift's supervisors would allow as many JSOs as they had kept over to come in early. Generally, JSOs came in four hours before their own shift started; however, the first JSO who came in had his name dropped to the very bottom of the list, which made JSOs motivated to arrive earlier than the other JSOs from their shifts. Those JSOs who came in early relieved those JSO who had been forced to stay-over; thus allowing a fully staffed building, and allowing JSOs some flexibility in when they had to work over.

#### *5.1.1. Full-time versus Part-time*

As all full-time employees were placed on the stay-over list, one of the first questions full-time JSOs asked newly hired JSOs was whether they were part-time or full-time. If the JSO was full-time it meant that another name would be added to the stay-over list, giving JSOs an extra body as cushioning against staying over. A JSO from another shift did not distinguish as much whether a new person was full or part-time, because that person would not be added to their own stay-over list. They were pleased when another JSO was added to the shift immediately following theirs because an additional staff made it less likely that someone from

their shift would have to stay-over. Conversely, those JSOs who preferred coming in early were less pleased when a new staff was added to the shift preceding theirs, since this would make it less likely that the supervisors would need them to come in early, making it more likely that they would have to stay in the mornings, since they were not able to come in early to get their name dropped.

### 5.2 A History of the Stay-over List

JSOs who had worked at the center for twenty plus years informed me that since they had started work at the center some form of mandatory stay-over had been in effect. Prior to the summer of 2007, JSOs had been paid time-and-a-half for overtime work. Many JSOs told me that if someone wanted to work and was willing to pick up other people's overtime work, they could make 60 to 70 thousand dollars a year. JSOs talked of this period with some fondness, and many claimed that it had been easier to find another JSO willing to stay-over for someone who did not want to, since the cash incentive made many JSOs highly motivated to work. Indeed many JSOs 'lived' at the center, regularly working 60 and 70 plus hours a week: for these JSOs, the stay-over acted as a second job.

In the summer of 2008, following the collapse of the housing market in Texas the detention budget shrank by several million dollars. Property taxes made up a significant portion of the funding for facilities such as the detention center, and when the value of property fell, so too did the amount of taxes collected. The suddenness of the situation prompted administration to simply stop paying officer for working overtime.

### 5.3 "Getting through" an extended day

When an 11-7 JSO was forced to stay-over on the 7-3 shift, depending on the JSO, juveniles often treated it as a festive occasion, similar to how a middle school arithmetic class might greet the unannounced arrival of a substitute teacher. JSOs who stayed over felt pressure to control their temporarily assigned section, knowing that other JSOs (their shift or not) were

watching, and that supervisors and management would hold them accountable for any mishaps that occurred from want of proper supervision or judgment. However, when 11-7 JSOs did stay it was more with the mentality of simply maintaining a decent façade and avoiding any fights or major incidents, and less with positively shaping juvenile's lives or disciplining the section to improve future conduct.

When I asked several operational JSOs about their approach to running a section while staying over, I found that this same mentality largely prevailed as well. Two (7-3) JSOs responded with the exact same phrase: "I'm just trying to get through." Other responded with similar meaning, stating that twelve hours of dealing with juveniles was too much. Perhaps surprisingly though, rather than become more strict because of growing irritability with juveniles, most were of the opinion that they took less points when staying over. This decrease in the amount of points taken did not result in JSOs counseling more; rather, it meant that those JSOs only took points for major or excessive infractions of the rules and often turned a blind eye to lesser violations.

While easier than counseling or taking points from juveniles for each rule infraction, I believe though that this can only be partially blamed on tiredness or laziness but also because each section was run slightly different by its assigned JSO. Though major rules, such as that against fighting, were held in the same general regard by all JSOs, more minor rules were viewed differently, and the degree to which JSOs held juveniles accountable for breaking those rules varied. In an honors section for instance, generally, though not always, most JSOs maintained the rule that all juveniles needed to ask permission before getting up out of their chair or before sitting down. In a regular section though, this rule was less strictly enforced and many JSOs did not require juveniles to do it as consistently (many had to concentrate on greater behavioral problems). When a JSO who was staying over came into a section that was not his own he might notice that juveniles were getting out of their chairs and sitting down

without permission. He might warn residents about this, and then, when it continued, take points from the next resident who did it. If the resident's normal staff had made them ask permission, then most residents might begin asking permission. However, if this was not a normal rule, then the JSO might have to continue taking points from juveniles, and then increase the amount of points taken from someone who repeated this transgression. Soon, when combined with the other points that a JSO might take for the infraction of other rules, a JSO would have taken a large amount of points from several different residents. These residents would then become annoyed because staff was ruining their levels and would, in all likelihood, become argumentative and might even stop caring about their behavior because their levels were already lost. They might act out at any time, refuse to follow any direction, or comply only with grudging show of scorn.

At this point the potential for a major incident would have increased greatly. Very likely an incident would occur—a verbal or physical altercation, or the complete refusal to follow any directions or rules—and the JSO would have to press a code red to call in floorworkers to have a juvenile removed. Had the JSO simply turned a blind eye to some of the juveniles' infractions in the first place, then this loss of control might have been avoided. By intervening with the loss of points, only at junctions where a juvenile broke or was about to break a major rule, the juveniles would generally comply with a JSO's instructions and control could be maintained.

For this reason many JSOs took points to prevent juveniles from committing more major infractions, but let juveniles get away with smaller transgressions. Many JSOs, such as myself, could not simply walk into a new section and turn it into a group of rule abiding juveniles. When supervising a section, I always became aware of how fragile were the bonds that made juveniles comply with my directives, and how if I forced an issue too hard I would lose control and make them unwilling to follow anything I said after that. Control was never absolute but was always dependent on a juvenile's willingness to comply with my directives. While I did try to

enforce all the rules, many time I had to sagaciously choose what to see, when to counsel, and when to take points.

Even for a JSO running his regular section, it was a day to day struggle to maintain a sense of rules and structure. Though a JSO might be a martinet about rules around his juveniles, something that would require a vast amount of counseling and attention to detail and would probably earn him the dislike of many juveniles, he only operated for eight hours—if he stayed over he was usually moved to a different section. Subsequently, in the other eight hours of operational time that he was not there, his juvenile had the opportunity to learn different habits, as juveniles were subjected to an array of different staff with different methods.

Additionally, the nature of the center made the situation more difficult: unlike a post-adjudicated center or prison where the population is fairly stable and staff and prisoners are in contact with each other for extended periods of time, sections at this detention center had a fluctuating population. During the course of a day, one juvenile might be released to placement or home, another might be moved to a different section for getting into a fight, and another might request to be transferred to a different section. Therefore, in one day three new juveniles to replace those moved might be brought into a section—sometimes newly admitted juveniles who were still hazy on the rules, sometimes kids from Special Needs Unit (SNU), and sometimes juveniles who just couldn't get along with someone (JSO or juvenile) in his former section and who had requested to be moved to a different section. All of this then meant that a JSO had to go over and make clear his particular expectations and ways of running a section constantly, and then learn and deal with a new juvenile's particular quirks.

#### 5.4 Conversations about the Stay-over List

Fitting the chronic stay-over into their personal schedules required a great deal of effort, knowledge, and some amount of manipulation on the part of JSOs. Not all JSOs reacted in the same manner to the list: some simply stayed over when required; others actively sought to

come in early so as not to have to stay in the morning; and others brokered some medium between the two, perhaps only coming in early whenever they had something to do the next morning.

A JSO's numerical position on the list generally determined whether he would have to stay over on the next shift and for how long. Subsequently, at times of chronic stay-over multiple conversations concerning the stay-over list abounded. Though some JSOs monitored the list more closely than others, regardless of their level of active scrutiny, all full time JSOs kept track of it and knew where their name was on it. Those less vigilant JSOs might simply scan the list once the floorworker brought the stay-over list around, see where their name was, who else was where, and then sign it; whereas those more vigilant JSOs would generally already be aware of who should be where on the list before the floorworker ever brought the list around to inform JSOs of their respective position.

Those JSOs particularly concerned about the list additionally did their best to learn about other shifts as well. 'Working' the stay over list accurately meant accessing information about which shift would be working; which supervisors would be working; the current number of juveniles at the center; whether a JSO had called in sick, was already out sick, or was on Family Medical Leave Act (FMLA); whether a juvenile was sick and at the hospital; whether a juvenile was on suicide watch; who had training that week; the number of comp hours other JSOs had; which JSOs were out on vacation; and which JSOs had requested off. All these different variables affected either the number of JSOs who would be kept on the next shift or which JSOs would be on the list, and so both directly affected JSOs. By having knowledge of where one's name was on the list and how many people were likely to be kept over, a JSO might be able to accurately strategize a plan to avoid staying in the morning on certain days, or at least to accurately predict whether he would have to stay on a certain day.

It took some time to learn the ins and outs of the stay-over list, and once having learned how it worked, a JSO had to keep himself accurately informed of all the above listed variables. Subsequently, during times of chronic stay-over, conversations about the stay-over list dominated the subject of many JSOs conversations, as the information frequently changed. Though these conversations varied in length, topic, and often seemed to jump from subject to subject, generally all the various subjects somehow connected to factors that affected the list. Though these conversations generally had the phenotypical appearance of long stretches of complaining about work, administration, or other JSOs, beneath the complaining these conversations were explicit in revealing information about the stay-over list.

During periods of high stay-over many JSOs often repeated the same topics of conversation, complaining in the same way day after day. After some analysis, I realized that while the conversational topic remained the same, what changed day to day were the multiple variables that I above listed: the numbers of people on the stay-over list, their days off, how many juveniles were at the center, how supervisors were scheduling the list, etc. These were the issues, I believe, that many were ferreting out during complaining conversations, since each day these issues were different and every day each variable affected the stay-over list differently. JSOs talked about other JSOs leaving shifts because this would mean another JSO would have to stay-over to work his section; they talked about how supervisors were interpreting the stay-over list, since this was often done incorrectly or without consistency, meaning that JSOs would have to address the situation themselves. Throughout the shift multiple conversations with many different JSOs would fill in many of the variables and make the stay-over list more predictable. As well, even when the stay-over list was not as as high people continued to complain. While serving other functions, this allowed JSOs to learn more about the environment around them.



#### *5.4.1. Functions of Complaining*

Rather than simply voice displeasure or relieve stress and frustration, the complaining worked on several levels. No one reason dominated, but all melded together to support the continuation of the practice. On one level, the complaining functioned as a fact-finding mode of discourse, in which participation allowed individuals access to information about their environment. The gossip like approach of the complaining served to 'grease the tongues' of participants and make them more willing to talk about things they had discovered. Administration often did not officially divulge needed information to all JSOs about policy amendments or planned changes; the complaining served to spread this information around throughout the center informally through word of mouth. Additionally, complaining about how certain co-workers were fired or written up allowed JSO to know what areas of detention center activity administration was focusing on, and then to adjust their own actions accordingly.

In terms of the stay-over list JSOs often directly competed with each other for information that would help them accurately strategize how to work the list. Many JSOs would hoard the information and keep it secret; however, often during a complaining session a JSO would divulge some information because of his desire to reciprocate for information learned or in order to contribute to a conversation that would make management look bad. On this level, the need for information was a driver of complaining. Through discourses of complaint, JSOs gathered information about the stay-over list that allowed them to strategize and predict when they would stay and how they could, if need be, manipulate it.

On another level, I believe the complaining operated to strengthen camaraderie and in-group solidarity amongst JSOs by portraying JSOs as constant victims of an uncaring management; thus the complaining served to position JSOs on one side of a divided camp. Some staff specifically sought out instances where management made mistakes, so as to add this to conversations. The multiple exchanges amongst JSOs, particularly about disliked

supervisors, exacerbated the view of management as bungling and incompetent. Since JSOs primarily sought out and talked about the things that these people did wrong and did not talk about the things that they did right, they artificially building up and perpetuating a certain view of management. This viewpoint was very powerful and persuasive, such as to make one JSO ask me, "What does management do right?" For this question, I was momentarily at loss for examples and could not think of anything to say. When I in turn asked other JSOs this question, they were similarly stumped.

Complaining was not an activity within which people had to participate. No one was ostracized for not having a negative outlook of management, and there were many JSOs who I only rarely heard make disparaging remarks. The constant negativity at the center, however, wore down other modes of thinking and this type of 'groupthink' made it easy and likely that, when confronted with certain incidents where one explanation for the cause could be attributed to some fault of management, many JSOs would interpret those events through a cynical viewpoint and exclude or at least downplay other explanations.

Lastly, complaining gave JSOs something easy and familiar to talk about, something which they were mutually passionate about. Because of the nature of the detention setting, some JSOs—although certainly not all—were reluctant to reveal too much about their own personal lives for fear of being overheard by juvenile; complaining gave a ready-made topic that cut through the ice of sometimes infrequent contact. Often as well with JSOs from other shifts there was minimal contact; by complaining about detention work, a JSO could start up a conversation with a JSO who he did not know very well, and then, after securing a neutral ground from which they both shared a similar view, branch out to other topics, similar to how people will often use sports or the weather to initiate a conversation, or steer the topic toward finding out information about that JSO's shift that might affect the stay-over list.

### 5.5 Management and the Stay-over List

The mandatory stay-over list made JSOs view management as a callous authoritative entity. For years management had dispassionately spoken of the stay-over as something that had always been and something that “[wasn’t] going anywhere.” Just before the beginning of my research, this attitude had changed though, as management began an intensive hiring process and promised to eliminate the stay-over. The lingering effects of the previous attitude on JSO moral though were devastating and greatly affected the morale and outlook of the JSOs. Many JSOs did not believe that management had begun the intensified hiring process because of an empathetic wish to alleviate JSOs’ work load of sometimes 60 or more hours a week, but because the comp-time from over-time work was building up to such epic proportions for all JSOs across all shifts that soon the center would be legally forced to begin paying overtime if it did not do something<sup>4</sup>.

Though it could be manipulated, the stay-over was enormously frustrating for JSOs; because, for one, certainty about their work schedule could not be made predictable with absolute certainty. A JSO might have to work 8 hours, 12 hours, 16 hours, 20 hours, or management might send him home minutes after he’d arrived at work so they could burn his comp time. This inability to actively control or predict their actions and schedules particularly aggravated JSOs. The specific requirements of their work place additionally contributed to this: JSOs had to be physically located in their section when juveniles were present, thus requiring a floorworker to relieve JSOs before he could go on a break or use the restroom, and requiring the next shift’s staff to relieve a JSO before he could go home. This stripped JSOs of much ambulatory autonomy and forced them to rely on others for their personal physical needs.

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<sup>4</sup> If an employee had more than 240 Federal 1.5 hours then the center had to pay them for any hours over this. If an employee missed his scheduled shift or did not worked a full 40 hours that week, however, then his overtime hours could be stored as County 1.0 hours without any limit on the number allowed; subsequently, some JSOs had 500 and 600 overtime hours.

This reliance on others particularly focused JSOs on their own vulnerability, and exposed the failings of the system to their critical gaze. Some JSOs admitted to experiencing “a helpless feeling” when they knew they would have to stay-over, particularly when they had things they needed to do. Rather than optional, stay-over was forced, and often unwanted. Full-time JSOs could not shirk it, and could generally only temporarily avoid it by getting someone to stay for them, which was difficult, coming in early, or by calling in sick for their own shift. The inflexible stance that management took toward forcing JSOs to work over-time clashed with management’s passive method of managing the list and staffing the building; JSOs could often see instances where JSOs did not really need to be kept over but were because management was not actively looking to try and avoid keeping JSOs over.<sup>5</sup> This greatly affected JSO’s attitude toward management. “They don’t give a fuck about us,” I heard JSOs say several times; “We’re just slave labor.”

Coupled with the fact that JSOs in effect worked many hours for free, since they were not paid for any overtime work, and were often denied the time that they requested off, JSOs believed that management was simply using them to make themselves look good: JSOs believed that their long hours of work were solving the budget crisis, while management themselves took the credit for running the facility on a reduced budget. Certain members of management might have worked long hours every day to solve the budget deficit in more cerebral ways than the more manual method of officers, but JSOs did not see this, as those people worked elsewhere and were obscured from sight; rather JSOs’ everyday view of management was of supervisors and managers who rarely worked overtime, but methodically clocked out at the end of the shift. Thus as far as JSOs were concerned, the stay-over did not affect management; therefore management did not particularly care about it and was not

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<sup>5</sup> To over-simplify my meaning, sometimes two different sections might only have six juveniles in them. This would result in their needing two JSOs to watch them; however, if they were combined only one JSO would be needed.

motivated to find ways to solve it, other than by having JSOs work for free. This belief was only aggravated and reinforced during meetings when JSOs complained about the workload and management countered with the charge that “You need to be thankful that you have a job.”

#### 5.6 Forms of Resistance

For JSOs, the detention center tried to force them into compliance with its will, predominantly, though not solely, through the stay-over list. JSOs differed in their opinions on other policies that the center enforced: some JSOs, for instance, took offense when management enacted a dress code, viewing this as one more instance of management trying aggressively to assert their power, while others welcomed it; some griped at the policies on tardies and call ins, while others wished they would be stricter. In regards to the stay-over, however, all JSOs were vocally united against it. This did not mean that some JSOs did not see the advantage of acquiring comp time and go out of their way to gain comp time; however, most full-time JSOs resented the way that management forced them to work overtime and felt that management was taking advantage of them and exploiting the national recession.

While outright non-compliance with the stay-over policy would result in JSOs being given leave without pay (LWOP) or fired, in addition to physical acts of non-compliance, such as doing as little work as possible, JSOs also positioned themselves in opposition to management through a mental approach that while outwardly compliant allowed themselves the dignity of thinking that they possessed some control over their lives. This mental orientation manifested itself in different ways among JSOs: to show non-compliance some JSOs refused ever to come in early, but would only wait until absolutely forced to stayover in the morning. “Fuck them,” one such JSO said, “I’m not coming in early. They’re gonna have to make me stay.” During a certain stretch of particularly high stay-over, some JSOs took advantage of the detention center’s inability to allow JSOs to accrue more than 240 federal comp hours and would stay over as much as possible in an effort to build up their hours up so that they would be taken off the stay-

over list and then given a week or two vacation. "This is crazy," I once told another JSO, while talking about how much I looked forward to when my name would be taken off the list so I would only have to work 40 hours a week, "we're working like mad, so we can work like normal."

Some JSOs tried to turn the list around to their advantage. While they did not particularly enjoy being forced to stay over, they did enjoy the comp hours they built up, and the numerous days that it potentially allowed them to take off. For instance, most of the JSOs from Africa who worked at the building were able to take a month or more off each or every other year in order to visit home. Many JSOs took this mentality of finding some good in the stay-over list; whether because the hours allowed them to have many off days, because they planned on quitting and knew they would be 'paid down', because they maintained the hope that someday people would be paid again for overtime hours, or for any number of similar reasons. Nonetheless, though JSOs saw certain advantages in staying over and sometimes worked over more than necessary, in order to accrue comp hours, they nonetheless felt little compunction against resenting and complaining bitterly about the unfairness of the forced stay-over.

### 5.7 Conclusion

The issue of forced unpaid stay-over caused some JSOs to protest their treatment as prisoners or as slave laborers. The latter comparison struck at historical chords of indignation since those JSOs who uttered this phrase were solely African Americans. The former assertion however, that JSOs were not prisoners, is of interest because it hints at the awareness of a similarity between the condition of JSOs and those of juveniles. During my interviews however, JSOs never verbally expanded on this parallel to perhaps reevaluate their own role at the center and perhaps empathize more with juveniles on the callous manner that JSOs sometimes downplayed juveniles own wants but seemed to disregard this parallel or else mentally treat that behavior as acceptable since the residents could in fact be categorized as prisoners, thus guilty, unlike JSOs who were non-prisoners, therefore innocent.

While the stay-over had been burdensome in the past, the distaste had been assuaged by the time-and-a-half pay that monetarily compensated for the time worked, such that some JSOs sought out this work and treated the stay-over as a part-time job. When the county stopped paying JSOs for overtime work, it began to be viewed not only as burdensome, but as grossly unfair. JSOs overtime hours now built up as comp-time hours and were fully viewable and countable on pay check stubs, though tangibly untouchable. JSOs treated this comp-time possessively since they worked for it. Formerly, it had been given to them as money, but now, when accumulated as comp-time, management took control of it and manipulated the time as it saw fit: JSOs were sometimes told to go home after arriving at work, they were told when to take a week off, they were often denied the time that they requested off, and they were still forced to stay-over whenever management needed them to do so. When combined with the control that management had over their physical whereabouts, the control that management exerted over their time—both in temporal days and that stored as comp-time—did make the analogy between JSOs and prisoners or slaves somewhat apt, since consideration of the JSO as a person took a secondary status to the needs of staffing the building.

The indignation that resulted from this impersonal treatment made JSOs resent administration for this particular facet of detention life and during times of heavy stay-over, when irritation was intensified made them less willing to work hard during the times that they were forced to stay-over both because of physical exhaustion and because of this resentment. This irritation was not so completely compartmentalized either that JSOs only felt resentment when staying over and felt content during their scheduled shift hours, but rather the vague bitterness persisted throughout their working hours, though the stay-over might have become routine.

Historically, I believe that JSOs had combated the long hours by slacking off slightly and finding areas to cut corners so that they could work 12 and 16 hours a day while dealing with juveniles. Perhaps this had meant giving juveniles extra snacks so they would behave,

perhaps this had meant not checking doors every fifteen minutes because they were exhausted and took cat naps between checks, perhaps this had meant letting juveniles get away with minor rule infractions, perhaps this had meant putting off tasks for the next shift, perhaps this had meant calling in sick when not really sick, or perhaps this had meant less counseling with juveniles and more of letting juveniles watch TV. Eventually perhaps, for some JSOs, these modes of action had become the norm. When payment for being forced to work over-time disappeared, JSOs became even less motivated to work hard, whether they were staying-over or not. Then like prisoners or slaves, JSOs did not believe that management treated them with respect or concerned itself with their needs. Certainly, JSOs did not feel that members of administration increased efforts to manage the shifts any more efficiently, but believed that management was using the recession as an excuse to slash pay and force dubious top-down changes upon them.



## CHAPTER 6

### DISORDER IN THE WORKPLACE: DEALING WITH BUREACRACY

In this chapter I show that the bureaucratic structure of the center necessitated that each JSO fill a particular role, do specific tasks, and be physically located in a certain area. While these three factors allowed the center to function on a large scale, I argue that the often inflexible nature of the system limited the ability of employees to ensure the smooth accomplishment of more minute issues, since it required that employees rely on other employees to perform complementary tasks. When combined with the often passive treatment of their responsibilities by many detention employees, this situation created a frustrating environment for JSOs.

I argue that because of the focus on the issue of liability, the administration's priorities were focused on the protection of juveniles. To ensure this goal administration strictly enforced center rules that involved actions dealing with juveniles, while overlooking and deviating from rules that did not deal directly with juveniles. This double standard and the managerial tactic of punishing instead of rewarding damaged administration's credit as a legitimate governing body and caused many JSOs to resist their directives, often resulting in JSOs doing little more than the absolute minimum—the custodial task of simply assuring that juvenile rights were met and that they did not escape.

#### 6.1 Organizational Structure

The detention center was structured into three hierarchical segments: officers, middle management, and top officials. Officers were subdivided into full-time and part-time employees and were further divided on a more temporary basis according to rotating job positions such as floorworker or section staff. Full-time employees were additionally divided into JSO Is, JSO IIs, and JSO IIIs, titles which largely determined pay scale. Middle management was sandwiched

between JSOs and the top officials. Many of these members had risen from the ranks of the JSOs, and so had some hands on experience working with juveniles. Influencing this former experience though, was the pressure and goals now placed on them from the top officials above all of them. Hierarchically, the lowest members of middle management were supervisors. Above supervisors were managers for every shift, and above these managers were a superintendent and an assistant superintendent. The top officials at the center were the director and assistant director. Beyond this, JSOs were vague on the hierarchical order and generally referred to those higher as 'downtown,' since those people were not physically situated at the detention center.

#### *6.1.1. Inter-shift Divisions*

The center distributed tasks vertically and horizontally. When tasks and assignments were divided up horizontally between the different shifts, miscommunication caused discrepancies and confusion between how tasks were performed and who was to perform which tasks. The managers of each shift did not always communicate amongst themselves to ensure a joint and concerted effort and to ensure that all other shifts were aware of changing responsibilities. One shift, for instance, would be told *not* to do a task, however, the next shift would never be formally told to *do* the task by their manager. Subsequently, there might be a period where no one did the task. Such a period might last until either JSOs as separate holistic shifts worked the problem out amongst themselves,—perhaps with supervisor intervention— or until individual JSOs from each shift independently did the tasks.

Each shift had certain tasks that were assigned to it specifically. The 7-3 shift, for instance, took juveniles to breakfast, lunch, and to school. The 3-11 shift took juveniles to dinner and gave them showers. Other tasks, however, such as the time when juveniles were allowed to go to the multi to write letters home, were not always linked to a specific time slot and often might be done by either shift. This lack of specific assignment allowed JSOs to not do a task,

thus pushing it onto another shift. Sometimes, however, the next shift, might not do it either and so certain tasks might never be done.

Such situations were often exacerbated during times of chronic stay-over. An 11-7 JSO, for instance, staying over on the 7-3 shift, might not want to take his assigned section to the gym because they were acting up, because he was angry about having to stay over, or for some other reason. A 3-11 JSO might come in early at 11AM and relieve the 11-7 JSO and likewise not want to take the section to gym. Then perhaps either the regular 3-11 JSO was too busy with showers, dinner, and then a program to go, or else a 7-3 JSO was forced to stay-over on the 3-11 shift and then the section was shut down early and all the juveniles put into their cells for the night so that 7-3 JSOs staying over could leave by 7 PM, which subsequently meant that the juveniles never went to the gym.

Conversely, if a certain type task was assigned to a specific shift, then JSOs from another shift could use this as a reason not to do a task. For instance, if a juvenile asked for new pants on the 7-3 shift because his were too big, the JSO could say that the 3-11 shift did the clothing and that the juvenile should tell his 3-11 staff. Similarly, if during the 11-7 shift a juvenile told the JSO that he hadn't gotten his medication for the night then the 11-7 JSO could rightly say that only during operational shifts could medications be given out. Thus, with certain duties assigned for each shift, or by falsely claiming that certain duties were assigned to a different shift, JSOs could avoid doing certain tasks. Though JSOs sometimes used this as a way to shirk additional work; at times the cracks created by one manager instructing JSO not to do certain tasks, and one manager not instructing JSO to do a certain task might sometimes eliminate an entire task through no fault of the JSOs.

JSOs were aware of these cracks in policy, and faced the decision whether to stick with policy and ignore a juveniles' predicament or to temporarily fix things by breaking the rules. If JSOs broke the rules this did not permanently solve the problem, but only functioned as a stop-

gap measure that simultaneously worked to keep the problem officially unresolved by preventing it from arriving at a point where it might erupt to spotlight attention. Also, juveniles became irate at JSOs who attempted to follow the rules, and on some occasions, physically threatened those JSOs with assault if they did not break the rules. All of these factors made their job frustrating because it forced JSOs either to break the rule to make thing right or not break the rule and perhaps 'punish' a juvenile for no fault of his own.

#### 6.1.1.1 Getting "Played"

Many JSO's operated with a suspicious mindset, often suspecting that a juvenile was lying to them, or, if given the opportunity, would lie to them. Many juveniles were aware of the cracks in policy and some took advantage of the inter-shift overlaps. In order to try and get an extra phone call, for instance, a juvenile might tell a JSO from a different shift that when making a phone call they had only gotten the answering machine, but their JSO had still marked that they had made contact, thus appealing to his charitable side to let them make a phone call to their parents. A juvenile might tell a JSO who came in early at 7PM that they had been on visitation when staff had passed out snacks and ask to get his now. At breakfast a juvenile might say that his tray hadn't come with sausage. A juvenile might complain to the staff that the previous JSO had been angry because he had to stay over, and had taken thirty points from him for talking in the hallway, even though he hadn't been the one talking. There were countless edges and angles upon which a juvenile could (and some did) exploit the goodwill and sympathy of JSOs. Sometimes their stories were correct and staff had marked 'contact' in their folders when he should have marked 'no contact' because the juvenile had just left a message on the answering machine; sometimes the juvenile had been on visitation when snacks were passed out; sometimes the trays were missing a sausage. Sometimes JSOs did abuse the point system and take points from juveniles without reason because they were pissed off at having to

stay over, because the section had been acting up, or for any of the ordinary factors that cause people to have bad days.

Sometimes, however, when staying over, I would listen to the juveniles' conversations and hear one or two of them talking about how they had fooled some JSO. Sometimes, after refusing to let a juvenile make a phone call because his folder was marked as having made contact, his friends would break into laughter and ridicule him for failing to pull one over me. Or sometimes, I would have seen the juvenile snatch the sausage out of his tray and pop it into his mouth moments before he announced with outrage that his tray didn't have everything. On other occasions though, I wouldn't see him do this and would be faced with the decision of whether to let him have another tray. If he had snuck the item then my giving him a new tray would only reinforce such behavior. If the tray had come without the item, then he'd be bitter and complain that he'd been "juiced." If I said no, guilty or not, most likely he'd still complain, act indignant, and demand to talk to a floorworker. This constant uncertainty about truth exacerbated the problems with the center's organization and led to a greater degree of frustration at work.

#### 6.2 A Tyrannical View of Management

The distinction between a body of government that rules *by law* as opposed to one that supports the rule *of law* is that legalism, or the rule of law, functions to restrain the power of those in control, while rule by law is the use of laws and restrictions as a managerial device by those in power to achieve their own goals. This distinction was apparent to JSOs as their hypercritical eyes were quick to spot the invention of new rules and the application of a double standard of rule enforcement for members of management.

JSOs believed that management would "make up rules as they go" in order to make changes that they deemed desirable or to be able to punish someone they wanted. They believed that administration used instances of rule infractions or the creation of ad hoc rule to

settle scores and strong-arm JSOs. Certain JSOs, who for instance had written formal grievances against certain members of administration, were forcibly moved to other centers, forced to change shifts, or otherwise harassed by the denial of leave requests or the nit-picky enforcement of rules and bogus rules.

The handbook of policy and procedure was not evenly applied; management did not always follow the policies that restricted its actions. At times members of management would skip steps in the progressive sanctions and punish someone sooner or more forcefully than the action merited according to official policy. JSOs complained that rules in the policy handbook that might be used to regulate members of management's own actions did not seem to be enforced. Supervisors, managers, and superintendents *were* written up and even fired—in fact they did so on a frequent basis—however, JSOs generally interpreted these instances as the effects of political maneuvering rather than as the direct results of not following policy [though there were notable exception to this]. Management's treatment of JSOs according to policy or their strict actions according to policy seemed to have little effect on their jobs. Rather, it seemed that because members of management were largely not directly interacting with juveniles their actions were not scrutinized. Because the eyes of the regulating agencies were focused on the treatment of juveniles and JSOs were the employees directly responsible for dealing with juveniles, the JSOs' actions were rigorously curtailed and monitored, while the actions of management went unwatched and unregulated when it came to matters dealing with JSOs.

#### *6.2.1. System of Control*

Administration took a punitive approach to ensuring control over JSOs and enforcing policies and procedures. The policy handbook outlined progressive sanctions for infractions of the rules, which, depending on the severity of the infraction, escalated from oral warning to written warning, to leave without pay, and finally to termination. The policy handbook identified

each infraction and, if applicable, specified how many times a rule could be broken before progressing to the next sanction.

One result of this stress on punishment for breaking a rule in order to forefend legal intervention from regulating agencies was that supervisors and managers spend a great deal of time searching for and writing up people who were breaking the rules, and largely ignored those JSOs who were doing things right. A JSO might be promptly written up for being late to work, but those JSOs who were never late for work rarely received any notice, except for a (somewhat) annual certificate at the Christmas dinner. Additionally for some months and some years an employee of the month and an employee of the year were selected, however, except for these instances a JSO might go years without being told that he was doing something right and only approached when he did something wrong.

#### *6.2.2. A Self Serving Management*

Many JSOs, who had been at the center for a while, generally operated under the assumption that management would take advantage of them if presented the opportunity. Though this idea had been in place in 2004, perhaps the most prevalent example of this during the time of research in 2010 was that since 2008 management was able to maneuver through technical and legal barriers to avoid paying JSOs for overtime work. To make this work, management forced JSOs to take time off when their federal comp hours were beginning to near 240. It did not prioritize when JSOs wished to take off or whether JSOs wanted to take off. Often, JSOs, knew that their comp hours were high, and so would request off a certain week; management might decline their leave request, however, and then perhaps with little warning force them to take off the week after the dates that they wanted. In addition, commonly a JSO would come into work and be told that he had to go home so as to burn his hours, despite the fact that the JSO often preferred to stay, since he had already driven to work, and, if on the 11-7 shift, had already slept most of the day.

JSOs were allowed a fixed number of vacation hours to build up—160 or 200 depending on the number of years they had worked at the center. These accrued in 3.08 hour increments each pay period. After reaching the cut-off point of 160 or 200 hours, however, the additional 3.08 hours simply disappeared. Subsequently, JSOs would try to take off vacation days before they maxed out; commonly though, their manager refused to let them take off. Thus, each pay check they lost the hours that they believed they had rightfully earned, leading to bitterness at this theft of their hours.

Commonly, pay checks and the number of vacation and comp hours were wrong; comp and vacation hours would disappear and JSOs wouldn't be paid their bonus for working holidays. These mistakes were often interpreted as a vast conspiracy to rob JSOs of hour by reducing their number of comp hours. JSOs often said that management "stole" their hours. So prevalent was this idea that when the county changed computer systems and immediately the statement of JSOs' hours were incorrectly reduced, administration sent out a notice specifically stating that it was not "a vast conspiracy to solve the budget crisis." This did not dissuade everyone, and later that night I heard a JSO state that the county commissioner "wants that money." According to this JSO, the county commissioner was using the pretext of the computer change to doctor their hours. This JSO encourage other JSOs to quickly print of statements for the two weeks prior to the computer change in order to later verify that the county did correctly add the proper number of hours to the JSOs credit. Many JSOs, including myself, heeded this advice.

Such actions, which often seemed to disregard what JSOs considered fair or just, forced many JSOs to realize that if they were complacent about their treatment at the center then management would keep taking advantage of them. If they did not actively check their pay checks and call mistakes to management's attention, then discrepancies would never be fixed. If they did not threaten to call 'downtown' so that they could get a day off to use their vacation



time, then often it would keep disappearing from each pay check. If they did not fight for their days off then they might always be forced off when they didn't want to be off. No one else was there to look after the JSOs—all eyes were on the juveniles—and so JSOs believed that the burden to look after themselves fell on each individual JSO.

### 6.3 Changes and Authority

The system of management was systematized and often seen as an unwieldy entity that plodded on its course with little response to action or need. Those people who made the big decisions and enacted mandatory rules were often unknown—whether because of time, physical distance, or bureaucratic ambiguity. If a JSO wanted to change some aspect of the rules in order to fix a particular glitch, he did not possess the power to do so. Often his or her direct superior did not possess the authority, and neither did the person directly above them. Commonly, those people holding such authority were referred to vaguely as 'they' or 'them', a phrase which at times might mean management at all levels, including local supervisors, and at other times simply referred to the faceless amalgam above middle management.

Individuals who attempted personally to fix any unintended consequences of the system often ran the risk of being punished for breaking the rules. Alternatively, those who attempted to voice those problems through the proper channels—whether through written suggestion letters, orally at staff meetings, or in one-on-one discussions with superiors—most often found that their criticism or suggestion went unheeded, entering the frustrating phantasmagoric realm of modern bureaucracy that Kafka strove with such tenacity to portray. When some JSOs in frustration pleaded for changes, I often heard other JSOs laugh pessimistically and quote the stoic phrase, "You know this place: ain't nothing gonna change around here"—something that usually turned out to be an accurate prognostication. Conversely, when things did change they often happened suddenly and without warning: most often JSOs were not even formally told

that a change in policy had occurred until days and week later; JSOs generally only heard of these changes through word of mouth from other JSOs.

#### 6.4 “Using” JSOs

JSO who had worked at the center for a while did not see any particular benefit to learning new skills or working extra hard in terms of advancement since it did not seem to give them any particular edge. Those JSOs who did not know how to work any extra positions rose through the ranks just as quickly as those JSOs who could work multiple positions, and lazy JSOs seemed to advance without any noticeable impediment. Indeed, one JSO who I personally thought was a particularly hard worker, who showed great initiative by going beyond what the position required, and who could work in most areas of the center was never selected to be interviewed for advancement, even though this JSO had applied several times. Most often JSOs said that management’s decisions for advancement were arbitrary and based upon favoritism—management advanced who they wanted to be advanced. In fact, many JSOs often joked that management only advanced to supervisors those JSOs who were idiots, since these were the ones who could more easily be controlled: JSOs sometimes used this to explain the backwardness that they often attributed to management. A few other JSOs mentioned that in the past they had also worked multiple positions and worked hard at them, but similar rejections in advancement had embittered them to the point that they had asked to work only in sections and complained whenever put elsewhere. Many 11-7 JSOs, particularly those who had worked at the center for a year or more, said that they just wished to be left alone in a section, where they could just check doors and not be bothered.

##### *6.4.1. Wising Up*

Supervisors often tended to find the people who were willing to work hard and to have them man the positions that required initiative and self motivation. Those JSOs who were inclined to slack off were generally not put on tasks or in areas that required a hard worker, but

were given other and often easier assignments. One example of this occurred on the night shift during a time when the shift was fully staffed. At that time, a position was created for one person to help all other staff with their paperwork. No one before had particularly liked doing the paperwork, so now the position in which one JSO solely did most of the paperwork became particularly odious. Many of the JSOs stationed in sections liked this because now they didn't have to do as much work; however, the paperwork still needed to be completed by around 2:00 A.M., so JSOs scheduled to work in the sections would wait until as late as possible hoping that the 'paperwork person' would come to their section. Eventually, if the paperwork person did not appear, with some reluctance they would begin on their paperwork, though some people refused to do it and would call the supervisor's office telling them to send the paperwork person to their section.

As a result, when JSOs were assigned to do paperwork, some would only do the few sections manned by JSOs who were unwilling to do the work and would 'hide-out' until around 2:00 A.M. when the work was completed. To prevent this, the managers and supervisors began scheduling the people who actually made an effort to do the paperwork; thus, hardworking JSOs were sometimes scheduled several times each week to do the worst job. Often, if a 'lazy' person was scheduled that night to be the paperwork person, supervisors would pull the hardworking JSO from his or her assigned section and make him or her do the paperwork, giving the other JSO the preferred job in the section. Subsequently, those staff members constantly made to do paperwork became disheartened and less willing to show initiative, as in essence they were being punished for being willing to work, while the others were being rewarded for their unwillingness to work hard. Many of those hardworking JSOs learned from this lesson and relaxed their work ethics.

Situations where other JSOs took advantage of hardworking JSOs occurred on the other shifts, as well. Floorworkers, by not responding to radio calls or by purposefully being

elsewhere when something needed to be done, could shirk their share of responsibilities by having other floorworkers do their job or could simply leave a job undone. Other JSOs were usually aware that someone was shirking their duty or doing less work, and often grew to resent this feeling of being used by their peers.

#### *6.4.2 Attitudes toward Learning New Skills*

Many JSOs expressed little incentive to learn the additional skills that might enable them to work in areas other than a normal section. Those 11-7 JSOs who knew how to work in multiple areas, such as intake, central control, or as a floorworker, were often pulled suddenly from their section and told to report to a different area. Occasionally, supervisors might move a JSO around several times in one night. Generally, working in these areas meant that a JSO would have more duties and more work to do. Often, JSOs would have just finished doing all their paperwork in a section, when a supervisor would call and tell them that another JSO was going to relieve them so that they could go work either in intake, central control, or as a floorworker, which entailed starting afresh on a new set of tasks, something which had the tendency to deeply irritate JSOs.

JSOs sometimes told supervisors that they didn't know how to work in an area or that they had never been trained to avoid being scheduled in certain areas or in certain positions such as in intake or as a floorworker, so that they wouldn't be put there. Generally at night, supervisors would schedule the same people to work those areas, but occasionally if someone was absent or scheduled off the manager would schedule someone unfamiliar into those slots.

On a few occasions, after a JSO had professed ignorance of knowing how to work a particular area, the supervisor would ask him or her if they wanted to train that night. I never heard a JSO say that they were willing, but all declined. Generally, only when JSOs were not given an option but were told to train in an area did people who had been at the center for some years learn how to work in more areas. New JSOs, however, were still compliant and thought

that knowing more skills was important, and so would learn new skills in new areas without complaint, and sometimes even with eagerness, perhaps since they thought that this would help them advance.

With respect to performance reviews, several JSOs and one supervisor told me that years before supervisors and managers had been instructed not to give out many marks other than satisfactory or meets requirement. The reasoning behind this was that raises were performance based; subsequently if an employee's folder did not show great marks then the center would not have to increase their salary when such raises were voted upon by the city council. Whether this was true or not (and not all JSOs had heard of this), supervisors were quite stingy in giving out good marks. Many JSOs who had solid work ethics were given the same markings as those JSOs who did not work as hard. For this reason most JSOs did not see any point in performance reviews, and perhaps some did not see the point in working hard.

#### 6.5 Conclusion

When many new JSOs were first hired at the center, they initially went through a week long orientation that subjected them to sensational stories of prisoner violence that put them on management's side and made them apt to agree with their rules and policies. Management and structure were seen as their friends, and juveniles and older JSOs were portrayed as enticers that would lead them astray from following proper procedure.

It was not until a trainee was actually immersed in the working practices and informal rules of the detention work—the day to day realities—that, if unfamiliar with detention work, he discovered that being a detention officer was not a series of highlight reels, but was often a monotonous series of domestic scenes. These newly trained officers began with the opinion that their greatest source of conflict and stress would come from the juveniles first, other JSOs second, and from management last. As they worked longer at the detention center, however,

often, particularly if the JSO was full-time, the order of management and juveniles completely reversed.

D. M. Britton (2003), in a study of Texas prisons as gendered organizations, reported that correctional officers were more likely to have problems with co-workers and supervisors than with prisoners. While perhaps this seems surprising, I believe that one explanation for this phenomenon is because it does come as a surprise. As one JSO told me, "What management does affects me personally." Though JSOs might be lied to, cursed at, spit on, or even attacked by juveniles, they largely did not take this as a personal act: such hazards were part of the job description and they had been trained and conditioned to fight the natural inclination to become angry or to bear a grudge. Their job required them to forgive and forget. JSOs knew people who had allowed themselves to be provoked by juveniles, who often then had acted rashly and were fired. JSOs were not, however, trained and conditioned for finding that management had misled them about the extent of the staying over in their interview, treated them with seemingly little regard, had seemingly abandoned them to sorting out how to do their job when staying over, and, as was widely believed, was 'using' them for their own benefit. Though taught to keep a firm control on emotion when dealing with youth, things felt different for JSOs when slighted or used by members of management, people who JSOs thought would be their allies against juveniles.

Much of the interaction that JSOs had with management came through unwanted intrusion into their sections, dubious policy changes, and forms of discipline. Managerial tactics and policies seemed only to add difficulty to JSOs' jobs, while policy changes seemed pointless and addressed issues that didn't need to be changed. Discipline was often unpredictable and the double standards of rule accountability were irritating. JSOs saw management as the source of most of their problems and vented their frustration at them rather than at any of the other two groups at the center. Management did not reward those workers who did work hard or showed

incentive; rather it just worked them harder and 'used' them until those JSOs saw the pointlessness of working hard. Subsequently, those JSOs who at been at the center for some time did not believe that management was effective or creditable; both as a pragmatic realization and and as a form of resistance, many JSOs were unwilling to do more work than necessary.

## CHAPTER 7

### “ALL I CAN SAY IS DON’T GET LOCKED UP’: CUSTODIAL CONVERGENCE

In correctional literature officers have typically been described as having some form of punitive, rehabilitative, or custodial mindset. When beginning this project I did not specifically approach research with the idea of finding these three categories as I wanted to remain open to attitudes as they actually were, rather than as preconceived notions. However, as work progressed I did find that officers possessed many traits that did resemble these attitudes and as I wrote about the center I became aware that many JSOs who started out with either a punitive or rehabilitative mindset were gradually sliding toward a custodial mindset. Intrigued by this I decided to group the varying attitudes into these three categories. In order to retain a somewhat objective process for determining where JSOs would be placed, I subjected JSOs to two sets of criteria: 1) those JSOs who enforced rules and those who didn’t enforce rules and 2) those JSOs who worked hard and those who only did as much as was required.

When viewing the divisions made by these two sets of criteria, three groups of JSOs became apparent: those JSOs that strictly enforced rules and worked hard, those JSOs who didn’t enforce rules and who worked hard, and those JSOs who didn’t strictly enforce rules and who didn’t work hard. Of these groups, the first two with JSOs who worked hard both had characteristics that resembled the punitive and rehabilitative attitudes. While officers who fit into these groups cannot be said to have always strictly adhered to such categorical values, many of their actions were close enough to the stereotypical beliefs to be more than just coincidence. The third category of JSOs, those who didn’t work hard and who didn’t strictly enforce the rules, most closely resembled the custodial attitude.

After deciding to divide JSOs into these categories, I separated JSOs into their groups and chose an officer to interview from each respective group. In maintaining the decision to



choose the interviewees rather than employing some form of random selection, I realized that those members I chose might not represent the median voice of their group, but placated myself with the idea that at the least they would give a general notion of the characteristic beliefs that I thought different and relevant enough to warrant the fabrication of three separate categories. For the custodial category I interviewed three JSOs both because this group was by far the largest and because I saw this group as being the most divergent in regards to their actions.

In this chapter I will showcase officers from these three categories to show the change in attitude that often occurred in JSOs after working at the center for some time. I will argue that the pressure brought on by bureaucracy, liability, and the stay-over list caused many JSOs to shift their approach to work. Though JSOs might have begun work with rehabilitative or punitive ideas, commonly these JSOs shifted their methods of work either permanently or temporarily toward a custodial approach.

#### 7.1 Rehabilitative Officer: Jones

Officer Jones fit into the category of those officers who worked hard and who didn't strictly enforce rules. There were several officers like him and I primarily chose him because I knew him better than the other JSOs and so thought that the rapport might facilitate a candid interview. Jones had worked a little under a year as a full-time officer at the detention center as a full-time officer, but had also worked for many years before at residential treatment centers, so was not new to the business. He brought a hard-working ethic and a positive attitude to the workplace. I initially placed him in the rehabilitative group because of the language he used when he spoke of working with juveniles, the way he interacted with juveniles, and because his attitude at work and for doing work remained consistently positive throughout his tenure.

Jones said that he had not originally gone to college for the purpose of working in criminal justice or with delinquent juveniles; however he felt that he had a calling to work with

this type of juvenile. He liked the connection he made with them and thought that he could perhaps help them sort out a plan for their future.

“I mean we’re not counselors or psychologists, but because we’re working with them daily they’re going to open up more with us. You can pass on things that happened to you and let them know that other people are going through their same situation.”

During detention he believed that officers were in the position to impart wisdom and guidance as juveniles were in an emotional and receptive period of their lives:

“They [juveniles] want someone to talk with, to listen. Things that we’ve all done that these kids are trying to work through right now. I tell the kids that I’ve done all the same things....I like the connection I make. It’s why I do it. I tell them that I’ve know a lot of the stuff ya’ll have done because maybe I’ve done something similar. I can give you some guidance or help you map some stuff out.”

While Jones was not necessarily a strong advocate of detention he did believe in making the most of the situation. He thought that this period afforded certain possibilities for connecting with and impacting the lives of juveniles. By co-experiencing a troubled and pivotal time in juveniles’ lives, JSOs were positioned to be sought out by juveniles as a valid source of advice; thus giving them some amount of influence over the juvenile’s future. A main part of his message to juveniles was that things weren’t over. Even though they were locked up now, they still had the opportunity to make something of themselves. What they needed to do was to get themselves mentally ready so that if an opportunity did come for them to break out of their lifestyle, they would be able to realize it and take advantage of it. After describing some of the mistakes that he had made and the repercussions they had had on his life, he would then outline certain steps that the juveniles could follow to avoid similar pitfalls. After recounting this to them, he said that he could “see them processing the information”, and hopefully using it to inform their future activities.

Jones did not place great emphasis on the level system and on taking points from juveniles to ensure that they complied with the rules. As he told the juveniles, he was there “to

help you, help yourself.” He was “not [t]here to just boss...[them]...around” or “to take points.” He believed that he could control the juveniles by being the adult in the situation and using what his adult perspective had taught him about human nature and about treating other people with respect. For instance, he did not talk down to the juveniles or treat them as criminals, as he said juveniles often complained other JSOs did. This news spread among the juveniles and “any pod that...[he went]...into, there [wa]s already a lot of respect, just because of the way that...[he]...talk[ed] to them.”

He did not think that continuously harping on the rules and holding juveniles strictly accountable for following them was particularly conducive to a positive environment. He preferred to redirect juveniles until they followed the rules. This might take several times, but by not always taking points it made the juveniles appreciative, and in gratitude they would in turn conduct themselves better. As well, Jones thought that being a stickler for taking points and following the rules might make a juvenile view a JSO as uncompassionate and be less willing to open up and trust a JSO.

When I asked him whether his emphasis on therapeutic treatment was normal amongst JSOs, he said that there were some other JSOs like him but overall there was less emphasis on treatment. I asked him about his training at this detention center and whether management emphasized safety and security or rehabilitation.

“[M]ost of the trainers were just talking about safety and security. Make sure to listen to their conversations, listen for suicide, for attacks, escapes, etc. But I didn’t hear much about having conversations with these kids. You’re not a mother or brother, but you’re kind of a therapist. Psychologists say we are a first line. Maybe we can cut them off before they get to the psychologists...But I’ve done all this so long. I’ve got my own style and I’m gonna do what I’m gonna do.”

Jones’ assertion that management did not push him toward a therapeutic approach, but that he had acquired his own style of work at previous centers echoed the words of another rehabilitative officer, who, in a time of heavy stay-over, told me that he was sorry new JSOs

were learning the trade in the atmosphere of this detention center the atmosphere of this center. "I've got years of experience to fall back on" he had said, "If I was just starting out here, I wouldn't know anything about how to work with juveniles."

Jones was also beginning to experience some frustration with management. Although he was not one of the JSOs who complained at work—in fact I had never heard him complain before—the double standard of rule enforcement and the unwillingness of management to answer questions because they did not want to be held liable for giving incorrect instructions was beginning to bother him:

"My deal is this, if you require us to be somewhere and do something according to certain rules, then I expect you to also do your job and to follow those rules...It's crazy you can ask a supervisor or a manager a question and they won't have an answer. They just say, "uhhh I'll have to get back to you on that.""

In addition to a lack of clear instructions and the distribution of information, Jones mentioned that this was the most disorganized center he had worked at before. He was less explicit in criticizing the stay-over list (perhaps because at the time of my interviewing him the stay-over had slackened off for several months) but he did mention the problem it caused with its lack of predictability, although like other JSOs he could see its benefits in that he could sometimes use the comp-time for additional days off throughout the month.

"I wouldn't say it was a problem but the lack of communication [is disturbing]. I don't know whether it's from upper management or where, but stuff is not being passed on like you would think. And I'm not used to staying over. And with comp time it's my first exposure...It's just the not knowing whether you're going to stay that day or not. My other job is flexible, so it's alright. But I can't plan anything. I'm the kind of person who likes to have my day mapped out. I like the comp time. I would like it more though, if we could use it when we wanted. But it has its benefits."

Many officers joined the center with similar beliefs to those of JSO Jones. Like him they wished to help juveniles escape from their life choices. Many of these officers, however, did not have the experience and perhaps drive that Jones had in handling and managing juveniles.

Subsequently, they learned their techniques from other officers at the center while simultaneously experiencing the many pressures that I have described and frustrations that I have above described.

### 7.2 Punitive Officer: Turnock

Turnock fit into the category of those officers who worked hard and who strictly enforced rules. The group of officers who strictly fit into this category was small in number. Turnock had worked more than five years at the detention center and brought a focused determination to the workplace, showing a clear dedication to his work that went beyond what was merely necessary. This focus, in combination with his length of tenure, contrasted with that of many of his coworkers who often did not hold themselves to his standards. His dedication to work, though similar to the rehabilitative Jones, manifested itself in a different way. Rather than stress counseling and making connections with juveniles, Turnock enforced the rules of the center strictly, often going to great lengths to see that juveniles in his section knew the rules, conducted themselves accordingly, and were held accountable for any transgressions.

Turnock explained that when he ran a section his goal was to establish a mutual respect between himself and the juveniles. He constantly monitored the section, watched what the juveniles were doing, and listened to their conversations. In doing so, he tried “to give them the illusion that...[he saw]...everything that [wa]s going on in the section.” By being accurate “17 out of 20 times” when juveniles broke the rules, this made them less likely to try and break the rules, even if they thought they could get away with it: the consequences just weren’t worth it.

Turnock treated their foibles harshly by coming down hard on juveniles who broke the rules, thus giving juveniles the impression that he would not “think twice about destroying their levels.” In this way he thought that a type of mutual respect could be achieved. For instance, at meals there was sometimes an item of food that a certain juvenile did not want and would leave on his plate. At these times, another juvenile might try to ‘steal’ the time by sneaking it without

the JSO seeing (juveniles were not allowed to trade food). By having created the illusion that he saw everything, Turnock said that often, even if his back was turned, a juvenile who wanted the food would raise his hand and ask permission. For Turnock, this showed mutual respect and self-control. Whether he allowed the kid to have the piece of food depended on how well the kid had been behaving that day. Eventually the juveniles would come to realize that their chances of being rewarded depended on their prior behavior.

As the juveniles became familiar with his style, though initially they might view it as abrasive and heartless, Turnock said that they came to appreciate it. His style presented them with a clear outline of what they needed to do in order to advance their level. "Out in the free," he said, "there's direct repercussions that fall on you. These kids need to learn the consequences that their actions have." He said that sometimes juveniles would come to him saying that before coming to his section they had heard he was "hard" and that he didn't want "kids to make it," but after being in his section the juvenile realized that it wasn't so difficult.

Turnock said that he tried to be fair and unbiased toward all juveniles and treat them all similarly. Occasionally though, he would see a juvenile that reminded him of himself at that age, which made him wish that he could tell that juvenile how to make better decisions or correct choices. However, he knew he couldn't make their decisions for them. With these individuals he was often even stricter than with other juveniles. His hope, as with all juveniles, was to help them internalize some form of structure, order, and self-discipline. Often, he thought, these juvenile had not come into contact with someone who consistently held them accountable, perhaps their families still spoiled them even though they were in trouble with the law or perhaps their parents were dope-heads and never around. By momentarily at least filling the void, the juveniles would have the memory and experience of structure and consistent accountability to fall back on when they were outside the detention center. Though not all juveniles might have developed the self-control to maintain the rigor of self-discipline without the

immediate feedback from a JSO watching their every move, Turnock thought that some would be able to take something from his section and apply it to their future lives.

### 7.3 Custodial Officers

The officers that I chose to interview for this category fit into the criteria of those who did not work hard and who did not strictly enforce the rules. In my estimation this group easily held the largest number of JSOs at the detention center. These officers showed ambivalence and inconsistency in their rhetoric and practice, sometimes alternating between aspects that defined the rehabilitative and punitive groups, but often employing practices that sought an uneasy middle ground.

Like the rehabilitative Jones this group often showed a certain laxness with the rules,—at least never as strictly enforcing them as did members of the punitive officers—but would on occasion harshly enforce them according to their particular personal style. While Jones and Turnock above showed dedication to their work, often going beyond what was required by counseling extensively or showing great attention to ensure that a juvenile was consistently held accountable for all his actions, these custodial officers showed less zeal and often only did what was required.

For this category I interviewed JSOs who had worked at the center for anywhere from five to one years. Similar to the language of the punitive Turnock, all three members of this group cited the need for juveniles to learn the consequences of their behavior. Members spoke of this as if it were a panacea for solving the problems of juvenile delinquency and recidivism: if juveniles could be made to understand that their actions have consequences, then they would follow society's rules. "You have to show them that there are consequences. They have to see that. So even when they get out of here, they'll realize it."

Like the Turnock these JSOs spoke of the Level System as their means of implanting this realization of consequences. Unlike Turnock however, their actions were less consistent.

They often failed to define clearly their basis for enforcing rules or, if they did define it, to stick consistently with what they said. The amounts they took and often whether they took points varied from day to day and sometimes from juvenile to juvenile. These JSOs did not monitor a section as closely as their more vigilant counterparts; they were more apt to allow smaller infractions to 'slide' without verbally acknowledging that they had seen the infraction. Particularly the 11-7 member of this group explained that when he stayed over he often threatened to take juveniles' points, but in the end usually didn't.

"No, I don't take a lot of points. Ok, I have pet peeves that I'll hit em up for. Like not getting out of bed on time. I'll take 25 points, just because I think they should be up. I don't care if they don't want to brush their teeth, but I expect them to be up and have their bed made up. At others times though, I tell them that I'm gonna take their points, but don't really. Unless they do something crazy. Then I'll hit em up for real or put them on RAP."

Like the other officers, these JSOs believed that the detention center's administration prioritized safety and security over other considerations. However, unlike the other officers these officers were often content just to make sure that this safety and security was maintained and that the "kids don't kill each other."

"Naw, I don't think over here they worry about rehabilitation here. Here it's just safety and security. Maybe when they go to placement."

"There are very little therapeutic services offered here. There are very little services beyond that mandated for the courts such as psychological or chemical assessment. It's completely safety and security. Well, unless a kid really acts up then their sent to special needs unit and given a little more attention since they've demonstrated a clear need."

"They're not here to be rehabilitated...They get rehabilitated later. Because every kid is innocent here at this point. Even at placement they're just looking to do their time and get out, from what I hear. We do it here but not as much. Less on rehabilitation. These kids aren't looking to be rehabilitated. They aren't willing to work on it. They're scared because they're in limbo. Home or 12 months. That's why you can get them to sort of semi-act decent. But they're not willing to sit down and have a group discussion where they're all interested. I've never heard them [management] say rehabilitation. Have you?"



These officers, however, said that management did not give clear instructions on how to maintain this safety and security or else constantly changed the policy on how things were supposed to be handled. Mostly officers were expected to figure things out for themselves and do what worked best for them. In such an atmosphere the formal structure and enforcement of the rules varied from section to section, and often, even within a single section, it varied according to the shift, as each officer ran and handled his section differently. One officer spoke about this when discussing his initial concept of what detention work would be like:

“When you think of jail you think structure. I though like what you see on TV. I figured I would be in a pod. Not so much...I thought there would be smaller numbers. I don't know. I thought maybe I would influence them. Or control them. I didn't know these kids are out of control and the supervisors don't support you. It's not structured. You do one thing one day and then the next day they tell you to do something different. It's up to you to figure out how to run it [a section]. Staff do it their own way.”

Like the more rehabilitative officers these custodial JSOs did claim to sporadically counsel with juveniles by offering advice on life skills, social skills, and peer interactions. Upon further inquiry, however, many of these JSOs divulged that the topics of their counseling were mostly about detention issues; while pertinent to security issues or to instilling an understanding of consequences, the emphasis was on the immediate rather than upon how this could be applied to future issues once the juvenile was out of the center.

“Most just want to talk about their court or talk about their P.O. [parole officer]. I should add that those are rare occurrences when I talk about life skills. Mostly we talk about what they want to talk about.”

“[I counsel]...more about as far as a right decision as far as a wrong decision. Really most is about peer interaction. Just to try and keep them in line and from fighting. Because all these kids did something to be in here, there's a lot of peer pressure in here to not listen to officers or break a rule.”

These custodial JSOs spoke of management often during these interviews and had few complementary things to say. When I asked them what their main problems at the detention center were, they answered aggressively:

“Incompetence with supervisors. Incompetence with managers...Turnover. Not getting time off. They want you to do everything by policy, but not them... They operate on threats and scare tactics...They don't follow policy. They threaten you with stuff. They'll just threaten though, but not do because they know they can't really do it. They're just like a bully, and they don't think you'll do anything... And then they promote people that shouldn't be promoted, because they're buddies.”

“They're [others] so far removed from working with kids. Like you think that would never work... They say they've worked in the back but maybe they have but they haven't worked there in so long. So they don't really know. They kinda just go by policy. You can't just go by that. It's frustrating because they act like they can work a section. But it's like, yeah, you tell me how to do that and watch twelve kids at the same time. Where are they coming from?”

“[when staying over] It seems like the supervisors will put you in a bad section on purpose. On our shift we put guys staying over in honors [meaning they have an easier time]. But when we stay over they put us in the bad sections with all the horrible kids—the sections that their own guys don't want. Why don't the supervisors put fresh people in them? That only makes sense...their people are here at the beginning of their shift, but we've already worked eight.”

For these officers, the main problems at work were issues that dealt with management. They envisioned work as primarily a battle between them and management. The conversations they normally engaged in with other coworkers were rife with illusions to the managing practices of management and less with issues that dealt with juveniles. During complaining conversations their hyper-critical tongues picked apart management and alleged incompetence, bullying, impracticality, and favoritism. Their view of work was shaped by these issues and subsequently their actions often followed suit.

#### 7.4 The Movement toward the Custodial Mindset

The notion of categories often gives the impression of formidable constants in which certain traits bind members within their respective place. In reality, members often display traits from several categories and attempting to fit an individual within the framework of any particular category can at best be considered a rough generalization, and at worst, the pounding of information with poker and bat into a particular category and then the jumping and stamping upon the lid. For such reasons I left the criteria for determining categories open without a great

amount of constraints in order to help create some order by suggesting a certain manner of viewing officers.

I believe that the notion of transitional categories, where officers do not necessarily remain fixed in one particular category but shift from one category to the next throughout their correctional career can be useful for imagining the eventual deposition of officers into a particular category, both because the visual imagery facilitates an easy grasping of the concept and because it loosely models a way that JSOs described—and perhaps envisioned—the journey from dedicated worker to unmotivated salary earner. If one were to draw a line of correctional attitudes then typically rehabilitative attitudes and punitive attitudes would be placed on opposing ends and somewhere in between these two outliers would be placed the custodial attitude. I posit, however, that the attitudes at this detention center on both opposing ends of the spectrum were continuously shifting toward the custodial center. If in this picture, as I did with Turnock and Jones, one replaces these categorical attitudes with specific officers from the detention center, then one must remember that it is a picture and that the action is stopped in midstride. When the shutter speed is slowed and time is added to the picture, movement is introduced. Attitudes are no longer locked in sharp profile, but become blurred streaks plodding forward. Officers are no longer trapped in fixed categories, but, as their time at the center progresses, their sharply profiled beliefs and rigid actions become blurred, crossing perhaps from one category into the next. Most commonly, this movement is directed from the outer edges toward the custodial interior.

This movement resulted from the several factors that I earlier introduced: liability, the stay-over list, and bureaucracy. As these factors acted upon administration, fellow JSOs, and juveniles they additionally created further difficulty to JSOs' work. From their interaction with juveniles, JSOs mentioned the frustration of having their kindness taken advantage of through manipulation; of juveniles constantly arguing about their rights; of having juveniles play staff

against each other; and of juveniles being able to act out with seemingly little consequences. From their interaction with other officers, JSOs mentioned the frustration of having to stay-over because someone called in; of having some officer receiving special favors from management; of having some officers take advantage of each other; and of having some officers shirk their duties. From administration JSOs mentioned the frustration of double standards, where JSOs were expected to comply with policy, but management did not feel similarly obligated; of being forced to work overtime constantly; of not getting days off when requested, or of being forced to burn their hours when it was convenient for management; of members of management bullying them and treating them inferiorly and disrespectfully; of having management not always communicate information to them; and of certain members of management being incompetent. Over time this combination of frustrations built up. One JSO, who I placed in the custodial category, explained how it affected new staff.

“You come in all motivated and thinking you’re going to help somebody...I remember when I first came in, I would work hard. You try to be a good staff, but then after a while you see that management doesn’t notice—that they don’t care...You just stop caring. It’s not so much the kids—I mean yeah, this job is not for everyone...It’s a combination of job and everything...It’s kids treating you like shit. Management treating you like shit.”

Personal characteristics, the amount of time stayed over that week or that day, and perhaps previous experience determined where an officer ended up on the line, but there was a definite push toward the interior that often intensified the longer an officer worked at the center. When experienced JSOs spoke of new JSOs and their initial energetic efforts, they often said something like, “He’ll figure out what’s up soon enough.” As one JSO explained about JSO orientation, “They [trainers] go over policy with you, but some policy doesn’t really function here...you figure it out as you go.” Another JSO explained further: “When these guys go through training, it’s like they’re being trained for some other place. When they get back here it’s a whole

other world. It's not until they actually get experience that they actually find out what it's really like."

New JSOs might come to the center expecting that the juveniles would be wild and unruly, but that they would be supported by a coordinated effort from management and fellow JSOs. Upon entry they found that the teams were not always so categorically split, and that things did not run as smoothly as described, but often seemed disjointed and at odds. Supervisors and managers gave conflicting directions, different shifts had different instructions, and different JSOs ran their sections differently and stressed different rules. Certain policies did not seem applicable or functional because of time, physical environment, unwillingness of juveniles, or simply because other JSOs did not follow or enforce them. A type of structure did exist: juveniles walked through the halls with their hands behind their backs, they went to school, went to gym, and went to court. Fights weren't overly common and juveniles weren't abused. The method of ensuring this compliance, however, was ad hoc and often slipshod.

Hidden beneath this ability to continue functioning, was a great weariness that crept gradually into the minds and actions of the staff who worked there. It sometimes bubbled over in anger,—in momentary flashes of irritation or in pained litanies of abuse—but most commonly it manifested itself in a general despondency; an unwillingness to do more than absolutely necessary; a desire to put off activities until later; a cynical way of viewing juveniles, JSOs, and management; a constant feeling of victimization; and above all a vague hatred of the place. New employees were often oblivious to this. They came into the center willing to work, wanting to impress. Their most immediate concern was often to learn how to establish and maintain safety, security, and some amount of order. Once they acquired a general idea of how to do this, they were in a better position to tweak the direction of their effort toward either a punitive or a rehabilitative approach according to their personal philosophy—the center's formal instructions did not push them squarely in any direction, though its placing of responsibility on

them to maintain safety and security did nudge them in the direction of enforcing the rules. Some JSOs perhaps, with less a calling or drive, were content to remain at the level of simply maintaining safety and security; gradually they learned how to do this with the least amount of stress. Others though, tried to work hard and go beyond just what was critically necessary.

After this initial rebound however, the direction a JSO took was often a slide backward toward the custodial center of the line. The combination of pressures that I have described did not push JSOs toward doing more than was absolutely required, the scrutiny over juvenile rights concerning safety and security, the constant negativity, administration's double standards about following policy, the feeling of being unappreciated, the frequent unpaid overtime work, and the nefarious behind the scene political maneuverings of administration made JSOs suspicious and resentful. This resentment built up over time into a latent rage that manifested itself in the passive aggressive response of resenting everything that management told them to do.

JSOs complied with basic detention directives, giving the semblance of function, but with an attitude of just 'getting by' that manifested itself in a laxity for more specific rules. Some of the JSOs expressed the idea that many of the rules were created by people who had either never been on the detention side or else had been gone so long that they had forgotten what it was like. JSOs treated these rules with disdain and felt little compunction about following them unless supervisors were nearby. Similarly, some JSOs did not always feel obligated to enforce the rules if the juvenile wasn't hurting anything or if it would cause more trouble to reprimand him. Many juveniles were normalized to the routine of not always to follow the rules strictly, for finding ways of getting their points back, or being able to work deals with certain JSOs; subsequently, when encountering a JSOs who wished to have juveniles strictly follow the rules or to counsel more, some of the juveniles would openly rebel against the expectation that they do or follow rules strictly, or else they would use the opportunity of a 'friendly,' 'soft,' or 'scared' JSO to avoid following the rules. Both scenarios could make a JSO look bad and threaten their

job security. The more incidents that occurred on a JSOs' watch, the more likely that he might handle one wrong and lose his job, or else might make management watch him closer and look for something that he did wrong in order to "get him out of the building." Often, it became easier and even more prudent to let juveniles get away with breaking some of the more minor rules, as long as the JSO could control them on the more important issues. This however, resulted in a system of governance that did not distribute punishment equally or hold individuals similarly accountable for the same deeds. It also led to a situation where JSOs were more inclined to let juveniles sit and watch TV than do other activities, such as group discussions.

This sliding toward a custodial mentality of action was not always immediate with many JSOs. It was a lonely Promethean task to try to instill in juveniles a respect for rules and an understanding of consequences, when not only were many of the juveniles resistant but many coworkers and supervisors daily undermined that effort. An environment that seemed aggravatingly to lack coordination, where punishment often seemed personal and politically motivated, where priorities seemed alternatively driven at times by goals of safety and security and at other times by budgetary concerns, where people had neither respect nor trust in management's decisions, and where management did not seem to concern themselves at all with the welfare of JSOs, forced JSOs to think of themselves first, and then secondarily to think about juveniles. Eventually in some, this pattern of thought became the pattern of work that they brought to the center. As one JSO told me, "I've given up pretending it's about the kids, it's about the money now."

## CHAPTER 8

### CONCLUSION

Detention centers function as an early and crucial stage in the juvenile justice system. Detention is a pivotal point for the juvenile justice for three reasons: (1) the sheer number of juveniles involved—nationally, 26,000 on a given night; (2) the dramatic impact it has on court cases—juveniles in detention are three times more likely to be formally charged, found delinquent, and committed to youth correctional facilities; and (3) it can be associated with negative long term effects—youth who have spent time in custody are “less likely to complete high school, less likely to avoid rearrest, less likely to find employment...less likely to form stable families,” and are more likely to choose drugs and alcohol. Detention interrupts the natural process of maturation whereby most youth outgrow their delinquent behavior. By placing youth in an environment where criminal offenders are prevalent, detention has the great potential to normalize crimes and the criminal lifestyle for detained youth (Mendel 2009).

If however, as many in the justice system have persuasively argued, detention is often a necessary evil, then ways to offset the potential harms of this period are needed. This project set out to assess the culture and the attitudes of juvenile supervisory officers at one such detention center, as JSOs provided a large part of the day to day experience of juveniles with the legal system. Such a topic offers one area for offsetting the harms of detention since the mindset that juveniles develop from this interaction with JSOs can have an impact on juveniles' impression of the legitimacy of the law and color the attitude with which they approach their future treatment and perhaps their future lives.

I proposed to study officer attitudes to determine if they were punitive or rehabilitative. I ordered the study around three main topics—liability, the stay-over list, and bureaucracy—



according to the three most prominent elements of detention that I believed molded JSOs' attitudes, and that I deemed critical for revealing the character of the detention center so that readers might then approach a deeper understanding of the formative pressures that affected JSOs' interaction with juveniles. These elements, I argued, pushed many officers with punitive, rehabilitative, or ambivalent attitudes toward a custodial approach to their work.

As my own experience with the escaping juvenile showed, the pressures facing JSOs were more complicated than the simple carrying out of their assigned duties according to the sanctioned methods of action. While some of detention work was rote and domestic, not infrequently snap decisions had to be made that required a proper reading of the situation and an historic knowledge of the precedents set for judgment by those in power. In my own situation, after returning to the center and notifying the authorities of the situation, an ambulance then returned me to the same hospital from which I had just left. Over the next year, doctors allowed the wound to grow in and set, and then they cut out the scar tissue and sewed the wound back together.

At the center, certain members of administration seemed to be preparing the groundwork for either my expulsion or for defense against a possible lawsuit. They wrote out the official incident report according to the testimony of the recaptured youth, which offered a somewhat skewed and a less than flattering account. The superintendent publically blamed the entire incident on my not following policy and for not knowing how to properly restrain someone. My ability to write a thorough police report, which logically ruled out any alternative actions, I still believe, played a large factor in my remaining at the center as it left the administration with few legal alternatives.

This study is not a criticism of prisoner rights or a nostalgic sigh for the 'good ol' days' when prisoners' rights were left in the hands of guards. Prisoner rights are needed to prevent acts of abuse and neglect. However, while concurrently supporting these rights this study

attempts to show their flipside and to make readers aware of their unintended consequences. While these rights safeguarded many vulnerable juveniles, the trade off was that juveniles functioned in a system that did not run smoothly, which often forced JSOs to break rules, and which encouraged JSOs and management to look for someone to blame when things went wrong. Lorna Rhodes (2008) asserts that at the super-maximum prison she studied the goals of technology and rational management had become more concerned with minimizing the opportunity for individual choice. Similarly, a legal fixation on juvenile rights, the goals of the detention center were less concerned with allowing juveniles the opportunity to grow character skills that might assist them in normal life and more concerned with preventing them from engaging in any activity or interaction that could potentially result in an incident that might raise outside scrutiny.

### 8.1 Contributions

This project focused on the conditions of the workplace itself in a juvenile detention center in the hopes of forming the groundwork for some method of reducing the harmful effects of detention on juveniles. In doing so it contributed to carceral literature by providing ethnographic voice to a body of works largely dominated by quantitative studies. Moreover, amongst the smaller body of ethnographic works, it distinguished itself by focusing on the uncharted juvenile side, and by tilting the lens away from the prisoners and onto a different set of actors operating behind the opaque carceral walls—the officers.

The abandonment of the rehabilitative purpose behind incarceration in the 1970s increased the obscuring nature of these walls through a wide spread embargo of social researchers that effectively closed off carceral institutions to ethnographic inquiry. Though in more recent years the untenable nature of an ever-expanding prison complex has once again propelled the nation away from a punitive toward a more rehabilitative mindset, the access previously granted to ethnographically oriented researchers has not likewise revived; however,

the field has extended some welcome to quantitatively oriented criminologists and sociologists. In part I believe this biased welcome is a repercussion of the growth of prisoner rights and the liability issues that administrative groups face from investigative agencies—the somewhat bland number counting tactics of quantitative research is less revealing of deficiency and fault than is the often finger pointing nature of more qualitative studies. In an environment where unsanctioned actions are potentially punished with funding cuts or the firing of upper officials, members of administration have reasons for wanting as little scrutiny as possible, or, when forced, to do so only while putting their best foot forward—ethnographic endeavors are generally too intrusive and extended to allow believable posing. Moreover, as my interaction with the assistant director perhaps shows, officials view quantitative figures as more useful, or at least as more immediately utilitarian.

Several quantitative criminology studies have suggested that officer attitudes are shaped to a greater degree by work environment factors than by personality characteristics. Similarly, in this case study, I argued that the work environment played a dominant role in forging officers' actions. Somewhat uniquely, however, I argued that officers' attitudes, when viewed linearly, were pushed inward by this work environment toward a custodial interior. Preventing complete convergence of all JSOs at a custodial core, however, were JSOs' personal characteristics—to fluctuating degrees these personal characteristics pulled officers in the direction of the outside peripheral philosophies.

Such a view opens a dialogue with the three schemes of correctional literature for describing the shared values, beliefs, and norms of correctional officers. With the growth of prisoner rights since the first model was conceived, my study argues that the 'us versus them' mentality of detention officers transformed itself from that of an officer versus prisoner mentality to that of an officer versus administration mentality. This was altered because of the role that

management played to actively seek out unsanctioned acts in order to forefend itself being listed as an accomplice by regulating agencies.

The second model is typological and describes officers as existing along a continuum with custodial and human service workers as the polar extremes. While I placed the custodial worker in the interior and split the human service worker into the punitive and rehabilitative categories, I believe that the intent was roughly the same, as both works saw officers shifting toward a custodial mindset; however, unlike this model, I argue that the pressures behind the shift were less from prisoners and more from managerial forces. While critics of this second model have stated that it only shows a fragmented culture and does not reveal the sense of unity that speculatively many believe to be a part of officer culture, my study argues that the legal pressure faced by officers resulted in a somewhat uniform culture of officers wishing to avoid their own firing by adhering their conduct to a general overall focus on safety and security.

The third, three cultures model divides correctional culture into three categories—upper management middle management and officers—and then serves as a framework to analyze the values, sentiments, and modes of thinking of each group; for expressing the relationships between one group and another; and for revealing the particular concerns that affect the relationship of one group to another. Critics have complained that the model fails to analyze the commonality that exists between the groups. I believe, however, that the issue of liability for prisoner rights is in part a reason for why this commonality of purpose is often obfuscated: each group feels different pressures from different regulating agencies and reacts to this pressure in unique ways. Though a common concern for the welfare of juveniles might transcend the different segments, the varying responsibilities faced by each group caused each to respond in different and often divisive manners.

In the anthropological literature my work most strongly ties with James Jacobs' (1977) study of Stateville Prison. In agreement with his assertion that the extension of civil rights to

those incarcerated has changed the carceral environment both bureaucratically and legalistically, I argued that in this new atmosphere individual spontaneity was officially discouraged and JSOs were required to adhere to set protocols of conduct. These bureaucratic protocols often seemed ill suited for actual use, and sometimes compelled JSOs to break rules in order to balance rights with the ability to function. This changed the way that officers approached their work; rather than view their work as rehabilitative in nature, to protect their legal vulnerability, officer often responded to the onus to safeguard juvenile rights by approaching their jobs as custodians.

Additionally, I found that the mechanisms of power, knowledge, and subjectivity that link the variant works of Michel Foucault were present in the center. While his work *Discipline and Punish* is primarily focused on the prisoner, due to the peculiar arrangement at the center, wherein the restricted lives of guards often mimicked that of prisoners, this work additionally held some application to my own project. Primarily, I saw value in combining his work on the use of punishment as a deterrent with his works on the mechanism for the internalization of order and action as 'natural' that he termed governmentality (1991).

Similar, however, to Mitchell Dean (1999), who argued that to understand governmentality one needs to look not merely at the tools of government and of governing but also at the way that people themselves think about the manner in which they are governed, I offered perspective on the way that officers viewed themselves as employees of a world governed by their management. This viewpoint was not favorable as officers complained constantly about the unpredictable nature of the system. The constant changing of policy and orders did not allow officers to internalize as natural many of the policies, since these were often arbitrary according to time, place, and mood.

Foucault writes that "power produces knowledge...there is no power relation without the correlative constitution of a field of knowledge." In the typical order, power is gained and

secured by maintaining asymmetrical knowledge of others not in power. However, at the center, the direct effect that the systematized stay-over had on JSOs meant that they often knew many of the intricacies of the center better than members of administration. The desire to predict the stay-over list produced a need for knowledge that inverted the normal order. While my work does not argue that power was reversed by the knowledge gathering of the officers, it does suggest that knowledge of the duties of those in power and the perceived failure to fulfill those duties serves to erode the sense of legitimate rule that can be gained by the internalization of rule as natural.

## 8.2 The Myopic Nature of the Detention Center

My viewpoint in this project was not objective. I segregated people into management, JSOs, and juveniles, while also writing of two parallel power systems that operated between these groups: one between management and JSOs, and one between JSOs and juveniles. An holistic approach would have given equal voice to all three of these groups and from there sought to negotiate some neutral ground; instead I gave the viewpoint of only one group, which served to reify the jaundiced perspective of this group at the defenseless vilification of the two others. Despite the objections that arise from this deprivation of voice, the lack of an encompassing perspective is a point of my project, as it mimics the often myopic viewpoint that detention groups formed of each other.

The anthropological perspective that I took in conducting this project alerted me to certain phrases that helped to facilitate this singular focus. Although administration was not the focus of my project I became aware that for its part, administration used two terms: "It's all about the kids," and "You're paid to do this" to construct this viewpoint. Administration used the expression about payment to justify the notion that JSOs should act in accordance to rules, policies, and directives. This phrase contained the idea that JSOs should willingly comply with

all directives that management gave them because, by accepting payment, JSOs had agreed to do all expected tasks and had foregone the right to question or complain.

I believe administration derived the phrase "It's all about the kids," from the priority status given to juveniles due to the responsibility the center had for the protection of their physical, mental, and sexual well-being, and the intrusive access that regulating agencies such as TJPC had to investigate any allegations of abuse or neglect concerning juveniles. Though used separately, the phrase 'safety and security' could also be seen as falling under this umbrella, since likewise it was a juvenile right. Administration often seemed to use these two phrases as a rug under which its responsibility for the work condition of their employees could be swept. Issues such as JSOs not being given time off to use their vacation hours; the chronic pay check irregularities, or the failure to address JSOs stated needs could be overlooked because the center's responsibility was for juveniles, not for JSOs. As well, more assertive tactics such as forcing JSOs to change shifts and facilities or forcing JSOs to work over-time could be made palatable when worded under the phrase, "for the best interests of the center;" which inherently meant that it was in the best interests of juveniles. Issues concerning the treatment of JSOs were treated as secondary issues because the stated goal of the facility was organized around juveniles, not necessarily ensuring that employees were taken care of or kept content.

The use of these two phrases I believe, allowed administration to avoid seeing its own often detrimental contributions to the workplace morale and actions of the JSOs: it allowed administration to think of JSOs as simply lazy or as simply trying to take advantage of the system; thus relieving individual members of the onus to fulfill the rights and obligations that JSOs felt they were owed. This reinforced the idea that all attention was focused on the juveniles and that there was no one to look after the JSOs' own interests; subsequently JSOs

felt they had to take over this responsibility, often meaning that juvenile issues not concerning safety and security were secondarily prioritized.

In the power relationship between JSOs and juveniles, I similarly noted two phrases that pervaded the language: "These kids did something to get here," and the phrase, "safety and security." The belief that the juveniles had committed some transgression mingled with a vague notion of the punitive belief that a realization of consequences would prevent further crimes. This led some to believe that juveniles should not complain about the conditions of their stay, since they themselves were responsible for being there: if they didn't like it, then they needed to act appropriately. This allowed those JSOs to not feel greatly obligated to overly tax themselves with the needs of the juveniles beyond basic rights, because after all, this was detention, not a hotel. JSOs could justify this lack of concern for juveniles' treatment with the idea that it might help to prevent criminal recidivism by slightly discomforting juveniles, thus ostensibly making them less inclined to return.

The tasks connoted by the phrase "safety and security" covered half of the dual roles that JSOs performed as both maintainers of safe custody and as domestic caregivers. However, as administration seemed to give priority to safety and security, JSOs often felt similarly obligated, since this determined their job security. Issues concerning the management of domestic care, such as hygiene products, properly fitting clothes, sick call, the level system, and other issues beyond that defined as juvenile rights were often deemed less important, and subsequently given less attention.

These phrases served to strain the relationships between the three groups by allowing members of each dominant group to avoid the responsibilities that their actions or lack of actions might otherwise incur within themselves. Somewhat similar to the findings in the now infamous Stanley Milgram tests on the willingness of people to obey authority, these phrases served as a resting place for the dominant group's conscience. By allowing those in power to



minimize their own role in solving the problem, they served to intensify the feeling of resistance and outrage on the part of the subordinate group because the actions continue without being addressed.

Like management, JSOs had a responsibility to perform certain actions that were often disagreeable. Many, when first encountering their duties, were uncomfortable with what they had to do; they used phrases as blinders to allow them to normalize and accept these actions and the conditions of the workplace without constant feelings of unease or angst. Soon, after their actions had become normalized and routine, they forgot those blinders were there.

### 8.3 Thoughts on Juvenile Recidivism

I have shown the effects of management's treatment of JSOs on JSOs' morale and JSOs' action, and shown how this affected some of the interactions between JSOs and juvenile. For reasons of juvenile rights and extensive legal tape surrounding the interviewing of underage individuals I refrained from interviewing or including statements from juveniles. I did though give limited coverage of the fact that juveniles frequently vented their own frustration with the practices of JSOs. In this area I will speculate that the experience of juveniles at the hands of JSOs might be similar to that experienced by JSOs at the hands of administration. Similar to Foucault (1972) who cited Jeremy Bentham's work to assert that one of the early goals of the modern carceral institution was to model appropriate behavior to prisoners, detention administration identified JSOs as role models for juveniles, generally claiming that this was the largest contribution to the rehabilitative effort.

A valuable addition to this project would be a complementary project that gives voice to juveniles, as their reactions to this legalistic environment largely go unheard. Such an atmosphere is not a unique phenomenon affecting only carceral institutions. The ongoing trend to promote individual rights has affected many aspects of American life including schools, businesses, and parks. While these rights certainly serve a valid purpose, I believe that

researchers must attempt to define where the tradeoff for potential good is outweighed by the negative aspects. Though the Federal government does not publish national juvenile recidivism rates, certain states such as Washington and Indiana respectively cite their statistics as 77 percent and 36 percent (SGC 2005; Garner 2008). In essence, every one out of three or every two out of three juveniles return to the justice system, raising the chances that they will become entangled life-long in the justice system.

I have seen juveniles lacerate themselves with screws, viciously beat their already stitched foreheads against cell windows, scratch at their arms until they bled, smear themselves with feces, and threaten to kill themselves in the attempt to force officers to do something for them or allow them to do something. At such times, as George Orwell (1933) wrote concerning his involvement with the maintenance of empire, I felt a deep distaste for my work. While certainly some of these acts resulted from deep-seated psychological and mental disorders, I am not so positive that many of the outbursts, the arguments, and the rage that later caused judges to frown and tack extra time onto their sentences were not the result of the focus on prisoner rights that caused an inconsistent and unfair system of care and governance at the detention center, such that rewards and punishments were unequally distributed, and access to certain rights or privileges were stymied by both a lethargic bureaucratic process and the apathetic views of JSOs.

I have already explained how JSOs rationalized their own foibles in such a dysfunctional system, how might juveniles have similarly rationalized their actions, and how might their own actions have simply been a reaction to this same system? When looking upward at the JSOs, in whose care they were entrusted, juveniles saw a group of individuals, among which there were many who hated their workplace, who were lazy, who lied to juveniles to get out of work, who constantly complained about the unfairness of their jobs, and who broke their own rules but who sometimes obstinately demanded that juveniles be held accountable for

following the juvenile rules. In an ironic twisting of Jeremy Bentham's belief that under the watch of his newly designed Panopticon the prisoner "would internalize the inspector's gaze and thereby instill a positive discipline within himself" (Rhodes 2004: 14), perhaps it is the prisoners themselves who focus the all-knowing, all seeing gaze on the guard's foibles and infractions, and it is they who take the notes.

#### 8.4 Recommendations

- 1). The juvenile courts need to process the juveniles in a more rapid fashion. Currently juveniles are often waiting three and four months to be sentenced and sent to placement.
- 2.) Divide juveniles up by the number of times returned or by behavior rather than simply age. Many repeat offenders with behavioral issues are currently mixed in with first time juveniles.
- 3). Reward JSOs for positive work performances. Don't simply punish.
- 4). Pare juvenile rights down to an essential amount that will ensure that juveniles are cared for and secure, but not that they can do whatever they want to do, often with few repercussions.

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## BIOGRAPHICAL INFORMATION

Justin Regan holds a B.A. in History from the University of Dallas and an M.A. in Anthropology from the University of Texas at Arlington.