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## Examining the Sources of Correctional Officer Legitimacy

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# CRIMINOLOGY

## EXAMINING THE SOURCES OF CORRECTIONAL OFFICER LEGITIMACY

**BENJAMIN STEINER & JOHN WOOLDREDGE\***

*Correctional officer legitimacy has been linked to prison safety and order, and it may also be relevant for inmate well-being and facilitating behavioral change. Yet few studies have examined the sources of correctional officer legitimacy. Findings from analyses of survey data collected from over 5,500 inmates housed throughout forty-six facilities in Ohio and Kentucky revealed that inmates' perceptions of the treatment they received during their most recent encounters with correctional officers (procedural justice) impacted the strength of their beliefs regarding the legitimacy of those officers. The analyses also revealed that background factors such as inmates' age and race were relevant for shaping their perceptions of correctional officer legitimacy.*

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## INTRODUCTION

The effective application of the law depends in part on how individuals view the officials with the legal authority to enforce it.<sup>1</sup> If legal officials are viewed as legitimate, then individuals are more likely to defer to those officials ahead of their self-interests.<sup>2</sup> In a prison setting, the formal rules of conduct govern and regulate behaviors, and correctional officers are the visible representation of those rules.<sup>3</sup> If inmates view correctional officers as “legitimate,” then they may be more likely to comply with those officers and the rules they enforce.<sup>4</sup> Institutional safety and order are reflected in part by

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<sup>1</sup> See generally TOM R. TYLER, *WHY PEOPLE OBEY THE LAW* (1990) (arguing for and finding support for the notion that citizens are more concerned with the fairness of the treatment they receive from legal authorities than the outcomes of their encounters with those authorities).

<sup>2</sup> See generally *id.*; Anthony E. Bottoms, *Interpersonal Violence and Social Order in Prisons*, 26 *CRIME & JUST.* 205 (1999) (arguing that inmates are more likely to comply with the authority over them if they view that authority as legitimate); Justice Tankebe, *Viewing Things Differently: The Dimensions of Public Perceptions of Police Legitimacy*, 51 *CRIMINOLOGY* 103 (2013) (finding that citizens who view the police as legitimate are more likely to comply with police directives); Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 *CRIME & JUST.* 283 (2003) (summarizing findings that demonstrate an empirical link between citizens’ perceptions of the legitimacy of authorities and their willingness to defer to those authorities).

<sup>3</sup> See generally ALISON LIEBLING ET AL., *THE PRISON OFFICER* 140–41 (2011); MICHAEL LIPSKY, *STREET-LEVEL BUREAUCRACY* 3–4 (1980); LUCIEN X. LOMBARDO, *GUARDS IMPRISONED* 98 (2d ed. 1989); Mike Vuolo & Candace Kruttschnitt, *Prisoners’ Adjustment, Correctional Officers, and Context: The Foreground and Background of Punishment in Late Modernity*, 42 *LAW & SOC’Y REV.* 307, 309–10 (2008).

<sup>4</sup> RICHARD SPARKS ET AL., *PRISONS AND THE PROBLEM OF ORDER* 322–23 (1996); Bottoms,

the degree of noncompliance (rule violations) within and across prisons,<sup>5</sup> and so correctional officer legitimacy could be relevant to promoting inmate well-being and the effectiveness of prisons as institutions of social control.<sup>6</sup>

In a prison context, legitimacy is the belief that official rules, corrections officials, and the institution itself are proper and just.<sup>7</sup> Correctional officer legitimacy is the recognition by inmates that officers have the right to govern.<sup>8</sup> Correctional officer legitimacy is owed, in part, to the legal authority assigned to the position that officers hold in the prison bureaucracy,<sup>9</sup> but scholars have also hypothesized that officer legitimacy is conditional upon inmates' experiences and the treatment they receive from officers.<sup>10</sup> However, few studies have examined these and other inmate attributes that may influence their perceptions of correctional officer legitimacy.

Using survey data collected from over 5,500 inmates housed in forty-six prisons in Ohio and Kentucky, we examined individual level influences on correctional officer legitimacy. We focused on the potential relevance of inmates' background factors, routines in prison, and experiences during their encounters with correctional staff.

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*supra* note 2, at 254–55.

<sup>5</sup> JOHN J. DI IULIO, JR., GOVERNING PRISONS 50–51 (1987); JOHN IRWIN, PRISONS IN TURMOIL 66 (1980); LOMBARDO, *supra* note 3, at 64–65; SPARKS ET AL., *supra* note 4, at 71; Bottoms, *supra* note 2, at 251; Benjamin Steiner & John Wooldredge, *The Relevance of Inmate Race/Ethnicity Versus Population Composition for Understanding Prison Rule Violations*, 11 PUNISHMENT & SOC'Y 459, 459–60 (2009).

<sup>6</sup> ALISON LIEBLING, PRISONS AND THEIR MORAL PERFORMANCE: A STUDY OF VALUES, QUALITY, AND PRISON LIFE 471 (2004); Anthony Bottoms & Justice Tankebe, *Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice*, 102 J. CRIM. L. & CRIMINOLOGY 119, 122–23 (2012); Richard Sparks, *Can Prisons Be Legitimate?: Penal Politics, Privatization, and the Timeliness of an Old Idea*, 34 BRIT. J. CRIMINOLOGY 14, 26 (1994); Tom R. Tyler, "Legitimacy in Corrections": Policy Implications, 9 CRIMINOLOGY & PUB. POL'Y 127, 128–29 (2010).

<sup>7</sup> Tyler, *supra* note 6, at 127.

<sup>8</sup> Bottoms & Tankebe, *supra* note 6, at 125.

<sup>9</sup> TYLER, *supra* note 1, at 25; 1 MAX WEBER, ECONOMY AND SOCIETY 215–16 (Guenther Roth & Claus Wittich, eds., Ephraim Fischhoff et al. trans., Bedminster Press 1968); John R. P. French, Jr. & Bertram Raven, *The Bases of Social Power*, in STUDIES IN SOCIAL POWER 150, 159–60 (Dorwin Cartwright ed., 1959); John R. Hepburn, *The Exercise of Power in Coercive Organizations: A Study of Prison Guards*, 23 CRIMINOLOGY 145, 146 (1985).

<sup>10</sup> DI IULIO, *supra* note 5, at 238–39; LOMBARDO, *supra* note 3, at 93; Bottoms, *supra* note 2, at 254–55; Hepburn, *supra* note 9, at 146.

## I. LEGITIMACY

Legitimacy refers to “the belief that authorities, institutions, and social arrangements are appropriate, proper and just.”<sup>11</sup> Authorities are viewed as legitimate when their actions are considered acceptable based on the socially constructed norms and values of a society.<sup>12</sup> Scholars have argued that in democratic societies, legitimate authorities are those that are in a valid position to influence others, generally act fairly, demonstrate a capacity to achieve effective results, and can justify their actions to those affected by their decisions.<sup>13</sup>

In studies of the legitimacy of legal authorities, researchers have often conceived of legitimacy as individuals’ perceived obligation to obey the law or the directives of authorities, and/or individuals’ affective orientation towards legal authorities such as their level of support for or confidence in those authorities.<sup>14</sup> Tankebe has convincingly argued, however, that individuals’ expressions to obey the directives of legal authorities are distinct from individuals’ perceptions of the legitimacy of authorities.<sup>15</sup> Tyler has also noted that legitimacy is “a *quality* possessed by an authority, a law, or an institution that leads others to feel obligated to obey its decisions and directives.”<sup>16</sup> Tankebe and Tyler have both observed that individuals may feel a sense of obligation to obey authorities because they consider those authorities legitimate; however, individuals may also choose to obey those authorities for other reasons (e.g., fear, personal morality, influence of social group).<sup>17</sup> For instance, individuals may view legal authorities as illegitimate, but they still may feel obligated to obey those authorities out of fear, a sense of powerlessness, or pragmatic acquiescence.<sup>18</sup> Such scenarios seem particularly likely in a prison environment,<sup>19</sup> and these feelings should not be

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<sup>11</sup> Tyler, *supra* note 2, at 307–08; Tom R. Tyler, *Psychological Perspectives on Legitimacy and Legitimation*, 57 ANN. REV. PSYCHOL. 375, 376 (2006); *see also* Bottoms, *supra* note 2, at 253.

<sup>12</sup> Tyler, *supra* note 11, at 391.

<sup>13</sup> *See* LIEBLING, *supra* note 6, at 471–73; TYLER, *supra* note 1, at 24–26; Bottoms, *supra* note 2, at 254–55; Bottoms & Tankebe, *supra* note 6, at 125; Tankebe, *supra* note 2, at 107.

<sup>14</sup> *See* TYLER, *supra* note 1, at 28; Derrick Franke et al., *Legitimacy in Corrections: A Randomized Experiment Comparing a Boot Camp with a Prison*, 9 CRIMINOLOGY & PUB. POL’Y 89, 102 (2010); Tyler, *supra* note 2, at 309–10.

<sup>15</sup> Bottoms & Tankebe, *supra* note 6, at 148–49; Tankebe, *supra* note 2, at 105–07.

<sup>16</sup> Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 CRIME & JUSTICE 283, 308 (2003) (emphasis added); *see also* TYLER, *supra* note 1, at 25.

<sup>17</sup> TYLER, *supra* note 1, at 24–25; Tankebe, *supra* note 2, at 106–07.

<sup>18</sup> Tankebe, *supra* note 2, at 106–07.

<sup>19</sup> *See* GRESHAM M. SYKES, THE SOCIETY OF CAPTIVES (1958) (observing that the imprisonment process promotes feelings of powerlessness among the confined); Eamonn

mistaken as legitimacy.<sup>20</sup> Given our focus on correctional officers (the legal authorities in prison), we conceive of correctional officer legitimacy as a multidimensional concept involving legal authority assigned by the state as well as inmates' general perceptions of officers' procedural fairness, distributive fairness, and effectiveness.<sup>21</sup>

Scholars have argued that when individuals believe authorities are legitimate, they are more likely to accept and comply with the decisions of those authorities regardless of their self-interests.<sup>22</sup> This is because when individuals believe authorities are legitimate, they are more likely to "buy into" the decisions made by those authorities<sup>23</sup> and recognize that those authorities have the right to govern.<sup>24</sup> In contrast, if individuals view authorities as illegitimate, then they may be more likely to become defiant or disrespectful toward authority, which could be linked to noncompliance.<sup>25</sup>

Evidence derived from studies of citizens' perceptions of the police and courts suggests that there is a relationship between legitimacy and compliance.<sup>26</sup> Ethnographic studies of correctional officers and prison environments have also underscored the link between correctional officer legitimacy and prison order.<sup>27</sup> Thus, an understanding of factors that shape correctional officer legitimacy is important because such an understanding could shed light on strategies for strengthening and/or cultivating inmates'

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Carrabine, *Prison Riots, Social Order and the Problem of Legitimacy*, 45 BRIT. J. CRIMINOLOGY 896 (2005) (arguing that prisoners often accept the authority of prison officials even if they view it as illegitimate because they feel they are powerless).

<sup>20</sup> Tankebe, *supra* note 2, at 106–07.

<sup>21</sup> See Bottoms & Tankebe, *supra* note 6, at 166; Tankebe, *supra* note 2, at 106–07.

<sup>22</sup> TYLER, *supra* note 1, at 24–25; Tyler, *supra* note 2, at 308–09.

<sup>23</sup> Franke et al., *supra* note 14, at 91; Tyler, *supra* note 2, at 286.

<sup>24</sup> Bottoms & Tankebe, *supra* note 6, at 125.

<sup>25</sup> Franke et al., *supra* note 14, at 92; Lawrence W. Sherman, *Defiance, Deterrence, and Irrelevance: A Theory of the Criminal Sanction*, 30 J. RES. CRIME & DELINQ. 445, 448 (1993).

<sup>26</sup> See, e.g., TYLER, *supra* note 1 (finding that citizens who viewed the police more legitimately were more likely to comply with the law); Lorraine Mazerolle et al., *Procedural Justice, Routine Encounters and Citizen Perceptions of Police: Main Findings from the Queensland Community Engagement Trial (QCET)*, 8 J. EXPERIMENTAL CRIMINOLOGY 343 (2012) (finding that citizens who had more favorable encounters with the police were more likely to comply with the police in the future); Raymond Paternoster et al., *Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse Assault*, 31 LAW & SOC'Y REV. 163 (1997) (finding that citizens were more likely to comply with the law when police had acted procedurally fairly during their encounter); Tankebe, *supra* note 2 (finding that citizens who viewed the police more legitimately were more likely to comply with their directives).

<sup>27</sup> See, e.g., ALISON LIEBLING & DAVID PRICE, AN EXPLORATION OF THE STAFF-PRISONER RELATIONSHIPS AT HMP WHITEMOOR (1999) (finding that inmates who viewed staff as more legitimate were less problematic); Sparks et al., *supra* note 4 (finding that prisons in which staff were viewed more legitimately were also more orderly).

beliefs in the legitimacy of correctional officers. Inmates with stronger views regarding the legitimacy of correctional officers may be more likely to comply with institutional rules and directives,<sup>28</sup> and so strengthening inmates' beliefs regarding correctional officer legitimacy could go a long way towards improving institutional safety and order, both of which are reflected by the degree of noncompliance within and across prisons.<sup>29</sup> An understanding of the sources of correctional officer legitimacy could also aid in improving the overall morality and justice of prison environments.<sup>30</sup> Prison environments that are more just have also been found to be more stable and less tense,<sup>31</sup> and inmates' perceptions regarding the stability and safety of prison environments have been linked to their psychological well-being.<sup>32</sup> Finally, uncovering the sources of correctional officer legitimacy might aid in promoting a less dehumanizing prison environment for inmates. Inmates who feel dehumanized and otherwise disrespected are less likely to develop conventional values and beliefs that could otherwise make them more likely to desist from offending after their release.<sup>33</sup>

## II. POTENTIAL SOURCES OF CORRECTIONAL OFFICER LEGITIMACY

Individuals' beliefs regarding the legitimacy of legal authorities may be initially rooted in the legality associated with their position. In other words, they may believe that an authority has the right to govern because he or she holds a lawful position of power.<sup>34</sup> Weber, for instance, argued that authority is legitimate only insofar as it is permitted or prescribed by the state.<sup>35</sup> However, Weber also posited that authorities that seek to secure continued compliance will attempt to establish and develop individuals' beliefs in the legitimacy of their authority.<sup>36</sup> In other words, individuals' perceptions

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<sup>28</sup> DAVID GARLAND, PUNISHMENT AND MODERN SOCIETY 261–62 (1990); LIEBLING, *supra* note 6, at 471–72; LOMBARDO, *supra* note 3, at 93–95; SPARKS ET AL., *supra* note 4, at 327; BOTTOMS, *supra* note 2, at 254–56; BOTTOMS & TANKEBE, *supra* note 6, at 123; TYLER, *supra* note 6, at 128–29.

<sup>29</sup> DI IULIO, *supra* note 5, at 50–51; BOTTOMS, *supra* note 2, at 251.

<sup>30</sup> See LIEBLING, *supra* note 6, at 471–73; BOTTOMS & TANKEBE, *supra* note 6, at 124.

<sup>31</sup> LIEBLING, *supra* note 6, at 444–45.

<sup>32</sup> *Id.*

<sup>33</sup> Shelley Johnson Listwan et al., *The Pains of Imprisonment Revisited: The Impact of Strain on Inmate Recidivism*, 30 JUST. Q. 144 (2013) (finding that offenders who perceived that they were treated unjustly in prison were more likely to reoffend after their release).

<sup>34</sup> TYLER, *supra* note 1, at 25; BOTTOMS & TANKEBE, *supra* note 6, at 125; FRENCH & RAVEN, *supra* note 9, at 159–60; HEPBURN, *supra* note 9, at 146.

<sup>35</sup> WEBER, *supra* note 9, at 215–16.

<sup>36</sup> *Id.* at 213; see also BOTTOMS & TANKEBE, *supra* note 6, at 128; TANKEBE, *supra* note 2, at 106–07.

regarding the legitimacy of legal authorities can change, owing to the actions of those authorities.<sup>37</sup>

Researchers have uncovered that individuals' perceptions of the legitimacy of legal authorities can be shaped by their experiences during their encounters with the authorities.<sup>38</sup> In a prison context, inmates encounter correctional officers for a number of reasons, but how rule violations are handled is particularly salient to their perceptions of those officers.<sup>39</sup> This is because correctional officers have considerable discretion over rule enforcement, and how officers enforce the rules often shapes the norms of a prison and defines the relationships between officers and inmates.<sup>40</sup>

Scholars have underscored the potential relevance of instrumental concerns in works discussing individuals' experiences with legal authorities. These concerns include individuals' perceptions regarding the favorability of outcomes (e.g., ticket versus no ticket, arrest versus no arrest) of encounters with legal authorities and individuals' level of satisfaction with those outcomes. Normative considerations, such as individuals' perceptions of distributive and procedural justice, or the perceived fairness of the specific outcomes and treatment they received during encounters, have also been linked to perceptions of legitimacy.<sup>41</sup> It is important to note that individuals' *specific* experiences with legal authorities are distinct from their *general* perceptions of dimensions of the legitimacy of those authorities such as procedural and distributive fairness. Individuals' specific experiences during

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<sup>37</sup> Tankebe, *supra* note 2, at 106–07.

<sup>38</sup> SPARKS ET AL., *supra* note 4, at 303–04; TYLER, *supra* note 1, at 98; Ben Bradford, *Convergence, Not Divergence?: Trends and Trajectories in Public Contact and Confidence in the Police*, 51 BRIT. J. CRIMINOLOGY 179, 195–96 (2011); Franke et al., *supra* note 14, at 109; Howard Henderson et al., *Evaluating the Measurement Properties of Procedural Justice in a Correctional Setting*, 37 CRIM. JUST. & BEHAV. 384, 385 (2010); Lyn Hinds, *Public Satisfaction with Police: The Influence of General Attitudes and Police–Citizen Encounters*, 11 INT'L J. POLICE SCI. & MGMT. 54, 60–61 (2009); Mazerolle et al., *supra* note 26, at 358–59; Michael D. Reisig & Gorazd Mesko, *Procedural Justice, Legitimacy, and Prisoner Misconduct*, 15 PSYCHOL. CRIME & L. 41, 42 (2009); Tyler, *supra* note 6, at 127; Tyler, *supra* note 2, 308–09.

<sup>39</sup> LIEBLING ET AL., *supra* note 3, at 121–51; SPARKS ET AL., *supra* note 4, at 150–51; Bottoms, *supra* note 2, at 256; Vuolo & Kruttschnitt, *supra* note 3, at 309–10.

<sup>40</sup> LIEBLING ET AL., *supra* note 3, at 233; SPARKS ET AL., *supra* note 4, at 150–51.

<sup>41</sup> LIEBLING, *supra* note 6, at 471–73; TYLER, *supra* note 1, at 3; Bottoms & Tankebe, *supra* note 6, at 131–32; Ben Bradford et al., *Contact and Confidence: Revisiting the Impact of Public Encounters with the Police*, 19 POLICING & SOC'Y 20, 35–38 (2009); Jonathan D. Casper et al., *Procedural Justice in Felony Cases*, 22 LAW & SOC'Y REV. 483, 501–02 (1988); Tyler, *supra* note 2, at 301–07.



their encounters with legal authorities are expected to influence their general perceptions of the legitimacy of those authorities.<sup>42</sup>

Elements of distributive justice in a prison setting include inmates' perceptions of outcome favorability relative to their past experiences, their expectations, the experiences of others, and so forth. Procedural justice involves inmates' perceptions of the specific procedures followed by correctional staff to arrive at those outcomes. In particular, it implicates the quality of the decisionmaking process and the quality of treatment experienced during encounters.<sup>43</sup> The quality of decisionmaking relates to inmates' desire to have a voice in the decisionmaking process. Inmates also expect authorities to be honest and remain impartial. The quality of treatment involves inmates' expectations that correctional staff treat them with dignity and respect. Individuals also want to believe that authorities are acting out of a desire to do what is right; that they can morally justify their decisions.<sup>44</sup> Based on an instrumental perspective, inmates who receive more favorable outcomes during their encounters pertaining to rule violations will be more likely to view correctional officers as legitimate. A normative perspective holds that inmates who perceive the outcomes and treatment they received during their encounters with correctional officers as "fair" will, in turn, hold stronger beliefs regarding the legitimacy of those officers.

Inmates' experiences with the justice administered by correctional officers are important for shaping their beliefs regarding the legitimacy of those officers. Although many inmates do not have formal contacts with officers regarding rule violations, virtually all inmates know other inmates who have had such contacts.<sup>45</sup> Further, within the confines of a prison environment, the outcomes of most incidents are more widely known compared to a neighborhood context.<sup>46</sup> Individuals without direct experience with legal authorities may base their beliefs regarding the legitimacy of those authorities on indirect experiences: the experiences of the individuals in their social group.<sup>47</sup> Individuals' social groups can exert normative influences

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<sup>42</sup> Bottoms & Tankebe, *supra* note 6, at 121–22; Hinds, *supra* note 38, at 60–61; Jonathan Jackson et al., *Legitimacy and Procedural Justice in Prison*, 191 PRISON SERV. J. 4, 5 (2010); Tyler, *supra* note 2, at 308–09.

<sup>43</sup> Tyler, *supra* note 6, at 129–30.

<sup>44</sup> SPARKS ET AL., *supra* note 4, at 85–89; TYLER, *supra* note 1, at 163–64; Bottoms, *supra* note 2, at 255; Tyler, *supra* note 6, at 129–30.

<sup>45</sup> For a similar argument pertaining to the general population, see Dina R. Rose & Todd R. Clear, *Who Doesn't Know Someone in Jail?: The Impact of Exposure to Prison on Attitudes Toward Formal and Informal Controls*, 84 PRISON J. 228 (2004).

<sup>46</sup> Bottoms & Tankebe, *supra* note 6, at 123.

<sup>47</sup> Jaime L. Flexon et al., *Exploring the Dimensions of Trust in the Police Among Chicago Juveniles*, 37 J. CRIM. JUST. 180, 183 (2009); Dennis P. Rosenbaum et al., *Attitudes Toward*

because individuals often look to their social groups for information about appropriate attitudes and behavior.<sup>48</sup>

Within prisons, inmates often group together based on similar characteristics (e.g., age, race) and similar interests (e.g., gang affiliations, religious beliefs).<sup>49</sup> However, the literature on inmate subcultures has shown that the attitudes and beliefs that inmates hold in prison are not always unique to their experiences in prison.<sup>50</sup> Even assuming inmates' beliefs can change during incarceration, the experiences and personal contacts of these individuals prior to incarceration may also be relevant for shaping their beliefs regarding the legitimacy of correctional officers. Thus, inmates with characteristics that may increase their exposure to individuals with weaker beliefs regarding the legitimacy of correctional officers or legal authority in general (whether before or during incarceration) might also be more likely to hold similar beliefs regarding officers' legitimacy. Inmates who are younger, male, black, and less involved in conventional behaviors (e.g., unemployed prior to incarceration, completed less than a high school education) may hold more negative attitudes towards legal authorities because they are more likely to have been exposed to or experienced inappropriate behavior on the part of those authorities.<sup>51</sup>

Inmates with greater levels of involvement in deviant behaviors (e.g., gangs, drug use, violence) may also hold weaker beliefs regarding the legitimacy of correctional officers. Based on higher levels of contact with

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*the Police: The Effects of Direct and Vicarious Experience*, 8 POLICE Q. 343, 354 (2005); Ronald Weitzer & Steven A. Tuch, *Reforming the Police: Racial Differences in Public Support for Change*, 42 CRIMINOLOGY 391, 395 (2004).

<sup>48</sup> TYLER, *supra* note 1, at 24.

<sup>49</sup> LEO CARROLL, HACKS, BLACKS, AND CONS 64 (1974); IRWIN, *supra* note 5, at 9; JOHN IRWIN, THE WAREHOUSE PRISON 93–94 (2005); John Irwin & Donald R. Cressey, *Thieves, Convicts and the Inmate Culture*, 10 SOC. PROBS. 142, 148 (1962); James B. Jacobs, *Stratification and Conflict Among Prison Inmates*, 66 J. CRIM. L. & CRIMINOLOGY 476, 477–81 (1976).

<sup>50</sup> See IRWIN, *supra* note 5, at 14–16; Irwin & Cressey, *supra* note 49, at 145.

<sup>51</sup> ELIJAH ANDERSON, CODE OF THE STREET 20–34 (1999); JONATHAN D. CASPER, AMERICAN CRIMINAL JUSTICE 37–40 (1972); Geoffrey P. Alpert & Donald A. Hicks, *Prisoners' Attitudes Toward Components of the Legal and Judicial Systems*, 14 CRIMINOLOGY 461, 467–73 (1977) [hereinafter Alpert & Hicks, *Prisoners' Attitudes*]; John Hagan & Celesta Albonetti, *Race, Class, and the Perception of Criminal Injustice in America*, 88 AM. J. SOC. 329, 352–53 (1982); Donald A. Hicks & Geoffrey P. Alpert, *Patterns of Change and Adaptation in Prisons*, 59 SOC. SCI. Q. 37, 38 (1978) [hereinafter Hicks & Alpert, *Patterns of Change*]; Daniel P. Mears et al., *The Code of the Street and Inmate Violence: Investigating the Salience of Imported Belief Systems*, 51 CRIMINOLOGY 695, 713 (2013); Wesley G. Skogan, *Asymmetry in the Impact of Encounters with Police*, 16 POLICING & SOC'Y 99, 101–04 (2006); Paul E. Smith & Richard O. Hawkins, *Victimization, Types of Citizen–Police Contacts, and Attitudes Toward the Police*, 8 LAW & SOC'Y REV. 135, 136 (1973).

legal authorities and/or criminal peers, these inmates have higher odds of having been exposed to attitudes that are less favorable toward legal authorities or behaviors by those authorities that are perceived as improper.<sup>52</sup>

Inmates' routines and experiences in prison may also be relevant. For instance, inmates who have served more time are more likely to have been exposed to conditions that might contribute to perceptions of correctional officer illegitimacy. In contrast, involvement in conventional past-times within prison such as education classes, facility work assignments, or structured recreation programs might bring inmates in contact with correctional staff with an interest in their betterment. Exposure to staff with an interest in helping inmates might strengthen beliefs regarding the legitimacy of correctional staff. On the other hand, exposure to staff for negative events such as rule violations or experiencing victimization may weaken inmates' beliefs regarding correctional officer legitimacy. Experiencing victimization might increase inmates' perceptions of vulnerability which could weaken their faith in officers' abilities and/or willingness to keep them safe.<sup>53</sup> If inmates lose faith in officers' abilities to protect them, then they may lose confidence in officers' abilities to perform their jobs.

### III. METHODS

The study described here involved an examination of possible influences on inmates' perceptions of correctional officer legitimacy. Following from the framework above, the hypothesized relationships between the measures described below and legitimacy are displayed in Table 1.

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<sup>52</sup> ANDERSON, *supra* note 51, at 20–34; Alpert & Hicks, *Prisoners' Attitudes*, *supra* note 51, at 467–73; Bradford et al., *supra* note 41, at 30; Hicks & Alpert, *Patterns of Change*, *supra* note 51, at 38; Hinds, *supra* note 38, at 59; Skogan, *supra* note 51, at 101–04; Smith & Hawkins, *supra* note 51, at 136.

<sup>53</sup> LIEBLING, *supra* note 6, at 296–97.

**Table 1***Hypothesized Relationships with Correctional Officer Legitimacy*

	Predicted Direction of Effect
<b>Predictor Variables</b>	
Age	-
Male	-
African-American	-
Conventional behaviors	+
Gang member	-
Used drugs in month before arrest	-
Incarcerated for a violent offense	-
Prior incarceration	-
Security risk level	-
Number of months served in facility	-
Number of hours in education classes per week	+
Number of hours at work assignment per week	+
Number of hours in recreation per week	+
Victim of theft	-
Victim of assault	-
Confronted by correctional staff for rule violation	-
Issued a disciplinary ticket for incident	-
Distributive justice <sup>1</sup>	+
Procedural justice <sup>1</sup>	+
Satisfied with outcome of incident <sup>1</sup>	+

*Note:* <sup>1</sup>Prediction only pertains to inmates who were confronted for rule violations.

## A. DATA

The target population for the study included all inmates who had served at least six months in state custody (hereafter referred to as “inmates”) in the thirty-three confinement facilities in Ohio and the thirteen state-operated confinement facilities in Kentucky.<sup>54</sup> Inmates who had served less than six

<sup>54</sup> Kentucky also has three privately operated facilities for adult offenders. Those facilities were not included in the study per the wishes of the KDOC. With two exceptions, inmates housed in correctional camps, mental health units, reception units, or youthful offender units were excluded due to practical constraints and unmeasured structural and managerial

months were excluded because the study focused, in part, on inmates' rule violations and victimization experiences during a six-month period. As discussed above, one hypothesized influence on legitimacy is inmates' perceptions regarding the treatment they received during their encounters with correctional officers that pertain to rule violations. Since not all inmates are involved in these encounters, a second target population for the study included all inmates who reported encounters with correctional staff regarding rule violations in the six months preceding the study.

Sampling frames for each of the facilities were provided by administrative staff and included all inmates housed within each facility. After inmates who had served less than six months were removed, the sampling frames were stratified by whether inmates had previously been imprisoned in order to capture the experiences of both first-time inmates and those who had previously served time. Next, equal numbers of inmates were randomly selected from each stratum. Sample sizes differed across facilities due to practical constraints dictated by the Ohio Department of Rehabilitation and Correction (ODRC) and the Kentucky Department of Corrections (KDOC). We targeted either 130 or 260 inmates from each facility in Ohio and between 100 and 200 inmates from each facility in Kentucky, which resulted in a total sample size of 7,294 inmates within the forty-six facilities.<sup>55</sup> Some inmates were not available on the day of the survey,

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differences that exist between those units and the primary facilities in which these units existed. Inmates housed in the correctional camp at the Ohio State Penitentiary (Ohio's supermax facility) were included for theoretical reasons dictated by the larger project. Inmates housed in the correctional camp for females at the Trumbull Correctional Institution were also included. At the time of the study, Ohio had three other facilities for women, but two of those facilities were prerelease centers, which typically do not house inmates longer than one year. The camp for females at Trumbull Correctional Institution was the most similar institution to the Ohio Reformatory for Women, which was the primary facility for women in Ohio. The camp for females at Trumbull Correctional Institution, which is physically separate from the main facility, was treated as a separate facility in all of the analyses.

<sup>55</sup> The data for this study were collected as part of larger project that included a longitudinal element (Ohio only) and so larger sample sizes were sought in eleven Ohio facilities, although the ODRC only granted our request for larger samples in seven of these facilities. The sampling frames in the eleven facilities selected for the longitudinal data collection were restricted to only those inmates who had at least six months of their sentence remaining at the time of the first survey (~85% of the inmates in these facilities had at least six months left to serve). Pursuing larger number of inmates and restricting the samples to only inmates with at least six months of their sentence remaining helped to reduce the effects of attrition in the longitudinal analysis. Our goal was to obtain usable information on at least 100 inmates per facility (or at least 200 inmates per facility in the facilities selected for the longitudinal data collection). The 30% over-sample was included to compensate for refusals and incomplete surveys, based on the recommendations of research staff at the ODRC. In Kentucky, we targeted sample sizes of 200 inmates per facility, but these numbers were adjusted based on the inmate population and resource demands placed on individual facilities.

reducing the sample to 6,997 inmates.<sup>56</sup> In order to adjust for differences in the odds of selecting inmates based on the stratification as well as between-facility differences in population size, sample weights were created that reflected the inverse of each inmate's odds of selection. These weights were normalized and applied to the analyses reported here.

In most prisons, persons housed in general population were surveyed as a group in designated areas such as the gymnasium, visiting area, or chapel.<sup>57</sup> Individuals housed in segregation or protective custody were surveyed in their cells. Inmates were not surveyed in areas where surveillance cameras were in operation, and regardless of how the surveys were administered, precautions were taken to ensure the confidentiality of the inmates' responses in order to strengthen the validity of the data (e.g., surveys were required to be completed outside the direct view of security staff). After briefly describing the study, a member of the three-person research team gave each inmate a survey and a voluntary consent form. Each survey was subsequently collected by one of the researchers. If an inmate identified him- or herself as illiterate, one of the researchers read the consent form and survey to the inmate. Inmates were not compensated for their participation in the study. These procedures resulted in 5,800 completed surveys. Some of the surveys were later determined to be unusable due to missing data. These surveys were discarded, reducing the sample size to 5,616 inmates (an 80% participation rate). Comparisons between the weighted samples and the respective populations of inmates who had served at least six months in state custody (Ohio or Kentucky) revealed no significant differences with respect to age, sex, race, committing offense type, prior incarceration, sentence length, or time served.

The subsample of inmates who reported encounters with correctional staff regarding alleged rule violations during the preceding six months originally included 1,880 inmates. This number was reduced to 1,856 inmates after removing the surveys with missing data noted above.

## B. MEASURES

Table 2 describes all measures for the analyses. The primary outcome measure, inmate perceptions of correctional officer legitimacy, was

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Non-English-speaking inmates were excluded from the study due to resource constraints.

<sup>56</sup> Inmates were unavailable because they had been released or transferred ( $N = 125$ ), posed a safety risk or were in the infirmary ( $N = 42$ ), were receiving a visit ( $N = 44$ ), or were not in the facilities on the date of data collection (e.g., out to court) ( $N = 86$ ).

<sup>57</sup> Some inmates did not receive or respond to their pass. In most cases, we managed to locate these inmates and offered them the opportunity to participate. Some inmates could not be found and were treated as "refusals."

measured with a scale consisting of four survey items ( $\alpha = .75$ ). Following from the discussion above, the items, which are described in the Appendix, tap inmates' general perceptions regarding the effectiveness and fairness of correctional officers. Principal components analysis of these items revealed a one-factor solution (Eigenvalue = 2.36) and the resulting factor score was used as the outcome measure in the analyses reported here.

**Table 2**  
*Description of the Samples and Measures*

	<u>All Inmates</u>		<u>Inmates Confronted for Rule Violation</u>	
	Mean	SD	Mean	SD
<b>Outcome variables</b>				
Correctional officer legitimacy <sup>1</sup>	-.07	(.98)	-.33	(.94)
<b>Predictor variables</b>				
Age	37.33	(11.64)	34.02	(10.20)
Male	.94	(.24)	.93	(.25)
African-American	.42	(.49)	.43	(.50)
Conventional behaviors	1.26	(.83)	1.21	(.82)
Gang member	.16	(.36)	.19	(.39)
Used drugs in month before arrest	.57	(.50)	.65	(.48)
Incarcerated for a violent offense	.42	(.49)	.42	(.49)
Prior incarceration	.45	(.50)	.46	(.50)
Security risk level	2.00	(.78)	2.11	(.80)
Natural log # months served in facility	3.12	(.82)	3.05	(.78)
Natural log # hours in education classes per week	.54	(.99)	.51	(.96)
Natural log # hours at work assignment per week	2.04	(1.41)	1.98	(1.44)
Natural log # hours in recreation per week	1.55	(1.15)	1.60	(1.14)
Victim of theft	.25	(.44)	.34	(.47)
Victim of assault	.07	(.26)	.12	(.33)
Confronted by correctional staff for rule violation	.35	(.48)	--	--
Issued a disciplinary ticket for incident	--	--	.81	(.39)
Distributive justice <sup>2</sup>	--	--	.01	(3.08)
Procedural justice <sup>2</sup>	--	--	3.36	(3.12)
Satisfied with outcome of incident	--	--	.31	(.46)
<i>N</i>	5,616		1,856	

Notes: <sup>1</sup>Scale created via factor analysis, individual items listed in Appendix; <sup>2</sup>Additive scale, individual items listed in Appendix

The measures included in both the analysis of the entire inmate sample and the analysis of the sample of inmates who reported encounters with correctional staff regarding rule violations were *age*, *sex (male)*, *race (African-American)*, *conventional behaviors*, *gang member*, *used drugs in month before arrest*, *incarcerated for violent offense*, *prior incarceration*, *security risk level*, *natural log months served in facility*, *natural log number of hours in education classes per week*, *natural log number of hours at work assignment per week*, *natural log number of hours in recreation per week*, *victim of theft*, and *victim of assault*. We also included a measure indicating whether inmates reported they had been *confronted by correctional staff for a rule violation* in the analysis of the entire inmate sample, but the responses to this question were subsequently used to select the subsample of inmates who had encounters with correctional staff over alleged rule violations. In addition to the measures described above, the analysis of this subsample of inmates included measures of whether inmates were *issued a disciplinary ticket for incident*, their level of satisfaction with the outcome of the incident (*outcome satisfaction*), and their perceptions regarding their specific experiences with correctional staff during their most recent encounter with correctional staff (*distributive justice* and *procedural justice*).

Age, sex, race, gang membership, incarcerated for violent offense, criminal history, and months served were created using data obtained from official records, while the other measures were based on inmates' responses to survey questions. Conventional behaviors is an additive scale of three dichotomous variables measuring whether an inmate was married, had at least a high school diploma, and was employed prior to incarceration.<sup>58</sup> The measures of the number of weekly hours in education classes, recreation, or a work assignment were capped at forty hours and the natural log of each scale was taken in order to reduce the skew in these distributions. The measures of victimization were based on whether inmates self-reported victimization by theft or assault in the past six months. Whether inmates were confronted by correctional staff for alleged rule violations is also based on inmates' self-reports, and was restricted to the most recent encounter during the previous six months. The time frame for both victimizations and rule violations was restricted to six months in order to minimize recall error.<sup>59</sup>

Distributive justice is a scale composed of the summed z-scores of inmates' responses to four survey items with ordinal response categories ( $\alpha$

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<sup>58</sup> John Wooldredge et al., *Considering Hierarchical Models for Research on Inmate Behavior: Predicting Misconduct with Multilevel Data*, 18 JUST. Q. 203, 212–13 (2001).

<sup>59</sup> SEYMOUR SUDMAN & NORMAN M. BRADBURN, *ASKING QUESTIONS: A PRACTICAL GUIDE TO QUESTIONNAIRE DESIGN* 43–48 (1982).



= .78). Procedural justice is an additive scale of nine survey items with dichotomous response categories ( $\alpha = .90$ ) reflecting inmates' perceptions of the quality of the treatment and decisionmaking they received during their most recent encounter with correctional staff. An exploratory factor analysis revealed that the items comprising the distributive justice and procedural justice scales loaded on two different factors. For each scale, higher values reflect more favorable experiences. All survey items used to create these scales are contained in the Appendix. To ensure that inmates' perceptions of distributive and procedural justice pertained to their specific experiences during an encounter with correctional officers, the relevant survey items were preceded by a statement asking inmates to answer about the last time they were confronted by the staff for an alleged rule violation. Only the inmates confronted by correctional officers in the past six months for a rule violation answered these items.

Despite the conceptual distinction between definitions of legitimacy, procedural justice, and distributive justice used here, some readers may be concerned about empirical overlap between the items that compose these scales. The average inter-item correlation between the items that compose the legitimacy scale and the items that were included in the distributive justice scale was .12 (range = .002–.26). The average inter-item correlation between the items that compose the legitimacy scale and the items that were included in the procedural justice scale was .27 (range = .08–.40). Finally, outcome satisfaction is based on inmates' responses to a question inquiring how satisfied they were with the outcome they received from staff for the incident (very satisfied, satisfied, unsatisfied, and very unsatisfied). Outcome satisfaction was measured as a four category ordinal variable, but we collapsed it into a dichotomous variable (satisfied, unsatisfied) to avoid including an ordinal predictor variable in the multivariate model.

### C. ANALYTICAL STRATEGY

The analysis proceeded in two stages. First, we examined the predictors of officer legitimacy using the entire sample of inmates. Next, we examined the predictors of legitimacy using the sample of inmates who reported they were confronted by correctional staff for a rule violation. Due to the hierarchical structure of the data (inmates nested within prisons), multilevel modeling techniques were used to adjust for correlated error among inmates housed within the same facility and to allow for group mean-centering of the predictors in order to limit explanation to within-prison differences in perceptions (to avoid finding spurious effects based on between-prison differences in inmate populations, management practices, and survey

administration).<sup>60</sup> The continuous measure of legitimacy was examined with hierarchical linear regression using HLM 7.0.<sup>61</sup> Although we created a bilevel data set for the analysis, it is important to note that the models displayed here are technically single-level models because they only include measures at the inmate-level of analysis.

The first step in each analysis involved estimating an unconditional model in order to determine how much of the variance in each outcome fell within versus between facilities. Next, random effects models including all predictors were estimated. These models revealed whether the relationship between any of the measures and the outcomes varied significantly across facilities ( $p \leq .05$ ), which would suggest stronger effects in some facilities than others. Those effects that did not vary across facilities were treated as fixed, or as having a common “slope” across facilities. All of the inmate-level measures were group mean-centered in order to remove between-facility variation in inmate characteristics that might have corresponded with differences in levels of legitimacy across facilities.<sup>62</sup> Prior to the final analysis, the measures were assessed for multicollinearity. Multicollinearity was determined not to be a problem here.

#### IV. FINDINGS

The results of the analysis of legitimacy based on the entire inmate sample are displayed in Table 3. Table 4 contains the results of the analyses of legitimacy based on the sample of inmates confronted for rule violations.

Table 3 shows that inmates who were younger, African-American, gang members, previously incarcerated, had served more time, spent fewer hours in education classes, were a victim of theft in prison, and had been confronted by staff for a rule violation had weaker beliefs regarding the legitimacy of correctional officers. The standardized coefficients (beta weights) contained in Table 3 show that the strongest predictors of legitimacy were age ( $\beta = .24$ ), African-American ( $\beta = -.12$ ), and whether an inmate was confronted by a correctional staff for a rule violation ( $\beta = -.10$ ). The direct effects of all of the other predictor variables were less than or equal to .05. Altogether, the

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<sup>60</sup> An argument could be made for estimating a trilevel model (individuals within prisons within states); however, preliminary analyses revealed that the majority of these outcome distributions did not vary across states. For this reason, bilevel models were estimated for all outcomes.

<sup>61</sup> STEPHEN RAUDENBUSH ET AL., *HLM 7: HIERARCHICAL LINEAR AND NONLINEAR MODELING*, 16–37 (2011).

<sup>62</sup> STEPHEN W. RAUDENBUSH & ANTHONY S. BRYK, *HIERARCHICAL LINEAR MODELS: APPLICATIONS AND DATA ANALYSIS METHODS* 31–35 (2d ed. 2002).

significant predictors in the model accounted for 14% of the variation in correctional officer legitimacy.

**Table 3**

*Inmate Effects on Correctional Officer Legitimacy (All Inmates)*

	<i>b</i>	<i>SE</i>	$\beta$
Intercept	<i>-.04</i>	<i>(.04)</i>	
Age	.02**	(.002)	.24
Male	-.21	(.12)	-.05
African-American	<i>-.24**</i>	<i>(.04)</i>	<i>-.12</i>
Conventional behaviors	.02	<i>(.03)</i>	.02
Gang member	-.11**	(.04)	-.04
Used drugs in month before arrest	<i>-.04</i>	<i>(.04)</i>	<i>-.02</i>
Incarcerated for a violent offense	-.04	(.03)	-.02
Prior incarceration	-.09**	(.02)	-.05
Security risk level	.01	<i>(.05)</i>	.01
Natural log time served (in months)	<i>-.05*</i>	<i>(.02)</i>	<i>-.04</i>
Natural log # hours in education classes per week	.03*	(.01)	-.03
Natural log # hours at work assignment per week	.01	(.01)	.01
Natural log # hours in recreation per week	.01	(.01)	.01
Victim of theft	<i>-.08**</i>	<i>(.03)</i>	<i>-.04</i>
Victim of assault	-.03	<i>(.05)</i>	-.01
Confronted by correctional staff for rule violation	<i>-.21**</i>	<i>(.03)</i>	<i>-.10</i>
<i>N</i>	5,616		
Proportion variation within facilities explained	.14		
Proportion variation within facilities	.95		

*Notes:* Unstandardized and standardized coefficients (beta weights) from hierarchical linear regression reported; italicized coefficients indicate relationship varies across facilities ( $p \leq .05$ ).

\*\* =  $p \leq .01$ ; \* =  $p \leq .05$ .

The analysis of correctional officer legitimacy, focusing *only* on inmates confronted for alleged rule violations (Table 4), revealed that inmates who were younger, African-American, or had served more time held weaker beliefs regarding the legitimacy of correctional officers. Inmates held stronger beliefs regarding the legitimacy of correctional officers when they perceived that the treatment they received from officers was more fair, or that it was more procedurally just. The direct effects ( $\beta$ ) of the four significant predictors were .11 for age, -.09 for African-American, -.07 for time served,

and .50 for procedural justice. These four significant predictors accounted for 32% of the variation in correctional officer legitimacy.

**Table 4**  
*Inmate Effects on Correctional Officer Legitimacy*  
*(Inmates Confronted for Rule Violation)*

	<i>b</i>	<i>SE</i>	<i>β</i>
Intercept	-.30	(.04)	
Age	.01**	(.002)	.11
Male	-.21	(.17)	-.06
African-American	-.17**	(.04)	-.09
Conventional behaviors	-.01	(.03)	-.01
Gang member	-.02	(.05)	-.01
Used drugs in month before arrest	-.07	(.05)	-.04
Incarcerated for a violent offense	.02	(.04)	.01
Prior incarceration	-.04	(.05)	-.02
Security risk level	.03	(.07)	.03
Natural log # months served in facility	-.08*	(.04)	-.07
Natural log # hours in education classes per week	.04	(.02)	-.04
Natural log # hours at work assignment per week	.01	(.01)	.02
Natural log # hours in recreation per week	-.01	(.02)	.01
Victim of theft	-.03	(.04)	-.02
Victim of assault	.01	(.07)	.0004
Issued a disciplinary ticket for incident	.02	(.08)	-.01
Distributive justice	-.01	(.01)	-.03
Procedural justice	.15**	(.01)	.50
Satisfied with outcome of incident	-.01	(.08)	-.005
<i>N</i>	1,856		
Proportion variation within facilities explained	.32		
Proportion variation within facilities	.96		

*Notes:* Unstandardized and standardized coefficients (beta weights) from hierarchical linear regression reported; italicized coefficients indicate relationship varies across facilities ( $p \leq .05$ ). \*\* =  $p \leq .01$ ; \* =  $p \leq .05$ .

## V. DISCUSSION AND CONCLUSIONS

The proper application of the rule of law requires that legal authority be legitimately exercised according to the written law and enforced in accordance with due process. Legal officials who adhere to the law and provide the process owed to individuals under the law are more likely to be viewed as legitimate.<sup>63</sup> Legitimacy is a belief held by individuals that rules, authorities, or social institutions are proper or just.<sup>64</sup> This study involved an examination of inmates' beliefs regarding the legitimacy of correctional officers, the legal authorities who enforce the rules in prison.<sup>65</sup> Researchers have uncovered relationships between the legitimacy of correctional officers and/or prison regimes and facility order,<sup>66</sup> both of which are high priorities of correctional administrators.<sup>67</sup> Correctional officer legitimacy has also been associated with the stability and predictability of prison environments; such environments are more likely to facilitate inmate well-being.<sup>68</sup> In contrast, inmates who perceive correctional officers as illegitimate may be more likely to become defiant or disrespectful toward authority, which could be linked to continuity in offending within prison or recidivism after release.<sup>69</sup> Thus, an understanding of the influences on correctional officer legitimacy is important for improving the safety and well-being of inmates and staff, and also for facilitating behavioral change among inmates.

By virtue of their lawful position of power, correctional officers hold legitimate authority; that is, they have the right to govern.<sup>70</sup> However, the legitimacy of legal authorities is also conditional upon the continued recognition of this right by the audience for whom they are responsible.<sup>71</sup> In other words, inmates' beliefs regarding the legitimacy of correctional officers are amenable to change; these beliefs are shaped by inmates' experiences with officers as well as the other individuals or social groups that inmates are

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<sup>63</sup> TYLER, *supra* note 1, at 24–26; Bottoms & Tankebe, *supra* note 6, at 125; Tankebe, *supra* note 2, at 107; Tyler, *supra* note 2, at 307–08.

<sup>64</sup> Tyler, *supra* note 6, at 127; Bottoms, *supra* note 2, at 253; Tyler, *supra* note 2, at 307–08.

<sup>65</sup> GARLAND, *supra* note 28, at 210; LIEBLING ET AL., *supra* note 3, at 140–41.

<sup>66</sup> See *supra* note 27.

<sup>67</sup> DI IULIO, *supra* note 5, at 50–51; Bottoms, *supra* note 2, at 250.

<sup>68</sup> LIEBLING, *supra* note 6, at 444–45.

<sup>69</sup> Franke et al., *supra* note 14, at 92; Listwan et al., *supra* note 33, at 147–48; Sherman, *supra* note 25, at 448.

<sup>70</sup> French & Raven, *supra* note 9, at 159–60; TYLER, *supra* note 1, at 25; WEBER, *supra* note 9, at 215; Bottoms & Tankebe, *supra* note 6, at 125; Hepburn, *supra* note 9, at 146.

<sup>71</sup> Bottoms & Tankebe, *supra* note 6, at 129; Tankebe, *supra* note 2, at 106.

exposed to both before and during their incarceration.<sup>72</sup> In a prison context, inmates encounter correctional officers for various reasons; however, we focused on encounters involving rule violations because inmate perceptions of how officers handle rule violations could be particularly relevant to shaping inmates' perceptions of officers, not to mention the quality of relationships between inmates and officers.<sup>73</sup> We found evidence that inmates who felt they were treated more fairly during their encounters with correctional staff held stronger beliefs regarding the legitimacy of correctional officers. These findings are generally consistent with those derived from studies regarding the legitimacy of other legal authorities such as the police and courts.<sup>74</sup>

A normative perspective on prison discipline holds that inmates who perceive the outcomes and treatment they received during their encounters with correctional officers as more fair will, in turn, hold stronger beliefs regarding the legitimacy of those officers.<sup>75</sup> Our findings support the normative perspective in part. We found that inmates who perceived that the treatment they received from correctional officers during their most recent encounter was more procedurally just held stronger beliefs regarding the legitimacy of those officers. However, we did not find that inmates' perceptions regarding the distributive justice they received from correctional officers during these encounters were linked to their perceptions of correctional officer legitimacy.

An instrumental perspective on prison discipline assumes that inmates who receive more favorable outcomes will be more likely to view correctional officers as legitimate. Our findings did not support the instrumental perspective. Neither the outcome inmates received during their encounter with correctional officers nor their level of satisfaction with that outcome impacted their beliefs regarding correctional officer legitimacy. Thus, we can infer that inmates' beliefs regarding correctional officers, much like the general population's beliefs regarding other legal authorities,<sup>76</sup> are more strongly linked to inmates' perceptions of how they were treated during

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<sup>72</sup> IRWIN, *supra* note 5, at 14–16; LIEBLING, *supra* note 6, at 472–73; SPARKS ET AL., *supra* note 4, at 307; Tankebe, *supra* note 2, 108–12.

<sup>73</sup> LIEBLING ET AL., *supra* note 3, at 233; SPARKS ET AL., *supra* note 4, at 150–51; Bottoms, *supra* note 2, at 256; Vuolo & Kruttschnitt, *supra* note 3, at 309–10.

<sup>74</sup> TYLER, *supra* note 1, at 98; Mazerolle et al., *supra* note 26, at 343; Paternoster et al., *supra* note 26, at 192; Jason Sunshine & Tom R. Tyler, *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing*, 37 LAW & SOC'Y REV. 513, 534 (2003); Tankebe, *supra* note 2, 121–23.

<sup>75</sup> SPARKS ET AL., *supra* note 4, at 307–08; Bottoms & Tankebe, *supra* note 6, at 131–32; Tyler, *supra* note 6, at 129–30.

<sup>76</sup> See TYLER, *supra* note 1, at 98; Paternoster et al., *supra* note 26, at 192.

their encounters with correctional officers rather than the outcomes of those encounters. If perceptions of correctional officer legitimacy influence inmate compliance,<sup>77</sup> then our findings suggest that treating inmates more fairly and with dignity during routine interactions might go a long way towards making prisons safer and more orderly, not to mention more morally just.

It is important to note that our findings should not be interpreted as support for coddling inmates or indulging inmates' unreasonable requests. Our findings do suggest, however, that treating inmates in a manner consistent with the rule of law in a democratic society could strengthen inmates' beliefs regarding the legitimacy of correctional officers and legal authorities in general.<sup>78</sup> Inmates should be afforded due process during incidents involving rule violations and treated with dignity and respect during that process.<sup>79</sup> Again, this is not to say that inmates should not be held accountable for their transgressions, but only that they should be treated similarly to what an individual should expect if he or she was accused of a crime in the general population (e.g., an opportunity to present a defense, to see the evidence against him or her, etc.). In fact, we found that the outcome of disciplinary incidents had no impact on inmates' beliefs regarding correctional officer legitimacy, suggesting inmates are accepting of being held accountable for their actions. However, inmates who felt they were not treated fairly during the process designed to hold them accountable were less likely to recognize the authority of correctional officers as legitimate. If legitimacy is linked to subsequent compliance, institutional safety, and inmate well-being, then prison administrators would be wise to implement fair procedures in their own facilities.<sup>80</sup>

Of course, not all inmates violate the rules of conduct within a prison, and so not all inmates experience encounters with correctional officers for matters that pertain to rule violations. For these inmates, their perceptions regarding correctional officer legitimacy might be shaped by other interactions with correctional officers or the individuals and experiences they have been exposed to both before and during their incarceration.<sup>81</sup> We investigated the latter in this study and found that inmates who were younger, African-American, or gang members held weaker beliefs regarding correctional officer legitimacy. Inmates are more likely to group together

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<sup>77</sup> See LIEBLING, *supra* note 6, at 471; SPARKS ET AL., *supra* note 4, at 322–23.

<sup>78</sup> SPARKS ET AL., *supra* note 4, at 335–36; TYLER, *supra* note 1, at 24–26.

<sup>79</sup> Tyler, *supra* note 6, at 129–30.

<sup>80</sup> See SPARKS ET AL., *supra* note 4, at 335–36; Tyler, *supra* note 6, at 129–30.

<sup>81</sup> See CARROLL, *supra* note 49, at 64; IRWIN, *supra* note 5, at 14–16; Jacobs, *supra* note 49, at 477–81.

with other inmates who share similar characteristics,<sup>82</sup> and so it is likely that inmates who were younger, African-American, or gang members were exposed to similarly situated individuals. These individuals have a higher probability of experiencing contact with legal authorities,<sup>83</sup> and consequently members of these groups may have a higher likelihood of being exposed to illegitimate behavior on the part of those authorities. Inmates who were indirectly exposed (via their social group) to illegitimate conduct on the part of legal authorities may have been more likely to hold weaker beliefs regarding the legitimacy of correctional officers.

Inmates who were previously incarcerated, had served more time, or were a victim of theft also held weaker beliefs regarding correctional officer legitimacy. The findings for prior incarceration and time served might be explained by the higher odds of exposure to improper behavior on the part of correctional staff (i.e., prior imprisonment and serving more time increases opportunities for exposure to such behaviors). The finding pertaining to experiencing victimization, on the other hand, could be attributed to increased perceptions of vulnerability among victimized inmates. Inmates who felt more vulnerable as a result of experiencing victimization may have lost faith in the correctional officers' abilities and/or willingness to keep them safe.<sup>84</sup>

The findings and potential limitations of this study also point to several avenues for future research. First, our study was limited to inmates and prisons from two states. Researchers may wish to replicate our analyses with data collected in other jurisdictions or with data collected from inmates not included here (e.g., non-English speaking inmates). Second, researchers may want to conduct similar analyses with additional measures of legitimacy. Our conceptualization of legitimacy followed from recent work by Tankebe,<sup>85</sup> but other researchers have conceived of legitimacy slightly differently.<sup>86</sup> Further theoretical attention to the conceptualization of legitimacy of legal authorities is certainly needed to refine the illustration of legitimacy. Additionally, the scale we used to measure legitimacy comprised only four items. Although our scale demonstrated acceptable internal consistency,

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<sup>82</sup> CARROLL, *supra* note 49, at 64; IRWIN, *supra* note 5, at 9; IRWIN, *supra* note 49, at 93–94; Irwin & Cressey, *supra* note 49, at 148; Jacobs, *supra* note 49, at 477–81.

<sup>83</sup> See, e.g., ANDERSON, *supra* note 51, at 20–34; CASPER, *supra* note 51, at 37–40; Alpert & Hicks, *Prisoners' Attitudes*, *supra* note 51, at 467–73; Hagan & Albonetti, *supra* note 51, at 352–53; Hicks & Alpert, *Patterns of Change*, *supra* note 51, at 38; Mears et al., *supra* note 51, at 713; Skogan, *supra* note 51, at 101–04; Smith & Hawkins, *supra* note 51, at 136.

<sup>84</sup> LIEBLING, *supra* note 6, at 296–97.

<sup>85</sup> Tankebe, *supra* note 2, at 125.

<sup>86</sup> See Franke et al., *supra* note 14, at 102–03; Reisig & Mesko, *supra* note 38, at 48–49.



researchers may want to evaluate other items for inclusion in related scales. It may also be worthwhile to examine the influences of inmates' beliefs concerning the rules of conduct or their beliefs regarding prison administrators. Researchers may also want to add to the growing body of research that has found a link between the legitimacy of legal authorities and compliance. Although ethnographic studies have found that inmate perceptions regarding correctional officer legitimacy are associated with less disorder and problems within prisons,<sup>87</sup> few quantitative studies have examined this relationship directly.<sup>88</sup> A critical next step could be to examine whether inmates' perceptions of correctional officer legitimacy impact their odds of rule breaking in prison and/or their odds of post-release recidivism. Finally, researchers might also examine the relevance of other interactions between inmates and staff. It could be, for example, that correctional officer legitimacy is cultivated by inmates' encounters with officers prior to their most recent contact; our analysis was limited to the latter. Further, correctional officer legitimacy may also be enhanced by providing inmates with fair and respectful treatment outside of encounters pertaining to rule violations, such as distributing privileges or facility work assignments.

Taken together, the findings from this study offer some new insights regarding individuals' perceptions regarding legal authorities. Our findings show that even in a coercive environment such as a prison, the manner in which legal authorities (correctional officers) treat members of the population is important for shaping individuals' beliefs regarding the legitimacy of officials' authority. The effective application of the rule of law requires that legal authority be exercised legitimately, but whether authority is exercised legitimately is often in the eye of those beholden to the authority.<sup>89</sup> Treating inmates fairly and with dignity could be an important step towards improving the administration of justice in prisons.

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<sup>87</sup> See LIEBLING, *supra* note 6, at 471; SPARKS ET AL., *supra* note 4, at 322–23.

<sup>88</sup> Reisig & Mesko, *supra* note 38, at 41.

<sup>89</sup> Bottoms & Tankebe, *supra* note 6, at 131–32.

## APPENDIX

*Items Included in Scales***Scale****Correctional officer legitimacy**

Overall, the correctional officers here do a good job.	SA A D SD
The correctional officers are generally fair to inmates.	SA A D SD
Correctional officers treat me the same as any other inmate here.	SA A D SD
Correctional officers treat some inmates better than others (reverse coded).	SA A D SD

**Distributive justice**

The outcome of the contact with correctional staff was:

\_\_\_ better than I expected \_\_\_ what I expected \_\_\_ worse than I expected

My outcome was \_\_\_ the outcomes other inmates typically receive for the same violation.

\_\_\_ better than \_\_\_ about the same as \_\_\_ worse than

The outcome of this incident with the staff was \_\_\_ outcomes I have received in the past.

\_\_\_ better than \_\_\_ about the same as \_\_\_ worse than

The outcome of this incident was \_\_\_.

\_\_\_ better than I deserved \_\_\_ what I deserved \_\_\_ worse than I deserved

**Procedural justice****Quality of treatment**

Overall, I was satisfied with how the correctional staff treated me.	A D
The staff were polite.	A D
The staff showed concern for my rights.	A D
Overall, the staff treated me fairly.	A D

**Quality of decision-making**

Overall, the procedures used by the staff to handle the situation were fair.	A D
The staff got the information they needed to make good decisions about the incident.	A D
The staff tried to bring the problem out into the open so that it could be solved.	A D
The staff were honest with me.	A D
The staff gave me a chance to tell my side of the story.	A D

*Notes: Items used to create the measures of distributive and procedural justice were prefaced by a statement asking inmates to answer the questions about the last time they were confronted by the correctional staff for a rule violation. SA = Strongly Agree, A = Agree, D = Disagree, SD = Strongly Disagree*

