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# Locked Up: Parallel Correctional Officer, Deputy, and Inmate Decision-Making Experiences in County Jails

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LOCKED UP:  
PARALLEL CORRECTIONAL OFFICER, DEPUTY, AND INMATE  
DECISION-MAKING EXPERIENCES IN COUNTY JAILS

by

Mariko Catherine Peshon

A dissertation submitted in partial fulfillment  
of the requirements for the degree of

Doctor of Philosophy

May 2016

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UNIVERSITY OF SAN DIEGO  
SCHOOL OF LEADERSHIP AND EDUCATION SCIENCES

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DISSERTATION: LOCKED UP: PARALLEL OFFICER, DEPUTY, AND INMATE  
DECISION-MAKING EXPERIENCES IN COUNTY JAILS

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DATE: March 15, 2017

## ABSTRACT

Recidivism is a complex phenomenon. Greater than 65 percent of incarcerated adults return to jail within three years. While numerous empirical studies focus on factors that contribute to recidivism, there is limited existing research that examines decision-making as one of these factors. The purpose of this study is to address this gap in the literature and develop an understanding of the influence of decision-making processes on inmates and correctional officers and deputies in the California criminal justice system. An exploratory 2014 pilot study at three California county jails found correctional officers and inmates faced similar challenges related to decision-making as a result of their interaction with the criminal justice system.

The current study explores a) the decision-making experiences of inmates who reside in jails; b) the decision-making experiences of formerly incarcerated persons; c) the decision-making experiences of correctional officers and deputies who work in jails; and d) the potential opportunities to exercise decision-making skills in jails for inmates, correctional officers and deputies. A qualitative approach using adapted phenomenological data analysis techniques, a decision-making questionnaire, and focus groups were used to explore the types of decisions correctional officers, deputies and inmates make on a daily basis and how their experiences compare to one another.

Findings suggest the jail environment has an equally negative impact on correctional officers, deputies and inmates. The need to evaluate the human experience of all three groups is evident. The findings further affirm the Zimbardo Stanford Prison Experiment discoveries on the parallel life experiences of inmates, correctional officers and deputies. As a result, the Peshon Reciprocal Interaction Decision Model, which may

be used to evaluate the decision-making experiences of these populations in spaces of tension, conflict and use of force is proposed. This study also offers insights that can inform officer training and inmate preparation for release.

## ACKNOWLEDGEMENTS

My parents will tell you that they raised me to be an individual who would never end up in jail, and it is because of the values and principles of care for all, awareness of what we aren't seeing, and the level of integrity embedded in my upbringing that this study on jails was possible. The level of support my immediate, law enforcement and academic families have provided is far beyond what any student can ask for when it comes to help with their homework. I hope to have done right by their legacy and the legacy of all those who believed they could do what others would not try.

**Dad:** I was originally convinced that the most significant limitation in my dissertation was going to read: My dad said 'no.' It turns out that much of my success in life is the result of all the times you said yes. Many parents, teachers, community members have often thought my aspirations (i.e. wanting to grow up to be a fire truck, live at the White House, reform Social Security and Social Services, be a special education advocate, research jails) were far too unusual to support. You always saw my future as fair game. I understand now that it really never mattered to you what I wanted to do so long as long as I embodied our family values. I recognize that supporting many of my adventures and good fights was a very risky gamble. Thank you for always betting on me. It has been an honor to "fly like the wind" with your support.

**Mom:** I recall you often self-identifying as "The Meanest Mom" throughout my childhood. And while it was largely in jest, and may, at times, have felt as though your persistence was not as "nice" as other parents when it came to reinforcing high standards, I do not believe you defined "mean" entirely correctly. If by the "meanest mom" you meant that you consistently put our growth and development first, balanced the nearly impossible task of remaining warm *and* firm in times of great stress, strain, and challenge, and remained steadfast in your belief that your children had the ability to be good people and do good things for others, then yes, you were downright MEAN! It is because of you that I can ask questions about what I do not know, be strong enough to hear the answers, and be confident in my pursuit to change the outcome. I am immeasurably grateful for having a mean mom.

**Kimiko:** When you were young, in a moment of frustration, you once told a teacher, "I have a sister and I'm not afraid to use her!" That teacher called me and expressed how fortunate you were to have a sister. There have been numerous other times that people have told me that you were lucky. And every time I was thought of as the contributor, I knew it was the other way around. The truth is, I am the lucky one. I am the individual who gets to meet the future armed with strength, compassion, curiosity, and a fire burning passion because you are *my* sister. I can guarantee I will not always have the answers or know how to fix every problem you encounter, but I promise you will never do so alone. The day after you were born I told everyone at the hospital that you were "mine." I knew even then I was the one who had been gifted with the greatest title of all time: Kimiko's Sister. Thank you for making me who I am.

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**Afsaneh:** There was a particular day during a challenging time when I asked you how you were doing. You told me it was easier to put your hands on your hips and take a stand than it was to throw your hands in the air and not doing anything to change the situation. Such an enduring belief and ability to stand for what is right—regardless of its popularity—is lived by so few that you, and a select few superheroes, are a category of leaders unto yourself. Learning to teach, conduct research, and carry myself under your leadership has been nothing short of a true privilege. Thank you for making it acceptable for me to believe in something more.

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**Obachan and Ojichan:** It has been said that the life’s work of each preceding generation is the gift to the current generation. My life’s opportunities are no exception. It is with respect and honor that I reflect upon the foundation of sacrifices and strength you built our family from. While “shakatagani” is a value our family has carried, the principle of helping others with what we have every day is the result of your determination to rise above what seemingly “could not be helped.” I may only be half of a representation of the legacy you’ve created, but I am wholly proud to be a member of your lineage.



**Grandpa Harry:** I am incredibly grateful for the significant investment you made in me long before you ever knew who or what I would become. I am in awe of your decision to believe in my future without knowing if you would receive anything in return. I am proud of the value of giving back, the logical mind, and love for research that I have inherited from you. Most of all, I am honored to have the opportunity to make you and your legacy of generosity and tenacity proud.

**Cam:** If I were to count my lucky stars, the SELPA director who allowed a young sophomore to walk through her door and earn an internship would be amongst the brightest in the universe. You not only taught me to serve students above all other politics, policies, and costs, you believed in me. Thank you for seeing meaning in the darkest, scariest of moments and trusting the power of what I was putting out into the universe. Thank you for being a member of this family.

**Nakazono:** Thank you for turning the streetlights on. And turning them off when we need to be reminded that you are always there and nothing is so serious in life that a little laughter can't help. I hope you are enjoying having a front row seat on this ride of ours. This accomplishment was made possible in part because you taught a little girl on a coastal camping trip to believe in the power and value of caveman money. Thank you for teaching me the most valuable currency in life: my ability to believe. We miss you.

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**Dr. Kai:** When the past would cast doubt and the future seemed dark, it was such a gift to have your light next to me. As my teammate, this stage of the journey is our championship—one owned by both of us equally. I am so thankful for your goodness and will forever seek to wrap it up and gift it back to you.

**Timothy J:** As an individual in your profession, it would have been very reasonable for you to learn of my passions and politely journeyed in the opposite direction. I am so glad you chose to stay. I am immeasurably grateful for your ability to steady me, and be an incredible source of gravity. You have been unwavering in your support and belief in my potential. Rocks tend to have rough edges. You have been my stone.

**To those at the Margins:** This is your knowledge, your words, and your product. I am merely the vessel through which you have communicated. You are each someone's child and deserved to be interacted with as such. You are important. Your experience is significant. Please forgive us for fearing what we have not understood. The challenges you face are not yours alone. We are all a part of this, and this is part of who we are.

## PREFACE

As a child of a peace officer, I was constantly aware of *those* people. The people that most neighborhoods socially reject to in order protect their children, the people that consistently to run into the law, the people that continue to self-medicate, self-educate, self-inflict, and just do not seem to be able to follow the rules as set forth by society. My awareness of such people was not informed by a stereotypical bias that most peace officers are labeled with. As a sheriff in a small town, my father worked long hours. One afternoon while I was in elementary school, my mother took my sister and I to the sheriff sub-station to see my dad since we had not spent much time with him all week. As we walked by the jail to go to the break room to eat with my dad, I asked if it was scary to be in the jail with inmates. My father responded with the wisdom that planted the seed of passion for this study. He very simply said, “Everyone in that jail is someone’s child, just like a school. It is not a zoo and the people there are not on display. Everyone there should be treated respectfully like a student in school.” My father believed that every individual who came into contact with law enforcement should be seen and encountered with the understanding that they are a whole person with a whole life of complications.

As a sister of a young woman with severe intellectual and developmental disabilities, I was also aware of the individuals that far too often became one of *those* people. My sister, Kimiko, has endured a life of challenges that are made of the every day, routine activities that many of us do not think twice about completing. Very simple activities such as doing laundry, cleaning her room and showering—oh my—showering. My first discovery of decision-making fatigue involved helping my sister to learn to shower in a reasonable amount of time and without a meltdown. As my mother’s

daughter I was taught to try something before I complained about what I did not like. So, at the age of thirteen, I borrowed my dad's scuba diving tablet for one Christmas break and wrote down every decision and transition I made while taking a shower. After documenting my process for two weeks, I found, on average, I made 36 decisions in one 15-minute shower. The count started when I decided to take a shower. The complexity increased when I realized I had to decide whether to turn the water on first or get undressed first. When I got undressed, was it from top to bottom or bottom to top? It occurred to me that the way our family taught Kimiko to shower did not include all of these decisions that come so naturally to the rest of us. Once I had a better understanding, I was exhausted. I realized that she was exhausted! After a full day of decision overload at school, extra-curricular activities and interacting with our family, a shower was asking a lot of her decision-making fatigue.

Being the curious kid I was, I asked my parents if this might be what some of the people in jail experience. Being the people-first peace officer my dad was, he brought the idea into inmate programming and services. And I carried it with me to graduate school, determined to figure out what happens in the spaces of the long, complex days with many different types of interactions and decisions. What happens when decisions are made but go unseen? What happens when we don't see the whole picture? Nelson Mandela noted, "In my country we go to prison first and then become President." When we zoom out and see the whole system involved with decision-making, we take faster showers, we inform inmate programming, and maybe we become presidents of nations. At the very least, we give birth to this dissertation.

The story of my research journey could both bore and stimulate a lengthy

dialogue about positionality and bias, and while it must be taken into consideration for the validity of this study's findings, it is also important that it be acknowledged as a data point in and of itself. As a researcher, I want this to work! I want this work to matter. And I want to help the populations that go unseen. As a result, I am likely seeking and finding a silver lining, to try to travel a road that most consider to be a dead end. Maslow's age-old adage, "It is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail," speaks to the lens through which I may study this population and phenomenon. If everyone is someone's child, I am going to care about outcomes. I am going to ask questions, and I am going to try my very best to find generalizable, valid, and meaningful answers.

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## CHAPTER ONE: OVERVIEW OF THE STUDY

### **Introduction**

“Lockdown” is a term that anyone who has attended a primary school since the early 1990’s is familiar with. “Lockdown” or “shelter in place” is a drill that is practiced in schools for when active shooters pose threats to students and teachers. While such drills are just as common as fire drills in schools, once an individual has reached adulthood, “lockdown” is rarely an order received after high school graduation with one exception: when in jail. “Lockdown” inside of county jails translates to, “return to your cells or there will be consequences.” All previously occurring activities come to a halt; all other options for movement, engagement and conversation are eliminated. The next set of decisions for correctional officers, deputies, and inmates have been metaphorically “locked up” without any alternatives to consider. Officers and deputies are to maintain order with formal authority and inmates are to comply without question. During a “lockdown,” the cognitive experience of decision-making becomes limited to what is provided by the policies and procedures set forth by state regulations and county jail policies.

The uniqueness of decision-making in highly structured systems such as jails has been examined from a singular and specific lens in the seminal Zimbardo Stanford Prison Experiment. In 1971, Philip Zimbardo, a social psychologist conducted an experiment in a mock correctional facility that took place in the basement at Stanford University. The purpose of the study was to evaluate how the roles as inmates and prison guards assigned to participants shaped their behavior within the controlled setting. The 12 participants who were assigned to the role of a prison guard were outfitted with the proper uniformed

attire and informed that, with the exception of physical harm, they were to run the “prison” as they saw fit. The other 12 participants were given prison-like smocks, an identification number to replace their name, and an ankle chain. With the assistance of the Palo Alto Police Department, participants assigned to the role of inmates were read their Miranda Rights, fingerprinted, and booked into the prison. What was originally designed as a two-week study was terminated after only six days because the judgment, behavior, values, morals, and personalities of both the prison guards and inmates were significantly and negatively influenced by the simulation (Haney & Zimbardo, 1998).

Zimbardo’s Stanford Prison Experiment (SPE) demonstrated the impact of the system dynamics on the 24 individuals who played the role of either inmate or guard. Haney and Zimbardo (1998) identified significant implications regarding the social norms, behaviors, and decisions that result from engagement with the criminal justice system. It was determined that the roles of prisoner and guard and the structure of the prison environment created for the study, a structure that simulated that of actual prisons, had a significant negative impact on each of the participants. The SPE illuminated the ability of “social situations and contexts to influence and control behavior” (Haney & Zimbardo, 1988, p. 712). In prison environments, including the environments in county jails, the focal point for this study, the social situations and contexts present for incarcerated individuals are unlike most other organizations and contexts in society.

### **Background of the Study**

The current daily incarcerated population in the United States consists of approximately 750,000 inmates with 12 million adults entering the criminal justice system every year. In 2014, one in every 36 adults was under some form of correctional

supervision (Glaze, Kaeble, Minton & Tsoutis, 2015). The total number of correctional officers, or jail-based officers, totaled over 430,000 in 2014 (Bureau of Labor Statistics, 2015). When these statistics are viewed through the lens provided by Zimbardo's (1998) findings from the Stanford Prison Experiment, it appears as if over 1 million individuals each year are likely to be negatively affected in profound ways by the roles they are expected to embody in the criminal justice system. This also suggests challenges for the transition process into the community for each of the individuals involved with the criminal justice system.

Each year over 6 million individuals are released from county jails in the United States and expected to play very different roles in society than the roles they were socialized to play in jails. The transition from a jail community to the home community of the formerly incarcerated is further complicated by the fact that a substantial number of inmates have a disability or mental illness, and the recidivism rate (i.e. the rate of rearrest) of adults with intellectual disabilities and mental illness is growing. Consequently, this complex problem has become an increasing concern for scholars, policymakers, and even the general public (Dvoskin and Spiers, 2004). As a result of the cost of state correctional facilities and the growing recidivism rates for formerly incarcerated populations, specifically in California, researchers are beginning to explore the process of transitioning individuals out of the incarceration system and into their home communities.

Incarceration and policy-based trends in the state of California suggest that populations with a history of crime and disability or mental illness have a greater risk for recidivism than other at-risk populations in society. As of 2013, individuals with



disabilities and mental illness had the highest rate of recidivism despite often being eligible to receive a number of social services during and after their sentence. The added complexity of a developmental disability or mental illness makes this population particularly challenging and expensive to reintegrate into the community, and has drastically changed the demographics of county jails since 1970, when deinstitutionalization was implemented and mental institutions were closed (Steadman, Monahan, Duffee, Hartstone, Clark, & Robbins, 1984).

Haslam's modern day recreation of the Stanford Prison Experiment in 2010 identified many of the same "natural consequences" of being embedded within a prison system for both those who played the role of guard and those who were cast as a prisoner (p. 22). Haslam accounted for the effects of system on both inmates and officers and attempted to mitigate a process that was similar to the process that had previously unfolded in the Stanford Prison Experiment. The influence of the traditionally structured criminal justice system was determined to be so significant that the decision-making processes and behavior of the individuals in each of the two roles were altered. Haslam (2010) concluded that the existing conflict ultimately was *within* each of the groups (prisoners and guards) rather than only *between* them.

Based on Zimbardo's (1998) and Haslam's (2010) findings, it is evident that the criminal justice system and prison-like settings significantly influence the behavior and decision-making of individuals who function as both guards and prisoners. Such findings were confirmed by a pilot study conducted in 2014 by the researcher at three county jails in California (Peshon, 2014). During the pilot, all three county jail division commanders confirmed that the social issues, such as divorce, alcoholism, arrests for driving under the

influence, and domestic violence that many of their current inmates experienced were shared by many of the correctional officers they employed. When the backgrounds of both inmates and correctional officers were examined, it was determined that both populations had similar education levels, social networks, and prior work experience. Developing an understanding the impact that county jails have on the decision-making capacity and skills of both populations may assist in illuminating part of the challenge inmates experience in transitioning to the community upon release and the resulting recidivism rate.

The parallel experiences of officers, deputies and inmates outside of jail are only part of the equation. President Dwight Eisenhower once suggested that if one “[wanted] total security, go to prison. There you’re fed, clothed, given medical care and so on. The only thing lacking...is freedom.” Adult inmates who are sentenced to jail or are awaiting trial do not solely experience the absence of freedom. Rather, officers and deputies also relinquish the experience of freedom the moment they arrive to work and are locked in county jails. Just as inmates, officers and deputies are provided meals each day, uniforms to wear to work, and medical care if injured while at work. This study illuminates the importance of the relationships and daily experiences between correctional officers, deputies and inmates, as well as the parallel relationships within each group of participants. This study adds value to existing research with an examination of the complex nature of intuitive decision-making, and the role reversal that is experienced between officers, deputies and inmates in moments of conflict and fighting.

### **Problem Statement**

There are a growing number of studies that evaluate the relationship between the

transition process prior to release and the time before rearrest to trending recidivism rates, however, the motivation for such research is largely focused on the financial implications of incarcerating and re-incarcerating populations with a history of recidivism. As a result of the financial efficiency rationale (or the desire to save money rather than unpack the problem), researchers who have been engaged to find solutions to the recidivism problem, up to this point at least, generally have not been motivated to explore the decision-making challenges faced by each individual and the added complexity of the criminal justice system in which he or she is enmeshed.

Decision-making is part of our everyday living, and because it is an experience shared by all individuals in society, it is an area of study that is emerging as an area of interest in a number of academic fields (McFall, 2015). Research on decision-making fatigue, or the psychological experience caused by a high volume of decisions made in a particular time period resulting in mental exhaustion (Tierney, 2011), for example, is quickly growing in interest. This literature has mainly focused on pilots, superior court judges, parole board members, and medical professionals (Tierney, 2011).

Unfortunately, up to this point there has been little research on decision-making fatigue in the criminal justice system for both officers and inmates or on the ways in which individuals can improve their decision-making capacity for the range of decisions that have to be made each day while remaining in highly structured roles and settings.

So, while there is growing research on decision-making fatigue in psychology and economics, extensive research on recidivism in criminal justice and sociology, and a precedent set by Zimbardo (1971) and Haslam (2010) on research in prisons and the ways in which such settings modify behavior and decision-making skills, a thorough review of

existing literature suggests there is a need to better understand the effect of jails on decision-making capacity. Of the existing studies, most focuses on incarcerated youth (ages 14 through 17) rather than adults in the criminal justice system (e.g., Reyna & Farley, 2006, Evans, Brown, & Killian, 2002, Fischhoff, 2007). Existing research illustrates the need for youth to develop different types of decision-making skills in order to navigate the many systems they will encounter upon release; however, there is no attention paid to the decision-making needs of adult inmates (Evans, Brown, & Killian, 2002; Vohs, K., Baumeister, R.F., Schmeichel, B.J., Twenge, J.M., Nelson, N.M., & Tice, D.M., 2008). Reyna and Farley (2006) emphasize the importance of developing risk and benefit analysis skills for youth to improve their decision-making capacity. Moreover, searches in the academic fields of psychology, sociology, and political science have not yielded any research that examines the connection between incarcerated adults' decision-making capacity as it relates to their interactions with the criminal justice system and post-detention success.

The available research and literature on incarcerated adults is focused on designing initiatives to reduce existing incarceration numbers in state prisons and decrease costs. However, because recidivism is a systemic problem for adults in the criminal justice system, this study adds value to the literature in providing better understanding of how the design and structure of jails influences decision-making capacity of incarcerated adults before their transition into the community. Knowledge in this area is deficient due to limited qualitative research that explores ways to improve decision-making skills while in a highly structured environment. Findings in this study add the lived and intricate decision-making experiences of officers, deputies and inmates

to what Zimbardo (1971) and Haslam (2010) found in their prison experiments.

### **Purpose of the Study**

The purpose of this study is to develop a better understanding of the influence of the criminal justice system on a) the decision-making experiences of individuals who are currently incarcerated; b) the decision-making experiences of formerly incarcerated persons; c) the decision-making experiences of correctional officers and deputies who are employed in each jail, and; d) the potential opportunities to exercise decision-making skills in jails. This research, in part, will focus on the types of decisions correctional officers, deputies and inmates are required to make within a California county jail. In order to focus the research in this area, this study's primary research questions include:

1. What types of decisions do correctional officers, deputies and inmates make on a daily basis in county jails?
2. How do correctional officers and deputies perceive their experiences with decision-making on a daily basis in California county jails?
3. How do adult inmates perceive their experiences with decision-making on a daily basis in California county jails?
4. How do the perceptions of daily decision-making experiences of correctional officers, inmates and adult inmates compare?

Data collected from each of the research questions will be used to compare the experiences of both populations who work and reside in jail and the influence of the criminal justice system has on their daily decision-making. This study seeks to add to the body of knowledge on the decision-making experiences of correctional officers and inmates, the challenges presented by the roles both populations play in jail, and how to

potentially increase the decision-making skills of inmates prior to their transition process out of jail.

This study places a strong emphasis on the practical application of this research on improving the daily decision-making experiences for individuals in law enforcement and the criminal justice system. An examination of existing literature will be provided in Chapter Two, followed by the discussion of the methodology used to collect and analyze the data to answer the research questions in Chapter Three. Chapter Four will offer a discussion of the wide range of decisions made by correctional officers, deputies and inmates. The evaluation of the equal but opposite orientation to decisions will be conducted from the perspective of each group of participants. Chapter Five will provide an analysis of the decision-making styles that each group of participants employs in county jails on a daily basis and the parallel experiences of decision-making fatigue and use of verbal inquiry. A decision-making interaction model and a framework are offered to evaluate policies and procedures that influence decision-making in county jails on a daily basis will be presented in Chapters Six. Chapter Seven will discuss the how the findings in this study provide opportunities to improve decision-making outcomes in settings previously identified by Zimbardo (1971) as having a negative effect on individuals' moral compass, personal judgment and mental health. Evaluating decision-making beyond the roles assigned to correctional officers, deputies and inmates in county jails will illuminate the relational and intuitive decision-making styles that are informally relied upon.

## CHAPTER TWO: REVIEW OF LITERATURE

### **Introduction**

Incarcerated populations in the state of California are continuing to draw attention in the political, legal, and social spheres as their cost to tax payers and rates of recidivism—or rearrest—continue to rise. Research on interventions and solutions for recidivism is also beginning to increase. This literature review will discuss the history and purpose of jails in the United States, definitions of developmental disabilities and mental illness, current political trends in the criminal justice field, research on recidivism, intervention, risk assessment for recidivism, decision-making capacity, decision-making fatigue, and existing systems approaches to research. The importance of systems theory will be presented. Future considerations and implications for research will also be discussed.

### **Recidivism and Systems Research**

As a result of many of the political trends concerning incarceration, research on the factors that influence recidivism for high-needs populations is slowly growing. Existing research is limited by its focus on a single system rather than a comprehensive review of criminal justice, special education, social services, and mental health systems, and their effect on future outcomes for inmates. Much of the recent research focuses on incarcerated youth rather than adults in the criminal justice system. This is problematic given that 65 percent of adult inmates released in the state of California are rearrested within one year of release, and an even greater percentage return to jail and prison within three years (California Department of Corrections and Rehabilitation, 2013). Nevertheless, studies of youth may offer insight about how to understand and evaluate

adults' decision-making capacity and how to approach adult populations that may be developmentally and behaviorally very similar to young adults.

The majority of research conducted in the field of criminal justice and on adults with intellectual disabilities and mental illness is quantitative. This researcher found no work that presents perspectives of recidivating individuals on the decision-making process that originally led them into crime and back to crime after release. While quantitative research rests upon reliable statistical methods, the approach calls in to question the ability of the population at hand to effectively engage in survey-based quantitative research. The National Center for Education Statistics conducted a survey comparing the literacy rates of incarcerated individuals to those living in American households. It was determined that adults who were incarcerated had lower than average prose, document, and quantitative literacy rates than adults in the same age group living in private households despite participants having the same education levels (Greenberg, Dunleavy, & Kutner, 2007). The literacy rates in prisons and jails suggest that a quantitative approach may not be effective given the comprehension necessary to accurately complete a survey.

### **Role of Incarceration**

The historical purpose of incarceration in the United States is twofold. The first purpose is general deterrence of individuals who would otherwise commit crime in society, and reduction of the rate at which individuals commit crimes after their release. The second purpose is issuing punishment, obtaining retribution, and protecting the general public from those who have committed crimes (Coyle, 2013). Rehabilitation was not originally part of the daily operations of incarceration facilities. While the criminal



justice system in present day continues to serve the public based on its founding purpose, it has also had to absorb the function of mental health and social service institutions due to political initiatives dating back to the Governor Reagan Administration. Such initiatives called to close mental institutions and facilities that provided support to the mentally ill (Steadman, Monahan, Duffee, Hartstone, Clark, & Robbins, 1984). While the original intention behind shifting to community-based services was actually positive, the implementation experienced great challenges. In the state of California, deinstitutionalization has significantly impacted the role of incarceration facilities. The process of deinstitutionalization is described as changes in the laws, procedures, and ideologies that called for the transfer of the care of the mentally ill from licensed institutions to community settings and homes (Steadman, Monahan, Duffee, Hartstone, Clark, & Robbins, 1984). As a result of this dynamic, the criminal justice and mental health systems have become interdependent, and they impact one another based on each system's presence in the community. The general rule of thumb is that "if the prison services are extensive, the asylum population is relatively small and the reverse also tends to be true" (Steadman, Monahan, Duffee, Hartstone, Clark, & Robbins, 1984, p. 474). This compensatory balancing act is becoming more common, as higher levels of inmates have great needs. With over 60 percent of the inmate population in California county jails being identified as having a mental health problem, and with the rate of mental illness and disability being higher for women than men, jails are serving a dual purpose as a rehabilitation and retribution institution (Stedman, Osher, Robbins, Case, & Samuels, 2009; Dvoskin & Spiers, 2004).

## **Mental Illness and Developmental Disability**

Present day adult incarcerated populations are comprised of individuals with a range of unique needs and backgrounds. The demographics include individuals of all races, ethnicities, education levels, ages, socioeconomic status, and functioning ability. For the purpose of this literature review, individuals with unique needs will include those with a mental illness or developmental disability. The National Alliance on Mental Illness (2015) defines mental illness as a range of medical conditions that disrupt a person's thinking, feeling, mood, ability to relate to others and daily functioning. Such conditions can include major depression, schizophrenia, bipolar disorder, obsessive-compulsive disorder (OCD), panic disorder, post-traumatic stress disorder (PTSD) and borderline personality disorder. Many of these disorders manifest themselves in the form of maladaptive behavior and difficulty managing daily social interactions. Several of these conditions are treatable over time and can onset later in an individual's life.

The California Department of Developmental Services (2014) defines developmental disabilities as physical or mental impairments that begin before an individual reaches adulthood. Such disabilities include intellectual disability, cerebral palsy, epilepsy, autism, and disabling conditions closely related to intellectual disability or requiring similar treatment. Many of these disorders often go undiagnosed and unaddressed. Both types of conditions, mental illness and developmental disabilities, will be considered and included in the literature evaluated and discussed in this review. Next is a presentation of the literature that examines the current financial and political trends in the social systems connected to individuals who have a history of recidivism.

### **Incarceration and Recidivism Trends**

Current criminal justice policies and procedures are having a significant impact on the political and financial structures in United States, especially in California. Since 1970, California has experienced a 750 percent rise in incarcerate rates. Regulations such as the three-strike rule, the “war on drugs,” and sentencing rates have created overcrowding in state prisons (Caffiero, 2013, p. 7). The Supreme Court of the United States ruled the state prison system services, such as medical care, unconstitutional due to prison overcrowding (Lofstrom, Petersilia, & Raphael, 2012, Caffiero, 2013). Given the limited resources available to build additional prisons or transfer prisoners out of state, California identified the development of a realignment plan as the only feasible option. In response to the court mandate to relieve overcrowding, the legislature passed the Public Safety Realignment Act of 2011 (AB 109), which required all non-violent, non-serious, and non-sexual offenders to be retained in county jails. Given that California has the largest state-run prison system in the United States, the Realignment Act shifted responsibility of about 30,000 prison inmates to county jails (Caffiero, 2013, p. 5). Existing state prisoners were not transferred to county jails due to AB 109; however, inmates that previously would have been transferred to state prison were retained in county jails thereafter (California Department of Corrections and Rehabilitation, 2015).

The state of California allocated just under one billion dollars in funding to provide counties with financial resources to undertake the increased incarceration and supervision requirements (California Department of Corrections and Rehabilitation, 2012; Lofstrom, Petersilia, & Raphael, 2012). In addition to reducing overcrowding in state prisons, an intended measurable outcome of AB 109 is the reduction in recidivism

rates, or the number of times individuals return to jail and prison. With just about 65 percent of all adult inmates released in the state of California being rearrested within one year of release, California jails are tasked with a costly operation (California Department of Corrections and Rehabilitation, 2013). Counties are afforded great flexibility with which they can choose to spend their AB 109 funding to implement interventions, treatment programs, and re-entry planning. Funding determinations were generally based on previous crime rates, costs of jail operations and length of sentences. Additionally, county probation departments are responsible under AB 109 for supervising the inmates that would have previously been under state parole's authority before being placed into county jail (Lofstrom, Petersilia, & Raphael, 2012). Based on existing political, financial and social trends, it is in the best interest of county governments to develop programs that prevent recidivism and to develop interventions used to support inmate's successful re-entry into the community. Research evaluating programs and factors contributing to the prevalence and reduction of recidivism will be discussed hereafter.

### **Influence of the System**

Existing research on populations with recidivism rates and special needs also neglects to consider the extreme influence the structure of the criminal justice system has on decision-making capacity and behavior of both officers and inmates. Existing research on recidivism fails to provide systematic analysis and to account for the gaps in resources—politically, financially, and with regard to social capital and training—that may be influencing the current recidivism rate. Understanding the current trends in the incarceration system, considerations for research conducted on recidivism, and the potential opportunities of intervention for individuals transitioning out of a correctional

facility involve examining a host of factors that influence the trending outcomes.

Developing a deeper understanding of recidivism and any associated issues first requires defining and unpacking the phenomenon of recidivism.

**Total Institution Effect**The Stanford Prison Experiment and Haslam's 2011 recreation illuminated the impact of specific roles within a mock prison on individuals who remained in the experiment for six days. The changes observed in the behavior, judgment, and decision-making of individuals serving in the roles as prison guards and inmates demonstrates what Goffman (1957) identifies as the impact of a "total institution" on people. Such institutions are fully encompassing organizations in that their character is "symbolized by the barrier to the social intercourse with the outside", and marked by "locked doors, high walls, barbed wire" to an intense degree (Goffman, 1957, p. 313). Examples of total institutions include jails, mental hospitals, army barracks, boarding schools, and monasteries. The secured settings, designated authority, and rigid, prescribed schedules often begin to influence individuals in a unique manner from the time they enter the institution. The impact of the institution begins with a stripping process in which individuals' personal identities are removed. In jails, jumpsuits replace personal clothing items, identification numbers take the place of given names, private space is limited, and a set of rules, with authority figures to enforce them, dictate how individuals eat, socialize, dress, and exist (Goffman, 1957, p. 319). The structure and design of total institutions result in an adaptation of the individuals who are contained by the institution. Individuals begin to experience a variety of adaptations in their behavior including situational withdrawal, rebellious tendencies and desires, a form of colonization where the outside world begins to dissipate, and finally conversion, which

involves the individual taking on the identity given to them by the institution (Goffman, 1957). A pilot study conducted in 2014 by the researcher found that Goffman's (1957) total institution effect was not only a reality for incarcerated adults, but also for county jail correctional officers (Peshon, 2014). Through a series of eight in-person interviews, it became evident that officers have a very similar daily experience in county jails compared to that of the inmates they supervise with regard to how they make decisions. As a result of the rigidity of the regulations that inform how jails operate, officers had very little freedom in how they embodied their roles. While some officers who had been in the profession for over 10 years found that a portion of their decisions were based on experience and training, the overwhelming majority explained the range of decisions and actions they make on a daily basis as a function of what the system requires of them (Peshon, 2014).

In discussing the demographics of both correctional officers and inmates with two jail division commanders in two different counties in California, it became evident that the backgrounds and life experiences of officers were strikingly similar to the backgrounds and experiences of inmates. The majority of correctional officers had earned a high school diploma and a small percentage had an associates degree from a two-year college. Most officers came from lower-middle class families and worked in construction or service related fields such as fast-food restaurants, local restaurants, or retail stores. The social networks of correctional officers and inmates were also very similar, with their social groups being primarily local and with comprised of people on the same socio-economic scale. Additionally, both jail commanders reported that they saw high levels of alcoholism, domestic violence, and social difficulties in the

correctional officers that serve in their jails.

The trend that was observed by the division commanders is substantiated by findings from Valentim, Oehme, and Martin (2012) in a study on correctional officers and domestic violence experiences. Data collected in the study found that correctional officers often experience what may be identified as a “spill over” effect where their training on how to employ a commanding presence and control entered into their personal lives and home environments. It was determined that 11 percent of correctional officers included in the study reported that they had been physically violent with an intimate partner, and 33 percent of participants knew of other officers who had committed unreported domestic violence. Such findings suggest that the “total institution” effect that Goffman found to be prevalent in county jails, mental hospitals, army barracks, and monasteries is a strong influence on the correctional officers of California’s county jails as well.

### **Defining and Assessing Risk for Recidivism**

Research on recidivism requires defining the population of adults at-risk of recommitting crime in a specific period of time after being released from a correctional facility to their home community. For the purposes of this literature review, the qualifications used by the Hampden County Sheriff’s Department (HCSD) to evaluate recidivism will be utilized. HCSD conducted a robust analysis of recidivism rates of county inmates in Massachusetts and focused on three dimensions of recidivism within three years of being released: re-arraignment, re-incarceration, and re-conviction. Re-arraignment consists of any court appearances within the criminal justice system in the same state. Re-incarceration is the sentencing of an individual for any length of stay in

the same state for a new offense or violation of probation. The third dimension, re-conviction, encompasses both new offenses and technical violations. Rearrest precedes each of the three dimensions and accounts for the initial phase of observable and measureable recidivism patterns. Individuals who were either re-arraigned, re-convicted, or re-incarcerated to another correctional system in another state, or were relocated, deported, or had died after release are not included in the data analysis (Lyman & LoBuglio, 2007).

While the three categories utilized by HCSD are measurable and serve as a launching point for selecting a population to evaluate, they do not explain the reason(s) behind each action or sentence. For example, it would be useful to know if individuals were re-incarcerated for committing the same crime or for a new crime. This information may be relevant for research on adult inmates with intellectual disabilities and mental illness given that recidivism may be a symptom of a problem specific to individuals with unique needs within a larger system. Understanding whether this population is committing new crimes upon release or continuing with a previous pattern of behavior that causes them to come into contact with law enforcement may inform the types of interventions used by law enforcement professionals.

The HCSD study analyzed recidivism rates of specific subpopulations categorized by offense type, custody status, demographics including age, residence zip code, and program participation and status at the time of release (Lyman & LoBuglio, 2007). The study provided the opportunity for a comparison of recidivism rates of adult inmates that received services and supports with inmates that did not. This information is relevant to the many functions jails are now required by law to provide. These include holding



individuals at pretrial who fail to make or are ineligible for bond, temporarily holding individuals who have committed crimes due to possible mental illness, and court witnesses involved in active trials. Jails can also provide protective custody, detaining individuals waiting for a transfer to a different state or federal facility, and most commonly, incarceration of individuals serving post-conviction sentences (Lyman & LoBuglio, 2007). Regrettably, Lyman and LoBuglio did not examine disability or mental health status as a factor. This information, however, can be collected during the booking process after arrest and updated during sentencing, and can assist in determining an individual's risk for recidivism in the future.

### **Measuring Risk for Recidivism**

Because of the increasing rate at which individuals with unique needs recidivate, the need for county jails to assess the risk for recidivism at the time of release is increasing. This process begins when inmates are transitioned from a county jail to their local probation department and ultimately back into their home community. The recidivism rate for individuals with a mental illness or developmental disability is upwards of 70 percent, and correctional agencies are struggling to meet the unique needs of this complex population (Louden & Skeem, 2013). Given that this population is largely overrepresented in the criminal justice system and often receive higher levels of supervision, probation officers are being asked to conduct risk assessments for probationers with mental illness, in particular. Similar to the study by Lyman and LoBuglio (2007), Louden and Skeem (2013) focus on two mechanisms of recidivism in a quantitative study that evaluated risk assessments and risk management decisions made by 234 probation officers. The first includes being rearrested for committing a new

crime. This turned out to be a weak indicator, as it was found that individuals with unique needs are less likely to recidivate by committing new crimes. The second indicator involves a technical violation, which occurs when an individual breaks a rule of community supervision (Louden & Skeem, 2013). The challenge with the two indicators used by Loudon and Skeem involves determining if individuals with unique needs recommit crime at a higher rate than the rest of the general probation population, as they typically receive higher levels of supervision, and thus are more likely to be caught in violation of their probation agreements.

Assessing an individual's risk for recidivism while or after they are incarcerated is largely subjective, as it is based on the first point of contact between the probation officer and the probationer. Probation officers complete a Presentence Investigation Report (PIR) that estimates an individual's risk of re-offense. Despite research indicating that a mental disorder alone is a negative indicator compared to substance abuse with a mean effect size of 0.11, officers may disagree with risk ratings based on their perception of the probationer (Louden & Skeem, 2013). This is a compound issue, as substance abuse is often a symptom of an individual with unique needs. Once the PIR is complete, officers may choose to ignore or override the score and assign a high risk rating to the probationer with unique needs. This drastically influences the type of support and supervision required under risk management (Louden & Skeem, 2013).

A probation officer is assigned to each individual once released in the community, including those with mental illness or disability. This may be a different officer than the one who completed the PIR, which creates significant inconsistencies in supervision and perception of risk. Mandated mental health treatment can be included as a part of a

probation sentence as an additional requirement to fulfill (Louden & Skeem, 2013). This process illuminates a challenge that is twofold: the perception and capacity of officers that directly influence the degree of supervision of individuals with unique needs upon being released, and the capacity of the individual with unique needs to meet the conditions of their probation.

Louden and Skeem (2013) found that officers perceived probationers with a mental disorder to be high risk and increased the level of supervision required. With that, officers often sought forced treatment for individuals with unique needs upon release and closely monitored probationers with mental disorders. Increased supervision and treatment do not necessarily equate to a lower recidivism rate; in fact, the opposite often occurs given that statistically, individuals with unique needs are being rearrested at a higher rate (California Department of Corrections and Rehabilitation, 2013). The relationship between supervision levels and rates of rearrest has resulted in the criminal justice system tracking individuals with unique needs as the units of evaluation at the state level rather than evaluating the systems such individuals encounter. A more comprehensive understanding of the decision-making process employed by individuals with high recidivism rates may surface if the criminal justice system evaluates the trainings programs provided to law enforcement professionals. The gaps in existing research illuminate the need to examine the extent to which individuals with a history of recidivism can effectively make quality decisions on a daily basis, and how the criminal justice system can support improvements in decision-making processes.

### **The Impact of Decision-Making**

Researchers have determined that there is a robust relationship between decision-

making capacity and recidivism rates (Evans, Brown, & Killian, 2002). The ability to make appropriate decisions in different settings with different influences present is one facet of ensuring a successful transition out of the criminal justice system. Evans, Brown, and Killian (2002) found that individuals inside of incarceration facilities are able to identify major life decisions in comparison to minor, daily decisions, but are unable to process in-the-moment, emotionally charged decisions that can often cause significant stress. Decisions such as what jobs to apply to could be a major decision that is easy to identify, but not agreeing with the boss in the moment may be difficult to process and respond appropriately to. This is particularly true for adolescents with a history of criminal behavior because their ability to assess risks, benefits, social consequences of behavior, and exercise self-control fluctuates throughout their development (Reyna & Farley, 2006). Reyna and Farley (2006) argue that because decision-making involves weighing risks and benefits in the moment, traditional modes of intervention that rely on unconscious behavioral models (including psychological counseling) are not effective in assisting adolescents in understanding risk and rationality. In contrast, focusing on environmental triggers of emotional reactions and decision-making may illustrate the larger systems experience of individuals with unique needs. This may require exploring the specific tasks and activities that produce the most stress and anxiety while individuals are still in jail, and developing an individualized plan for each inmate with potential supports available before the time of release. Consideration of activities in other settings such as school, work environments, and home communities may also be beneficial when considering how to increase individual's capacity for stress and decision-making.

Vohs et al (2008) suggest there is a strong relationship between choices made on a

daily basis in everyday routines and the quality of each decision, subsequent self-control, and positive decisions made. Decision-making involves executive functioning skills, which require the cognitive ability to regulate and control oneself in the midst of large quantities of choices and opportunities. Vohs et al report that individuals have a maximum threshold of choices or decisions that can be made before their self-control becomes impaired (2008). Thus, decision fatigue may need to be considered when determining how to evaluate decision-making capacity and support individuals in increasing their capacity. This is exemplified in the experience many individuals have in a grocery store or their local Starbucks. It is estimated that the average grocery store contains 40,000 or more items to choose from and each Starbucks location offers 19,000 beverage possibilities to their customers. As choices continue to increase in everyday life, the extent to which individuals are able to effectively make decisions is decreasing (Vols et al, 2008).

While this research speaks to the complexity present in everyday life, it does not speak to the possible challenges that may be present within larger systems when it comes to daily decision-making. For example, while the criminal justice system may significantly reduce the number of choices individuals face once incarcerated, it requires their capacity for decision-making to increase immediately upon release. Additionally, there is no consideration of the cost of a program that would enhance the executive functioning and decision-making skills of individuals and, in this case, specifically inmates with unique needs. There is also no consideration of the level of training that would be needed for officers and administrators in the involved systems, or the political obstacles that stand in the way of generating resources to pay for such a program.

### **Post-Detention Success**

Research has also focused on evaluating perceived post-detention success as predicted by decision-making capacity of incarcerated youth (Evans, Brown, & Killian, 2002). An exploratory approach was used to study the link between decision-making competency and the perceived post-detention success from the perspective of incarcerated youth. This mixed-methods study surveyed 197 incarcerated male youth ranging in age from 12 to 18 in two juvenile detention centers in Nevada. A decision-making scale that required written responses to open-ended questions was utilized to evaluate decision-making constructs, or choices for each individual to consider and make. The researchers categorized decisions as major or minor, and in-the-moment stress-induced decisions or long-range planning decisions. They found a significant positive association between the individuals' measured capacity for decision-making and higher scores on the post-detention success scale. Decision-making constructs were used to determine the factors that may affect an individual's likelihood of succeeding including: consequences, options, evaluating decisions, and decision-making efficacy in relation to a major decision the individual experienced (Evans, Brown, & Killian, 2002). Again, this research did not take into account the influence of the systems that these youth interact with on a daily basis when in custody, or the impact of such environments on a person's decision-making experience and reflections.

### **Assessing Decision-Making**

A valid assessment of decision-making competency is necessary to understand how this capacity is related to recidivism. Behavioral decision-making research—again focusing on youth—is available as a framework to evaluate capacity. Research in this

area breaks down decision-making competence into a framework consisting of three categories: normative analysis, which evaluates an individual's intentions and goals in relation to their options to achieving them; descriptive study, which involves understanding how individuals perceive decisions; and prescriptive interventions, which includes reducing the disparity between their goals and their decisions along the way (Fischhoff, 2007). This research differs from the study by Vohs et al (2008) in that it breaks down the decision-making process. Behavioral decision-making research offers an integrated approach to understanding and assessing how teens make decisions. It also provides guidance as to how research on adults might investigate decision-making capacity using a holistic approach.

Fischhoff (2007) argues that behavioral decision-making research is rooted in the belief that both quantitative and qualitative research is necessary to understand the fundamental values and beliefs that influence decisions and the outcomes of decision-making processes. From this perspective, the values and beliefs associated with decision-making competence are not viewed as rigid or permanent. Meaning is derived from an individual's values and beliefs, and as a result, influences decisions in a non-linear fashion in that it is inclusive of context, situation, perspective and experience. For example, how one family makes choices about elderly care cannot be compared to another family's without consideration of their personal, cultural, and religious values. There may be many different reasons for the type of care they select depending upon the context in which they have created a family. The approach to assessing beliefs depends on whether anticipated outcomes are certain, in which case they can be evaluated through quantitative research, or uncertain, which would require qualitative approaches. If an

individual's explanation of his or her decision making process can be explored in terms of cause and effect, quantitative research can be used (Fischhoff, 2007). A more complex explanation that is not straightforward would benefit from a qualitative approach that can better capture the experience of the individual.

Decision-making competence can be determined with a fairly straightforward assessment instrument that may be useful in future research. It involves selecting factors that individuals may consider when making decisions such as financial implications, social reputation, short and long term benefits, standardizing the factors to determining if they are favorable or not, and adding them based on an individual's selection of the variables. The final score should indicate the likelihood of favorable choices made by the individual based on a normative scale created by the identified factors (Fischhoff, 2007). While creating a normative scale based on social factors is useful in predicting the quality of decisions, the challenges rest in the perspective of the individual that is determining what is considered the "norm" and the absence of data indicating whether this is more than a theoretical approach. Cognition, or the mental process of acquiring knowledge and understanding, is a significant variable to take into account when developing an assessment. Additionally, social, emotional, and development factors may inform a normative analysis used in a study (Fischhoff, 2007). For example, an individual with a more sophisticated cognitive process or greater intellectual capacity may identify normative values to be different than an individual who has very limited cognitive capacity. Since decision-making may require accounting for a large degree of variance, where each decision process can have unique characteristics for each individual in society, understanding how to assess the factors that individuals consider in their decision



making process is significant for future research.

Understanding how to evaluate decision-making competency can support the recommendations offered by Evans, Brown, and Killian (2002) and increase the effectiveness of interventions for vulnerable, incarcerated populations. The aforementioned studies differ in their approach to evaluating the significance of decision-making and the extent to which they acknowledge the complexity of decision-making processes. What is missing from this area of research is an evaluation of the decision-making capacity of the professionals in the social systems involved. Ensuring that the professionals conducting interventions are trained and able to make quality decisions would likely be an important component to implementing assessments and programs to reduce recidivism rates.

### **Impact of Officers' Decision-Making Capacity**

Recent research on correctional and probation officers' assessments on the possible risk of recidivism of individuals with unique needs has surfaced concerns about the decision-making capacity of officers themselves. The duties and expectations of officers in county jails and state prisons range from administrative technical tasks to interpersonal behavior management. Dvoskin and Spires (2004) note that as a society we often ask officers to behave in a sensitive and caring manner as therapeutic change agents for the mentally ill while concurrently requiring them to follow extremely rigid security procedures that allow them virtually no freedom of choice in relating to inmates. As a result, the ability of officers to make decisions in a highly structured, extremely stressful system is crucial to the success of inmates while in custody as well as upon release.

Louden and Skeem (2013) suggest the assessment process probation officers use

to determine individuals' risk of recidivism at the time of release largely depends upon their own ability to make decisions. The role of probation officers requires them to make significant decisions that may impact the daily lives of individuals recently released from jail and as a result, "examining how officers may make decisions differently for offenders with and without mental disorder may elucidate the reason for the disproportionate rate of returns to custody for these offenders" (p. 23). This reinforces the need to evaluate recidivism on a systems level that takes into consideration the professionals that uphold the structure of the social systems those individuals with unique needs interact with on a regular basis.

### **Decision-Making Fatigue**

Although research on the relationship between decision-making capacity and recidivism rates is relatively new, studies on decision-making fatigue are popular topics of conversation and application in many fields. Decision-making fatigue is defined as the psychological condition caused by a high volume of decisions made in a particular time period resulting in mental exhaustion. As a result, subsequent decisions are often lower in quality. This phenomenon has been studied in relationship to many different occupations including law enforcement, health care, National Football League quarterbacks, chief finance officers, and truck drivers (Tierney, 2011). A study conducted in 2011 evaluated the decisions made by an Israeli parole board consisting of a judge, a criminologist, and a social worker over the course of a year. The board made over 1,000 decisions during that time period and consistently made decisions that were more favorable to the prisoners during hearings that took place in the morning (Tierney, 2011). Prisoners who appeared before the parole board later in the day only received parole 10

percent of the time, while those who appeared before the board in the morning received parole rather than longer prison sentences 70 percent of the time, even if the prisoners were convicted of the same crime. Researchers did not find the members of the board to display any abnormal behavior or malicious intent; rather, they experienced a maximum threshold of their mental energy for making decisions (Tierney, 2011).

Studies on mental discipline also illuminate the finite energy that individuals embody to make quality decisions on a daily basis after the point of fatigue. Decisions involving what to eat at the end of a hard day or being more susceptible to marketing ploys become significantly more challenging. Research also demonstrates the limited capacity for willpower that individuals possess when faced with making non-routine decisions such as getting ready for work, or making a pre-planned meal. Faced with significant emotional events or transitions in life, individuals often display symptoms of decision-making fatigue in the form of impulsivity and reactivity (Tierney, 2011). While research effectively explains the rates and process of decision-making fatigue for professionals in semi-structured settings such as the criminal justice system, it does not evaluate how individuals who are continuing to enter and re-enter the same system as inmates and prisoners make decisions on a daily basis. Decision-making fatigue may be experienced in jails when the transition process is encountered to return to the community for correctional officers, deputies and inmates.

Existing research can provide preliminary evaluative methods for determining decision-making capacity and the risks involved with decision-making tendencies that may be specifically applicable to law enforcement professionals. Empirical and anecdotal research has been conducted on the effects of making too many decisions, and

the decrease in quality for every subsequent decision thereafter, referred to as decision-making fatigue, in a variety of fields. Additionally, decision-making has been evaluated in terms of common “styles.” Decision-making styles are commonly divided into two groups: rational decision making, performed by people who rely on facts and careful consideration of all options, and intuitive decision making, performed by people who base their decisions on “gut instincts” and experience of feeling a decision is right (McShane & Von Glinow, 2016). The field of behavioral economics also illuminates the tendency of human beings to think about decisions in two modes. These include using the reflective system of thinking in which individuals are deliberate and self-conscious, and the automatic system of thinking, which is far more rapid and instinctual (Thaler & Sunstein, 2008). In a study conducted by French, West, and Wilding (1993), decision-making styles and the effect of each style on fatigue was evaluated for road traffic accidents. In the exploratory, survey-based study, 711 drivers completed a Decision-Making Questionnaire (DMQ) to identify a total of 12 different dimensions of decision-making that contributed to higher rates of road accidents. These included control, thoroughness, instinctiveness, social resistance, hesitancy, perfectionism, speed, calmness, focus, planning and deviance. French, West, and Wilding (1993) found that people tend to import aspects of their general, daily decision-making style into their driving situations. The individual styles and lower rates of traffic accidents were largely influenced by age, thoroughness, and hesitancy, and directly correlated with increased levels of driver safety. Each of these factors can be evaluated in combination with research on decision-making research for law enforcement and criminal justice professionals as well as for individuals with high rates of rearrest to better understand

how and when decisions are being made on a daily basis. Such research may inform how to develop more effective interventions in the criminal justice system moving forward to address existing recidivism rates. Understanding how decisions are made inside of jail, may assist with preparing officers, deputies and inmates in making-decisions when they return to their home communities.

### **Interventions for Recidivism**

Research evaluating the effect of the structure of systems and programs indicates that individuals' decision-making capacity is often determined by the systems they come into contact with on a regular basis in addition to decision-making processes. Burton, Morgan, and Davidson (2005) utilized the Normalisation Principle, which is different from the previously discussed normalism, decision-making analysis in that it evaluates the daily decision-making opportunities of adults with intellectual disabilities in comparison to their nondisabled peers. This, in effect, evaluates what is considered to be the "norm" in terms of individuals' typical choices. They found that restrictive living arrangements for individuals with disabilities were associated with them making fewer choices about their daily functioning than they made in less restrictive environments (Burton, Morgan, & Davidson, n.d.). Thus, environments that allow incarcerated individuals to practice making decisions are more likely to increase their ability to function appropriately upon return to their home communities (Evans, Brown, & Killian, 2002). Currently jails are not designed for large numbers of decisions to be made independently by those who work and reside inside. For jail staff, decisions are to be informed by policy. For inmates, decisions are based on instructions given by jail staff. This type of structure and direction is not replicated elsewhere in society. There is also a

need to evaluate the types of social relationships that exist between inmates within different systems. For example, studies suggest that inmates' attitudes toward social interdependence and a focus on community are directly related to cooperation and psychological health in correctional facilities, whereas competitive attitudes between individuals render more conflict and instability (James & Johnson, 1983).

There is a need to collect better data on individuals who enter the criminal justice system. Hayes (2001) called for the use of a screening test to be used across the criminal justice system to identify inmates with intellectual and mental disabilities. If screening was conducted, services could be better allocated and interventions tailored to the types of disabilities and mental illnesses present in each facility and upon release into the community. A clear understanding of the inmate population in each jail can assist in implementing training programs to increase the capacity of incarcerated individuals to self-regulate and manage anxiety that develops from interacting with different types of systems. Mindfulness training programs, for example, have been found to provide the support and structure necessary to enhance individuals' ability to function in less restrictive parts of society (Himmelstein et al, 2012). Moving beyond research on individuals with unique needs requires evaluating the other members of the social systems that they come into contact with. This includes correctional and probation offices in the criminal justice system.

**Internal and External Influences.**

Researchers have identified relationships between the learned skills of youth and support from social systems, and recidivism rates. Risler and O'Rourke (2008) suggest that one social or personal system alone cannot be the sole source of support for individuals with unique needs who are incarcerated, and that there is a need for them to positively encounter and interact with a multitude of systems to be successful in society. Given that individuals with unique needs are three times more likely to recidivate and two times less likely to return to school or the work force upon being released from the incarceration system, developing appropriate supports is crucial for increasing post-detention success rates. Education that is closely linked to employment opportunities is the most effective treatment (Unruth, Gau, & Waintrup, 2008). Current research supports the need to evaluate how each social system influences this population's ability to make decisions and the effect interacting with multiple systems at once has on decision-making capacity. An examination of the silos in which each social system exists is also needed. The siloed systems may require incarcerated individuals with unique needs to navigate processes that may not be similar in structure, location, policy, and function. With this, the culture of incarceration facilities and other social systems must be taken into account as well in order to more fully understand how to effectively connect individuals with unique needs to supportive services.

Incarcerated youth typically begin their criminal activity at an early age, often as the result of emotional and social issues, substance abuse, family conflict, and gang involvement. Evans, Brown and Killian (2002) argued the need for incarcerated youth to have opportunities to practice the skills that will support them in making favorable

decisions and increase their chances for success once released. Often youth who are at risk for recommitting crime find themselves returning to an unhealthy cycle upon being released due to their lack the life skills for navigating daily choices. The study determined that youth who had greater decision-making competence were more likely to score higher on a post-detention success scale. It is logical to assume that same outcomes could be true for incarcerated adults with a history of rearrest (Evans, Brown, & Killian, 2002).

### **System v. Systems Approach**

This review of literature on recidivism illuminates the reality that the individual is used as a unit of measurement, observation, and inquiry. Seldom is attention paid to the systems—whether it is criminal justice, mental health, special education, families, neighborhood communities, or society at large—within which each individual exists. As a result, a systems approach to reducing recidivism has at best received limited exploration. From a systems perspective, no individual exists in isolation, and thus, each person is the recipient and creator of influence within a larger context. Individuals exist within systems, and systems are comprised of individuals. The National Reentry Resource Center (2014) defines a system as two or more parts that interact with each other to form a functional whole. It is acknowledged that systems have boundaries as well as inputs and outputs. When systems operate as a whole, each individual part is less visible, whereas when a system is taken apart, the functions and possible outcomes may be reduced.

A systems approach is defined as one that begins its focus with the whole and considers its many parts as they relate to one another (Charlier, 2014). Given the



relationship between the multiple parts included in any of the systems involved in this field is largely absent in the literature and the concerning evidence about decision-making capacity, it would be useful to evaluate how the gaps between systems influences, if at all, individuals' ability to make positive decisions and their recidivism rates upon being released. This may involve evaluating how jails work with special education programs to better inform their interactions with individuals with unique needs who previously received supports from their local schools. It could also include determining how mental health programs can connect with jails to improve the delivery of medications and services to individuals upon being released. Research on this area would likely be qualitative as well as quantitative, as descriptive statistics would inform the population from whom stories could be collected to better understand the experience of habitual relapses into crime. Understanding how each individual system contributes to a systematic phenomenon could greatly influence the rate at which individuals with unique needs return to jail each year and ultimately, the leadership challenges present in the political and financial initiatives taken in the state of California, such as AB109.

### **Future Considerations**

The literature on recidivism ranges from a psychological analysis of decision-making on an individual scale, to an evaluation of the social systems in place that are intended to support individuals who repeatedly return to jail and prison. With the prevalence of individuals with unique needs in the criminal justice system, there is a clear need to assess the extent to which social and government systems collectively support and address the decision-making needs of inmates once they are released, where they fail to do so, and how a systems approach can increase the effectiveness of interventions

implemented. Specifically assessing decision-making in the context of jails can provide better understanding of the types of challenges that may be faced in the community setting. Exploring the lived experiences of officers, deputies and inmates and the dynamic present in their decision-making interactions may provide insight into the types of processes and policies that result in positive outcomes in terms of behavior, safety and security and successful re-integration into the community.

Further research is also needed to determine the extent to which the systems that both criminal justice and enforcement professionals and inmates operate within influence their decision-making capacity. Future research on the capacity of criminal justice professionals to engage in quality decision-making processes may also contribute to a better understanding of how to reduce recidivism. A multitude of services are currently available to individuals who have been and currently are incarcerated. Their future opportunities—and reduced recidivism rates—may largely depend on the quality of decisions they make on a daily basis. Recidivism, and the needs of vulnerable populations that come into contact with law enforcement in California, are growing and complex social issues that are unique to any other time period. As a result, a systemic and unique approach to understanding daily decision-making experiences for all populations connected to jails is needed.

## CHAPTER THREE: METHODOLOGY

### **Introduction**

This research focused on decision-making in county jails as a phenomenon experienced by two primary populations of individuals. The purpose of this study was to create knowledge on how the criminal justice system equally influences the decision-making experiences of both correctional officers and adult inmates in California county jails on a daily basis, and how the experiences of these two populations compare to one another. Phenomenological descriptions of decision-making experiences in county jails were derived from data provided in 110 open-ended questionnaires, four focus groups comprised of 33 individuals. The populations of interest that data was collected from include correctional officers, correctional deputies, adult inmates and formerly incarcerated persons, with each population representing the demographics of county jails and the ratio of officers or deputies to inmates. This chapter begins by discussing the general research design, reiterates the research questions, and describes the methodology that was used. The populations of interest, the site selection process, the sampling procedures, participant selection, and data collection will be introduced. A discussion of the rationale for using qualitative methods with an adapted phenomenological data analysis technique will also be provided. This chapter will conclude with an effort to ensure triangulation occurs and with a discussion of the potential limitations of the design.

## Research Questions

The research questions that guided this qualitative study in county jails are as follows:

1. What types of decisions do correctional officers and inmates make on a daily basis in county jails?
2. How do correctional officers perceive their experiences with decision-making on a daily basis in California county jails?
3. How do adult inmates perceive their experiences with decision-making on a daily basis in California county jails?
4. How do the perceptions of daily decision-making experiences of correctional officers and adult inmates compare?

### General Research Design and Rationale

In designing this research, the most significant challenge stemmed from gaining access to the populations of interest. The physical and procedural structure of California county jails provides a unique setting and significantly restricts the type of access the general population has to the individuals within the criminal justice system. Using data from two previous pilot studies conducted by the researcher (Peshon, 2014), the design has incorporated recommendations and insights provided by administrators in the criminal justice system on how to best access the populations of interest. As a result, a qualitative study was designed that employed an adapted technique from phenomenology in order to develop an “understanding of a phenomenon as experienced by several individuals,” (Creswell, 2007, p. 62) and a deeper understanding of how individuals make meaning of an issue (p. 40).

The goal of the study was to develop a design that would provide access to county jail correctional officers, correctional deputies, adult inmates, and formerly incarcerated persons to the greatest extent possible. Although having the exact approach to both populations is ideal, it was not possible due to the restrictive nature of California county jails. As a result, the existing design was developed so as to not discriminate against or eliminate one population over the other. This study used two approaches to data collection in the form of a questionnaire that employed open-ended and multiple-choice questions, and a follow-up focus group designed to collect in-depth data in response to each of the research questions. Although a true phenomenological study is not possible due to the restricted access to participants, adapted phenomenological techniques were used for data analysis in order to “reduce the individual experiences with a phenomenon to a description of the universal essence” and understand the very nature of the phenomenon (Creswell, 2007, p. 58).

### **Populations of Interest, Sampling, Participant and Site Selection**

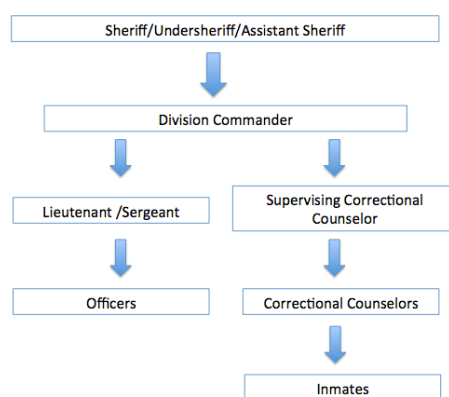
The objective of this study was to understand the decision-making experiences of correctional officers, correctional deputies, and inmates within the structured operations of county jails. Thus, correctional officers or deputies and inmates at California county jails are the focus of the study. Formerly incarcerated persons were also included in this study in an effort to capture the experience of adult inmates in a less restrictive environment. To access this population of individuals, this study took place at three county jails and one probation department in California. A total of nine county jails offered to participate in this study, two of which are located in Northern California and seven in Southern California.

**Populations of Interest** The two populations of interest for this study consist of the adults who are connected to county jails: correctional officers and correctional deputies, and incarcerated adults and formerly incarcerated persons. Correctional officers and correctional deputies serve the same function within their roles; however, the larger jails employ correctional deputies who have a higher level of authority in one area. Correctional deputies can make arrests inside of the jails, while correctional officers do not have the authority to do so. The officers, deputies, and inmates who comprise the two populations of focus include individuals who spend a significant amount of time working or residing in county jails. While inmates have a particularly limited role in jails due to the rules they must comply with and roles they maintain, officers often spend the same, if not more time within the walls of county jails due to the lengths of their shifts and careers in comparison to average jail sentences. As a result, correctional officers, correctional deputies, formerly incarcerated persons, and adult inmates were included in this study to understand their decision-making experience within county jails.

### **Site Selection**

This study took place in California at three county jails and one probation department. Nine county jails agreed to participate in this study; however, it was not desired to have the depth of the qualitative data sacrificed for breadth. County jails outside of California were not considered due to the differences in regulations and laws. County jails were selected based on purposeful convenience sampling. Established relationships with three county jails in Northern California and seven in Southern California served as the initial point of outreach for this study. Access to each jail was coordinated with the department head, custody division commander, and the jail

commander. Upon completing research at each of the sites identified, snowball sampling was used to identify additional California county jails and sheriff's departments that were willing to participate as needed. The networked nature of the criminal justice system enabled the researcher to access the specific experience required of participants in this study (Bryman, 2012, p. 424).



*Figure 1.* This figure provides a visual representation of the sampling process that took place at each county jail included in this study.

### **Sampling**

The sampling process for this study used purposeful convenience sampling. The sample can be classified as a convenience sample because the researcher used existing relationships with California county jails and sheriff's departments to identify and select a sample of participants. Specifically, the researcher worked with each division commander to include participants who were available at the time of data collection (see Figure 1). The sampling procedure also can be considered purposeful because each of the potential participants has experienced “a central phenomenon or the key [concepts] being explored,” namely, decision making and the criminal justice system (Creswell &

Clark, 2011, p. 173).

**Correctional officers and deputies.** At each research site, correctional officers and correctional deputies in each jail were selected based on the jail commanders' and or the jail lieutenants' approval and recommendation of officers and deputies who work day shift. Shift briefings were used to distribute the open-ended questionnaire and recruit participants for the follow-up focus groups. Day shift was the focus of this study, as the correctional officers' and deputies' level of activity and interaction with inmates is the highest during the day. Officers and deputies were also permitted to volunteer as participants, pending their supervisors' approval and shift availability.

### **Adult Inmates**

At each research site the jail commander, inmate services officers, or correctional counselors provided recommendations of inmate education classes or group sessions (General Education Degree, High School Diploma, on-site programming) to contact for participants. Adult inmate participation was approved based on the appropriateness of the inmates' level of classification, disciplinary records, appropriateness of involvement, and any other factors that the commander and inmate services officer felt were important. All inmates with the appropriate level of classification are permitted to enroll in educational classes while in county jails. The education classes and group sessions in each county jail were identified for this study based on their ability to provide a voluntary, daytime, and organized setting for inmates to participate in the study. Inmates who were enrolled in educational courses were often more likely to be approved to participate, as their classification was not as serious. Selecting educational classes or group sessions to recruit participants also eliminated potential social consequences for



inmates randomly selected to participate. Adult inmates reside in pods or dorms that often have hierarchies and group dynamics that may be negatively affected if some inmates participated in the study and others did not. Educational classes and group sessions in county jails served as a separate selection process in which inmates chose to be involved separate from this study. Based on Greenberg, Dunleavy, & Kutners' (2007) findings of inmate reading comprehension levels typically being below average, individuals enrolled in education classes and group sessions were also likely to have higher reading comprehension levels that could assist in their participation and their ability to provide informed consent. Adult inmate relationships with teachers and correctional counselors were also reported by division commanders to be more positive than relationships with correctional officers due to the differences in the authoritative nature of the roles.

### **Data Collection Procedures**

This section will discuss the two phases of data collection that took place at each research site. It will also elaborate on the administrative details regarding how participants were contacted, the questionnaire that was distributed, and the focus groups that immediately followed the completion of the questionnaire. Given that this study is phenomenological by nature, data was collected from the individuals who have experienced the phenomenon of decision-making in jails.

**Initial Participant Contact** At each of the aforementioned research sites, the researcher met with the head of the department (Sheriff, Undersheriff, or Assistant Sheriff) and a division commander or the jail commander to explain the purpose of the study and how the research was to be conducted. General demographic information of the jail was

requested from the division or jail commander. This information, pending availability at each research site, sought to include, but was not limited to, number of inmates, gender, age, race, education levels, disability or mental health diagnosis, length of sentence, and rate of recidivism. After the meeting with each department head and the sample selection process took place, all participants were provided a written letter explaining the purpose of the research, how it was going to be conducted, and the voluntary nature of the research. Participants also received an Institutional Review Board (IRB) consent form explaining their rights as voluntary participants and providing contact information for the primary investigator and the faculty supervisor (Appendix A).

### **Phase One: Officer and Deputy Questionnaire and Focus Groups**

The first phase of this study involved data collection from correctional officers and deputies in county jails. A decision-making questionnaire was used as the first method of data collection (Appendix C). A written questionnaire was used in this study to eliminate the need for the use of technology in the jail setting. An electronic survey would have been ideal in this study; however, the restrictive nature of jails prohibited such technology for officers, deputies and inmates. A written questionnaire was an appropriate method for this study given the need for a tool that provides an opportunity for self-reporting of feelings, attitudes, and experiences that are not influenced by the researcher (Fowler, 2014). The questions posed by the questionnaire consisted of four open-ended questions regarding decision-making preferences and experiences and three multiple-choice questions to better understand each participant's decision-making style. Two of the multiple choice questions were based on the Decision Making Style Inventory used to evaluate the extent to which an individual had a rational or intuitive decision-

making style (McShane and Glinow, 2016). The third multiple-choice question focused on the time of day in which decision-making fatigue may have occurred while in jail. This question was based on existing decision-making fatigue research conducted by Tierny (2011). No personal identifiers were requested or collected in the questionnaire. Available participants who work the day shift were asked to gather in a conference room or open office depending on space availability. The decision-making questionnaire was distributed and the researcher prompted the correctional officers and deputies to take 10 to 15 minutes to complete the questions. The researcher reiterated the voluntary nature of the study and the extent to which the information was to be confidential pending any safety or security issues related to each jail research site. Upon the completion of the correctional officers and deputy decision-making questionnaire at each research site, the researcher conducted follow-up focus groups using the open-ended questions posed on the questionnaire as the focus group protocol. A focus group was an appropriate method for this study due to the need for an efficient instrument that offered an opportunity to more deeply explore information collected in the questionnaire (Morgan, 1998). The nature of day shift in jails limited the amount of time officers and deputies were able to give to this study. Due to the semi-structured nature of the questionnaire, follow-up questions were asked to more deeply explore the perceptions and experiences of officers. The focus group with correctional officers was digitally reordered with participant consent. The researcher transcribed the audio recording to increase the accuracy of the data collected. A note-taker was provided by the county jails from which correctional deputies participated in the follow-up focus group. The researcher also kept written notes to assist with the data-collection process. Analytical memos were also documented after

each focus group with officers and deputies.

### **Phase Two: Adult Inmate, Formerly Incarcerated Persons Questionnaire and Focus Group**

For consistency purposes, the same questionnaire and focus group process facilitation took place for adult inmate participants and formerly incarcerated persons with the assistance of jail and probation staff. The approval of the department head and division commander was also provided for each group in advance of the distribution of the questionnaire and facilitation of the focus groups. Given that county jail inmates are a protected class and are often vulnerable due to mental illnesses and developmental disabilities, inmates did not have direct contact with the researcher without a correctional counselor or teacher present so as to ensure that all inmate rights were protected. The inmate services officer or correctional counselor at each research site coordinated the schedules of the teachers of the educational classes and counselors of the group sessions to distribute the same letter of explanation and IRB consent form to inmates who were willing to participate. A written letter explaining the purpose of the research, how it would be conducted, and the voluntary nature of the research was provided. Participants also received an IRB consent form, explaining their rights as voluntary participants and contact information of the primary investigator and the faculty supervisor. The teachers and counselors provided information in advance regarding the letter of explanation and IRB consent form in order to assist inmates with any questions that arose. Upon receiving consent, each participant was prompted by the researcher to take 10 to 15 minutes to complete the individual questionnaire. Inmates received the same questionnaire that correctional officers and deputies received. Immediately after the completion of the

questionnaire, the researcher facilitated the follow-up focus groups in the same fashion the researcher conducted focus groups with correctional officers and deputies. The questionnaire was used as the focus group protocol. Focus groups were particularly appropriate for this population, given potential differences in education levels. Focus groups provided inmates with multiple modalities through which to participate in the study, both written and verbal. The researcher met with the teachers and counselors who served as note takers prior to the focus group to have a dialogue about terms, definitions, appropriate probing questions that may surface, and any notes that they may be able to compose. Note takers were used in lieu of audio recordings due to the regulations of county jails. A note-taking outline was distributed to all adult inmates and formerly incarcerated persons in order to capture the information shared during the focus group (Appendix G).

Once the focus groups were complete, the teachers and counselors collected the open-ended questionnaires and the notes taken during the focus groups. It was determined that there were not any breaches in safety and security, and no materials were individually reviewed. General screening was conducted to ensure personal identifier and legally sensitive information was not provided to the researcher.

### **Data Analysis**

Data analysis for this qualitative study involved a multi-phase process and employed adapted techniques from phenomenology. Several efforts were made to ensure the data was triangulated and the researcher's bias was minimized through the data collection process.

**Phase One**The first phase involved entering the general demographic data provided by

each division or jail commander into Excel in order for the data to be cleaned and organized. Each research site was given a pseudonym in order to organize the demographic data accordingly. This information was used to determine what the population(s) within each jail consisted of with regard to gender, age, race, education, employment history, sentences, developmental disability and mental illness diagnosis, recidivism rates, and the generalizability of the data collected in the study to other incarcerated populations in California. **Phase Two**

The second phase of data analysis attended to the individual questionnaires completed by correctional officers, deputies, formerly incarcerated persons, and inmates. All responses were entered into Excel in order for the data to be organized by population of interest. Thereafter, the sorted data was entered into Dedoose, a qualitative data analysis software. Each answer to open-ended questions was analyzed first for “significant statements,” which may consist of sentences, key phrases or quotes that provide a greater understanding of how participants experience decision-making in jails (Creswell, 2007, p. 61). Significant statements were used to develop “clusters of meaning” or themes, and textual descriptions of what the participants experience on a daily basis. An essential or essence description, that is, a statement that represents the essence of the phenomenon, was created using the textual descriptions (Creswell, 2007, p. 62). This form of analysis was appropriate given that the purpose of this study was to understand a specific phenomenon, decision-making in county jails, as experienced by officers and inmates. It was also warranted given the nature of the brief responses that were often provided by correctional officers during the pilot of this study in 2015.

The data from the three multiple-choice questions was used for purposes of

descriptive statistics. The researcher entered multiple-choice answers into Excel in order to determine the frequency of each response by correctional officers and inmates. The descriptive statistics collected from these questions assisted in understanding the type of decision-maker each correctional officer, deputy, formerly incarcerated person and inmate is in an average day as well as the points in time when they may arrive at decision-making fatigue. The Decision Making Style Inventory was used to organize responses into two categories: rational and intuitive decision-makers.

### **Phase Three**

The third phase of data analysis used the adapted phenomenological analysis process used for the questionnaire to analyze each of the inmate and correctional officer focus groups. Each focus group transcript was given a pseudonym used to track the significant statements, clusters of meaning, and themes that surfaced in each focus group. The focus group transcripts were analyzed first for “significant statements,” which may consist of sentences or quotes that provide a greater understanding of how participants experienced decision-making in jails (Creswell, 2007, p. 61). Significant statements were used to develop “clusters of meaning” or themes, and textual descriptions of what the participants experienced on a daily basis. An essential or essence description, that is, a statement that represents the essence of the phenomenon, was created using the textual descriptions, (Creswell, 2007, p. 62). The goal of the data analysis phase of this study was to develop an understanding of the underlying “structure” of common experiences of participants in county jails (Creswell, 2007, p. 62). Essence descriptions were analyzed for common themes and meanings in Dedoose.

### **Triangulation**

In order to ensure confidence in the findings of the study, analytical memos and member checking were used throughout the data collection process. This approach was appropriate given that using more than one method and source of data in this study allowed the researcher to check for understanding and accuracy (Bryman, 2012, p. 392). Before each focus group, the researcher documented her personal experiences with decision-making in the context of jails in order to be aware of any personal understandings that may have influenced the study and limited the “cultivation of curiosity” (Creswell, 2007, p. 62). After each focus group, the researcher composed analytical memos documenting key concepts, patterns in the data, main takeaways from the focus groups, any troublesome or intriguing pieces of data, and all questions that surfaced as the result of each questionnaire and focus group. Analytical memos were also used to challenge the existing narrative in the literature and evaluate the essence of the phenomenon that may emerge from the data. In addition to analytical memos, the researcher used the process of member checking while developing textual descriptions, and consulted with correctional officers and deputies who were not included in the study and formerly incarcerated adults to assist with validating the analysis process and essence descriptions. Both groups were sought out for member checking to ensure that the conclusions drawn by the researcher accurately reflected their lived experience and understanding of the criminal justice system.

### **Limitations**

The purpose of this study was to develop a greater understanding of how correctional officers and inmates in California county jails experience decision-making on a daily basis. However, there are several considerations that may limit the



generalization of this study's findings. The first involves the researcher's positionality and personal experience and relationships with the field of criminal justice. The second considerable limitation involves the influence of the inmate services officers, jail staff who served as note-takers and correctional counselors present during the distribution of the open-ended questionnaires and the facilitation of the follow up focus groups. The third speaks to the differences in jail populations, access criteria, and implementation of standards. The final limitation is derived from the limited amount of time and resources that can be dedicated to exploring this phenomenon and the design challenges that follow as a result.

## CHAPTER FOUR: DECISION-MAKING FINDINGS

### **Introduction**

A jail, as an entity that functions as a local institution for the purpose of confinement, is by design incredibly isolating. The data collected in this study was done so at the literal physical margins of society. In order to access correctional officers, correctional deputies, adult inmates and formerly incarcerated persons, over 2400 miles were traveled to the edges of several county lines. The start of data collection each day with officers and deputies often began in the darkest part of the day. Twelve hour shifts begin just before dawn, in briefing rooms embedded within three sets of locked doors, within multiple fences, and hundreds of feet of the borders of California's neighboring states and Mexico.

It is common for civilians to not know where the closest county jail is located in their community, as jails are often outside of our peripheral and embedded in the unnoticeable hills and trees of our towns. Accessing jails often requires long drives without convenience stores or gas stations nearby. Jail sites rarely have cell phone service. There is often only one physical marker or sign indicating that a jail is on site. When inside, it is best to only offer a first name as an identifier, to dress very plainly, and "keep your head on a swivel," constantly be aware of your surroundings. There are cameras and towers with watchful souls behind them, and there are hundreds of eyes that want to see without necessarily being seen. County jails contain all of the functions of a small town, from medical, dental, and psychological services to culinary and parenting classes, without the two-way street to enter and exit leisurely.

From the perspective of psychotherapy and Donald Winnicott's (1965) "holding

environment,” jails function as the space in which officers, deputies and inmates form a relationship of dependence on the presence of one another. Jails contain all of the necessary services to ensure health, shelter, security and development occurs. Both jail staff and inmates attend to the cultural and interpersonal interactions required in a jail in order to survive. Jails are also the physical and literal holding environment for the full circle of life: birth, death, and the stresses, strains, pains and connections in between. This environment greatly influences the relational and intuitive decision-making experiences of the individuals for whom it contains.

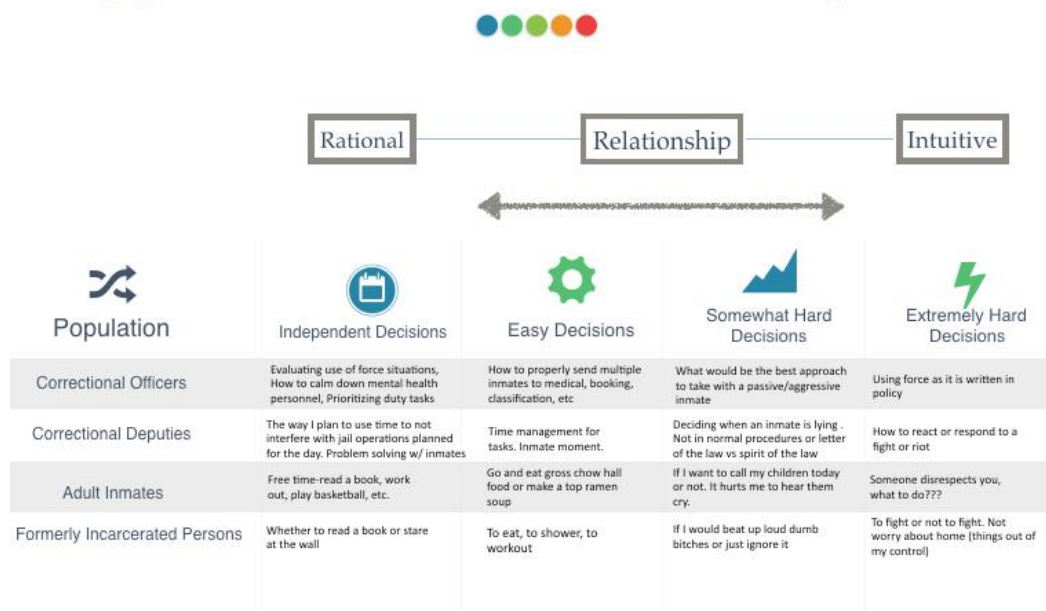
This chapter will be organized into two primary sections based on the analysis procedures discussed in the previous chapter. The first section will present the types of decisions each population of interest reported making. The second section will provide the decision-making experiences from the perception of officers, deputies, inmates and formerly incarcerated persons. Detailed analysis of the types of decisions and each population’s perception of their decisions resulted in four unique findings that the Zimbardo Stanford Prison Experiment did not previously examine:

1. Correctional officers, deputies, and inmates arrived at the same decision-making opportunities from equal but opposite orientations, decision-making experiences, and relationship to authority.
2. Correctional officers, deputies, and inmates relied upon intuitive decision-making styles just as much, if not more than rational decision-making styles that are based on policy and procedure.
3. The informal relationship between correctional officers, deputies, and inmates had a more positive influence on daily interactions and reducing

decision-based conflict than the relationship between their formal roles inside of jails.

4. In spaces of great conflict where force is often implemented, successful negotiation of differences in decision-making styles between officers, deputies and inmates required a reversal of roles and decision-making styles.
5. All populations of interest experienced internal conflict between the desire and overwhelming transition process of returning home, either at the end of officers' and deputies' shift, or upon inmates' release from jail.

## Types of Decisions & Perceptions



*Figure 2.* This figure provides a visual representation of the data collected from the four populations of interest on the types of decisions made in one day and the perception of decision-making experiences while in jail.

## **Types of Independent Decisions**

The first research question of this study focused on exploring the types of decisions each of the populations of interest make on a daily basis while either working or residing in jail without being influenced by regulations, policies, procedures, or a supervising authority. The Zimbardo Stanford Prison Experiment (SPE) examined the ways in which highly structured systems influenced the embodiment of roles, judgment and behavior of individuals. The SPE did not evaluate the differences in decision-making experiences with regards to the types of decisions individuals encountered while serving in their prison-based roles, or the perception of the decisions. This study argues that the types of decisions that correctional officers, deputies and inmates made independent on a daily basis were equal but opposite in terms of the type (basic/routine, relational, or conflict-based) and the perception of their decisions-making experiences (easy, somewhat hard, extremely hard).

### **Correctional Officers Independent Decisions**

Correctional officers from two different county jails were the first population to complete the open-ended questionnaire. The questionnaire was distributed by the researcher to day shift officers over the course of three shifts. The responses of correctional officers about the types of decisions they make on their own without any policy or procedure informing or guiding their decisions ranged widely. Their answers included how they interact with different groups of inmates and how they interact with other officers as well as how they execute their job requirements and manage difficult situations. From these responses, three primary themes emerged from correctional officers. These included decision-making processes related to imposing about discipline,

ensuring safety and security is maintained, and determining the tasks and priorities required of each day.

**1. Discipline.** The first major theme that surfaced in the questionnaire responses from correctional officers involved the high volume of decisions they make on their own each day that pertain to discipline. Taking disciplinary action in California county jails as it relates to adult inmates and rule violations can be comprised of verbal or written action. Such decisions for correctional officers involve evaluating the situation and determining whether communication of a verbal warning or a written disciplinary notice is most effective at that time. Correctional officers reported in their questionnaires that their decisions also involved considerations of when to implement such disciplinary action. One participant explained, “During cell inspection, I have discretion as to what is considered discipline worthy, and whether or not to apply documentation or discipline.” Correctional officers are required by policy to implement disciplinary action following disciplinary hearings, however, policies in place in jails do not necessarily dictate *when* discipline should be imposed during daily interactions and routine tasks. One example cited was such as cell inspections. Others included disciplinary actions taking place during inmate movement to medical, court, yard or meals.

**2. Safety and security.** Correctional officers working in California county jails are primarily tasked with maintaining the safety and security of the facility and all those held in and sentenced to county jail. According to participants, ensuring that safety and security is maintained involves making decisions about how to enforce the rules set forth by Title 15 and the state of California, how and when to intervene in fights between inmates that may breakout at any given time, how and when to impose physical restraints

on inmates who are unable to self-regulate their behavior, and when the use of force by correctional officers is permitted in extreme situations involving inmates. All decisions contribute to the positive or negative implementation of safety and security in county jails.

While the daily decisions of correctional officers related to maintaining safety and security ranged from holding inmates “accountable” to the formal rules of the jail to using their “best judgment” to determine if inmates need to be placed into safety cells to ensure officers are safe, participants consistently noted the decisions that require them to evaluate the severity of inmates’ behavior and how to handle unexpected encounters with “unruly” inmates each day. “Some situations such as a fight breaks out in front of me may require me to use my best judgment,” one participant wrote. Correctional officers reported the decisions that require them to determine how to maintain order as required by policy are often the decisions that are not spelled out in written procedures and require them to evaluate each individual situation and encounter with inmates.

**3. Tasks and priorities.** Correctional officers at each of the county jails included in this study consistently reported that the decisions they made independently of policies, procedures, or authority frequently related to large number of routine tasks that must take place each day. Their independent decisions also involved prioritizing each of the tasks required of daily operations that occur for inmates and officers. Daily operations can range from trash removal, reporting facility maintenance needs, attending to court schedules, meals, commissary and visiting hours. Within each of the daily operations and functions that jails must attend to, correctional officers made decisions about which tasks to complete and in what order. Policies and procedures do not prescribe the timing of

each task, the order, or the details of how each task should be completed. For example, yard time is to be provided to inmates who have demonstrated good behavior. When yard occurs is at the discretion of officers during the day. It became evident that the role of a correctional officer was often one that required analysis. One participant explained their experience of “being a prioritizer, when multiple events have to happen at once.” Officers also functioned as schedulers in the midst of many required criminal justice tasks and duties such as court, medical, yard, visiting and commissary.

The independent decisions made on an average day by correctional officers are largely routine and do not require high levels of stress or consideration. Such decisions do, however, require attention to multiple functions that are consistent, and, are incredibly important for the overall functioning of each jail.

### **Correctional Deputies Independent Decisions**

Correctional deputies at county jails in Southern California were the second population of interest to participate in this study. Their participation represented the individuals who hold roles in county jails that are very similar to those of correctional officers with the exception of one differing role of authority. Correctional deputies in California perform all of the same functions as correctional officers, and they are authorized to make criminal arrests within jails. The open-ended questionnaire was distributed by the researcher to correctional deputies on two different day shifts at county jails during the time of this study. The themes that emerged from the correctional deputies open-ended questionnaires responses about decisions made independently each day included daily interactions with inmates, required safety and security measures and the decisions made in order to ensure the deputies self-maintenance was attended to in



order to continue to serve in their role.

**1. Tasks and priorities.** Similar to correctional officers, the most frequently recorded response from correctional deputies regarding the decisions they make on their own each day inside county jails involved the tasks and priorities they implement. Correctional deputies reported having to decide what order to complete the required tasks on each shift and how they use time in between each fixed activity or mandatory schedule. Correctional deputies also reported having to decide how to ensure all duties were attended to when they faced issues such as short staffing, critical incidents, or multiple events taking place at the same time. Prioritizing tasks and events consisted of a multitude of decisions that were not informed by policies or procedures in place at each of the jail sites where correctional deputies participated in this study.

**2. Inmate requests and problem solving.** Correctional deputies are in constant interaction with inmates while in their role, as daily operations require deputies to be in direct contact with inmates in their activities, scheduled appointments in court or medical, and while in the communal yard during recreation time at each jail. As a result, correctional deputies reported making a high volume of independent decisions revolving around specific inmate requests for items or services, or problem solving with inmates around issues they experience. Inmate requests are often made informally to correctional deputies for items such as extra underwear, additional meals, or participating in an activity at a time that may interfere with another activity. Although policies are in place for some of the daily requests inmates may make, many requests require correctional deputies to use their decision making capacity independently, as the context and familiarity with inmates influences their final decision. A correctional deputy wrote that

an example of a decision made without any policy or authority dictating the outcome involved “getting an inmate a meal when I know there was more than enough meals on the chow cart. Fetching an inmate extra underwear when he gave them to someone else.” The decisions made by deputies each day require information that policies and procedures cannot always account for in the moment. Correctional deputies reported finding themselves in situations where general questions required decision-making that was often based on history and experience rather than formal processes.

**3. Daily operations.** County jails in California have a large number of operations and functions that must take place each day as required by Title 15. Such operations consist of booking, medical, court hearings, meals, yard and recreation time, and various forms of programming and educational classes. For correctional deputies, many independent decisions are made with regard to how to ensure each of the daily operations occurs and are performed as required. Within each of the required operations each day, correctional deputies make constant decisions around how to follow policy and procedure and how to handle decisions that are influenced by their disagreement with set policies and procedures. Many of the decisions associated with performing daily operations involved simple, personal processes such as “keeping calm and running a smooth operation,” while others were influenced by the interpretation of rules and policies and how such interpretations differed from their respective supervisors. The responses recorded by correctional deputies shed light on the extent to which many independent decisions are made each day in the mix of many predetermined and regulated decisions required by jail policies and procedures.

**Complexity of influence.**

In a follow-up focus group with correctional deputies, participants explained that many of the decisions made independently were influenced by their professional experience and history with the jail, and whether or not they felt the rules or policies were important based on their experience in their role. This perspective challenges the Zimbardo Stanford Prison Experiment (SPE), as it offers insight into the nature of discretion used by officers and deputies. The aforementioned explanation also adds a degree of complexity to the decisions that are made by correctional deputies in a very rigid and structured system of employment. Despite many regulations, policies, and procedures in place, the extent to which decisions are made independently by correctional officers and deputies may be greater than their training and the way their roles are defined and designed by the criminal justice system. The use of their personal experience and knowledge acquired over time expands the understanding offered by the SPE of the role of the guards. This study suggests that the decisions made by officers and deputies were informed by experiences and information that extend beyond the prescribed role influenced by the rigidity of the criminal justice system.

**Adult Inmates Independent Decisions**

Adult inmates at county jails in California were the third population of interest to participate in this study. As the primary focus and purpose of the existence of county jails, adult inmates represented a critical part of the study and offered insight into a system that is seldom explored from the perspective of inmates. Much like observed with correctional officers and deputies, consistent themes surfaced quickly from the questionnaires completed by adult inmates with regard to decisions they make

independent of any rules, policies, or authority each day in jail. The three primary types of decisions adult inmates reported making on an average day include how to use their free time, perform their hygiene routine, and when and how to work out.

**1. Free time.** Given the nature of county jails, there are very few large decisions adult inmates are allowed to make on their own on an average day. The first consistently reported decision that adult inmates make on their own each day involves what they do with their free time. Decisions pertaining to free time include reading, playing cards or poker, drawing or writing, watching television, and deciding whether to go outside to the yard from their pods, or housing units. Although adult inmates do not get to decide when they appear in court, when meals are scheduled, when medical appointments occur, when visiting hours take place, what they wear, or who they cohabitate with, decisions that occur within the scheduled free time each day are made independently of any formal structure or authority. One participant referred to independent decisions made each day as “Very basic, mind numbing,” as they are extremely limited and exist within a repetitive schedule.

**2. Hygiene.** The second most reported decision adult inmates make independently each day involves hygiene practices. Participants reported having to decide independently when they were going to shower and brush their teeth each day within the established schedule at each jail. Although it appeared based on recorded responses that their decision was sometimes influenced by the pre-determined schedule for meals, and for some inmates who are approved to work on site, informed by their work schedule, the decision to perform hygiene-related tasks was largely one made on their own.

**3. Workout.** During each day at a county jail, adult inmates reported making independent decisions about their workouts. Deciding between sit ups or push-ups, or whether to run or walk one mile before they participate in their regularly scheduled activities was the third most frequent decision inmates had the opportunity to make according to their participation in this study. Of all of the independent decisions made in one day, the decision to work out was reported with the least amount of detail and description. When questioned about this topic during the follow-up focus group facilitated by the researcher and documented by note takers present at the jail, participants felt that the decision to workout was very straightforward and was not influenced by any extrinsic motivator.

The types and number of independent decisions available to adult inmate are highly limited and primarily relate to their free time that exists within a structured, prescribed routine. Their experience of decision-making in jails is, as a result, confined to a few basic and simple decisions.

### **Formerly Incarcerated Persons Independent Decisions**

Individuals who have been formerly incarcerated and are participating in weekly probation meetings as part of the sentence and release were the fourth and final population of interest to participate in this study. The purpose and intention of their participation was to include a group of individuals who have had the experience of being in county jails as inmates and also did not have the influence of the literal, physical criminal justice system surrounding them during their participation in this study. As formerly incarcerated individuals on probation, they had the physical freedom and flexibly to opt out of participating in this study with far fewer social implications, as very

few individuals would ever know they were offered participation by the researcher. Formerly incarcerated persons represent a portion of the general population who can speak to the experience of living in county jails without the constant surveillance and supervision that results from being incarcerated.

**1. Free time.** While the responses of formerly incarcerated individuals were very similar to those of adult inmates who are currently incarcerated, the information provided with each response was far greater in explanation and rich in detail. The most frequently provided response to the question regarding decisions made independently each day was that of how to manage free time. For this group of participants, free time included many of the same activities as inmates, and additionally, they recalled considering activities such as communicating with loved ones via phone or written letters, going to church, meditating, attending optional rehabilitation and addiction classes, completing extra chores, and ordering extra items from commissary, which is the store in jail that offers hygiene items, snacks, writing materials with an account funded by individuals who are not incarcerated. Accompanying each response was often a justification of the activity in support of making time pass. One participant noted the need to make decisions regarding the amount of time available for decisions, and needing to determine, “What I could do with my time that would be productive.”

**2. Participate in programming.** Formerly incarcerated persons frequently reported making independent decisions each day while in jail about their participation in jail-based programming. This decision was the second most reported by participants in this population of interest and often referenced support groups, Narcotics Anonymous, Alcoholics Anonymous, and educational classes such as those required to earn a General

Education Degree. When inquired about the frequency of this decision during the follow-up focus group facilitated by the researcher, participants spoke to the availability of the aforementioned classes at each jail site and the need to participate in order to make changes to their lives upon release.

**3. Workout.** The third most frequently reported independent decision made by formerly incarcerated individuals was that of working out. Very similarly to adult inmates who were incarcerated at the time of this study, participants shared that they often decided between working out by running, walking, doing push-ups, or sit-ups. One participant shared that the decision was influenced by whether they felt working out was worth getting up and not sleeping in for; however, the additional explanations for deciding to work out were not any more detailed or varying.

The perception of decision-making experiences of formerly incarcerated persons is based on the reflection of their time in county jails. Their recollection was in alignment with adult inmates incarcerated at the time of data collection and indicated the same basic and simple decisions related to activities during free time each day.

### **Correctional Officer and Deputy Perceptions of Decision-Making Experiences**

In order to understand how each of the populations of interest perceived their decision-making experiences each day in jails, the open-ended questionnaire and follow-up focus groups inquired about the varying degrees of difficulty each participant faced with their decision-making skills, and the capacity in each of the roles that participants held. The degrees of difficulty included easy, somewhat hard, and extremely hard, and were left open-ended for each participant to provide examples of daily decisions they felt

fit into each category. Of the 40 participants who served in the role of correctional officer or correctional deputy at each of the jail sites included in this study, almost every participant was able to identify decisions made each day that were easy and extremely hard, while almost none of the participants were able or decided to report decisions that they perceived were somewhat hard to make on an average day. Amongst the decisions that were provided as examples, the majority reflected the structure and function of jails in terms of ways in which officers and deputies had to decide how to implement the required tasks and maintain order inside of jails.

**Easy Decisions**In exploring correctional officers and correctional deputies perceptions of their decision-making experiences, easy decisions were decisions that thematically related to the basic functions required of the roles of officers and deputies. Four primary examples were repeatedly reported by both groups of participants. Examples of easy decisions include daily operations, tasks and priorities, discipline, and following policy and procedures.

**1. Daily operations, tasks, and priorities.** When correctional officers and deputies reported the decisions they found easy to make on an average 12-hour shift inside of county jails, the majority of the responses resembled the decisions both groups of participants stated they made independently. Both correctional officers and correctional deputies at county jails in Northern and Southern California shared that they considered the functions of daily operations to be easy decisions to make. While daily operations range from booking to medical appointments and court hearings to programming and yard time, both groups felt that the decisions required to complete such tasks required little to no additional consideration or thought. Correctional deputies



consistently reported their routine tasks and process of prioritizing such tasks were also the easiest decisions they made on an average day. One participant noted the slight variations that can occur with easy decisions, “Depending on the day of the week and what control tower, I decide how to run programs (yard, day room, etc).” Although many officers reported having to think more about the decision to prioritize tasks in a particular order each day, they did not feel that doing so contributed any level of difficulty.

**2. Discipline.** The decision to implement discipline surfaced again in the responses to the open-ended questionnaire when correctional officers noted somewhat hard decisions made on a daily basis. Correctional officers reported implementing discipline requires little thought and consideration since discipline is dictated by policies in place at the jails. The decision to impose a verbal warning or a written documentation for an inmate’s behavior is informed by what the correctional officer feels the “inmate’s actions, behavior warrants” in alignment with what policies dictate. Correctional officers also are required to issue disciplinary action after disciplinary hearings and to determine what is considered discipline worthy during mandatory cell inspections which are routine and informed by procedure that dictates how and when inspections take place down to the hour and minute.

**3. Following policy and procedure.** Correctional officers offered one additional decision that they found themselves able to make with ease. The decision to follow policy and procedure, beyond what is required in terms of activities or functions like booking or meals, for example, came up consistently for correctional officers as one that requires little thought. The caveat to this response that surfaced in the focus group with officers was that policy had to be perceived as “clear and straightforward.” When a

situation surfaced that required correctional officers to make a decision in the moment, policies and procedures that informed that directly applied to the context made for easy decisions to make. This theme will continue to be discussed throughout this study, as the training and structure existing for correctional officers and deputies resulted in participants frequently reporting decisions being influenced by policies and procedures.

**4. Easy decisions that mirror independent decisions.** The decisions officers and deputies identified as easy mirror the types of decisions previously reported as the independent decisions made each day. While the decisions are often highly informed by policy and procedure, they also occur frequently which may contribute to the comfort and ease of the decisions.

**Somewhat Hard Decisions** When completing the open-ended questionnaires, correctional officers and correctional deputies often struggled to quickly identify decisions that were somewhat difficult, as such decisions do not necessarily come naturally and with instinct, and at the same time, they are not so challenging that they require a significant amount of thought and consideration. When questionnaires were distributed and participants arrived at the category of “somewhat hard,” a collective “hmmmm...” could be heard throughout each briefing room in each jail that volunteered to participate in this study. Correctional officers identified three examples of decisions that were somewhat hard to make: inmate classification and housing, follow policy and procedure, and intervening in a fight that may result in use of force. The responses from correctional deputies had two main thematic examples of decisions: tasks and priorities that conflict with other scheduled activities or tasks, and using judgment when policy didn’t apply.

**1. Inmate classification and housing.** For correctional officers employed at some of the county jails included in this study, inmate classification and housing was a requirement of their role that consisted of decisions that were somewhat difficult. Classification and housing determines which inmates cohabit with others, and which have to be separated into different pods, or dorm-like housing units. The decisions made about each inmate's classification and housing assignment are largely connected to safety and security, as the political, social, racial and criminal dynamics between inmates determines the safety of officers and inmates alike. One participant wrote that "finding bed space for an inmate that requires special housing," was a decision that required greater consideration than the routine, daily operations to maintain the schedule of the jail. Despite the general policies and procedures around inmate classification, inmates often have complex circumstances and needs. In the inmate focus group, the internal, unwritten politics of the jail were spoken of as highly impactful and influential to the daily interaction inmates and officers or deputies.

**2. Following policy and procedure.** The decision to follow policy and procedure initially surfaced in the reporting of easy decisions, and it was noted by several correctional officers that the ease of decision-making was largely dependent on the perceived clarity of the policy. Conversely, when the inquiry shifted to somewhat hard decisions, correctional officers noted the difficulty of making decisions related to policy and procedures increased when policies were unclear or when policies came in the form of "memos" or unofficial directives. As the structure decreased and the ambiguity increased, the difficulty of the decisions increased. While this is not surprising, the frequency of the decisions that are required in ambiguous situations is much higher than a

rigid and structured system may account for on a daily basis. This reality can be seen in the third example correctional officers provided for decisions that were somewhat difficult.

**3. Intervening in a fight.** Responses to the open-ended questionnaire became more complex the more difficult the decisions inquired about became for an officer's average day at work. Asking about somewhat hard decisions resulted in responses such as, "Dealing with hostile, aggressive inmates (fights), suicides," and with situations that require, "Defusing a potential hostile confrontation." Correctional officers also noted that the decisions that may ultimately lead to use of force become increasingly more challenging. Situations that entail "inmate v. inmate conflict" also required correctional officers to exercise decision-making with more consideration, particularly when it impacted safety and security of officers and other inmates. The unpredictable nature of an altercation increased the ambiguity of information that officers had to inform their decisions.

**4. Conflicting tasks and priorities.** Although many of the responses from correctional deputies resembled the information shared by correctional officers, two additional themes surfaced. The first theme of somewhat hard decisions was conflicting tasks and priorities. As one participant stated, there is a big difference between the "letter of the law vs. the spirit of the law," and events that are not in "normal procedures," are difficult to decide how to prioritize and attend to. Despite jails being highly structured and routine, the numerous functions and large population often results in very busy schedules and multiple events taking place at one time. The confines of a jail facility mean that many different types of services take place within the same space, and take

place often, requiring attention from a small number of deputies for a large number of inmates.

**5. Personal judgment when policy does not apply.** In the same vein, correctional deputies recorded responses that shed light on the difficulty of making decisions that require their personal judgment when a policy does not directly apply. Regulations like Title 15 are very stagnant and are written to address the common issues and situations that jail staff often face. The challenge with a continuously changing population in custody is that often policies do not fit the situation perfectly, and the decision is not “Black or white,” as one participant noted. During the follow-up focus group with correctional deputies, many explained the challenge of having historical information about some of the inmates that adds to the weight of their decisions. A written policy may require a particular decision in order to attend to an incident with an inmate, however, the uniqueness of the situation often calls for the information that correctional deputies have as a result of knowing some inmates for long periods of time. Policies and procedures cannot always account for the information that deputies acquire over the course of long careers and in working with inmates who have been sentenced to county jails for up to 15 years.

**Initial discussion of somewhat hard decisions.** Decisions for correctional officers and correctional deputies that were perceived to be somewhat hard during an average shift were very similar to the easy decisions they often encountered with added complexity. The somewhat hard decisions reported by both groups of participants appeared to have more areas of gray, where policy was not as clear or did not apply as directly. The decrease in predictability and increase in ambiguity when it pertained to

encounters with inmates made decisions more challenging to make in the moment. As will be demonstrated with data shared by participants regarding the extremely hard decision for both correctional officers and deputies, the extent to which there may not be a correct or precise way to make a single decision that may contribute to much larger and potentially dangerous outcomes greatly increases the level of difficulty in daily decision-making.

### **Extremely Hard Decisions**

For correctional officers and deputies in California county jails today, the demographics of inmates are incredibly different than they were when jails did not hold many of the functions that California Developmental Centers did until the 1970's (Steadman, Monahan, Duffee, Hartstone, Clark, & Robbins, 1984). The added complexity of supervising individuals who have mental illnesses and developmental disabilities is far beyond that for which the jails were originally designed. The sheer number of inmates and the level of need for many inmates outnumber the staff sworn to protect and serve the population at hand. When correctional officers and deputies were asked about the extremely difficult decisions they made on a daily basis the intensity and details of the responses increased. The decision to follow policy and procedure was a strong theme once again, however, this time it pertained to whether or not policy could be followed in situations where severe behavior and conflicts were taking place. Participants also identified the difficulty of deciding how to handle inmates with mental health concerns and behaviors, how to enforce the rules, and when and how to use force to deescalate a situation. Safety concerns for all individuals inside of jails were discussed often, as well as the speed with which decisions often had to be made.

**1. Following policy and procedure.** For the correctional officers and deputies who participated in this study, the value of policies and procedures inside of a very structured organization heavily depends on the extent to which the written rules apply the situations they encounter. When the open-ended questionnaire inquired about extremely hard decisions made on an average shift, responses became detailed about the challenge of “How to keep order and able to hold inmates accountable per policy,” and basing each decision “based on policy, facts” when the environment is not always comprised of straightforward situations and interactions. Many officers and deputies spoke to the reality that policies remain the same day in and day out under Title 15, but each day is filled with different events and dynamics. When situations escalate quickly, very difficult, split-second decisions are made as to how to “[use] force as it is written in policy,” even when reality may look very different.

**2. Enforcing the rules.** Related to the challenge of following policy and procedure in every circumstance are the difficult decisions involving how to enforce the rules as they exist in writing. Correctional deputies spoke to the challenge of having some “issues [that] are covered by policy but could be somewhat vague. In these cases, individual interpretation comes into play.” The decision to act based on an interpretation has significant implications for the way the jail operations and safety and security are maintained. In the follow-up focus group, deputies spoke to the added challenge of some situations involving criminal activity for which they are responsible for enforcing the rules. When there is a crime involved, correctional deputies working at county jails in California must decide “who to charge; who’s the victim and suspect.” Despite the fact that the crime took place within a contained set of four walls, there are many decisions to

make in order to determine truthfulness, as was explained by many participants. Determining what pieces of information are sincere or truthful contributes to the difficulty of the decisions made each day in jails.

**3. Interacting with inmates, mental health, and behavior issues.** For correctional officers and deputies alike, daily interactions with inmates who have a mental illness or developmental disability that may manifest in the form of outbursts, fights or general “disruptive behavior” contribute to the extremely difficult decisions both groups of officers and deputies make. It is particularly important to note the very limited mental health and disability services training that is required of correctional officers and deputies, as historically such roles have not required education in this field. Dvoskin and Spires (2004) note the change in the role and focus on how such demands on officers and deputies calls for an approach to working with inmates that resembles the role of a counselor, with higher level of sensitivity, awareness of internal processes, and as therapeutic agents for the mentally ill. Meanwhile, as represented by the responses of officers and deputies, the requirements of the correctional justice system are rooted extremely rigid security procedures.

Many of the influential factors of the decisions of correctional officers and deputies are connected to the challenge of “deciding if an inmate’s words/actions are sincere,” and how to “handle an emotional inmate.” Policies and procedures cannot necessarily evaluate truthfulness or sincerity, so officers and deputies must make decisions based on their observations and interpretations. Such interactions may involve an inmate who is “highly uncooperative” or may escalate into situations with aggressive fights or self-inflicted harm resulting in inmates being placed into safety cells. All



decisions contribute to the overall order of the jail and the interruption and execution of required tasks and activities, which, as participants reported, were the easy decisions of the day that can quickly become complicated and extremely difficult.

**4. Use of force, maintaining safety and security.** When rule enforcement, standard routines, and activities have been overtaken by unexpected events in jails, maintaining safety and security requires a series of extremely difficult decisions. According to both correctional officers and deputies, use of force is not a decision that is ever considered easy or taken lightly. Both groups of participants consistently reported having to “quickly [determine] what use of force is ok for the situation,” and being faced with deciding if “use of force [will be effective] to obtain the objective.” While training, policies, and procedures are in place to support officers and deputies in responding appropriately and effectively when fights and conflicts break out in jails, the extent to which such decision can be made with ease is virtually nonexistent.

**Initial discussion of extremely difficult decisions.** In a follow-up focus group with correctional officers, the difficulty of deciding to use force to intervene in fights and maintain safety and security in the jails was explained in terms of the “rate” of decisions made in one incident. Split-second decisions were described, and the need to weigh the situation at hand and potential outcomes with policies and procedures that officers are expected to follow at all times. The “gray issues,” as officers referred to them, involved decisions that officers were accountable for and inmates and officers alike could be greatly affected by. The extent to which such decisions were also relationally and interactively based, also speaks to the ambiguity with which policy can be directly and accurately applied. Despite the fact that officers try to base every decision on policy, the

demand to make quick and extremely difficult decisions in the moment illuminates a level of complexity most rigid and structured systems do not recognize on a daily basis.

### **Adult Inmates and Formerly Incarcerated Persons Perceptions of Decision-Making Experiences**

Given that jails contain two primary populations of people—staff members and inmates—the phenomenon of decision-making is experienced by both sides equally. Because decision-making is not isolated to only those to work in jails, the perceptions of adult inmates of their decision-making experiences were also evaluated in the third research question in this study. Adult inmates who were interested and willing to participate during their regularly scheduled classes and activities received the same open-ended questionnaire and focus group prompts. While some responses ranged widely for each of the questions, there were consistent examples, explanations, and decisions that continued to surface at each jail and with each group of inmates. The answers were then further validated and attested to by groups of formerly incarcerated individuals attending weekly probation meetings at California probation departments in the same counties as the jails who participated in this study.

In exploring the perceptions of adult inmates and formerly incarcerated individuals, responses pertaining to relationships, connection, and communication frequently surfaced. There was a consistent theme of participants from both groups struggling with the literal physical separation they experienced with the outside world, and how such challenges influenced their decision-making and their contemplative processes while in jail. Participants explained early in the study that they perceived their decision-making experiences to be largely based on the amount of time they had served

in jails and interacted with the criminal justice system, and the level of classification they received once incarcerated. Adult inmate participants also noted that the level of difficulty experienced with daily decisions was influenced by their relationships with other inmates and the extent to which their decisions were community based.

Community-based decisions such as keeping their dorms or themselves clean and maintaining order in their housing units were experienced as easier than individual decisions as a result of their impact on other inmates. Decisions made in isolation from the experience of others were noted to be more difficult to contemplate and execute.

### **Adult Inmate and Formerly Incarcerated Persons' Easy Decisions**

The easy decisions inmates and formerly incarcerated individuals reported making on a daily basis while incarcerated in county jails very much resembled the general types of decisions both groups first reported in their open-ended questionnaires. Easy decisions represented the “mind numbing” decisions that did not require much thought or consideration to arrive at and execute. Thematically, inmates identified three main examples of easy decisions made on a daily basis, which include hygiene, workouts, and eating and drinking. These decisions rank fairly low on Abraham Maslow’s Hierarchy of Needs (1943) and resemble the most basic decisions human beings must make in order to survive. Despite the highly structured environment of jails and quantity of routines and activities that are dictated by the regulations criminal justice system for inmates, the basic decision to engage and sustain is still of free-will.

**1. Hygiene.** Within the scheduled events, activities and programming in county jails, inmates must decide when to perform their hygiene tasks such as showering and brushing their teeth. Many inmates reported having to decide whether to shower in the

morning or in the evening each day and how many times a day to brush their teeth.

While there are medical requirements for hygiene in California county jails, it can take up to several weeks for such requirements to apply and for a medical order for hygiene to be conducted against an inmate's wishes. Prior to an extreme case of hygiene avoidance or refusal by an inmate, the decision to remain clean and attend to hygiene practices are easy decisions inmates make each day while in jail.

**2. Workout.** Within regularly scheduled recreation time and "yard" time, as inmates refer to their allotted time in communal recreation spaces outside, inmates reported making very easy decisions about whether to work out each day. If they decided to work out, they arrived at walking a mile, doing sit-ups, crunches, pushups, or playing basketball. In the event that inmates decided not to work out, their decision was influenced by the amount of sleep they desired when faced with the decision opportunity each day. Daily workouts were often decisions that contributed to inmate's daily routines and helping to both "be fit" and "pass the time." The decision to work out and select the type of workout was validated by formerly incarcerated individuals in each of the probation groups, who echoed the ease with which they made such decisions each day.

**3. Eating and drinking.** At the root of all basic survival decisions, inmates found one of the easiest decisions to make was whether to eat and drink each day. The same motivating factor of sleep that was consistent in the explanation for the decision to workout was also perceived to be influential for inmates in deciding to attend to their physiological needs. Based on the timing of each meal in the daily schedule, many inmates felt 4:00 am was too early to eat and decided often not to do so. Many inmates also reported deciding on when to eat or drink based on what was offered each mail by

the jail “chow hall,” or cafeteria, as the options were always limited and predetermined. In an environment where so little is available to inmates, food and drink was often an easy decision to arrive at on a daily basis.

### **Adult Inmate and Formerly Incarcerated Persons’ Somewhat Hard Decisions**

Based on the perceptions of adult inmates and formerly incarcerated individuals in California county jails, there are daily decisions that require more thought and consideration than whether to eat or sleep and were not so challenging that they represented extremely hard decisions to face on a daily basis. From all 72 participants who are serving or have served sentences in California county jails, four themes emerged including communicating with loved ones, working out, following rules or instructions, and eating or drinking jail-based meals or food purchased from commissary. The data from this point forward began to focus on relational issues and decisions and the ways inmates and formerly incarcerated individuals approached daily decision opportunities.

**1. Communicating with loved ones.** Decisions regarding communication with loved ones who are not in jail began to consistently surface in this study. Inmates reported deciding regularly with some hesitation and consideration whether to communicate in writing through letters or verbally over the phone with the loved ones who remained in their home communities and outside of jail. The decision to initiate or continue with such communication is largely based on the response that is received—or is not received—as many inmates reported their decision being influenced by the common experience of “[writing] someone a letter and you don’t get a prompt response.” Many inmates found the decision to communicate with their loved ones somewhat hard due to the fact that the follow-up decisions from engaging in communicate often result in

determining “What to do about home life considering I am putting my family into extreme hardship.” Sometimes inmates perceived their decision to be informed by their emotional reaction to communication with the outside world, as one must decide if they “want to call my children to day or not,” as doing so often “hurts [inmates] to hear them cry.” The emotional element of communication appears to impact inmates’ perceived decision-making experiences far more than any basic or easy decisions were reported throughout the study.

**2. Workout.** The decision to work out each day surfaced again in the responses of inmates and formerly incarcerated individuals to the open-ended questionnaire. When inquired about during the follow-up focus group, participants explained that the decision could be experienced as somewhat difficult because it contributes or determines the motivated needed to engage in their daily routine. One participant noted that it is often “hard to get motivated” while in jail. Participants in the focus group agreed that the decision to be motivated was equally as difficult as it was to decide how to exercise or which type of workout to do each day.

**3. Follow directions or rules.** The final most frequent decision inmates and formerly incarcerated persons recorded as somewhat difficult while in jail each day is the decision to follow instructions of the officers and deputies in charge, or follow the rules of the jail. Following directions surfaced in resistance to the order set forth by the criminal justice system and the policies of county jails. Inmates provided examples such as lining up for meals, working out at the appropriate time as instructed by a correctional deputy, and following the rules about how to engage with deputies or officers. The decision about how to respond to instructions when given by deputies or officers was also

discussed by inmates in terms of the level of difficulty they experience at times in doing so. One inmate noted the decision to not let “the deputies get to me with their instructions,” each day contributed to the frequency with which they decided to comply with the instructions given. It was noted in the focus group that the way in which instructions are delivered by correctional officers and deputies to inmates may contribute to the ease or difficulty with which inmates make decisions each day while in county jails.

**Initial discussion of somewhat hard decisions.** The decisions that were experienced as somewhat hard consistently appeared to be decisions that did not have a clear answer or a strong preference for the available options for inmates. Adult inmates and formerly incarcerated persons found the somewhat hard decisions to be those that created a level of internal conflict or dilemma. This often resulted in tension between inmates and correctional officers or deputies. Somewhat hard decisions required more contemplation and consideration than the straightforward easy, routine decisions encountered on an average day.

### **Adult Inmate and Formerly Incarcerated Persons’ Extremely Hard Decisions**

For inmates and formerly incarcerated persons who have the experience of living in county jails as a result of their interactions with law enforcement, extremely hard decisions are encountered more often than many of us who have never been in jail might imagine. With the level of routine and structure present, one may assume that each day and decision encountered is easy. According to the responses from over 80 inmates and formerly incarcerated persons, there are a multitude of decisions that they perceive to be extremely hard to make. Such decisions range from behaving according to the informal

politics in place at each jail, how to use the time left in their sentence, whether to make plans to “associate” with fellow inmates following release, and to save money to use for commissary. Amongst all the extremely hard decisions inmates encounter in one day, there were four decisions in particular that were consistently reported on the open-ended questionnaire and confirmed by follow-up focus groups with both inmates and formerly incarcerated persons. These decisions include whether to engage in a fight, follow directions or rules, communicate with loved ones, and think about the outside world. While these decisions have surfaced in response to the questions pertaining to easy and somewhat hard decisions made while in jail, the explanation for the extremely hard decisions is far more intricate with regard to the experience that informs each decision and relational than previously explained by inmates and formerly incarcerated persons.

**1. Engage in a fight.** For inmates in county jails, conflict is a continuous possibility. Given the living quarters and close proximity to many different types of people, tension and disagreement is a constant potential that exists under the surface of every interaction. The undercurrent that is present for individuals who are incarcerated is informed by a series of extremely hard decisions, according to inmates and formerly incarcerated persons who participated in this study. The decision to engage in a fight, whether it be with other inmates, correctional deputies, or officers, is fueled by what participants identified as “jail politics” that exist within a rigid system and the racial lines that divide inmates. One participant described engaging in a fight as a decision that often feels inflicted or required, where there does not feel as though a choice between two options exists. Deciding whether to “beat someone up that goes against the grain,” or “pop it off with other races,” is one that consists of more thought than one may think



from an outside perspective. Formerly incarcerated individuals recalled taking the decision to fight under heavy consideration on a daily basis, as it was important to decide if it was worth it to “get Title 15,” or placed in isolation, for ten days.

Engaging in a fight was also reported to be an extremely difficult decision to make on a daily basis while in jail because of the potentially “dangerous” perceptions of other inmates. The politics, dynamics with “snitches” or “rats” that are constantly present, informed the decision to fight and had significant consequences on the relationships between inmates. Some participants reported feeling as though they had to fight so that they were not labeled as the snitch or rat, while others felt that they had to make the difficult decision to not engage in a fight in order to maintain their friendships with some inmates. The decision opportunity that is so often available for inmates when it comes to engaging in a fight appeared to be largely informed by their relationships and perceived reputations within each jail.

**2. Follow directions or rules.** The responses of inmates and formerly incarcerated individuals regarding extremely hard decisions began to provide “insider” information when it came to the rules that inmates reported. In contrast to the responses about the easy or somewhat hard decision to follow the rules or directions provided in county jails, participants perceived the level of difficulty to be much higher when it came to the unwritten rules, or the “rules of the yard.” Until this point, the decision to follow the rules largely pertained to the rules of the establishment, or jail regulations. The shift in answers discussed the rules of the jail culture, and the informal rules and experiences that are largely attended to instinctually and for the purposes of survival. One formerly incarcerated individual explained the importance and difficulty of deciding how to “look

like [they] are following the rules,” so as to not violate the expectations of other inmates and remain in compliance with the directions given by correctional officers or deputies. Another participant noted the challenge they experienced when they developed “a case of the fuck its,” and gave up on the progress made and time served.

Inmates did acknowledge that the decision to follow the formal and informal rules was likely also experienced by correctional officers and deputies, as they believed that those in the role of authority also “have boundaries and lines too” that they have to decide whether they should cross. Participants perceived the experience of officers and deputies to be similar in the sense that there was also a need for them to attend to the unwritten and written rules. Inmates explained the importance of “history” for both inmates and officers or deputies when making the decision to follow the rules and using their previous experience to inform the difficult decision each day.

**3. Communicate with loved ones.** The theme of relationships contributing to the extremely difficult decisions made on a daily basis in jail continued when inmates and formerly incarcerated persons reiterated the challenge of making decision about communication with loved ones. The discussion at this point in the study focused on the experience of remorse and regret that contributes to the level of difficult experienced when making decisions. Many participants reported contemplating whether to “write apology letters or wait until [release] to talk to [their] loved ones about the mistakes made.” Others discussed the difficult of deciding to not worry about what takes place at home while they are incarcerated and not focus on the events they that are out of their control. Many reported feeling as though they were often the cause of the issues that were taking place at home and struggling to decide to discuss such issues with their loved

ones. One participant noted the challenge of thinking about, “What to do about home life considering I am putting my family into extreme hardship.” Inmates also reported the difficulty in deciding to contact loved ones but not having any new information or experiences to share with them each day which often resulted in arguments with significant others and a greater feeling of disconnection. The difficulty in deciding to communicate with their loved ones was also largely connected to the challenge inmates faced in deciding how to contemplate the world that exists outside of the four walls of each jail.

**4. Think about outside life and release.** Given the changes in California’s laws about how long inmates can serve sentences in county jails as a result of Assembly Bill AB 109 passed in 2011, the extent to which inmates consider the world that they are not part of often spans a much larger time period than inmates who served shorter sentences prior to 2011. As a result, the decision to contemplate what is taking place in the world without them is extremely hard for inmates on a daily basis. Participants noted the reality that it is very difficult for them to reflect on the fact that, “The outside world that is still moving get to me and the people in it that I miss.”

The decision to think about the obligations that inmates will have to attend to upon release is also extremely difficult, as their reference point to society, technology, workforce, and culture is largely removed and could continue to be for up to 15 years based on their sentence. The disconnect from reality beyond the jail contributes to a decision-making experience that is far more difficult than inmates and formerly incarcerated persons initially shed light on based on the range of easy decisions they make. The relational complexity with which the inmates perceive their daily decision-

making experience is far more difficult than society's perception of life in county jails.

### **Initial discussion of adult inmate and formerly incarcerated persons'**

**extremely hard decisions.** The decisions that inmates reported to be extremely difficult were primarily focused on their interactions and relationships, much like officers and deputies. The experience of deciding to conflict with authority inside of jail or with loved ones outside of jail, was experienced on a daily basis for this population. The extent to which inmates and formerly incarcerated individuals could identify the extremely difficult decisions was much higher than somewhat hard decisions. This suggests that inmates may experience decisions that are more ambiguous and relationally oriented at a higher frequency each day.

### **Inquiry to Come**

This chapter provided an examination of the various types of decisions that all four populations of interest make on a daily basis. It also discussed the perception each population has on their decision-making experiences inside of county jails. Despite the difference in roles and function, the data reported by the populations of interest illustrated an unexpected reality. Chapter Four demonstrated the ways in which inmates, correctional officers and deputies interact at the decision points and share a common experience. Their arrival at each decision is rooted in the opposite orientation as a result of the authority associated with their roles and the way policy and procedure influences—or does not influence—their easy, somewhat hard and extremely hard decisions. The next chapter will explore the decision-making styles, decision-making fatigue, and each population's use of inquiry. The decision-making experiences will also be compared to one another based on the rational, intuitive and relational decision-making styles.

## CHAPTER FIVE: THE DIVIDING AND CONNECTING LINES BETWEEN OFFICERS AND INMATES

“Oh, decision-making. I read something about this...that we make thousands of decisions in a day. But not in here, I don't make very many at all,” one inmate participant shared.

When inside of a typical county jail, there are many lines: lines that provide direction to staff and inmates, lines that provide instruction for inmate's walking patterns, lines that separate the space between inmates, lines that are formed to provide order to routine operations such as meals and visiting, and lines that are invisible except to those who know they are there. For correctional officers or deputies and inmates, the lines that separate their roles and purpose are both very obvious, as they exist in policies and regulations that are often posted and available, and unwritten, as they are based on culture, tradition, and politics. The lines or experiences that connect the two populations that coexist in county jails are largely intangible and far less recognizable on the surface.

As found in the researcher's pilot study, these decision points or lines of connection between officers, deputies, and inmates consist of their personal backgrounds, work experience, education, social networks, and rates of divorce, alcoholism, and violence. The present study illuminates the connectivity between the two populations at an even more granular level in their lived decision-making experiences inside of county jails. The findings presented in Chapter Four provided an understanding of the different experiences of similar decisions made by officers, deputies and inmates. Chapter Four offered insight about the perceived decision-making experiences of the populations of interest and the extent to which their relationships influenced their daily decisions. While

the point of decision-making fatigue is different for each group of participants, the decision-making styles and use of verbal inquiry are very similar. In contrast to Zimbardo's Stanford Prison Experiment, this chapter demonstrates how the decision-making styles, fatigue and use of verbal questions greatly influences the quality of interactions between officers, deputies and inmates. The ways in which questions are asked and information is gathered from their surroundings informs their daily decisions. The presence and absence of questions, fatigue and decision-making style impacts the formal and informal relationships that exist between the groups of participants inside of jails. This chapter argues four main findings:

1. The decision-making styles of each of the populations of interest are similar based on the information used to inform their decisions, and the need for each population to be perceived as being in compliance with jail rules—both formal and informal rules.
2. Contrary to the policies and procedures that inform the roles present in county jails, decision-making styles are highly intuitive as a function of ensuring literal and social survival for the populations of interest.
3. Correction officers and deputies experience decision-making fatigue at the end of their shift as a result of decisions left unattended throughout the day and the range of decisions encountered, whereas inmates experience fatigue at the beginning of the day as a result of the environment in which they awake.
4. The frequency and use of verbal questions by the populations of interest are extremely limited, as a result of the formal and informal expectations of county jail policy, procedure, and informal jail politics.

## Decision-Making Style, Fatigue & Questions



*Figure 3.* This figure provides a visual representation of the data collected from the four populations of interest on the decision-making styles, decision-making fatigue and the number of verbal questions asked in one day.

### Decision-Making Style

The evaluation of decision-making styles has become popular in the fields of leadership, management, sociology, psychology, mathematics, economics, and business. This popularity is, in part, a result of the easy access with which individuals can complete a short survey or quiz online and be informed of their decision-making tendencies and patterns (Buchanon and O’Connell, 2006). The goal in doing so is the efficiency and awareness of how individuals arrive at the “end of deliberation and the beginning of action” as explained by Dr. William Starbuck (2006). While there are a range of evaluation tools and decision-making styles, decision-making can be organized into two primary categories: rational and intuitive (McShane, and Von Glinow, 2016). The rational decision style is largely dependent on facts and information that can be logically analyzed when encountered. From the perspective of economics, a rational decision-

making style attends to the potential consequences and the optimal outcomes available. The way rational decision-making is evaluated in this study includes the consideration of consequences, and focuses on the ways in which information was collected to inform the decisions made. On the contrary, the intuitive decision style is based on inner feelings, sensations, or commonly, “gut instincts.” For some professions, such as criminal justice, many outcomes are pre-determined based on law, policy or procedures. Within the prescribed frameworks of the profession or institution individuals work in, the ways in which each person arrives at their decisions to produce the expected outcomes is largely based on their decision-making style.

### **Correctional Officers and Correctional Deputies Style**

Correctional officers and correctional deputies are human beings with human tendencies just as are adult inmates. The complexity of their roles can, at times, run in contradiction to the highly structured and routine nature of the field they work in. Despite the demands of the job, each individual arrives at their role with particular experiences, capacities and styles. Based on the information provided by officers and deputies, decision-making is a unique trait that is largely informed by the demand of the environment or system in which the decision maker exists. According to participants, the nature of county jails and the complexity with which officers and deputies interact with inmates calls for all three primary decision-making styles. When presented with three options to choose from on the open-ended questionnaire regarding decision-making style, correctional officers and correctional deputies consistently reported that they did not exercise one style over another during a typical shift.

Instead, when officers and deputies were asked how they believe they make



decisions while at work, both decision-making styles were identified along with the use of policies and procedures. Correctional officers and correctional deputies overwhelmingly reported using facts, relying on policy or procedure, *and* using gut instincts each day while working in jails. When inquired about during the follow-up focus group with correctional officers, a participant explained that their role inside of jails often called for the “need for all points of data,” and one decision-making style would not offer enough information. The use of both a rational and intuitive decision-making style increases their safety and decreases the risk of missing important pieces of information. The attention to policy and procedure maintains compliance with state regulations and with the expectations of the role of a correctional officer or deputy. In essence, it keeps staff alive and employed.

In a follow-up question in the open-ended questionnaire asking participants to select one option with regard to which mode of decision-making was the single most important during their day. Responses consistently stated the primary mode of decision-making focused on following policy and procedure. Although having a good reason, which relates to a rational decision-making style, and feeling it is right, as the intuitive decision-making style, did surface in the responses from both correctional officers and deputies, the highest number of responses spoke to the frequency with which those who work in jails are depending on policy and procedure to inform their decisions each day. When officers and deputies were asked why their decision-making styles were consistently overridden by policy and procedures, one officer stated that turning to policy or procedure helped to provide “structure to slow down” decision-making. The need to process and contemplate decisions was reported as much higher than a routine and

structured environment may naturally account for on a daily basis.

### **Adult Inmates and Formerly Incarcerated Persons Style**

The responses from adult inmates and formerly incarcerated individuals about decision-making styles were less straightforward and required greater clarification during follow-up focus groups. Adult inmates initially reported in the open-ended questionnaire that they primarily made decisions by following the rules, and not using an intuitive or rational style of decision-making. The rules enforced by the jail are well known and, as one participant pointed out, are always available in writing and are on the walls of the facility in every pod or dormitory. And while inmates need to “look like [they] they are following the rules,” from the perspective of other inmates, correctional officers and deputies, formerly incarcerated participants explained the need to use gut instincts to know how to follow the unwritten rules of the jail, and as a result believed an intuitive decision-making style was dominant for inmates. An intuitive decision-making style enables inmates to rely on their instincts when interacting with other inmates and decreasing their risk of being taken advantage of or harmed. The unwritten rules are largely informed by the politics present in each jail, so intuitive decision-making best serves this reality. Social and literal survival in jail also requires familiarity and compliance with the written rules, which was well represented in the data provided by adult inmates.

When pressed to choose between decision-making styles, the need for intuitive and rational decision-making styles surfaced, as it did for correctional officers and deputies. Formerly incarcerated persons explained the need to have a good, logical reason to change their habitual routine and attend to their instincts, given that not following the

schedule or rules may result in social and legal consequences. When discussing the multiple decision-making styles that are called for in jails, an inmate participant noted that the officers and deputies have their own “lines” that they will and will not cross, because they too ultimately “want to go home every day.”

### **Decision-Making Fatigue**

All human beings experience decision-making fatigue in their daily activities and experiences—in and outside of jails. The experience of having what feels like a very long day and not being able to decide what to eat for dinner, or how to plan an activity that would otherwise not cause any strain or effort, is the point at which decision-making fatigue takes effect and the quality of each subsequent decision decreases potentially exponentially. According to the literature on decision-making fatigue, individuals most commonly experience the point of declining decision quality at the end of the day as a result of making too many decisions (Tierney, 2011). While large, significant, emotional decisions can contribute to decision-making fatigue being experienced quickly, every day, seemingly basic decisions accumulate quickly. Estimates of the number of decisions made by individuals who have a job, family, and social obligations are in the tens of thousands of decisions (Tierney, 2011). For individuals who work and live in a highly structured and controlled environment, the number of decisions made in one day are reduced based on the prescribed nature of their roles. Still, they experience points in their day when the range and type of decisions become very difficult to make.

### **Correctional Officers and Correctional Deputies Fatigue**

On the surface, the policies and procedures set forth for correctional officers and

deputies do not appear to require a significant amount of independent decisions that may contribute to high levels of decision-making fatigue. The data provided by participants from both officers and deputies suggests that the range of easy, highly difficult, and complex decisions encountered each day actually result in the potential for very high levels of decision-making fatigue. From the small, simple decisions regarding when to take a break or eat a meal to how to use force when in conflict with an inmate, decision-making opportunities are a constant for correctional officers and correctional deputies. The responses from participants reflect the findings in existing literature, and indicate that both groups consistently experience decision-making fatigue at the end of their 12-hour shifts. Data provided by officers and inmates also demonstrates the complex nature of their daily decision-making fatigue. Unlike the judges, doctors and truck drivers who were evaluated in research on decision-making fatigue (Tierney, 2011, French, West and Wilding 1993), officers and deputies make a very wide range of decisions each day. Their decision-making fatigue is the result of both the cumulative exhaustion from large numbers of decisions being made, and the variation in decisions. Routine operations involve simple decisions and life or death situations that require highly intense decisions about use of force. Such decisions could be made all within the same hour, let alone the same shift.

The fatigue of correctional officers' and correctional deputies' decision-making capacity at the end of their shift is hardly straightforward and simple. In the follow-up focus groups, participants explained the challenge of deciding when to attend to issues involving inmates or their fellow officers based on the time of the shift and the difficulty they experience in beginning to mentally transition to the role of father, mother,

significant other, or community member at the end of the day. The problem solving and social skills that are required of officers and deputies both formally and informally based on their roles are unique to the environment they work in.

While there is a possibility of engaging with an individual who has a mental illness, developmental disability, history with the law, or a high rate of recidivism, during typical daily activities in the community, the probability of doing so in depth is very low. Contemplating and making decisions on how to use force to intervene on a violent and dangerous situation is not part of an average civilian's routine experience. The interpersonal and intrapersonal skills used by officers and deputies while at work do not necessarily have the same conversion into skills needed to interact with others in the community. The decision-making fatigue experienced by correctional officers and deputies is the result of both the decisions made throughout their shift in jails, and the preparation for the types of decisions they will be expected to make when they return home at the end of their day.

### **Adult Inmates and Formerly Incarcerated Persons Fatigue**

Adult inmates and formerly incarcerated persons represent the equal and opposite experience of correctional officers and correctional deputies while living a parallel life in county jails. For inmates who live in jails for long periods of time and experience fewer formal decision-making opportunities in terms of their schedule, visitation, and preferential decisions regarding food, clothing, and housing, decision-making fatigue occurs differently than it does for officers or deputies. Existing literature supports the experience of decision-making fatigue occurring most often at the end of the day; however, it does not account for the environmental factors that adult inmate and formerly

incarcerated participants identified as contributing to decision-making fatigue early in the day.

Inmates and formerly incarcerated participants consistently reported it was more difficult to make decisions first thing in the morning, as it was often very hard to “wake up and still be in jail,” and to try to “be in a good mood.” This finding challenges the decision-making fatigue literature, as it does not account for the context in which decisions are made. The reality check first thing in the morning made it difficult for inmates to consider different ways to make decisions. One participant also explained that decision-making fatigue is experienced in the morning because the realization that the entire day is available to “think about outside life” and the “things you can’t change” while in jail is incredibly overwhelming. Additionally, inmates seldom experience consistent sleep due to the nature of the jail schedules, activities and the housing arrangements. In some jails, programming requires very early wake up requirements in order to hold a job inside of the facility, such as laundry, cooking, and working with maintenance crews. As a result, meals are scheduled according to wake up times and shift changes for officers and deputies. Participants also noted the difficulty of “getting comfortable” enough to sleep in jail as a result of the physical facility and sleeping spaces, as well as the social dynamics present between inmates that make sleep difficult.

### **The Start and End**

The nature of the environment where inmates begin each day and officers or deputies end each day in jail induces decision-making fatigue for both populations. The roles both populations embody greatly contribute to the types of decisions and the time of day at which they experience fatigue from the decision-making opportunities they

encounter—or not—each day. The absence of decision-making opportunities related to the outside world and the disconnect from loved ones that both populations experience while working and living in jail add a level of intensity and stress to their decision-making processes that civilians in the community may not experience. Decision-making fatigue for officers, deputies and adult inmates is the result of the structural, relational and political dynamics present within and between populations, as well as the relationships that are not permitted within the walls of county jails. The range of decisions, on a continuum of easy to extremely hard, that are required in a highly stressful environment are taxing on the relationships that are ongoing between officers, deputies and inmates. Decision-making fatigue was also identified in the strain caused by decisions pertaining to ongoing relationships with individuals outside of jail—for all groups of participants.

### **Frequency and Use of Questions**

Decision-making as a phenomenon does not happen in isolation from the information that surrounds us that can be absorbed in the form of conversation, formal and informal processes, and the way we inquire about our daily experiences. Dr. Edgar Schein identifies the power of asking genuine questions without a particular answer in mind to better inform the decisions we make as “humble inquiry” (2013). The art of determining what needs to be known before conclusions are drawn significantly improves our ability to ask questions before we “do and tell” and decide prematurely (Schein, 2013). For officers, deputies, and inmates in county jails, asking questions before making decisions goes against in the inherent and historical culture of jails.

Correctional officer, deputy, and adult inmate participants reported asking little to

no verbal questions of peers, subordinates, or administration on an average day in jail as a result of the politics and the nature of not wanting to be perceived as a “new.” Upon further inquiry, it became apparent that the number of questions asked each day was dependent on the relationship between officers or deputies and their colleagues, inmates and their peers, and between inmates and staff. For each group and relationship, questions were perceived to be a symbol of “not knowing” what do to, and at the same time, a certain number of questions were important to ensure that they were not perceived to be a “know it all.” The attempt to manage and balance perceptions from others inside of jails contributed to decision-making capacity and fatigue experienced each day, and while the types of questions were different for each population, the use of questions or lack thereof were in service of the perceived need to maintain status quo.

Correctional officers and correctional deputies questions. Upon further inquiry during a follow-up focus group with correctional officers, participants explained that the higher the rank they held, the greater the expectation to know the answers became. Correctional officers who did not have a higher rank in their organization perceived their use of questions to be the result of the flexibility within policy and the experience of policy stating that tasks or activities “must occur,” but not informing “how or when” such they should take place. The internal questions that many participants reported asking each day were thematically connected to what was identified as the “what ifs,” and when elaborated on during the focus group, participants felt such questions could be calculated at hundreds per day. This is due to the changing nature of the inmate populations officers and deputies encounter, and the static policies and procedures that determine how county jails should operate.



### **Adult Inmates and Formerly Incarcerated Persons Questions**

For participants who live in county jails as a result of their arrest or sentence, the number of questions used during a typical day reflects those of correctional officers and deputies with one exception. Inmates and formerly incarcerated participants consistently reported asking between zero and ten questions in a day while in jail because, for the most part, inmates “know how things run.” Given that the rules and instructions related to inmates are consistent, there is not much ambiguity regarding schedules or expectations. When decisions were asked to others they were primarily used to determine whom to trust. Participants explained the experience of asking constant questions while “on the street” in part because they perceived the outside world to be filled with high numbers of “large decisions.” The large decisions that required a high number of questions while in the community consist of organizing shelter, food, employment, and their social network. While inside jail, participants perceived their use of questions to be about maintaining their roles as inmates and to keep the peace within their social dynamics.

One adult inmate participant summarized his use of questions while in jail as serving a specific purpose when it comes to staff involvement. The participant believed their daily questions were about maintaining their involvement with services because “one a day keeps the counselors away.” Asking too many questions had the tendency of drawing attention that may be undesirable and could cause them to appear as though they were “new”. In the same vein, inmates and formerly incarcerated participants did not enjoy being asked too many questions because it required them to “decide if [they] want to respond,” which increased their decision-making fatigue at times as a result of the *types* of decisions required in these situations rather than the volume.

While inmates and formerly incarcerated participants perceived a low number of questions asked and received to be comfortable, the absence of questions all together from correctional officers or deputies was perceived to impact their relationship with those who held formal authority in the jails. Participants were able to identify specific officers or deputies who informally asked questions on a daily basis to determine how inmates were doing and what was taking place within inmate pods or dorms. It was also explained that although officers and deputies were not permitted to ask questions to inmates based on jail policies, inmates perceived officers and deputies use of informal questions to contribute to their understanding of inmate politics and ability to maintain order. When probed during the follow-up focus group, participants shared that such questions typically pertained to inmate medications, following up on incidents, plans upon release, and housing dynamics. The informal use of questions is emblematic of the successful negotiation within interactions that can happen between inmates and officers or deputies.

### **Initial Discussion on the Use of Questions**

The innate politics and culture that exist within county jails contributes to daily unquestioned interactions and a limited presence of inquiry for correctional officers, deputies, and inmates. Because the roles require strict adherence to policies and procedures in order to maintain safety and security, the volume of questions externally asked in order to inform decision is incredibly low. All participants reported asking higher numbers of questions internally as part of their contemplation, consideration and pre-decision thought processes. The disconnect between the internal and external use of questions and overall inquiry manifests because of the perceptions that both officers or

deputies and inmates believe they must attend to in order to ensure their political, social, cultural and organizational survival each day. The implications of this reality will be further discussed in the decision-making orientation model.

## CHAPTER SIX: DISCUSSION, DECISIONS MODEL AND IMPLICATIONS

The purpose of this study was to develop a better understanding of a) the decision-making capacity of individuals who are currently incarcerated; b) the decision-making capacity of correctional officers and correctional deputies who are employed in each jail; and c) the potential opportunities to exercise decision-making skills in jails. A qualitative approach that employed adapted phenomenological data analysis techniques was used to explore the types of decisions correctional officers and inmates make on a daily basis and how their experiences compare to one another. A decision-making questionnaire was distributed and immediately followed up with focus groups at participating county jails in California.

The findings presented in this study challenges the results of the Zimbardo Stanford Prison Experiment and expand the understanding of the ways in which the structured design of jails influences decision-making capacities of individuals. The importance of intuitive and relational decision-making styles illuminated by participants is unique to research in this field. The emphasis on the function of rigid roles, policies and procedures by the criminal justice system was found to be counterproductive to successful decision-making interactions between officers, deputies and inmates. This study argues the importance of understanding the complex roles endured by officers, deputies and inmates and the intricate and intense decision-making experiences they face inside county jails.

This chapter will begin by summarizing the findings discussed in Chapter Four and Chapter Five. An interpretation of the findings will be provided using a decision-making orientation model developed as a result of the findings. Additional questions that

surfaced as a result of the study will also be provided. This chapter will conclude with limitations, implications for future research, the significance of the study and concluding remarks.

### **Summary of Findings**

At the entry of a housing unit at a county jail in Southern California is a quote hangs high up on the wall in the communal room, differentiating circumstances from decisions. It states, "I am not a product of my circumstances. I am a product of my decisions." For all participants in this study, the decisions that were reported as easy, somewhat hard and extremely hard can be evaluated from as existing on a spectrum of decisions that require rationality to decisions that require intuition. Inmates and officers or deputies who live and work in jails, reported that the decisions made within the conditions and structure of the jail greatly impact their transition into their home communities. The sum product of their daily decision-making has an influence on the health of their relationships, home environments, future employment opportunities and well-being. The types of decisions, perception of ease and difficulty, decision-making style, decision-making fatigue and the quantity of questions inside of jail were very similar in nature and volume for both populations and this was confirmed by follow-up focus groups.

### **Correctional Officers and Deputies**

Decision-making for correctional officers and correctional deputies who work in county jails is largely comprised of decisions that range from routine functions informed by policy and procedure to complex, response-oriented, interaction-based decisions. Easy decisions were reported as very rational decisions that required officers and deputies to

attend to the policies and procedures that enable them to maintain their role. Officers and deputies reported making easy decisions about tasks and priorities, daily operations and straightforward inmates requests that were in alignment with jail policies and procedures. Somewhat difficult decisions for officers and deputies represented the space in which the structure of the criminal justice system met the dynamic nature of people and often created dilemmas in decision-making. Decisions like how to use personal judgment when policies do not clearly apply created tension in their decision-making experience. Extremely difficult decisions were those that were highly interactive and required quick, intuitive responses in challenging situations such as use of force. As the complexity of the situation or encounter increases, so does the difficulty of the decision-making experience for officers and deputies.

Correctional officers and deputies consistently reported using both rational and intuitive decision-making styles each day. This involved simultaneously taking gut instincts, facts and policy and procedure into account when making decisions. When selecting amongst the three sources of decision-making, the decision-making styles of correctional officers and deputies were reported to rely on policy and procedure. This was explained to be the result of the nature of the job requirements and expectations. In order to maintain their employment status and personal safety the written rules must be attended to. As a result of the policies and procedures in place at county jails, officers and deputies reported verbally asking between zero and ten questions per shift.

When decision-making fatigue was evaluated, officers and deputy responses were in alignment with existing literature that finds decision-making fatigue occurring at the end of shift. The explanation for such fatigue was more complex than previous research

surfaced, as the officers and deputies reported frequently deciding not to address challenging situations until the end of their shift to prevent having a difficult full day with inmates and other officers. Additionally, the process of mental transition to their personal life that many officers and inmates experience at the end of their shift greatly contributed to their decision-making fatigue, as their role inside of jails was not experienced as translatable in their communities.

### **Adult Inmates and Formerly Incarcerated Persons**

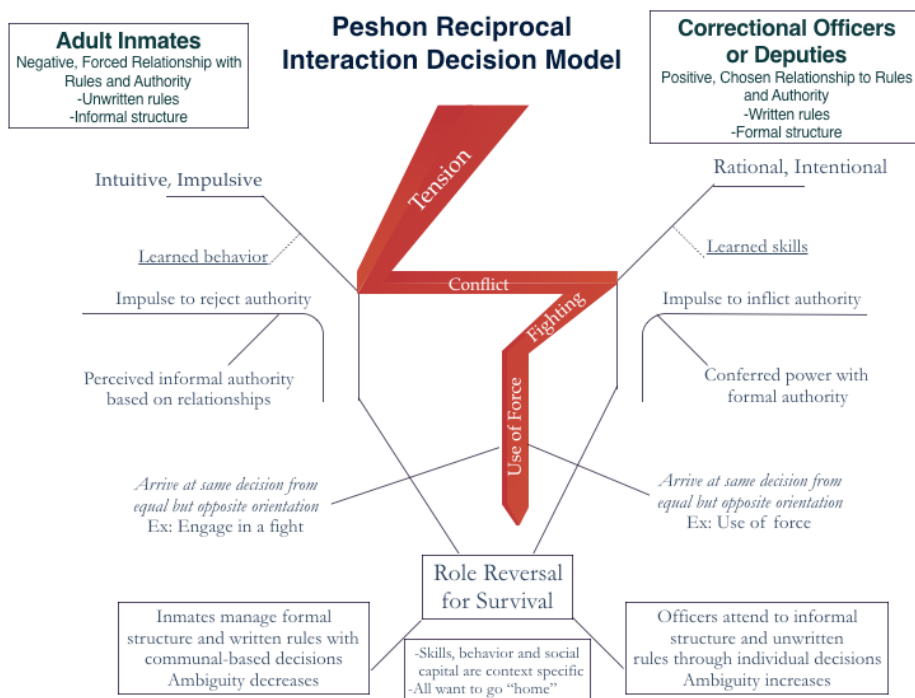
Decision-making for adult inmates who are currently incarcerated and formerly incarcerated persons represent the equal but opposite experience of correctional officers and deputies. Given the structure of county jails and the expectations of inmates to follow rules enforced by jail staff, easy decisions for inmates are what were described as, “mind numbing,” and largely consisted of very basic, survival-oriented decisions. From the perspective of Maslow’s Hierarchy of Needs, decisions about eating, drinking and hygiene ranked the lowest. Somewhat hard decisions were comprised of decisions that create divergence or tension for adult inmates. They experience conflict about how to make decisions such as following formal instructions or rules established by the jails or attending to the informal rules developed by other inmates. Extremely hard decisions reported by adult inmates and formerly incarcerated persons represented decisions that were relationship-based and required high levels of intuition in order to decide upon. Decisions about engaging in a fight, maintaining relationships and what to do with the outside world and life upon release were experienced as decision-making that required less rationality and higher levels of intuition.

Adult inmates and formerly incarcerated persons reported exercising an intuitive

decision-making style on a daily basis while in jail in order to follow the unwritten rules established by other inmates. Typically an individual's inclination to rely on rules or structure to make decisions would result in a rational decision-making style. In the case of adult inmates residing in county jails, survival is based on the appearance of following the jail's formal rules, and attending to the informal rules of the inmate culture. Similar to correctional officers and deputies, inmates and formerly incarcerated individuals reported verbally asking between zero and ten questions in one day. For adult inmates, too many questions drew negative attention, but the absence of questions altogether would indicate staff attention might be required. In contrast to officers and deputies, adult inmates and formerly incarcerated persons experienced higher levels of decision-making fatigue in the morning, as the reality of waking up in a jail, having their day open to consideration and contemplation of the range of decisions available to be made was often overwhelming and was experienced as a decline in decision-making capacity.



## Interpretation of Findings—Decision Model



*Figure 4.* This figure provides a visual representation of the Peshon Reciprocal Interaction Decision Model developed from the data collected in this study.

Decision making in California county jails is an incredibly complex phenomenon that exists within a highly structured and rigid system. The findings derived from the responses of all four groups of participants throughout California have been developed into the Peshon Reciprocal Interaction Decision Model that depicts the decision-making experiences from the two populations that exist within county jails on a daily basis: officers or deputies and adult inmates while in county jails. Much like the experience of two magnets coming together, this model illustrates the equal but opposite experiences when it pertains to decisions that are easy, somewhat difficult and extremely difficult, as well as decision-making styles that are exercised each day.

## **Relationship to the System**

### **Adult Inmates**

In order to understand how correctional officers, correctional deputies, and inmates perceive their decision-making experiences in county jails on a daily basis, it is important to take their relationship and orientation to the criminal justice system into account. The relationship of adult inmates to the authority and rules that exist within county jails is primarily negative and forced as a result of their criminal activity and encounter with law enforcement. For individuals who are in jails as a result of their sentence or awaiting trial, the relationship with the officers, deputies, and policies and procedures is inflicted by the courts. As a result, there are written and formal rules and expectations of their role as inmates that must be attended to in order to maintain the classification selected by the courts while in jail. Simultaneously, the nature of inmate culture requires compliance with the unwritten rules and the informal structure that exists within the inmate yard, dorm, pod, or subgroups. The result in regards to decision-making style is an intuitive and often impulsive style that is managed by each individual adult inmate.

### **Officers and Deputies.**

Parallel to adult inmates are the correctional officers and deputies who work in county jails on a daily basis. Based on the length of the average corrections career, officers and deputies often spend more time physically inside county jails than many inmates who receive shorter sentences and do not have high recidivism rates. As a result of their roles, officers and deputies have a largely positive and chosen relationship to the policies, procedures, and formal authority that exist within county jails, as they have

willingly chosen to be employed. While there is a culture present amongst officers and deputies, their purpose and tasks are directly connected to the mission and vision of the county jails that are maintained through highly structured policies and procedures. The design and function of jails results in a required rational and intentional decision-making style on behalf of officers and deputies that attends to the letter of the law when performing the duties related to their role. The difference in decision-making style as a result of each population's relationship and orientation to the rules and authority present in county jail results in tension between the groups and the roles they maintain.

### **Skills and Behavior**

For both populations of interest, modes of operation in county jails are primarily *learned*. Given that no other component of society is at the service of the general the public and designed with such a high level of structure and policy, the behavior and skills required to successfully coexist inside of a jail are not necessarily natural. Adult inmates develop their intuitive decision-making styles based on their interactions with other inmates, jail staff, and years of experience in the criminal justice system and history with the law. Officers and deputies learn a particular set of skills that enables them to interact with inmates who often have a wide range of needs and characteristics that can jeopardize the safety of staff and other inmates at any time. The continuous training for officers and deputies focuses on the skills needed to maintain order and security to deescalate potentially dangerous situations that result in outcomes that are often a matter of life or death. The learned behavior and skills can contribute to the tension between the decision-making styles of each population, and they can contribute to the development of conflict between officers or deputies and inmates.

An example of the difference and tension between the decision-making styles and learned skill or behavior that surfaced during this study was the way in which both populations engaged with the researcher. When officers and deputies were approached to participate in the study, their responses were rooted in rational decisions based on shift availability, instruction from their administration about tasks and priorities for the day and hesitancy to explain their experiences with the administration nearby. When questionnaires and focus groups took place during shift briefings, most officers and deputies followed the lead of their supervising sergeant or lieutenant. If they had learned that their superiors were in support of the research and were interested in the findings, officers and deputies also became interested. Despite participation in the study being entirely voluntary and of no consequence to their employment status, officers and deputies willingness to participate was largely based on their chosen relationship with authority

Adult inmates' participation in the study was primarily based on two factors: curiosity about an "outsider" in the jails and their intuitive response to having access to a new activity within their daily routine. The experience of adult inmates in county jails has informed them of the need to get to know individuals who are new to the system, thus, an unfamiliar researcher prompted interest in participating—not necessarily for the enhancement of knowledge in the field of criminal justice, but for understanding of the activity taking place in within the confines of each of the county jails.

### **Response to Conflict**

Interactions between correctional officers, deputies and adult inmates in moments of conflict can be evaluated within a model provided by the theory of Invisible

Leadership. Invisible Leadership offers the notion that the common purpose between two groups of individuals is more powerful than the titles, specific roles or authority that they each hold (Hickman and Sorenson, 2014). In the spaces of conflict, the relationship to a desired outcome between inmates and the formal authority results in the impulse to reject formal authority and the rules enforced by the authority figures. This experience can culminate in fighting and verbal outbursts because the common purpose and the decision-making style may not be the same for both groups. For officers and deputies, conflict results in the impulse to inflict authority, as both a requirement of their job to maintain order and an inherent need to maintain the safety of all involved. Both populations reported the experience of conflict as the function of the somewhat hard decisions throughout their day. Such decisions included deciding whether to follow the instructions given by officer or deputies and how to use personal judgment when policies did not directly apply to issues with inmates. The opposite orientation each population has toward conflict results in an escalation of the existing tension based on decision-making style, and it advances the incompatible nature of their decisions.

### **Authority**

The authority exercised by both populations inside county jails when making decisions is also of equal but opposite quality. This paradox often results in fighting that becomes present for no other reason than the differences in roles and the ability to make decisions based on informal and formal authority within the criminal justice system. The authority of adult inmates while in jail is informal and is based on their relationships with other inmates and jail staff. Inmates explained the importance of their decisions when they are communally based, such as maintaining the cleanliness of their dorms and

deciding to not fight with correctional deputies to ensure that they can get along with one another each day. The authority of correctional officers and deputies within county jails is formal; the power to make decisions on behalf of the criminal justice system is conferred upon them by the criminal justice system at the time of employment, promotion or assignment. Their uniforms represent their formal authority, the symbol of their badge or department patch, and the boundaries they maintain between themselves and inmates define their formal decision-making power. These symbols inform the decisions they make in the space of fights and conflict and the ways in which they decide upon the somewhat difficult options that present themselves each day.

### **Decision Point Orientation**

While inside of county jails, correctional officers, deputies and adult inmates reported encountering the same types of decisions throughout the day, but from opposite orientations to the decision points. This was exemplified by the explanations both populations provided about fights that break out and require use of force. Inmates, officers, and deputies all found it extremely difficult to decide to engage in a fight and use force against the other party. Such decisions require responses that are rooted in policy and procedure and, the instinctual reactions are rooted in intuitive decision-making styles for both populations. Inmates reported knowing what the consequences of fighting were inside of county jails, and understanding the cultural consequences of not engaging in a fight. Correctional officers and deputies also reported the difficulty of making the decision to use force against inmates as it states in policy while also ensuring that other staff and inmates are safe. Officers and deputies explained that the extent to which a situation can escalate beyond the confines of policy requires an intuitive response that

formal procedure may not account for in the moment.

### **Role Reversal**

In moments of use of force and when conflict has surpassed rational decision-making for both populations of interest in county jails, the attention to survival in decision-making shifts from the easy decisions that were described by participants to an experience of role reversal. Easy decisions that were largely based on rational decision-making included eating, drinking, hygiene, attending to tasks and priorities, daily operations, and routine activities. In order for both populations to have a successful outcomes in situations where fighting requires use of force, each population reported having to attend to the decision-making style, behavior, skills, and authority of the opposite population with whom they are in conflict with. This experience is largely informal, and is not often discussed amongst either population of interest as the role reversal is a reality that is electively unacknowledged by each population.

### **Adult Inmates Role Reversal**

For individuals who reside in county jails as a result of their involvement with law enforcement, engaging in a fight with other inmates or officers and deputies contains a risk that can influence their day-to-day existence inside of jail, and their hopes about their anticipated release from jail. While many of the decisions inmates reported making on a daily basis are the result of the unwritten rules and informal structure created by inmate politics, the decisions made during a situation where force is used begin to mirror the decisions made by officers and deputies. When inmates were asked what made the decision to fight difficult, their language became more formal and paid tribute to the formal rules in county jails. Inmates explained the desire to not “be Title 15 for 10 days,”

in reference to isolation as a consequence for behavior. In order to avoid formal consequences for fighting, inmates recognized the need to attend to the formal structure as well as the written rules that support the need to make decisions based on cohabitating with their fellow inmates. As a result of inmates' awareness of the policies and procedures that determine the consequences for fighting and the impact such a decisions could have on their future experiences, the ambiguity of their decisions appears to decrease in situations of use of force.

### **Correctional Officers and Correctional Deputies Role Reversal**

In situations that require use of force from the perspectives of correctional officers and deputies, successful outcomes largely depend on their attention to the informal structure and unwritten rules established by the culture of inmates. Officers and deputies reported having to use their experience of and insight into inmates' behavior to inform how they respond to intense and potentially dangerous situations. In contrast to inmates, the intuitive information that officers and deputies rely upon in use of force situations increases the ambiguity of their decisions, as they are attending to the informal structure that inmates are operating within. The nuances of inmate behavior are such that policy and procedure cannot account for such detail or uniqueness in the heat of the moment.

Inmates were also able to identify the officers or deputies that they considered to be the "good cops" based on their experience. The "good cops" asked questions on a daily basis that are "between the lines" or rules in order to know more about what inmates are experiencing. It appeared as though officers and deputies were willing to break or bend the boundaries in order to maintain the order called for by the institutional regulations and policies. The information acquired from their informal encounters and



questions between the boundaries supported the decision-making of officers and deputies in use of force situations and in essence reverse the tendencies of their role as correctional officers and deputies.

### **Transition “Home”**

For both populations inside of county jails, the ultimate goal at the end of the day or shift is to go home. The interactions both jail staff and inmates have with one another directly impacts their ability to transition into their home communities, as the context of their encounters is survival based. The extent to which both populations disconnect from the outside world and their communities is drastic and literal. The use of cell phones is not permitted inside of county jails for staff, and inmates have their verbal and written communication screened and in-person visits supervised. The available reference points to the outside world are limited to television and visitors, as the consistency of uniforms and the confines of the secure facility restrict any other contact. Given the existing literature on recidivism and the factors that contribute to successful or unsuccessful transitions into home communities by adult inmates, the experience of shifting cognitive decision-making likely has an impact on individuals’ capacity to physically leave jail and not return (James & Johnson, 1983, McShane & Von Glinow, 2016, Evans, Brown, & Killian, 2002).

The restricted nature of county jails has implications for both populations when transitioning home at the end of a shift for officers and deputies, as it requires a conscious reconnection to the skills, behavior, and types of decisions that are specific to their home environment. For inmates, transitioning home upon release requires an adaptation of the types and volumes of decisions that are predetermined and limited while in jail. The

skills, behavior and social capital from relationships exercised by correctional officers, deputies and inmates inside of jail do not necessarily translate to the outside world, as they are context specific as a result of the uniqueness of the design and function of county jails.

During a follow-up focus group, one officer shared the difficulty of turning work off by describing how a friend once asked the officer to not speak to them “like an inmate” during dinner one day after work. Other officers shared examples of the anxiety they experience at the end of their shift when they cannot remember if they were asked to stop at the grocery store, if they remembered to put gasoline in the car, or if their kids would want them to play when they arrived at home. Inmates noted the challenge of deciding who to remain in touch with after release and whether to reconnect with people they may have hurt as a result of their incarceration. Such experiences speak to the need to evaluate the transitional space for both populations and the unique nature of decision-making in jails in comparison to the outside world.

Understanding the complex decision-making interactions that exist between correctional officers, deputies and inmates provides a foundation for which implications for training and policy can be made. Chapter Seven will discuss the limitations of the study, three preliminary recommendations and implications for future research in this field of study.

## CHAPTER SEVEN: LEAVE THE LIGHTS ON

This study, which sought to advance understanding of the decision-making experiences of correctional officers, deputies, and inmates within the criminal justice system, unveiled the complexity of the criminal justice system, the relationships that exist within it. The fluid nature of the roles that are endured by both populations of interest in their decision-making experiences was illuminated. While distributing open-ended questionnaires and facilitating follow-up focus groups, the researcher received an inquiry from an adult inmate participant.

“What are you doing to do with this information?”

“I am going to study it and create a paper and presentation about what I’ve learned. I can bring it back and show it to you when I’m done,” the researcher responded.

The inmate acknowledged, “I would like that. I’ll still be here. We’ll leave the lights on for you.”

In order to discuss the limitations of this study, implications for future research and the significance of this study, it must be acknowledged that this research took place in a context where many of the participants do not feel as though there are parts of their community where the literal and metaphorical “lights” will not be left on for them upon their return. For officers and deputies, this was demonstrated in the intense strain that their roles places on their relationships and transition home on a daily basis. For adult inmates, this was noted in the lack of opportunity to repair relationships, connect with loved ones, and have options for employment and housing. For some participants, working and living in jail meant that some of the “lights” of their personal life went out to an extent. The context of the “lights” that are and are not left on for correctional

officers, deputies, and adult inmates will be a consistent theme present throughout this chapter.

### **Considerations of the Study**

As is the case with all qualitative and phenomenological related studies, there are several considerations that must be accounted for in order to ensure internal and external validity. This study contains inherent limitations based on the hierarchical nature of jails, the inmate politics that serve as an undercurrent to any outside entity's interactions with adult inmates, and the temporal restrictions that the research was designed within and around. While the design of the study sought to ensure that all participants received the same opportunity to participate and in the same manner, there were structural elements that could not be modified during the data collection phase.

The first consideration involves the hierarchical nature of county jails and the ways in which each division commander and shift lieutenant or sergeant leads their team. Each county jail visited during the data collection phase of this study provided access to participants differently. The first county jail visited by the researcher provided access to the shift sergeant who then provided a list of names and a rotation for the researcher to distribute the open-ended questionnaire and then conduct a follow-up focus group immediately following the completion of the questionnaires. The second and third visits to county jails provided time during shift briefings for questionnaires to be completed. The first briefing was led by a sergeant who did not complete the questionnaire and told the team to "make a decision" to participate or not. The second briefing attended by the researcher was led by a lieutenant who participated in the study by completing a questionnaire and providing additional time for a focus group with the entire shift. The

lieutenant had even arranged for the prior shift to stay late in order for the focus group to take place. The differences in the approach and interest of the watch commanders and by each shift may have influenced the extent to which participants engaged with the study. Simultaneously, the way the study was presented to adult inmates during each visit may have also influenced their interest in participating. Correctional counselors tended to have more positive relationships with inmates than officers or deputies, so the response to the counselors call for participants was likely met differently by inmates.

The second limitation of the study involves the gender of the researcher and the impact it had on the inmates', officers', and deputies' interest in the study. For inmates, having a young, female researcher present in the jail may have created a dynamic that positively or negatively influenced their desire to participate. Most inmates lined up in each of their pods and dorms to wait to participate. Since only 25 inmates could complete the questionnaire at a time, some inmates waited for several rotations in order to be included. Other inmates may not have engaged because a male researcher was not present. Correctional officers and deputies were less curious, and often exercised hesitation when the call to participate was presented, as there was uncertainty about how the information they offered in their questionnaires and focus groups would be shared with the jail administration. It was also evident that some shifts were more open to communicating their experiences than others. At one briefing attended by the researcher, a deputy shared that they were amongst the more experienced and felt comfortable sharing their insight. Hierarchy amongst deputies and officers based on years on the job may have influenced the information shared throughout the data collection phase.

Finally, due to the time restrictions presented by the approval process of this study

and the extent to which the researcher could be inside of county jails, there are many components and nuances of decision-making that could not be fully explored. In order to access adult inmates who are considered a protected class, the Institutional Review Board review process required several additional months and a full review. While this process provided the opportunity for the researcher to fully and carefully explain the purpose, design, and function of the study, it also reduced the timeframe within which data could be collected. In addition to the time available for the research to be conducted, the amount of time from officers, deputies and inmates that could be afforded to the study was also a systemic limitation. The nature of county jails requires that a minimum number of staff be present on each shift, and the regulations of the state of California require inmate meals, services and programming to take place at certain times each day. Data collection had to take place without conflicting with these mandates and jeopardizing the safety and security of each jail. The structured schedules of county jails may have limited the insight into decision-making during different activities and times of the day.

### **Preliminary Recommendations**

The findings of this study provide an illustration of the unique decision-making experiences individuals who work and live in jail have on a daily basis. As a result, there are few preliminary recommendations for training and programming for correctional officers, deputies and inmates. The recommendations include focusing on decompression time and processing sessions about the different levels of decisions at the end of shift for officers and deputies, providing processing sessions for inmates to understand decision-making and the rules that guide their experience, increasing reference points to the

surrounding community and developing transition sessions for families of both populations.

### **Decompression and Processing Time**

For correctional officers and deputies working in county jails, 12-hour shifts often produce built up tension, stress and decision-making fatigue that can result in difficulty transitioning home at the end of the day. Many participants shared experiences of going home and talking to their families and friends as if they were still at work, forgetting to go to the grocery store, or not being ready to play with their kids right away. Unless officers and deputies have a commute home, they may transition from being inside of a jail in a tense and dangerous situation to sitting down for dinner with their families all within the same hour. Providing time to debrief their shift with their fellow officers could improve processing that may not otherwise be attended to outside of work. Given that inmates outnumber officers and deputies each day, having time to connect as a team at the end of their shift may provide support that cannot be garnered in a formal training. Part of the processing could involve looking at the easy, somewhat difficult and extremely difficult decisions that were made. This could take place in a more formal group setting during briefings or could be taken up informally if officers and deputies are finding themselves in spaces of dilemmas or decision-making conflict. Creating time for officers and deputies to informally decompress or debrief at the end of their shifts throughout the workweek may improve their decision-making upon leaving the jail facilities.

Processing sessions for adult inmates may provide an opportunity for this population to explore why the rules are designed in a particular way and how their

decision-making is in alignment or conflict with the existing structure of county jails. During the follow-up focus groups, inmate participants shared their ambivalence to the rules they do not feel as necessary. They shared their support for the rules that they feel keep them safe, in harmony with their dorm-mates and on track to be released on time. The data shared about the somewhat difficult decisions that inmates find themselves conflicted about suggests that the decision to engage in a fight may be the inmates' way of engaging the authority or jail staff. If a space is provided with correctional counselors or inmate services officers to have a dialogue about decision-making and the relationship it can have with authority, greater awareness on the part of the inmates could reduce conflict between the two populations of interest.

### **Community Reference Points**

One of the most tangible boundaries of county jails is the absence of community reference points or markers. In order to visit an individual in a county jail, plain clothes must be worn, technology must not be used, communication is monitored and constant surveillance is in place. All jail staff including officers, deputies, cooks, laundry workers, doctors and nurses wear uniforms every day. The environment is very plain and sterile. When inmates watch television, they rarely select local or world news. With such little representation of the outside world, officers, deputies and inmates do not have necessarily have a sense of what is taking place outside of jails. Increasing reference points for both populations before they transition into the community may improve their connectedness upon returning home. Simple pieces of information such as grocery store ads, gas prices, changes in local politics, medical care or transportation services may be more significant to these populations than community members who are constantly immersed in the



mainstream media.

Additionally, providing community engagement opportunities for correctional officers and deputies may assist in broadening their understanding of their decision-making experiences inside of jails. Correctional staff does not have the opportunity to share the positive experiences of patrol officers and deputies who are seen and acknowledged in coffee shops, restaurants, and sporting events or in public places. They do not have children asking for stickers or to see their patrol cars. Providing corrections representation at community events may assist jail staff and the community in understanding the challenging experience of making decisions in county jails.

### **Transition Sessions for Family**

Given the unique nature of county jails, it is very likely that families of jail staff and adult inmates do not understand the experiences that their loved ones have while they are away. Providing simple information sessions about jail operations, examples of tasks and events during average shifts, programming available to inmates, and providing insight into why it may be difficult to transition home may greatly support both populations of interest. It is also likely that both populations may not want their family members to know what happens in an average day at a county jail, and if that is the case, it is imperative to know why. The transition sessions may need to be held for those who work and live in jail simultaneously with the family sessions in order to support both groups connected to jails.

### **Implications for Future Research**

In evaluating the influence of the criminal justice system on decision-making experiences of correctional officers, deputies, and adult inmates, it became evident that

the phenomenon of decision-making and the complexity and influence of the system in which it takes place is not isolated to the operations of county jails. Adult inmates, in particular, alluded to the magnitude of decisions that are made in the outside world. They acknowledged the stark difference between the limited decision-making opportunities available inside of the jail and the overwhelming number of decisions required outside of jail. In order to understand the extent to which the criminal justice system uniquely impacts decision-making of jail staff and adult inmates, the other systems that both populations encounter must be accounted for in the research as well.

Including the other divisions of law enforcement in addition to corrections is a necessary piece of for which future research to attend. Patrol divisions, superior courts, and probation departments also hold vital roles in the total decision-making experiences of individual who work in and interact with law enforcement and criminal justice systems. The function and purpose of these additional departments may impact the ways in which decisions are made inside of county jails and how future decision-making experiences can be supported to reduce conflict, use of force and difficulty with transitions into communities from jails. The nested and paradoxical systems that exist within law enforcement and criminal justice contribute to the formal and informal processes individuals make decisions within. Understanding how the differences between each of the divisions may add to existing research on recidivism and how officers and deputies respond to individuals who come into contact with the law.

The incorporation of the social systems that influence decision-making and the ability for individuals to transition out of jail is also needed in future research. Entities such as educational programs, mental health services, local nonprofit programs and

family networks could all be influential pieces of a larger social system. Great attention to home environments may also be significant, as officers, deputies and inmates all noted the desire and difficulty of transitioning home. The ways in which they experience disconnection and isolation are larger factors that require additional research.

Examining the developmental process of decision-making is also important for developing a stronger understanding of recidivism and officer involved incidents. The essence descriptions that surfaced during data analysis illuminated the difference in rational and intuitive decision-making. It often appeared as though decision-making became worse before it could improve. From this perspective, resilience may serve as an important trait for both survival inside of jail, and integration or assimilation when transitioning back into the community for both populations of interest. A more in depth study using a developmental lens may assist in understanding how different levels of develop occur inside of jails, and whether or not such experiences translate into the community.

Finally, attention to the ways in which the interactions between officers, deputies and inmates may function in the form of the butterfly effect and the Cynefin Framework could also add to the existing body of literature on this topic. This may involve researching the ways in which the decisions of officers, deputies and inmates are dependent on and sensitive to the conditions that contribute to small changes in their experience on a daily basis. Such small changes may result in very large differences in their experience at a later point in time and may occur in a nonlinear fashion much like small decisions in a chaos filled environment. For example, the ways in which simple questions are asked on a hourly or daily basis may influence the ways in which grand jury

investigations take place in the criminal justice system. Simple questions may reduce the rate at which officers and inmates experience use of force situations, or the way inmate programming is created to support their reentry upon release.

From the perspective of Snowden and Boone's (2007) Cynefin Framework, evaluating the complex circumstances in which correctional officers, deputies and inmates make decisions elevates the way in which decision-making interactions occur in the Peshon Reciprocal Interaction Decision Model. From the perspective of the Cynefin Framework, decisions are made in contexts that are simple, complicated, complex and chaotic (Snowden and Boone, 2007). Much like the spaces of tension, conflict and fighting, the circumstances that decisions are made within may be the result of decision-making style, authority and also policies and procedures that influence outcomes. Elements of control, contribution and creativity in their routine work and daily activities may impact their experience in making decisions. The ways in which training and policy may or may not adapt to the circumstances present inside of county jails could greatly impact the successful outcomes of daily decision-making for all populations of interest.

### **Significance and Closing Remarks**

Although this study took place in a semi-controlled and highly structured environment, the implications of the findings derived from correctional officers', deputies', and adult inmates' experiences have implications for a wide range of organizations and programs. The criminal justice system at large, training programs for law enforcement, probation, corrections, rehabilitation, military, nonprofit, and research organizations addressing recidivism and service providers who serve individuals with developmental disabilities and mental illness may all benefit from understanding how

decision-making is impacted by a highly a structured system. This study has the potential to influence the ways in which county jails and law enforcement recruit, hire and train correctional officers and deputies to work with adult inmates. Understanding how decision-making is experienced inside of jails offers insight for designing policy and programs to reduce recidivism rates for current inmates or formerly incarcerated persons.

This study acknowledges that decision-making as a phenomenon involves the cognitive process of making a selection from a series of options. Much like a muscle, decision-making is a skill that can often be improved over time if practiced. Developing a better understanding of how the criminal justice system impacts officers and inmates equally may assist in reducing the cognitive and social challenges both populations face upon transitioning into their communities on a daily basis and upon release. Practically, this study's contributions may assist with identifying decision-making opportunities within county jails that may increase the quality of decisions made by both populations and the ability of officers and inmates to make more decisions on a daily basis. Such insight may assist in explaining the issues that reoccur when both populations leave county jails, such as alcoholism, substance abuse, domestic violence, and self-medication that some correctional officers and inmates have experienced.

In addition to the aforementioned significance, this study provides an initial understanding of an incredibly complex phenomenon experienced by individuals who work and live at the margins of our communities. In order to support the correctional officers, deputies, adult inmates and formerly incarcerated persons who participated in this study, it is imperative to evaluate where the "lights" are left on for these populations, and where they have been turned off. The first step in the solving a problem is identifying

there is one. This study offers the field of criminal justice and initial illumination of a solution to the pervasive social challenge of recidivism through the lens of decision-making as it is experienced in county jails. May the light lead our way.

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APPENDIX A: RESEARCH PARTICIPANT CONSENT FORM—  
ADULT INMATES

University of San Diego  
Institutional Review Board  
For the research study entitled:

Locked Up Part II: Inmate Decision-Making Experiences in County Jails

Dear Participant,

My name is Mari. I'm doing a research study. I'm going to the University of San Diego to get a degree. This research is part of my school program. Here's some important stuff I need you to know about the research study.

**I. Purpose of the research study**

I am studying what people say it's like to make decisions everyday when they're in jail.

**II. What you will be asked to do**

If you decide to be in this research, here's what you will do:

1) Fill out a questionnaire about how you make decisions. It will take about 15 minutes. Your name or number will not be on it. The Correctional Counselor will give these forms to Mari.

2) Participate in a group discussion (called a "focus group") with other inmates. You'll talk about how you make decisions. The Correctional Counselor will take notes while you talk, BUT will NOT write down your name or number. The Counselor will give these notes to Mari. Mari will not know who you are.

Your participation in this study will take a total of 45 minutes.

**III. Foreseeable risks or discomforts**

Being in this study has no more risk than the risks you already experience in your daily life.

**IV. Benefits**

If you agree to do this, you won't get any direct benefit. You will be helping researchers like Mari find out what it's like to make decisions when you're in jail. But here's something important: Whether you decide to do this or not, your decision will have no effect on your classification, sentencing, or probation. You don't have to do this. It's your choice.

**V. Confidentiality**

Everybody will turn in their questionnaires in a big stack. Nobody's name will be on them. The Correctional Counselors will look at the questionnaires, but they won't know who filled which one out. They will check the questionnaires for any issues that affect safety and security at the jail. You need to know that any questionnaires that affect safety and security will be turned over to the jail management. After that, the counselors will give the rest of the questionnaires to Mari to study. They will also do the same thing with the focus group notes.

Remember, the jail management has the right to scan the materials leaving the jail for

safety and security.

Mari will keep the questionnaires and notes locked up in her office. She will keep this stuff for 5 years. Again, your name will never be on these papers. She'll use a number to code them. Mari may write an article in a professional magazine about what she found out, but nobody will know it's you or what jail the information came from. She might also give a presentation about what she found out to people like professors or psychologists. But no one will ever know it was you.

#### **VI. Compensation**

You won't get any money or anything else for being in the study. Whether you decide to do this or not, your decision will have no effect on your classification, sentencing, or probation.

#### **VII. Voluntary Nature of this Research**

**"Voluntary" means: you don't have to do this.** You can refuse to answer any question or quit at any time. Deciding not to participate or not answering any of the questions will have no effect on any benefits you're entitled to, like your health care, your classification, sentencing, or probation.

#### **VIII. Contact Information**

**You will get a copy of this form to keep.**

If you want to contact Mari or her teacher, Zachary, about the study, you can mail a letter to:

Zachary G. or Mari P.  
Department of Leadership Studies  
MRH-273  
5998 Alcala Park  
San Diego, CA 92110

Or if you have access to a phone, you can call Mari's school and ask to leave a message for Professor Zachary G. The number of the school is:  
(619) 260-4538.

**If you are OK with participating, please sign and print your name below:**

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Signature of Participant

Date

---

Name of Participant (**Printed**)

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Signature of Investigator

Date

APPENDIX B: RESEARCH PARTICIPANT CONSENT FORM—  
CORRECTIONAL OFFICERS AND CORRECTIONAL DEPUTIES

### **I. Purpose of the research study**

Mariko Peshon is a doctoral graduate student in the School of Leadership and Education Sciences at the University of San Diego. The purpose of this study is to understand the decision-making experiences of correctional officers in county jails.

### **II. What you will be asked to do**

If you decide to be in this study, you will be asked to:

Complete a written, anonymous decision-making questionnaire and a follow up focus group.

Your participation in this study will take a total of 45 minutes maximum.

### **III. Foreseeable risks or discomforts**

- a) This study involves no more risk than the risks you encounter in daily life.
- b) Sometimes when people are asked to think about their feelings or past experiences, they feel sad or anxious. If you would like to talk to someone about your feelings at any time, you can call toll-free, 24 hours a day: 530-544-2219.

### **IV. Benefits**

While there may be no direct benefit to you from participating in this study, the indirect benefit of participating will help researchers better understand how correctional officers experience decision-making on a daily basis.

### **V. Confidentiality**

Any information provided and/or identifying records will remain confidential and kept in a locked file and/or password-protected computer file in the researcher's office for a minimum of five years. All data collected from you will be coded with a number or pseudonym (fake name). Your real name will not be used. The results of this research project may be made public and information quoted in professional journals and meetings, but information from this study will only be reported as a group, and not individually.

### **VI. Compensation**

**You will receive no compensation for your participation in the study.**

### **VII. Voluntary Nature of this Research**

**Participation in this study is entirely voluntary. You do not have to do this**, and you can refuse to answer any question or quit at any time. Deciding not to participate or not answering any of the questions will have no effect on any benefits you're entitled to, like your health care, or your employment or grades. **You can withdraw from this study at any time without penalty.**

### **VIII. Audio Recording**

This interview will be recorded and transcribed for educational purposes. No personal identifiers will be included in the transcription. All personal information will be kept confidential. All information will be stored in a locked file.

**VIII. Contact Information**

**If you have any questions about this research, you may contact either:**

**1) Mariko Peshon**

**Email: marikopeshon@sandiego.edu**

**Phone: (619) 260-4600 ext. 2120**

**2) Zachary Green, PhD**

**Email: zgreen@sandiego.edu**

**Phone: (619) 260-8896**

**I have read and understand this form, and consent to the research it describes to me. I have received a copy of this consent form for my records.**

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Signature of Participant

Date

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Name of Participant (**Printed**)

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Signature of Investigator

Date



APPENDIX C: DECISION-MAKING QUESTIONNAIRE—  
CORRECTIONAL OFFICERS

This questionnaire is part of a study on how individuals make decisions in county jails. A decision is a choice that you make about something after you have been thinking about it. Decisions can be made on issues between you and other staff, your and inmates or personally for yourself. Please write any thoughts you have about the questions; do not worry about spelling, grammar, or using complete sentences.

This questionnaire is *voluntary*: you do not have to write anything you do not want to share. It is anonymous and does not need any personal identification information.

1. In your role as a correctional officer, what are some decisions you make on your own each day (when there are not any policies or rules to determine what to do)?
2. Based on the decisions you make in your role, please list some examples for each of the following:
  - Easy decisions:
  - Somewhat hard decisions:
  - Extremely hard decisions:
3. Please check the box that describes how you typically make decisions:
  - Using facts
  - Relying on policy/procedure
  - Using gut instincts
4. When you make a decision, which is more important?
  - Following policy/procedure
  - Feeling it is right
  - Having a good reason
5. Please check the box that describes when it is most difficult for you to make decisions:
  - Start of shift
  - Mid-shift
  - End of shift
6. How many questions do you think you ask in one shift (to peers, supervisors, inmates) outside of responding to inmate request slips?

APPENDIX D: DECISION-MAKING QUESTIONNAIRE—  
CORRECTIONAL DEPUTIES

This questionnaire is part of a study on how individuals make decisions in county jails. A decision is a choice that you make about something after you have been thinking about it. Decisions can be made on issues between you and other staff, your and inmates or personally for yourself. Please write any thoughts you have about the questions; do not worry about spelling, grammar, or using complete sentences.

This questionnaire is *voluntary*: you do not have to write anything you do not want to share. It is anonymous and does not need any personal identification information.

1. In your role as a deputy, what are some decisions you make on your own each day (when there are not any policies or rules to determine what to do)?
2. Based on the decisions you make in your role, please list some examples for each of the following:
  - Easy decisions:
  - Somewhat hard decisions:
  - Extremely hard decisions:
3. Please check the box(es) that describes how you typically make decisions:
  - Using facts
  - Relying on policy/procedure
  - Using gut instincts
4. When you make a decision, which is more important?
  - Following policy/procedure
  - Feeling it is right
  - Having a good reason
5. Please check the box that describes when it is most difficult for you to make decisions while at work:
  - Start of shift
  - Mid-shift
  - End of shift
6. How many questions do you think you ask in one shift (to peers, supervisors, inmates) outside of responding to inmate request slips?

APPENDIX E: DECISION-MAKING QUESTIONNAIRE—ADULT INMATES

This questionnaire is part of a study on how individuals make decisions in county jails. A decision is a choice that you make about something after you have been thinking about it. Decisions can be made between you and staff, you and other inmates, or personally for yourself. Please write any thoughts you have about the questions; do not worry about spelling, grammar, or using complete sentences.

This questionnaire is *voluntary*: you do not have to write anything you do not want to share. It is anonymous and does not need any personal identification information.

1. Since you have been in jail, what are some decisions you make on your own each day (when there are not any rules or officers to tell you what to do)?
  
2. Based on the decisions you make on your own each day in jail, please list some examples of each of the following:  
  
Easy decisions:  
  
Somewhat hard decisions:  
  
Extremely hard decisions:
  
3. Please check the box that describes how you typically make decisions:  
  
 Using facts  
 By following the rules  
 Using gut instincts
  
4. When you make a decision, which is more important?  
  
 Feeling it is right  
 Having a good reason  
 Making sure I follow the rules
  
5. Please check the box that describes when it is most difficult for you to make decisions:  
  
 In the morning  
 After lunch  
 In the evening/night
  
6. How many questions do you think you ask in one day in jail without submitting an inmate request slip (to your peers, to officers, to administrators)?

APPENDIX F: DECISION-MAKING QUESTIONNAIRE—  
FORMERLY INCARCERATED PERSONS

This questionnaire is part of a study on how individuals make decisions in county jails. A decision is a choice that you make about something after you have been thinking about it. Decisions can be made between you and staff, you and other individuals, or personally for yourself. Please write any thoughts you have about the questions; please do not worry about spelling, grammar, or using complete sentences.

This questionnaire is *voluntary*: you do not have to write anything you do not want to share. It is anonymous and does not need any personal identification information.

1. When you were in jail, what are some decisions you made on your own each day (when there were not any rules or officers to tell you what to do)?

2. Based on the decisions you recall making on your own each day while in jail, please list some examples for each of the following:

Easy decisions:

Somewhat hard decisions:

Extremely hard decisions:

3. Please check the box or boxes that describes how you typically make decisions:

Using facts

By following the rules

Using gut instincts

4. When you make a decision, which is more important?

Feeling it is right

Having a good reason

Making sure I follow the rules

5. Please check the box that describes when it was most difficult for you to make decisions while in jail:

In the morning

After lunch

In the evening/night

6. How many questions do you think you asked in one day while in jail (to peers, officers, administrators)?



APPENDIX G: DECISION-MAKING FOCUS GROUP SCRIPT/NOTE  
TAKING OUTLINE—ADULT INMATES

This focus group is part of a study on how individuals make decisions in county jails. A decision is a choice that you make about something after you have been thinking about your options.

1. Inmates shared a number of decisions they make in a day including: \_\_\_\_\_.  
*What do you believe informs these decisions (ie, policies, procedures, training)?  
What makes them independent of the rules?*

2. Inmates shared the following:

Easy decisions:

Somewhat hard decisions:

Extremely hard decisions:

*Why do you believe such decisions are considered easy?*

*Why do you believe such decisions are considered somewhat hard?*

*Why do you believe such decisions are considered extremely hard?*

- 3./4. Inmates reported that they were more likely to make decisions based on:  
(Rationality v. Intuition)

*Why do you believe this is the case? Why do you believe they have that tendency?*

5. Inmates reported it was most difficult to make decisions in \_\_\_\_\_ (morning, mid-day, evening/night).

*How would you explain that experience?*

6. Inmates reported they typically asked \_\_\_\_ (#) of questions in a day.

*Why do you think that is the case? What purpose are the questions serving?*

APPENDIX H: DECISION-MAKING FOCUS GROUP SCRIPT—  
CORRECTIONAL OFFICERS AND CORRECTIONAL DEPUTIES

This focus group is part of a study on how individuals make decisions in county jails. A decision is a choice that you make about something after you have been thinking about your options.

1. Correction officers shared a number of decisions they make in a day including: \_\_\_\_\_.  
*What do you believe informs these decisions (ie, policies, procedures, training)?*

2. Correction officers shared the following:

Easy decisions:

Somewhat hard decisions:

Extremely hard decisions:

*Why do you believe such decisions are considered easy?*

*Why do you believe such decisions are considered somewhat hard?*

*Why do you believe such decisions are considered extremely hard?*

- 3./4. Correction officers reported that they were more likely to make decisions based on: (Rationality v. Intuition)

*Why do you believe this is the case?*

5. Correction officers reported it was most difficult to make decisions in \_\_\_\_\_ (morning, mid-day, evening/night).

*How would you explain that experience?*

6. Officers reported they typically asked \_\_\_\_ (#) of questions in a day.

*Why do you think that is the case? What purpose are the questions serving?*



## Institutional Review Board Project Action Summary

**Action Date:** August 1, 2016

*Note: Approval expires one year after this date.*

**Type:**  New Full Review  New Expedited Review  Continuation Review  Exempt Review  
 Modification

**Action:**  Approved  Approved Pending Modification  Not Approved

Project Number: 2016-07-263

Researcher(s): Mariko Peshon Doc SOLES  
Dr. Zachary Green Fac SOLES

Project Title: Locked Up: Correctional Officer and Formerly Incarcerated Individual Decision-Making  
Experience in County Jails

*Note: We send IRB correspondence regarding student research to the faculty advisor, who bears the ultimate responsibility for the conduct of the research. We request that the faculty advisor share this correspondence with the student researcher.*

### Modifications Required or Reasons for Non-Approval

None

The next deadline for submitting project proposals to the Provost's Office for full review is N/A. You may submit a project proposal for expedited review at any time.

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Dr. Thomas R. Herrinton  
Administrator, Institutional Review Board  
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## Institutional Review Board Project Action Summary

**Action Date:** October 20, 2016      *Note: Approval expires one year after this date.*

**Type:**  New Full Review    New Expedited Review    Continuation Review    New Exempt Review  
 Modification

**Action:**       Approved       Approved Pending Modification       Not Approved

Project Number: 2016-07-262

Researcher(s): Mariko Peshon Doc SOLES  
Dr. Zachary Green Fac SOLES

Project Title: Locked Up Part II: Inmate Decision-Making Experiences in County Jails

*Note: We send IRB correspondence regarding student research to the faculty advisor, who bears the ultimate responsibility for the conduct of the research. We request that the faculty advisor share this correspondence with the student researcher.*

### Modifications Required or Reasons for Non-Approval

None

The next deadline for submitting project proposals to the Provost's Office for full review is N/A. You may submit a project proposal for expedited review at any time.

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