CRIMINAL IMMIGRANTS IN THE U.S. CORRECTIONAL SYSTEM: DOES

U.S. NATIVITY AFFECT PRISON MISCONDUCT?

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by

Kiersten B. Taylor

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DEDICATION

I dedicate this to my loving and supportive family, especially every one of my great-grandparents. I pray my niece, Charlie will someday understand the gifts and sacrifice these true Americans bestowed upon us more than a century ago. Purely by emigrating to the United States for their family to have a better life, they made possible all the luxuries and freedoms we now take for granted. I dedicate my efforts to them in the hope those same opportunities and freedoms once freely offered to us, will continue to be possible for future immigrants sharing that tenacious spirit.

ABSTRACT

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Over the last decade, the United States criminal justice system experienced an increased rate of criminals designated as non-natives. Recent literature has examined how this population change affects law enforcement trends, court system processes, and sentencing. An important next step to further understanding native origin's effect on the criminal justice system would be examining the state and federal corrections populations. As prison operations must contend with all possibilities of inmate risk factors and issues associated with inmate misconduct, understanding how native origin may affect misconduct would be beneficial to institutional safety. Specifically, the current study examines the influence of native origin on inmate misconduct rates.

KEY WORDS Prison misconduct, Nativity, Native origin, Immigrant criminal, Immigrant inmate, Corrections population, Importation model misconduct

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The saying "it takes a village to raise a child" might have been penned regarding graduate students in academia. In my opinion, there can be no true growth or achievement without the help and constant guidance of professors, since they are truly the battle-scarred knowledge keepers coming before us. As a graduate student, I was lucky enough to be given my SHSU village of worthy models, making my lack of previous experience and knowledge only things to be eventually overcome, and not permanent obstacles in the way of accomplishing my goals. My village is filled with so many names, I feel compelled to solely convey my thanks to them in person.

My gracious thesis committee and my program professors all contributed to the education of this graduate. Their mentoring support and offers of incredible teaching and research opportunities without thought to their own professional egos, fellow mature outlooks, as well as their self-deprecating humor kept me moving in the right direction and during times of extreme self-doubt, inspired me to believe crazy goals are possible.

I can only hope to become such a qualified "village leader" and one day positively affect new students in the same manner. More importantly, I wish for the new cohorts of learners that they too will find their own true 'village'. If they are like me, they will be grateful to be so lucky.

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CHAPTER I

Introduction

In the last half-century, the United States criminal justice system experienced an increased rate of criminals designated as non-U.S. natives. While recent literature has examined how this population change affects law enforcement trends, court system processes, and sentencing, an important next step researching native origin's effect on the criminal justice system would be to examine the state and federal corrections populations. As prison operations must contend with all possibilities of inmate risk factors and issues associated with inmate misconduct, understanding how native origin may affect misconduct would be beneficial to both inmate and institutional safety. Specifically, the current study proposes to examine the influence of nativity on inmate misconduct rates.

Prison misconduct is generally defined as the failure of inmates to follow institutional rules and regulations (Camp, Gaes, Langan, & Saylor, 2003). Misconduct includes offender behavior that runs the gamut from disobeying orders and possession of contraband, (i.e., alcohol or drugs, etc.) to assaults against staff and other inmates. Offenders often receive a sanction for rule infractions, including and up to increased incarceration time, exacting both a human and monetary cost on correctional systems (French & Gendreau, 2006).

The rates of prison misconduct are generally delineated and recorded into three major forms: violent crimes, property crimes, and rule infractions (Camp, Gaes, Langan, & Saylor, 2003). Violent crimes include offenses such as murder/manslaughter, physical assault, and sexual assault. Property crimes include theft, destruction of property, and forgery. Prisons also have general rules of behavior, such as where inmates can and

cannot dwell, or what property inmates can and cannot possess; violations of these rules are often treated as infractions to be addressed by the prison staff, but still labeled as misconduct (Camp, Gaes, Langan, & Saylor, 2003)

Since it encapsulates both the protection of human rights and operational risks, inmate misconduct is an important research area for the U.S. prison system. While providing a glimpse of the punishment process successes and failures, misconduct is not just a record of inmates' prison behaviors, but according to recent findings, may also be a possible indicator of inmates' eventual risk of recidivism (Cochran, Mears, Bales, & Stewart, 2012; DeLisi M. , 2003; French & Gendreau, 2006; Huebner, 2003; Mooney & Daffern, 2015; Trulson, Marquart, Mullings, & Caeti, 2005). These studies vary by misconduct predictors found associated with recidivism and early failure rates, yet collectively, they posit an overall assertion between misconduct and the likelihood of post-incarceration criminal activities.

Mooney and Daffern (2015) offered a recent example of recidivism risk association with previous misconduct behavior by studying aggressive misconduct infractions while in prison, and the likelihood of arrest for violent charges soon after an inmate is released. The findings suggest repeated aggressive behaviors while imprisoned, indicating parolees are more likely to violently offend soon after their release (Mooney & Daffern, 2015). Even at its most minor level, misconduct can cause security disruptions, but at its worst, risk mortal danger to both prison inmates and operations staff. Therefore, researching prison misconduct is not just important for prison operations, but could also be helpful to understand what affects risks of recidivism.

Historically, when policymakers and concerned citizens have focused on the flow of immigrants into the United States, the current crime problem is usually mentioned as a connected risk. This seems to perpetuate images of the "criminal immigrant." Notably, the importance of this relationship has intensified in the last decade, as evidenced by an ongoing dialogue over border security, illegal immigration, and the ensuing blame for possibly associated crime rates (Pew Research Center-Election 2016, 2016; Jones, 2016; Mehmood, Ahmad, & Khan, 2016; Shawn, 2016). However, in the U.S. correctional system, immigrants that have been convicted of a non-immigration related crime and sentenced to prison, make up a unique inmate subculture, consisting of both culturally different, yet legally similar attributes to native inmates.

Due to both the present and historical contexts surrounding immigration and the criminal justice system, analyzing the relationship between prison misconduct and nativity is important for the advancement of the current literature. The purpose of this study is to explore how nativity, (e.g., the difference between native U.S. born and foreign-born) may influence prison inmate misconduct, as well as to determine the relative importance of other group predictors.

To explore the relationship between prison misconduct and inmate nativity, first, a review of previous literature on prison misconduct and the contributing factors will be presented, as well as an examination of the U.S. immigration-crime link connection. Finally, proposed analysis methods for the current study will be discussed.

CHAPTER II

Literature Review

Housing and individually securing thousands of inmates is a monumental task. Given that prisons impose restrictive rules upon inmates, and the levels of mental health issues or mental illness among individual inmates in the general population may vary, prisoners' levels of anger and frustration may be intense. Correctional staff, on the other hand, must confront a number of challenges, especially in higher security facilities. For example, officers supervise the prisoners and ensure that they obey the institutional rules and routines: meals must be served on time, programs attended by the inmates, and jobs completed. It is not unusual for some offenders to resist the rules imposed on them, and in some cases, the level of resistance can range from minimal to dangerously violent. This is the variance of misconduct amongst prison populations.

Researchers have long been interested in how inmates adjust to prison life and what characteristics impact their behavior while incarcerated (Clemmer, 1940; Goffman, 1961; Irwin & Cressey, 1962; Sykes, 1958; Toch, Adams, & Grant, 1989). The works of Clemmer (1940), Goffman (1961), and Sykes (1958) concentrated on prisons as an institution and the individuals in those prisons as subject to "institutionalization" or "prisonization." Whereas, Irwin and Cressey (1962) introduced the concept of "importation," i.e., the idea that the behavior of an inmate is largely a result of the characteristics brought into prison from his prior social environment, as opposed to the characteristics and behaviors now imposed on them by the prison institution.

Importation Theory

Instead of focusing on institutional and situational factors of deprivation theory, other studies have emphasized "importation" or individual-only theoretical frameworks. Irwin and Cressey (1962) contended that scholars such as Clemmer (1940) and Sykes (1958) overemphasized the effects of the prison environment on misconduct, postulating that inmates bring into prison their own set of behavioral characteristics. That ultimately, it is not the pains of imprisonment or situational factors that shape an inmates' behavior, but rather that inmates possess norms, values, and beliefs before their incarceration that form their inmate prison behaviors (Irwin & Cressey, 1962). Personal characteristics inmates held on the outside, some of which may have influenced their involvement in crime, remain as individual factors in prison. For example, if an inmate participated in theft of property or money for his own pleasure on the outside, he or she may continue to participate in that behavior on the inside. Further, an inmate is likely to import any gang ties once inside the walls of the prison, which can mean constant fights for territory and stature in the inmate subculture.

Essentially, imported inmate behavior is merely an extension of previously held values, motivations, and attitudes. For misconduct involving different outside cultures, traditions, ideas, and values, this could be brought to light by the importation model, since it stresses "the importance of variables that originate outside the context of the prison and in many cases, cannot be directly manipulated by correctional officials" (Thomas, 1977, p. 13). As such, the commonly used importation variables include age, race, social class, educational attainment prior to arrest, pre-prison employment, income prior to incarceration, and prior criminal history (Irwin & Cressey, 1962; Thomas, 1977).

Supporters of importation are critical of the deprivation theory, as it excludes factors such as criminal history, gender, ethnicity influences, and age. For example, Flanagan (1983) found that younger inmates are more likely to resist prison officials and engage in violent acts within the institution (Flanagan, 1983). Eighteen years ago, MacDonald (1999) proposed that the high levels of rule violations among younger prisoners can be explained because they are likely to act aggressively in response to prison conditions, while older inmates have more likely adapted to such conditions. In addition, adjustment to the prison environment was sometimes linked to the offender's involvement with the criminal justice system, including their histories of prior incarceration (MacDonald, 1999). For instance, Craddock (1996) found that offenders admitted to prison for the first time were more likely to break the rules and their infractions were often discovered, suggesting that inmates who had previously been incarcerated may be more skilled in hiding their misconduct compared with newcomers (Craddock, 1996).

Cao, Zhao and Van Dine (1997) found that the importation perspective was better able to explain prison adjustment compared to the deprivation model, even though they suggest the integration of the two models is most beneficial (Cao, Zhao, & Van Dine, 1997). Extending that belief, researchers have identified a number of significant positive relationships between a prisoner's characteristics, (e.g., age, gang membership, and race) and misconduct (Cunningham & Sorensen, 2007; Drury & DeLisi, 2011; Kuanliang, Sorensen & Cunningham, 2008; Ruddell & Gottschall, 2011).

Race/ethnicity. Intermittent predictors of prison violence are race and ethnicity. Schenk and Fremouw (2012) determined race to be a generally strong predictor of violence, with racial minorities tending to be more violent than white inmates. Wooldredge and Steiner (2012) recognized that victimization rates for white inmates were slightly higher than for blacks, with reference to physical assaults. However, the authors noted the difficulty in reaching such conclusions, since many studies were limited to one geographical area with often unique demographic characteristics (Wooldredge & Steiner, 2012). Yet Steiner (2009) studied 512 state-operated prisons and showed that those with higher proportions of black inmates had higher levels of assaults, but also concluded that heterogeneity in the composition of the inmate population positively contributed to the inmate violence. Harer and Steffensmeier (1996) evaluated violent misconduct in 58 correctional prisons from several geographic areas in the 1980s. They determined race to be a significant predictor, with black inmates twice as likely to be found guilty of violent infractions as white inmates (Harer & Steffensmeier, 1996). Yet in a large southwestern state, DeLisi (2003) used a dichotomous sample of white or non-whites and established that non-whites were more likely to engage in serious violent misconduct than whites. Later, Berg and DeLisi (2006) divided race/ethnicity into white, black, Latino, Native American, and Asian American, showing that Latino males were the most likely to engage in violent infractions. In fact, being a Latino male was the strongest predictor of violent infractions in their study. Native American males were the second most likely to be involved in violent infractions, while Black male involvement was not significantly different from white male involvement in prison violence (Berg & DeLisi, 2006). Yet, in Rhode Island, Rocheleau (2014) discovered that Latino inmates

were the least likely to engage in prison violence. Whereas, Griffin and Hepburn's (2006) study of inmates in Arizona observed that white inmates were more likely to be guilty of assault than either Black or Latino inmates while noting white inmates were a racial majority both in prison and in the larger community.

More studies have established no significant relationship between race/ethnicity and actual prison violence (Baskin, Sommers, & Steadman, 1991; Camp et al., 2003; Wright, 1989). While it appears that a mixed relationship between race/ethnicity and prison violence is prevalent in the literature, there is variation in terms of which racial/ethnic minorities are more involved in any violence findings. Schenk and Fremouw (2012) did note the unique demographic composition in different geographic locations as confounding the generalizability of their findings. However, Steiner and Wooldredge (2009) argued that parallels between disadvantaged minority communities and prison environments are necessary, particularly for understanding inmate violence. Thus, a consideration of race/ethnicity and prison violence is important, but more specifically the distinction between race and ethnicity may be uniquely significant. Griffin and Hepburn (2006) found that ethnicity was not a statistically significant predictor of fighting or possessing weapons, although their examination revealed that Native American prisoners were more likely than their white counterparts to be involved in assaultive misconduct. The authors also reported that Mexican nationals were more likely than other ethnic groups to threaten others (Griffin & Hepburn, 2006). These studies continue to suggest that the relationship between race, ethnicity and different forms of misconduct in U.S. prisons is inconclusive, although prevalent one (Griffin & Hepburn, 2006; Schenk & Fremouw, 2012; Steiner & Wooldredge, 2009).

Berg and DeLisi (2006) analyzed data on 1,005 inmates from a large southwestern state's department of corrections' public records. Whites, African Americans, Hispanics, Asian Americans, and Native Americans were all included in the analysis. Findings showed that male inmates had more violations than female inmates regardless of race and ethnicity. Interestingly, no misconduct write-ups occurred for white males, Hispanic females, and Black females, if they were foreign nationals. However, "Hispanic males amassed two to four times as many infractions for prison violence than other male inmate groups" (p.638). Overall, Hispanic males, those born outside of the United States and those born within the United States, were found to be the most violent. The authors concluded inmate violence could be explained more by a spiral of deprivation, coming through minorities' weakening social structure. Racial conflicts that exist in the community at large are also imported into the prison environment and become important factors related to prison violence (Berg & DeLisi, 2006).

Even though recent evidence suggests that ethnicity status plays a role in prison misconduct, there has been comparatively little attention placed on ethnicity as it relates to foreign-born status in U.S. prisons. Therefore, examining the relationship between ethnicity status and institutional misconduct in U.S. prisons will help us understand whether this is a predictor of misconduct. As an example of this uncertain relationship, Steiner and Wooldredge (2015) also tested Sampson and Wilson's (1995), Racial invariance theory on misconduct. Sampson and Wilson's (1995) view of legal cynicism and tolerance of deviance being more likely in disadvantaged neighborhoods, and since Blacks are overrepresented in disadvantaged neighborhoods, it is more cultural orientations that influence the odds of offending between different races, (residing in

similar structural environments) as similar (Sampson & Wilson, 1995). Steiner and Wooldredge's (2015) findings disputed this theory. Regardless of race; and even though Hispanic ethnicity was not specifically considered in the study, violent and non-violent rule breaking was found to have significantly higher prevalence among Black inmates. However, age and time served factors only slightly affected non-violent misconduct. Suggesting that when in the same "structural environment," cultural influences do not vary among races and affect misconduct (Steiner & Wooldredge, 2015). While research literature fluctuates on how types of misconduct seem to vary across racial/ethnic lines, adding nativity variables may serve to add a further dimension to these possible misconduct relationships.

Gender. Even though it is considered a stable importation characteristic, gender is a demographic variable that is infrequently studied in the prison violence literature, since the female prison population is a small percentage of the male population (Bureau of Justice Statistics, 2014). Research is mixed on gender and general prison misconduct, often suggesting that institutional misconduct is lower for females than males (Cunningham, Sorenson, & Ready, 2005; Drury & DeLisi, 2010; Harer & Langan, 2001). However, other studies have found no difference between gender and institutional misconduct (Camp et al., 2003; Steiner & Wooldridge, 2014). Celinska and Sung (2014) found that some predictors of prison rule violations (prior victimization, diagnosed mental disorders, and contact with family) are gender-specific, while Chen, Lai, and Lin (2014) suggested that institutional misconduct for women varies by type of offense committed. What is more consistent with gender and the prison literature is that there is less prison misconduct among women solely when the focus is specifically on violence.

However, as serious violence is much less common in women's prisons, it is often not examined (Craddock, 1996; Wulf-Ludden, 2013). Studies that reflect on gender and prison violence have found that men are more violent in prison than women (see Austin, 2003; Berg & DeLisi, 2006; Sorensen & Cunningham, 2010; Wulf-Ludden, 2013). However, some suggest that female inmates' interpersonal relationship may become more volatile than previously thought (Greer, 2000). This interpersonal relationship volatility could lead to an increase in prison violence among women. Such literature would suggest that more research on gender and violence in prison is necessary.

One of the most consistent findings in criminological research is males commit crime at higher rates than females (Cernkovich & Giordano, 2008; Steffensmeier & Allan, 1996). Despite that difference, there is still concern over the growing involvement of women in the criminal justice system, and more specifically in corrections. As a result, a number of feminist theoretical perspectives emerged in the 1960s and in 1970s to explain female involvement in crime. In recent years, there is a growing awareness that women have different pathways to crime and corrections (Salisbury, Van Voorhis & Spiropoulos, 2009) and as a result, require a different approach in corrections than those developed for their male counterparts. Although males have comprised a majority of prison populations, while women inmates constituted only a small percentage of U.S. prison populations, the female numbers continue to grow annually (Bureau of Justice Statistics, 2014). This trend is compatible with research findings suggesting a decrease in the gender gap in crime and delinquency (Heimer, 2000; Pelissier, Camp, Gaes, Saylor & Rhodes, 2003). A number of explanations for the narrowing of this gap have been proposed, including social and economic changes (Lauritsen, Heimer, & Lynch, 2009). If

women continue to be convicted of crimes at higher rates each year, their representation in prisons will reflect that increase. Therefore, in any studies of correctional misconduct, it is important to consider female populations.

Studies have shown that gender does not necessarily affect the propensity to commit certain types of misconduct in prison, and male and female misconduct only differs slightly (Camp et al., 2003; Drury & DeLisi, 2010; Kuanliang & Sorensen, 2008; Steiner and Wooldridge, 2014). Camp and colleagues (2003) study found that females were less likely to be involved in drug misconduct, but at the individual and aggregate levels, were just as likely to engage in all forms misconduct as their male counterparts (Camp et al., 2003). However, Kuanliang and Sorensen (2008) found that males were 4.7 times more likely than females to commit a possession of a weapon violation. Yet, the authors also found that females and males had similar propensity to commit aggressive acts. The only difference was that the aggressive acts committed by males had a greater resulting level of harm than acts by females (Kuanliang & Sorensen, 2008). Drury and DeLisi (2010) found that there were many similar characteristics between the males and females who engaged in violent and nonviolent types of institutional misconduct (e.g. they had served longer sentences and had prior adjustment violations). Steiner and Wooldridge (2014) compared inmate misconduct influential factor differences among female and male inmates. Findings revealed that background characteristics (e.g., age) and educational or vocational program involvement during incarceration influence both gender's odds of misconduct. (Steiner & Wooldredge, 2014).

Age. Consistently seen as one of the strongest negative predictors of violent prisoner misconduct is an inmate's age (Camp et al., 2003; Kuanliang & Sorensen, 2008;

Drury & DeLisi, 2010; Steiner and Wooldridge, 2014). Camp and colleagues (2003) found the effect of age was a significant factor for the three major forms of misconduct, violent, property, and drug, in that younger inmates were more likely to engage in misconduct than older inmates. Additionally, older inmates tended to be involved in fewer institutional infractions (Cunningham & Sorensen, 2007; Flanagan, 1983; Goetting & Howsen, 1986). A negative relationship between age and prison violence was significant in Cunningham and Sorensen's (2006) Florida Department of Corrections study of misconduct. The authors found that younger inmates were more likely to commit violent misconduct than their older counterparts. Consistent with those findings, inmate age has been reported to be associated with assaultive misconduct. Lahm (2008) examined inmate-on-inmate, non-lethal assaults and found that age and aggression were the strongest predictors of violence. Lahm's (2008) findings suggest that highly aggressive inmates tend to exhibit more violence and inmates younger than 25 years old pose the highest risks. Moreover, other research has shown that age was strongly and negatively associated with a broad array of violent rule infractions (Cunningham, Sorensen, Vigen, & Woods, 2011).

Kuanliang and colleagues (2008) examined the effect of age on disciplinary misconduct and violence in Florida prisons by making a comparison between inmates who were younger than 18 years of age when admitted to the adult prison system, and prisoners admitted as adults (over 18 years). They reported that prisoners admitted as juveniles were involved in higher rates of misconduct than adult inmates. Concluding that the level of education, gang affiliation, type of offense and sentence length were associated with misconduct, although "age was the most consistent and strongest

determinant of prison violence" (p. 1186). Furthermore, their research revealed that the group least likely to engage in misconduct were those inmates aged 41years of age or older (Kuanliang & Sorensen, 2008). Similar to preceding findings, this study provides additional empirical evidence demonstrating the significant negative association between age and prison misconduct.

Offense type. A conviction for a violent offense is a common predictor of misconduct violations in correctional institutions (Cunningham, Sorensen & Reidy, 2005; Cunningham & Sorensen, 2006; Davis, 1996; Harer & Langan, 2001; Porporino, 1986; Sorensen & Cunningham, 2010). Violent offenders are defined as those who have been sentenced for a criminal act of violence such as "homicide, assault, robbery, rape and other sexual assault" (Blackburn, 1997, p. 210). It seems more plausible that a higher percentage of violent offenders would also be involved in prison misconduct, but studies of misconduct and violence have produced mixed findings in this regard. For example, by specifically looking at inmate assaults on correctional staff covering 21 states and the U.S. Bureau of Prisons, Davis (1996) found that conviction for a violent offense can predict future prison misconduct. Findings revealed that offenders incarcerated for a violent offense, in particular, were responsible for 70% of assaults on staff (Davis, 1996). Yet in contrast, more recent research found that inmates imprisoned for a violent offense actually had lower rates of misconduct, specifically for non-gang involved inmates convicted of homicide offenses (Drury & DeLisi, 2011; Sorensen & Cunningham, 2010).

Sorensen and Cunningham (2010) also criticized the practice of considering a conviction for a violent offense as a predictive factor for institutional conduct. Sorensen and Cunningham (2010) examined data from the Florida Department of Corrections and

found that inmates who had been convicted of first-degree murder (n= 5,010) did not have significantly higher rates of institutional assault compared to inmates charged with property offenses (n= 11,017), or all inmates charged with public order or drug offenses (n= 51,512). Sorensen and Cunningham (2010) then examined whether murderers are more prone to prison misconduct than inmates convicted of other offenses while being placed in the same level of confinement. Their study revealed that offenders convicted of second-degree murder had higher levels of serious misconduct than prisoners convicted of first-degree murder. These investigators also found that inmates convicted of murder offenses were significantly less likely to be involved in four measures of prison misconduct than non-homicide offenders (Sorensen & Cunningham, 2010).

Consistent with these results, Drury and DeLisi (2011) found a similar pattern of misconduct in a large southwestern correctional system. In that study, the severity of offense was negatively associated with having three or more minor violations and that inmates who had been convicted of homicide were significantly less likely to commit any type of institutional misconduct (Drury & DeLisi, 2011).

The misconduct literature reported above reveals mixed findings with respect to the relationship between an offender's conviction for violence and prison misconduct. Most of the studies that found support for the relationship between conviction for a violent offense and prison adjustment were specifically related to violent misconduct, and as such, violent offenders are not only assessed as being at high risk to engage in misconduct while incarcerated but also for greater risk of violent recidivism once returned to the community.

Education level. Conversely, education has consistently, albeit not uniformly, shown to be negatively related to prison misconduct and violence. In a sample from the state of Washington (along with New York and Vermont), Wooldredge and colleagues (2001) found education to be a significant predictor of prison misconduct.

Less education has also been found to be a strong predictor of violent misconduct in studies conducted in Arizona, Florida, and Missouri (see Berg & DeLisi, 2006; Cunningham et al. 2005; Cunningham & Sorenson, 2006; DeLisi et al., 2004). Despite the consistency of findings that level of education predicted prison violence, the research findings were not uniform. In a study of victimization, Wooldredge and Steiner (2012) found background and lifestyle factors, including education, to be conditioned by race. Specifically, education was a strong predictor of the odds of victimization for property offenses for whites, but not for violent offenses, and education was not a strong predictor of victimization for African American inmates for either property or violent offenses.

However, in a critical review of the literature of individual characteristics related to prison violence, Schenk and Fremouw (2012) examined a sample of over 500 studies and found that, while examining education was not a primary goal in any of the studies, it was a consistently strong predictor of prison violence. They expressed encouragement in education as an individual-level variable that was dynamic and could be enhanced during incarceration (Schenk & Fremouw, 2012).

Additional factors. Researchers have also examined whether factors such as Married status and employment history prior to admission have affected misconduct, but the results of these predictor variables have been somewhat inconsistent for Married status (Steiner & Wooldredge 2008; Steiner & Wooldredge 2009; Walters & Crawford

2013), and employment history (Steiner & Wooldredge 2008; Steiner & Wooldredge 2009). Variables such as Married status, religious beliefs, sexual preferences, education, employment, mental illness and substance abuse history have all been considered as importation factors brought by an inmate into prison, possibly affecting his or her behavior (Berg & DeLisi, 2006; Dhami et al., 2007).

Kuanliang and Sorensen (2008) analyzed those secondary variables into findings. They used self-report data from the 1997 Survey of Inmates in State and Federal Correctional Facilities in order to identify predictors of prison misconduct. They found numerous factors that predict inmate misconduct: prior physical abuse, drug use, history of incarceration, a family member having been incarcerated, and mental illness. The strongest predictors were past use of drugs and alcohol. An opposite view was found regarding less prison misconduct, in that inmates were less likely to commit misconduct if they were married, older, or employed before being incarcerated, (Kuanliang and Sorensen 2008).

Summing up the prior importation theorists and adding the variable prior criminal history to the list, researchers analyzed prison misconduct predictors. Berg and DeLisi, (2006) postulated that inmates with previous criminal history will almost always exhibit prison misconduct, suggesting inmates simply continue to engage in criminal behavior within the walls of the institution, similar to their free society behaviors. Inmates import their antisocial norms and behaviors into the prison and use violence as a means to solve any issues that arise while they are institutionalized (Berg & DeLisi, 2006).

Two other more recent reviews of prison misconduct involving importation factors found supporting evidence to that end. Walters and Crawford (2013) concentrated

their study on importation factors, concluding that prior criminal history predicted

misconduct count incidence of serious assault infractions and escape attempts (Walters &

Crawford, 2013). Even more convincingly, a systematic review of over three decades

worth of misconduct research found prior criminal records as a reliable predictor variable

impacting misconduct occurrence (Steiner, Butler, Daniel, & Jared, 2014).

These studies have provided a theoretical review regarding misconduct literature.

However, to contextually understand the possible relationship to prison misconduct, the

inmate characteristic unique to this current study must be further delineated. Foreign-born

inmates, or an inmate's native origin, must be viewed from an immigrant perspective to

analyze any connection to criminal behavior. By reviewing the importation theoretical

perspectives and available empirical evidence on the immigration-crime link, we consider

how immigration might contextually alter individuals and communities regarding crime,

specifically amongst non-U.S. native experiences.

Immigrant Inmates in the Current and Historical Context

According to the Bureau of Justice Statistics (2014), there were 1,561,500

prisoners in both state and federal prisons at the end of 2014 (Bureau of Justice Statistics,

2014). Yet, according to U.S. Immigration and Customs Enforcement, there are two

separate types of immigrant or foreign-born persons also involved in the criminal justice

system. First, criminal inmates in the U.S. correctional system, comprised of convicted

felons in the prison system claiming to be "foreign born" and referred to as criminal

immigrants or "non-U.S. native" inmates. Second, immigrants detained by the U.S.

government strictly for violation of immigrant status offenses are considered "immigrant

detainees," (U.S. Immigration Customs Enforcement, 2012).

Since its origin, the United States has welcomed immigrants as part of its population. Throughout U.S. history, there has been a need for labor, and immigrants traveled from all over the world to the United States mainly for economic opportunities, thereby providing that labor as part of their transition to U.S. citizenship. Today, that process still takes place, but the sociological difference between the native U.S. born and the new immigrant or non-U.S. native is much more pronounced, both economically and how the criminal justice system treats that legal status.

Just as in criminological research, the concepts of race and ethnicity in U.S. population statistics are also complex and sometimes controversial. The U.S. Census Bureau, schools, public health facilities, and other government agencies use race/ethnicity to categorize populations. As such, race traditionally refers to differences based on physical traits such as skin color, whereas ethnicity is a social construct based on cultural differences such as language and religion. Race-based categories have evolved over time in the U.S. (U.S. Census Bureau, 2015); however, ethnicities are more diverse and unique in their historical development through U.S. legal definitions. For example, the Office of Management and Budget first defined the term "Hispanic" in 1977. Yet by 1997, the Office of Management and Budget defined the term "Hispanic" as all persons who trace their origin or descent to any of the following: Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish cultures. Even with these current understandings, the U.S. Census Bureau did not ask respondents a question on Hispanic/Latino origin until the year 2000 (U.S. Census Bureau, 2015). While the 2010 Census offered respondents fifteen racial categories, Hispanics and Latinos can still claim

any race, which still results in variation within the Hispanic population based on race and country of origin (U.S. Census Bureau, 2015).

New immigrants seeking jobs, coming from underdeveloped or refugee countries are often younger males with low levels of formal education, two factors often associated with a higher risk of criminal involvement (Rumbaut & Ewing, 2007). For example, Mexican Nationals represent the largest immigrant group, yet barely 21% are high school graduates, with only 3% having graduated from university (U.S. Census Bureau, 2015). Since Hispanic immigrants do not generally come from households where English is the primary or even secondary spoken language, this may present challenges by exposing them to higher rates of victimization or possible criminal involvement (Hickman & Suttorp, 2008).

Futhermore, language barriers could also influence imported behaviors and possibly affect prison misconduct. Iverson and colleagues (2014) found language and communication problems to be associated with misconduct behavior among immigrant, (non-native Norwegian) and native Norwegian prisoners. Yet in a cross-sectional study of inmates across six prisons in Norway, native Norwegian inmates presented three times more risk of misconduct behavior than the immigrant inmates (Iverson, Mangerud, Sondenaa, Kjelsberg, & Helvik, 2014).

In 2014, statistics estimate 78% of the total 308,700 Hispanic inmates in the criminal justice system were not sentenced for immigration offenses, and as such, criminal Hispanics are still overrepresented in the prison system. As of 2014, they account for 59% of all violent crime offenders and 57% of all convicted drug offenders in the U.S. prison population (Bureau of Justice Statistics, 2015). This over and under-

representation of one race, not only intimates the dichotomy that is the immigrant-crime nexus but also offers another reason to study behaviors between native and non-natives incarcerated in the U.S. prison system. Understanding the link between immigration and crime was an early core focus of sociological research, resulting in a sizable body of research on the issue.

Immigration-crime link. To understand the relationship foreign-born designation or non-U.S. native status may possibly have on prison misconduct rates, we must look at previous literature regarding immigrants and crime. Immigrants and the propensity to commit crimes has been a considerable argument resulting in differing conclusions. Conclusions are dependent upon whether one is reading popular and political media, or whether one is pulling from decades of academic research. This review will examine only the extensive peer-reviewed findings from over four decades of immigration-crime research.

If considering a relationship to prison misconduct, research has suggested the individual-level of crime association might be the most applicable (Reid et al., 2005). Compelling to criminologists in terms of involvement of law enforcement and corrections with criminal immigrants, the risks may outweigh the rewards, as illegal immigrants may want to avoid drawing attention to themselves, possibly ensuing governmental intervention and deportation (Lee et al., 2001). However, it was also suggested by Lee and colleagues (2001), the factors often associated with crime may benefit from immigration. An overall increase of economic development through cheap labor availability and increased social control through stronger family ties and social networks, both align with positive anti-crime societal factors.

Additionally, Reid and colleagues (2005) noted that the nature of immigration might have changed over time, which in turn could have altered the immigration-crime relationship. The authors noted that many recent immigrants do not fit the stereotypical, early twentieth-century European immigrant who was unskilled, uneducated, and poor. Many immigrants with low-paying jobs may have a greater appreciation for their economic opportunities, compared to previously impoverished experiences in their home countries (Durand & Massey 2010). Several studies also suggest either no relationship or reduced criminality in areas with large immigrant populations (Butcher & Piehl, 1998; Hagan & Polloni, 1999; Lee et al., 2001; Ousey & Kubrin, 2009; Stowell, Martinez, & Cancino, 2012).

For example, Butcher and Piehl (1998) examined several metropolitan areas and reported no significant relationship between the size of the immigrant population and the area crime rate. Hagan and Polloni (1999) then focused on immigrant status versus the role individual factors may play in arrests. The authors analyzed prison data from El Paso and San Diego, specifically delineating between legal and illegal immigrant arrest rates. They found that arrest and immigration rates, at the individual-level, were weakly related to one another; and that illegal immigrants in these two cities were actually less likely than U.S. natives to be involved in drug crimes. The authors also stated that immigrants tended to be young males, whom as a group, were more likely to become criminally involved due to their inherent characteristics like gender and age, regardless of immigration status. Lastly, the authors stated that "the image presented in prison statistics of the largest group of current immigrants to the United States, from Mexico, is potentially misleading" (p. 629), and that "it is also likely the case that specific groups of

immigrants, much like specific groups of (natives), do have a heightened propensity that leads them to be disproportionately involved in crime" (p.630). This statement supports the idea of individual characteristic influence, rather than immigration status, on the propensity toward criminal involvement (Hagan & Palloni, 1999).

Later studies have delved deeper into that misleading relationship between immigrants and crime. Ousey and Kubrin (2009) offered an interesting explanation for their nationwide study of cities and immigrant crime relationships. Suggesting Married status, and religious values may play a larger part in immigrant communities, decreases in violent crime amongst immigrant settlement areas could be attributed to the revitalization of traditional family structures they bring to their communities (Ousey & Kubrin, 2009). To that end, researchers further analyzed the differences amongst immigrant groups, finding Latino immigrants showed the most significant negative relationship to homicide rates, more than any other immigrant ethnicity (Stowell, Martinez, & Cancino, 2012).

Noting important contextual and sociological understanding of the previously studied relationship, Sampson and Bean (2006) attributed results of even lower crime rates in immigrant communities to the place of birth of immigrants, with the majority of recent immigrants being born in Mexico. Sampson and Bean (2006) suggested that as individuals become acculturated or assimilated, (i.e., are born and raised in the United States), they are more likely to get involved in criminal activity, than when compared to first-generation immigrants. Suggesting community characteristics, such as high levels of immigration may actually serve as a protective factor against criminal involvement (Sampson & Bean, 2006). Additionally, some research findings suggest, despite the

disadvantages Hispanics may face, that they tend to perform better on various social indicators, such as mortality rates and violent crimes (Sampson, 2008).

Hickman and Suttorp (2008) measured the relationship between immigration status and recidivism using a sample of adult deportable and non-deportable aliens released from the Los Angeles County jails. The authors compared the two groups and found that the immigration status or "deportability status," was not significantly related to re-arrest. Similar to prison misconduct predictors, the number of previously arresteds, and the age of the individual, however, was found to be significant predictors of re-arrest. Hickman and Suttorp (2008) concluded that those individuals who were deportable did not represent a greater threat to public safety than those who were not deportable (Hickman & Suttorp, 2008).

Some non-U.S. native suspected criminals are deported before even being convicted due to local jurisdictions and their legal status. Other illegal non-U.S. natives may go through entire court and sentencing procedures only to be deported before actually having to serve any time in prison. There could also be a non-U.S. native convicted criminal that goes through the entire process and still serves out prison time, prior to any possibility of deportation. However, since the possibility of both illegal and naturalized non-U.S. native inmates exist in the U.S. prison system, as well as many criminal non-U.S. natives may have already been deported and then subsequently illegally returned to the U.S., it is unlikely to think there is one set policy or consistent process involving non-U.S. natives and the criminal justice system (Brown & Stepler, 2016; I.C.E, 2015; Mehmood, Ahmad, & Khan, 2016; Tabachnick & Fidell, 2007).

Examining four decades (1970-2010) of the immigration crime relationship, both on the individual and macro-levels was Adelman and colleague's (2017) study detailing different types of crime rates throughout multiple metropolitan areas. Their research found consistently negative relationships between immigrants and individual crime rates, on almost all levels. While property crimes, burglary, robbery and homicide rates in concentrated non-US native immigration areas were found to be significantly lower than in concentrated U.S. native communities, the only crime rate that did not show any significant positive or negative relationship difference between immigrant and U.S. native groups, was violent assault (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017)

In summation, throughout the preceding findings, immigrants were consistently found to have either negative or no effect on crime rates (Stansfield, Akins, Rumbaut, & Hammer, 2013). Multiple research findings on immigration, crime, sentencing, violence, and ethnicity suggest immigrants, (non-U.S. natives) are no more likely to engage in criminal behavior than native-born criminals (Davies & Fagan 2012; Martinez & Slack 2013; Mastrobuoni & Pinotti 2014; Stupi, Chiricos, & Gertz 2014). Focusing on this important criminological distinction between immigrants, or non-U.S. natives and U.S. natives, recent studies continued the work of Hagan and Palloni (1999), by finding criminal involvement rates to increase only through subsequent generations born in the U.S. (Bersani 2014; Bersani, Loughran & Piquero 2014). This Latino paradox helps explain the overall findings of crime and immigration research. As an example, a generational study found even these second and third generation immigrant offending rates may approach, but do not ever exceed native-born offending rates. Further, even

after the new millennium, research on the 100 previous years of successive immigrant generations found children of more recent immigrants were less delinquent than their middle twentieth-century immigrant counterparts (Dinovitzer, Hagan, & Levi, 2009).

The current study focuses a smaller criminal justice lens on native and immigrant status by researching the influence on prison misconduct. Once a non-U.S. native-immigrant becomes incarcerated, the question of whether the previous research on immigrant status and individual traits continue to influence their behaviors remains to be seen. However, specifically in misconduct research literature, native origin, considered separately from race and ethnicity, has so far been missing among research studies and has only recently received increased attention in the criminal justice system.

For example, in Ulmer's (2012) multi-decade review of empirical research regarding sentencing disparities, the author called for additional study how immigrants are sentenced in the justice system, noting the particular importance of immigrant status. As such, the majority of research between natives and non-natives has been conducted on overall crime rates, but recently focus has also been on the sentencing portion of the criminal justice system (Light, 2014; Orrick & Piquero 2014; Orrick, Compofelice & Piquero, 2016; Wolfe, Pyrooz & Spohn, 2011; Wu & D'Angelo 2014; Wu & DeLone 2012). Therefore, extending research specifically to the prison misconduct and native origin relationship might offer a unique additional perspective on the corrections system, as well as the criminal justice process.

The Current Study

Despite the importance of the possible native origin and crime relationship, little has been researched from the inmate misconduct perspective. Therefore, the current study

begins to address this previous literature gap by examining the relationship between an inmates' native origin and prison misconduct. This study focuses on possible differences between native origin rates of misconduct, the possible violation type differences, and importation model variables affecting the likelihood of misconduct.

RQ1: Within U.S. correctional institutions, is inmate native origin significantly related to differences in misconduct violations?

RQ2: Do significant differences exist based on native origin for specific types of misconduct violations?

RQ3: When controlling for other importation model misconduct predictor variables, does native origin significantly affect the likelihood of misconduct overall and by violation type?

The previous chapters evaluated existing research findings on prison misconduct, while also reviewing the historical relationship between immigrants and criminal involvement research. Contrary to what political rhetoric and popular culture may believe, it is not the new immigrant to the U.S. that represents the highest threat of criminal behaviors. Focusing on the empirical research, findings were unsupportive of a direct relationship between new immigrants and criminal behavior. In fact, peer-reviewed criminology and ethnicity studies clearly suggest generations of immigrant arrivals have been associated with lower crime rates for over forty years (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017).

When comparing non-U.S. native immigrants and U.S. natives over long term generational change in criminal propensity, the Latino Paradox suggests that, among other social outcomes, first generation immigrant criminal involvement rates are lower

than native whites, and these rates of crime are likely to increase through subsequent generations born in the U.S. Regardless, a multiple generational study found second and third generation immigrant offending rates may approach, but do not ever exceed U.S. native offending rates. (Bersani, 2014; Davies & Fagan 2012; Martinez & Slack 2013; Mastrobuoni & Pinotti 2014; Stupi, Chiricos, & Gertz 2014). Recent decades of new immigrants raising children in the U.S. may also combat future second and third generation criminal involvement. A study of the last one hundred years of successive immigrant generations found children of more recent immigrants to be less delinquent than their middle twentieth-century immigrant counterparts (Dinovitzer, Hagan, & Levi, 2009).

Considering these immigrant-crime link research findings, as well the relationships found between native origin and importation model misconduct predictors, the current study's hypotheses are:

Hypothesis 1- Overall, non-U.S. natives will have been involved in significantly fewer misconduct violations of any type than U.S. native inmates.

Hypothesis 2- For each specific grouped type of misconduct, non-U.S. native inmates will be involved in significantly fewer misconduct violations than their U.S. native counterparts disaggregated by type.

Hypothesis 3- Among all misconduct types, while controlling for other importation model variables, non-U.S. native inmates will show a decreased likelihood of misconduct violations compared to U.S. native inmates disaggregated by type.

CHAPTER III

Methodology

By utilizing the importation model from previous prison misconduct and immigration crime research, this study's theoretical framework is offered with a remaining facet of prison misconduct yet to be explored. The current study seeks to determine the answers to both research questions offered in the previous chapter. Does native origin significantly affect total inmate misconduct and if so, does this relationship hold for specific types of misconduct.

Seeking to expand the previous nativity research on sentencing by investigating the understudied native origin variable in relation to prison misconduct, the following questions are addressed in the current analysis: Among U.S. correctional institutions, does native origin have a significant impact on inmate misconduct and if so, are there significant differences based on the type of misconduct? To address research question three, what is the effect native origin when controlling for importation covariates on the likelihood of prison misconduct, final models will include the identified covariates commonly associated with the importation perspective. This chapter describes the data, the importation model variables in the analyses, and the analytical strategy employed in the current study design.

Data

The current inmate sample comes from the nationally representative "Survey of Inmates in State and Federal Correctional Facilities, 2004," available for download from ICPSR (U.S. Department of Justice, 2004). The Bureau of the Census administered the survey for the Bureau of Justice Statistics, collecting data from October 2003 through

May 2004. Researchers employed a two-stage sampling design: prisons facilities were chosen in the first stage and inmates from those prisons in the second stage. Prisons were included in the sampling frame only if they had male populations larger than 6,445, and female populations larger than 1,808. Among state prisons, 225 male state prisons were sampled, from which 11,569 male inmates were interviewed, and 62 female state prisons were sampled with 2,930 female inmates interviewed. Among federal prisons, 31 male federal prisons were sampled, from which 2,728 male inmates were interviewed, and 8 female prisons were sampled, with 958 females interviewed. Questions in the survey were close-ended and gathered basic information on social characteristics, criminal history, and misconduct behaviors, among other characteristics. Data were collected using computer-assisted interviews that lasted about an hour. For the interviews at state facilities, the interviewers randomly chose inmates from a list given to them by the prison (U.S. Department of Justice, 2004). For the interviews at federal facilities, the research staff of the Bureau of Prisons chose participants from their own list and gave it to the prisons between two and seven days before interviews were conducted.

The original sample consisted of 18,185 survey respondents, 317 were under 18 years of age or not yet officially serving their current sentence. To reduce confusion over the length of stay and types of temporary or permanent incarceration (i.e., waiting for trial), only adult inmates 18 years of age and older, and inmates currently serving out their officially mandated sentences were selected for the data. This selection left a total of 17,868 official inmate cases.

Prior to initiating any other data analyses, procedures to check for missing data and outliers were explored through SPSS. All variables were checked for missing data,

extreme values, and normality. This highlighted some common data errors, either by user or data entry. For instance, a response would be Yes=1 to the question regarding "*previously incarcerated*," but the "*previously arrested*" question would be left blank. As just one part of the data that needed to be screened for accuracy, and with other validity concerns regarding misconduct counts needing to be reviewed, these response errors were added to the review needs only if the error was obvious to a prescreening "eyeball" sense (Mertler & Vannatta, 2010).

By asking each inmate to specify what type and amount of prison misconduct they had possibly committed, 4% of the sampled inmates entered survey responses stating extreme counts of all misconduct types. Individually reviewing these case examples, it became clear they were caused by grossly exaggerated single user responses (e.g., 50 counts of staff assault with 26 drug counts per one single inmate). These contributed to both individual and grouped misconduct violation counts as extreme outliers, resulting in a very large positive skewness and kurtosis. As a result, these obvious individual cases of extreme outliers were further found in each grouped misconduct type among the median response counts, discouraging the use of misconduct count data for our dependent variable (Meade & Craig, 2012).

In possible explanation for these extreme outlier survey responses, previous psychological and criminal justice inmate survey findings deemed these to be common self-reporting issues with data. Nichols, Greene, and Schmolck (1989) offered a theory regarding problematic survey responses that defines *content responsive faking* and *purposeful faking*, as consisting of either response not being completely accurate, and/or the response is influenced by the item content (Nichols, Greene, & Schmolck, 1989). The

most obvious extreme univariate and multivariate outliers, as well as the incomplete data responses initially seemed to represent all types of inmates' possible *content response faking*. Additionally, the consensus of previous correctional survey analysis research not only warns of "inaccurate or low-quality responses undermin(ing) the meaningfulness of response data" (p.266), but also to "discard inaccurately provided surveys" (p.323), when deemed obvious by these inmate survey taking behaviors (Junger-Tas & Marshall, 1999; Fox, Zambrana, & Lane, 2011; Pickett, Metcalfe, Baker, Gertz, & Bedard, 2014)

Separately, the continuous variable for misconduct counts resulted in scores outside the range of ±3.29 standard deviations from the mean and were classified as outliers The Kolmogorov-Smirnov tests for normality also rejected the null hypothesis and indicated distribution was not normal, but also significantly over-dispersed, meaning since there were definite outliers, the selection of non-parametric tests would be necessary in the statistical analysis plan. (LaMorte, 2017)

Following the suggestions from Tabachnick & Fidell (2007) as well as Mertler & Vannatta's (2010) multivariate analysis texts, missing data and extreme outliers were highlighted as incomplete responses or extreme values. Due to the highlighted cases being less than 4% of the over 17,000 inmate sample size, and since the extreme values exceeded the chi-square critical value, 761 cases were marked for listwise deletion. The comparison of the initial and final adjusted data samples is shown in Table 1, bringing the full inmate sample from 17,868 cases with 1,798 non-U.S. native inmates to the adjusted full inmate sample of 17,107 cases with 1,760 non-U.S. native inmates. This listwise deletion set removed the outliers from the data needed to properly screen usable cases. As shown, the initial full sample (N=17,868) adjusted into the final sample (N=17,107),

thereby removing only the SPSS suggested extreme outlier counts or incomplete case responses. Even though their age and race were more evenly distributed across the sample ranges, the removed case demographics were for a large majority, U.S. natives, male, never married, and previously incarcerated inmates.

Table 1: Descriptives: Full Sample & Adjustment Breakdown

	Initial Full Sample (N=17,868)		Adjusted Full Sample (N=17,107)		Difference (N=761)	
	N	%	N	%	N	%
Independent Variable						
U.S. Native	16095	90.0	15347	89.7	748	-0.03
Non-U.S. Native	1796	10.0	1760	10.3	36	-0.03
Importation Covariates						
Male	14073	78.6	13406	78.4	667	-0.02
Female	3827	21.4	3701	21.6	126	-0.02
White	6287	35.2	6050	35.4	237	-0.02
Black	7112	39.8	6733	39.4	379	-0.04
Hispanic	3371	18.9	3271	19.1	100	-0.02
Other	1098	0.06	1053	6.1	45	-0.04
Married	3326	18.6	3128	18.3	198	-0.03
High School Graduate	7683	42.9	7223	42.2	53	-0.07
Employed	12262	68.6	11807	71.1	455	-0.03
Previously Arrested	13688	76.6	13309	77.8	379	-0.12
Previously Incarcerated	2980	16.7	2799	16.4	181	-0.03
Violent Offender	5099	28.5	4724	27.6	375	-0.09

	Initial				Adjusted				Difference	
	Min	Max	M	SD	Min	Max	M	SD	M	SD
Age	18	84	36	10.5	18	84	36	10.5	0	0

Dependent Variables

To further the current study's goal of presenting more relevant findings regarding inmate safety, specific types of offenders, misconduct violations and prison operations, this research design utilizes a unique combination of misconduct groups.

For this study, the dependent variable is prison misconduct. A large percentage of previous research has examined prison misconduct by collapsing all individual type incidents into one dependent variable. However, the current study modeled the research design used in Wooldredge, Griffen & Pratt's (2001) study, comparing various types of prison rule infractions and breaking them into similar type groups representative of criminal behaviors (Wooldredge, Griffen, & Pratt, 2001). Specifically, the answers from the survey question, "Which of these rule violations were you most recently found guilty of?" included the response options: (1) Drug violation, (2) Alcohol violation, (3) Possession of a weapon, (4) Stolen property, (5) Other unauthorized item, substance, or contraband, (6) Verbal assault on staff, (7) Physical assault on staff, (8) Verbal assault on inmate, (9) Physical assault on inmate, (10) Escape or attempted escape, (11) Being out of place, (12) Disobeying orders (U.S. Department of Justice 2004, p.1097). The inmate's "yes" or "no" answers to each type were recoded as dichotomous measures.

Using only recoded dichotomous categorical variables allows the comparisons between non-U.S. native and U.S. native inmates to be more realistic, instead of solely relying on count responses in the self-report inmate data (Solinas-Saunders & Stacer, 2012). All inmate survey responses except for *age* were coded as dichotomous. Due to this choice of data coding, mostly categorical variables were chosen, while the one remaining continuous variable (age) did not involve count responses or reflect any of the

cases previously deemed as extreme outlier counts in the pre-data screening.

The dependent variable recoded survey response violations were ultimately delineated into combined group types. Grouping misconduct into the two main types allows their differences to be analyzed for significance, as well as furthering the understanding of any involvement native origin might have with inmate misconduct. *Assaults or weapon* violations and *General non-violent* & *substance* violations have also been suggested as valid combinations in previous misconduct research design (Steiner & Wooldredge, 2009). Subsequently, to operationalize the dependent variable, misconduct violation survey responses were used as categorical variables and divided into the two individual group type variables; *Any misconduct* violators group, consisting of any (yes) response to being found guilty of a misconduct violation, regardless of infraction type; a *General/non-violent* & *substance* group type of the lesser misconduct type responses and alcohol or drug violations, (e.g., breaking orders, out of place); as well as an A*ssault or weapon type* that combines verbal and physical assault with weapon possession. Combining verbal and physical assault into one A*ssault or weapon group* acknowledges previous research suggesting these types are possible precursors to, or also involved in violence. (DeLisi et al., 2004).

Descriptive statistics for the dependent variable misconduct are broken down in Table 2 by the individual grouped types and the independent variable *native origin*, with (N=15,347) U.S. natives and (N=1760) non-U.S. native inmates. Overall, misconduct violations occur in 43.9% of the full inmate sample (n=7510). U.S. native inmates reported 1.5 to 2.5 times the percentage of non-U.S. native inmate guilty violation responses (e.g. 45.8% to 27.6% *Any* misconduct, 25.6% to 16.1% *General Non-violent,*

6.7% to 2.4% *Substance abuse misconduct*, and 13.6% to 8% *assault/weapon misconduct.*

In sum, 43.9% of all inmates claim to have violated some type of misconduct at least once, as seen in the *Any* misconduct violation percentages. Yet, between the native origin independent variable groups, over 45% of U.S. native inmates violate some form of misconduct type, and by comparison, over 27% of non-U.S. native inmates commit any type violation.

The *General non-violent* misconduct type group represents the highest amount of violation types at over 24% of all violation responses. Both native origin inmate groups commit individual *General non-violent* violation types at relatively similar close rates. The highest individual *General non-violent* type violation for both native origin groups was overwhelmingly *orders* violations at 63-72% each. Non-U.S. native inmates violated *possession of property* at 14.3% and *escape attempts* at 4.2%, which are both higher than their U.S. native counterparts at 12% and 1.3% respectively.

Under the *Substance abuse* type misconduct group, both native origin groups violate the *drugs* infraction over 65% in this group type. However, overall the *Substance abuse* type misconduct group represents the least amount misconduct infractions at 6.2% overall. The *assault/weapon* type group is violated by 13.6% U.S. native inmates to 8% non-U.S. native's. However, the individual infractions vary the most among the native origin groups in *assault/weapon* infraction types. For instance, U.S. native inmates *verbally assault the staff* and *physically assault the staff* at almost double the percentage that non-U.S. native inmates do at 19% versus 10.6%, and 4.7% versus 1.9%. However,

interestingly U.S. natives *physically assault fellow inmates* almost one third as much as

non-U.S. native inmates do at 45.7% and 61.1%.

Table 2. Dependent Variable Misconduct Descriptives

Misconduct Type Groups		Full Sample (N=17,107)		Native U.S. (N=15,347)		Non-Native (N=1760)	
		n	%	n	%	n	%
	Any misconduct Violations n %	7928	44.4%	7122	46.4%	486	27.6%
General Non-Violent Misconduct	Orders	2886	83.9	2719	74.0	167	63.0
	Out of Place	478	12.1	438	13.0	40	13.0
	Stealing	53	1.3	44	1.1	9	3.4
	Possession of Property	492	16.7	454	11.1	38	14.3
	Escape Attempt	32	.01	21	.05	11	4.2
General Non-Violent Violations n %		4359	25.4%	4076	26.6%	283	16.1%
Substance Abuse Misconduct	Alcohol Violation	330	32.9	316	33.0	14	32.6
	Drugs Violation	671	67.1	642	67.0	29	67.4
Substance Abuse Violations n %		1001	5.9%	958	6.2%	43	2.4%
TOTAL *General Non-Violent & Substance Abuse* Violations		5360	31.3%	5034	32.8%	326	18.5%
Assault or Weapon Misconduct	Inmate Verbal	469	21.8	437	22.1	44	24.7
	Staff Verbal	415	19.3	398	20.0	17	9.6
	Weapon Possession	111	5.2	101	5.2	16	9.0
	Inmate Physical	1053	49.0	955	47.8	98	55.0
	Staff Physical	102	4.7	99	4.9	3	1.7
TOTAL *Assault or Weapon* Violations		2568	15.0%	2390	15.6%	178	10.1%

Independent Variables

As stated, the primary independent variable for this study is *native origin*. The native origin designation question from the survey asked, "Were you born in the United States?" This questioned response was coded into a dichotomous variable (0 = no, 1 = yes), from the self-reported survey. Inmates born in the United States were coded as U.S. natives and not born in the United States were designated as non-U.S. native inmates. As discussed in the previous chapter and further in the discussion chapter of this study, policy regarding non-U.S. native-immigrant sentencing and time served amounts is often inconsistent and can change a deportation status of a non-U.S. native at any point.

Along with native origin are the additional importation inmate characteristic covariates. Previous misconduct research has established common predictor variables reflecting inmates' background and influences (Steiner & Wooldredge, 2014). These are used in the present study as covariates: *sex, race, married status, employment prior to imprisonment*, two measures of prior criminal history *previously arrested* and *previously incarcerated*, *age,* and *high school graduate.* These variables tap into various components of the importation model with affiliated personal and social demographics, as well as previous history outside of incarceration. Like *native origin,* except for the continuous variable of an inmate's *age*, these were all coded into dichotomous variables. For example, the *race* variable question was coded as a series of dummy variables, where white is the reference group, based on the top four groups from the self-reported survey, leaving the categories: *black* (0 = no, 1 = yes), *Hispanic* (0 = no, 1 = yes), and o*ther* (Multiple races and ethnicities*)* (0 = no, 1 = yes). The reference category for race is specified as *race(white)*. The other importation characteristics were designated as

dichotomous strictly from the yes or no possibility of each status, (e.g., high school graduate?) coded as 0 = no, 1 = yes. Descriptive statistics are presented in Table 3 for the full sample, as well as by native origin.

Interesting to note, that although among current U.S. prison populations, females still range from 2-10% of all inmates (Bureau of Justice Statistics, 2015), often making them too underrepresented for research data study. The current study's sample came in at roughly 20% female inmate populations, in both *native origin* groups and the full inmate sample.

Also, *age, married status, high school graduate* and even *violent offender* ratios are more closely related than dissimilar. As previously discussed in chapter two, education is included at the suggestion from Schenk and Fremouw's (2012) critical review of over 500 prison misconduct and violence relationship studies. Although not the main research question, the authors still found it was a consistently strong predictor of prison violence (Schenk & Fremouw, 2012).

The variable *employed,* referring to the status one month before an inmate's incarceration, reported at over 79% among the *non-U.S. native* inmates. This is over twelve percent higher than the almost 68% *U.S. native* inmates *employed* response. At the time of the survey responses, these percentages are significantly better than the 5% average U.S. unemployment rate in 2004 (U.S. Bureau of Labor & Statistics, 2016). As noted in the previous literature review, many immigrants with low-paying jobs may have a greater appreciation for their economic opportunities, compared to previously impoverished experiences in their home countries (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017; Durand & Massey, 2010). In Table 3, since the non-U.S. native

inmates have both a higher percentage of *employment* and a lower percentage of *previously arrested or previously incarcerated*, the social theories positing unemployment as a top risk factor for crime, would seem to hold true. The current study population is an example of how higher unemployment rates may also translate to generally higher rates of criminal history involvement.

Before entering prison, U.S. natives report being *previously incarcerated* almost twice as often as non-U.S. natives. Non-U.S. natives also report being *previously arrested* almost 20% less than the U.S. native sample. Nevertheless, as previously discussed regarding I.C.E. deportation procedures and multiple policies surrounding criminal involvement and immigration laws, these percentages cannot speak to the accuracy of every inmate's criminal history (I.C.E., 2015). Further, if it took place outside of the U.S., these non-U.S. native numbers may be leaving out additional criminal history involvement (Shawn, 2016).

The native origin groups are within 8% difference between *violent offender* designations at 28.4% U.S. native and 20.9% non-U.S. native inmates. In some previous research studies, violent offender status would be solely considered an importation inmate characteristic, but in this data sample there is no indicator of security level. Therefore, violent offender status speaks of the type of crime an inmate has been incarcerated for, as well as representing possible inmate custody level or security risk (Solinas-Saunders & Stacer, 2012).

Table 3 Descriptives: Importation Model Variables

	Full Inmate Sample (N=17,107)		U.S. Native Inmates (N=15,347)		Non-U.S. Natives Inmates (N=1,760)	
	N	%	N	%	N	%
Sex						
Male	13406	78.4%	11954	77.9%	1452	82.5%
Female	3701	21.6%	3393	22.1%	308	17.5%
Race/Ethnicity						
White	6050	35.3%	5896	38.5%	154	8.8%
Black	6733	39.4%	6517	42.6%	216	12.3%
Hispanic	3215	18.8%	2153	14.1%	1062	60.5%
Other	1056	6.2%	734	4.8%	322	18.4%
Marital status						
Married	3514	20.5%	3131	20.4%	383	21.8%
High School Graduate	7397	43.2%	6635	43.2%	762	43.3%
Employed	11807	69.0%	10408	67.8%	1399	79.5%
Previously Incarcerated	2799	16.4%	2641	17.2%	158	9.0%
Previously Arrested	13309	77.8%	12260	79.9%	1049	59.6%
Violent Offender	4724	27.6%	4356	28.4%	368	20.9%

	Min	Max	M	SD	Min	Max	M	SD	Min	Max	M	SD
Age	18	84	36.0	10.5	18	84	35.9	10.5	18	79	36.8	10.4

Lastly, *Hispanic* race/ethnicity is about a 60.5% majority among the non-U.S. native demographics, while the full inmate sample shows *white* and *black* populations combined are over 81%, and the remaining 14.1% comprising of *Hispanic.* Before continuing the study, the possibility of *Hispanic* and *native origin* being correlated with each other was considered enough of a concern to warrant further bivariate tests. A Chi-Square Test of Independence was conducted to compare the frequencies of the variables

Hispanic and *Native Origin*. Table 4 presents the results of the Chi-square test.

As shown in Table 4, the results of the Chi-square test were significant, *p* < .001, suggesting that the variables *Hispanic* and *native origin* are related to one another, and by interpreting the Phi strength of association between the two nominal variables, the significant but weak to moderate effect size, (Phi = .489, *p*<.001) was not above the moderate boundary level of association (.50). Due to the large sample size, looking at the contingency coefficient, (.439, *p*<.001) shows it also did not exceed the moderate boundary (.50).

Table 4 Chi Square/ Phi measure of association

| | | Native Origin | | |
		Native U.S.	Non-Native	Total
Hispanic	Non-Hispanic	13194	698	13892
	Hispanic	2153	1062	3215
Total		15347	1760	17107

Symmetric Measures

Nominal by Nominal	Value	Approx. Sig.
Phi	.489	.000**
Cramer's V	.489	.000**
Contingency Coefficient	.439	.000**
N of Valid Cases	17107	

Note:**p*<.001

Analytic strategy

In the subsequent analyses chapter, the relationships between native origin and prison misconduct, overall, as well as among the two different types of grouped misconduct, will be addressed through descriptive statistics and bivariate analyses for each. The overall misconduct incidence, *any* misconduct, as well as the two grouped types *general non-violent & substance* and *assault or weapon*, are coded as dichotomous and exclusive of each other. The native origin group inmates admit having

been found guilty of misconduct, (yes) or (no), and subsequently assigned to further

specified grouped misconduct type.

Logistic regression is a commonly used methodological strategy when the

dependent variable has only two possible outcomes (Griffin & Hepburn, 2006).

Therefore, consistent with the approach previous research has used examining predictors

of prison misconduct with dichotomous measures (Cunningham & Sorensen, 2007;

Griffin & Hepburn, 2006; Kuanliang, Sorensen & Cunningham, 2008), this study uses a

binary logistic regression model to determine research question two, any significant

native origin relationship with other importation model characteristics as predictors of

prison misconduct. Further, along with the same importation model predictor covariates,

a multinomial regression will address research question three, the likelihood of prison

misconduct among the different grouped types. Together, these will provide an

understanding of any significant native origin relationship with the different misconduct

types, while also determining if native origin may affect the likelihood of misconduct,

dependent on type (Mertler & Vannatta, 2010).

CHAPTER IV

Analysis

As discussed in the previous chapters, this study examines the relationship between an inmate's native origin and prison misconduct. In this analysis chapter, results are examined by order of the three research questions posed in the previous chapters. One, if native origin significantly affects the likelihood of inmate misconduct and two, if there is a significant relationship, what types of misconduct are affected? Lastly, the final research question, determining if native origin and predictor variables from previous research literature significantly affect the likelihood of prison misconduct types?

Using the prison misconduct predictor variables from previous research and theoretical framework as inmate covariates, descriptive statistics and bivariate analyses are examined for each of the dependent variable misconduct group types in relation to the native origin independent variable. These tests will address both the first and second research questions regarding differences between incidence and types of native origin misconduct.

Since the dependent variable of prison misconduct is delineated into two different misconduct type groups, yet are still recoded as dichotomous, multinomial logistic regression models are used to examine the impact native origin and importation model covariates have on the likelihood of misconduct groups; *general non-violent &*, *substance* and *assault or weapon* occurring. This will offer results for the study's third research question pertaining to native origin and importation model influence on likelihood of misconduct types.

Bivariate Analyses

With previous research findings and theoretical framework as design guidance, overall misconduct incidence and the two misconduct groups were analyzed separately to examine *native origin*, and nine predictor variables commonly found to be associated with misconduct.

To test if native origin group differences were statistically significant, chi-square tests were performed between native origin and the three separate misconduct type groups. As seen in Table 5, chi-square tests confirm the significant differences found overall for *Any* misconduct occurring between the full inmate sample, U.S. native and non-U.S. native groups. Table 5 displays the native origin group percentage involvement in the *Any* misconduct type and the test statistic between the native origin groups. (N=7510) $X^2 = 211.30$, $p < .001$, demonstrating there is a significant difference between the native origin inmate groups' involvement with misconduct.

Also in Table 5, the importation model nominal variables were then run through chi-square analysis for frequency expectations and t-test estimated the continuous variable *age,* between the independent variable *native origin* and the dependent variable *Any* misconduct. In the t-test, since Levene's test was significant ($p < .001$), indicating that the assumption of homogeneity of variance was violated, results for equal variance not assumed was interpreted.

As previously seen in the Table 2 Descriptives, (27.6%) *non-U.S. native* inmates engaged in significantly fewer infractions compared to (45.8%) *U.S. native* inmate involvement. At almost half of the U.S. native inmate population and over one quarter of the non-U.S. native inmate population engaging in misconduct, their importation

covariates showed similar numbers, remaining close to the roughly 27% and 45%

respective rates

Table 5: Any Misconduct Violation Significant Differences Using Independent Sample t-tests and Chi-Square Analyses

Independent Variables	Full Sample (N=7510)		U.S. Native (N=7024)		Non-U.S. Native (N=486)	
U.S. Native	45.8%					
Non-U.S. Native	27.6%	X^2=211.30***				
Male	45.9%	X^2= 98.126***	47.9%	X^2=94.44***	29.6%	X^2= 16.62***
Female	36.7%		38.4%		18.1%	
White	43.8%		44.1%		31.8%	
Black	45.5%	X^2=90.61***	46.0%	X^2=101.26***	30.1%	X^2=6.75
Hispanic	38.1%		44.4%		25.4%	
Other	53.6%		63.5%		31.1%	
Married	43.4%	X^2=0.51	45.3%	X^2=0.36	38.0%	X^2=.001
High School Graduate	39.3%	X^2=114.90***	44.1%	X^2=105.81***	23.6%	X^2=114.90***
Employed Previously	44.7%	X^2= 26.08***	44.8%	X^2=13.14***	26.5%	X^2= 4.09*
Arrested Previously	46.3%	X^2=141.0***	47.5%	X^2=76.12***	32.0%	X^2=25.34***
Incarcerated	53.0%	X^2=108.61***	53.8%	X^2=83.81***	36.1%	X^2=6.22***
Violent Offender	55.4%	X^2=351.61***	56.7%	X^2=291.82***	40.5%	X^2=38.59***
Age	35.26	SD (10.23) t = -13.60*** †	34.77	SD (10.30) t = -12.34***†	34.92	SD (9.95) t = -4.64*** †

Note: † Levene's Test =p<.01, all equal variances not assumed, *p<.05, ***p<.001

The only two covariates exceeding those average percentages were the *violent offender* and *previously arrested* groups at 56.7% and 47.5% respectively for U.S. native inmates and 40.5% and 32.0% respectively for non-U.S. native inmates. Thus, even their higher predictor variable percentages are similar when comparing misconduct

factors.

Most interesting to note regarding significance between the native origin groups is the lack of any significance between *race* for non-U.S. natives and misconduct at X^2 = 6.75, $p < .08$, versus the significant *race* result for U.S. natives and misconduct at X^2 = 101.26, $p < .001$. *Married status* was the one factor besides *race* that resulted as insignificant for non-U.S. native inmates, and this was also the case U.S. native inmates.

The bivariate analysis in Table 6 demonstrates a significant difference between non-U.S. native and U.S. native origin groups for the two subgroup misconduct types, *general non-violent & substance,* and *assault or weapon.*

Looking specifically at the *general non-violent & substance* misconduct group, the comparison of violations is 17.5% non-U.S. native inmates to 30.2% U.S. native inmates. The *assault or weapon* group type was closer in violation percentage at 13.0% non-U.S. native inmates to 9.1% U.S. native inmate percentages with the test statistic showing significance at X^2= 196.70, $p < .001$.

Table 6: Bivariate Statistics: Chi-Square Analyses Independent Variable U.S. Native Origin by Grouped Misconduct Type

	General Non-Violent & Substance (N=4942)		*Assault or Weapon* (N=2150)
U.S. Native	30.2%	Test Statistic	13.0%
Non-U.S. Native	17.5%	X^2=196.7***	9.1%

Note: ***$p<.001$

The significant differences found between the U.S. native and non-U.S. native groups, as well as the importation covariates for in both *general non-violent & substance,*

and *assault or weapon* groups are presented in Table 7. Like the *any* misconduct type,

race was not significant in *general non-violent & substance,* or *assault or weapon* group

types. for non-U.S. natives, and *married status* was not significant in either misconduct

group for both U.S. native and non-U.S. native inmates. For non-U.S. native inmates,

employed was the only other insignificant test statistic.

Table 7: Bivariate Statistics: Grouped Misconduct Types Significant Differences Using Anova and Chi-Square Analyses

Independent Variables	U.S. Native			Non-U.S. Native		
	General Non-Violent & Substance (N=4634)		*Assault or Weapon* (N=1990)	*General Non-Violent & Substance* (N=308)		*Assault or Weapon* (N=160)
Male	25.5%	X^2=87.50***	14.0%	18.9%		9.5%
Female	25.4%		9.5%	11.0%	X^2=14.89***	7.1%
White	31.1%		10.5%	18.8%		11.7%
Black	30.8%	X^2=57.63***	15.2%	22.2%	X^2=11.20	8.3%
Hispanic	29.5%		14.3%	17.3%		8.1%
Other	21.9%		9.4%	14.3%		11.8%
Married	31.1%	X^2=4.63	11.9%	17.8%	X^2=0.14	8.6%
High School Graduate	29.0%	X^2=120.70***	10.2%	15.9%	X^2=10.86**	7.1%
Employed	30.6%	X^2=26.72***	12.1%	17.2%	X^2=4.60	8.5%
Previously Incarcerated	34.5%	X^2=77.99***	15.8%	18.4%	X^2=6.27*	13.9%
Previously Arrested	31.0%	X^2=73.32***	13.8%	20.4%	X^2=22.91***	10.2%
Violent Offender	35.6%	X^2=279.36***	17.3%	25.0%	X^2=33.87***	13.0%
Age	35.30 SD (10.50)	F= 95.85***	33.47 SD (9.88)	35.82 SD (10.67)	F= 12.31***	33.48 SD (8.64)

Note: *p<.05, ***p<.001

In the *general non-violent & substance* group, male and females had almost equal percentage of violators in the U.S. native inmate group, whereas the percentage differed by over 9% between the sexes in the non-U.S. native inmate group. In the *assault or weapon* group type, both native origin groups showed a roughly 30% difference between male and female violator percentages. As seen in Table 5, *previously arrested* and *violent offender* were still significant in both of the native origin groups. *Age* was also similar in both native origin groups, showing significantly lower for both *assault or weapon* violators, at 33.47 and 33.48 respectively, than the mean ages for *general non-violent & substance* violators, at 35.30 and 35.82 respectively.

Logistic Regression

Addressing research question three, the current study utilizes logistic regression models examining the impact of native origin and covariates on the likelihood of different misconduct types. Variance inflation factors (VIF) for all logistic regression models were under 1.36, well under the level of cause for concern (5), as would possibly indicate increased effects of multicollinearity (Menard, 2009). In Table 8, the independent variable *native origin* and importation model covariates were used in the *Any* misconduct binary logistic regression model. The reference category for *Any* misconduct group and the covariates were None.

Overall, the regression predicting the *Any* misconduct model was significant, (N=17107) X^2 (12) = 1070.83, $p < .001$, suggesting that the independent variable *native origin*, and the covariates; *age, sex, race, employed, high school graduate, violent offender, previously arrested* and *previously incarcerated* had significant effects on the odds of observing the *violation* category of *Any* misconduct. The regression coefficient

for *native origin (U.S.)* was significant, $B = .73$, OR $= 2.07$, $p < .001$, indicating that *U.S.*

native origin increased the likelihood of *Any* misconduct violations by approximately

107%. The dependent variable *Any* misconduct likelihood is positively influenced by

107% when the inmate is a U.S. native.

Besides the independent variable *native origin*, the covariates also resulting in a

significant positive influence on the likelihood of *Any* misconduct were; *sex (male), race*

(other), violent offender, previously arrested and *previously incarcerated. (p<.001)*. For

example, the regression coefficient for *violent offender* was significant and positive ($B =$

0.63, OR $= 1.89$, $p < .001$), indicating that for *violent offenders,* the likelihood of *Any*

misconduct *violations* would increase by approximately 89%. The regression coefficients

for *race (others)* offered $B = 0.52$, OR $= 1.68$, $p < .001$, indicating that the likelihood of

Any misconduct *violation* would increase 68% when the inmate is considered themselves

a race or ethnicity categorized as *other* in the survey.

Covariates indicating a negative influence on the likelihood of *Any* misconduct

were; *age (increased), high school graduate* (*p<.001*), *employed* (*p<.01*), and *race*

(Hispanic) (p<.05). The regression coefficients for *Hispanic* offered $B = -0.10$, OR $=$

0.90, $p < .038$, indicating that the likelihood of *Any* misconduct *violation* would decrease

62% when the inmate is *Hispanic*. The importation covariate *high school graduate* at $B =$

-0.21, OR $= 0.81$, $p < .001$, indicating the likelihood of *Any* misconduct *violation* from

high school graduate inmates would decrease by approximately 19%. *Married status* and

race (Black) were not found to be significant predictors for *any* misconduct violations.

The McFadden $R^2 = .05$ states the model explains less than 5% of the variance in *Any*

misconduct.

Table 8: Binary Logistic Regression: Misconduct Type-*Any*

Any misconduct	B	S.E.	Wald	Sig.	OR
Native Origin-US	0.73	0.06	132.65	.001***	2.07
Age	-0.02	0.02	128.82	.001***	0.98
Sex-Male	0.30	0.04	54.77	.001***	1.34
Race-Black	-0.00	0.04	0.00	.957	1.00
Race-Hispanic	-0.10	0.05	4.30	.038*	0.90
Race-Other	0.52	0.07	51.76	.001***	1.68
Married Status	-0.01	0.04	0.01	.915	0.99
Employed	-0.14	0.04	8.69	.003**	0.90
High School Graduate	-0.21	0.03	41.46	.001***	0.81
Violent Offender	0.63	0.04	312.09	.001***	1.89
Previously Arrested	0.28	0.04	46.04	.001***	1.32
Previously Incarcerated	0.27	0.04	38.70	.001***	1.31
Constant	-0.79	0.10	60.95	.001***	

χ^2 (12)= 1070.83, p < .001, McFadden R^2 = 0.05
N=17107

Note: * *p*<.05, ***p*<.01, ****p*<.001

The latter part of research question three, the likelihood of misconduct delineated by misconduct type was addressed by examining the independent variable *native origin* and importation model covariates into a multinomial logistic regression model with *general non-violent & substance,* or *assault or weapon* as dependent variable group options. The reference category of the model was none. Table 9 summarizes the model results and displays each misconduct type in succession. Overall, the regression predicting the likelihood of both misconduct subtypes was significant, (N=17107) X^2 (24) = 1059.49, *p* < .001, suggesting that *native origin*, factored with *age, sex, race(Hispanic), high school graduate, violent offender, previously arrested* and *previously incarcerated*, had significant effects on the odds of observing the *violation* category of *General non-violent & substance* misconduct. The odds of observing the *violation* category of *assault or weapon* misconduct were significantly affected by *native origin*, factored with *age,*

sex, race(black), employed, high school graduate, violent offender, previously arrested and *previously incarcerated* variables. In the option of *General non-violent & substance,* the regression coefficient for *native origin (U.S.)* was significant, $B = .68$, OR $= 1.97$, $p < .001$, indicating that *U.S. native* origin increased the likelihood of *General non-violent & substance* misconduct violations by approximately 97%. *General non-violent & substance* misconduct likelihood is positively influenced by 97% when the inmate is a U.S. native.

Besides the independent variable *native origin*, *violent offender* was a significant positive influence, $B = 0.58$, OR $= 1.78$, $p < .001$, indicating that *violent offender* increased the likelihood of *General non-violent & substance* violations by approximately 78%.

This is in direct contrast to *high school graduate*, $B = -0.15$, OR $= 0.86$, $p < .001$, implying negative likelihood of future *General non-violent* misconduct by 14%, and *race(Hispanic)*, $B = -0.14$, OR $= 0.87$, $p < .009$, implying negative likelihood of *General non-violent* misconduct by 13%. Tested covariates not resulting in significant influence were *race (black), race (other), married status,* and *employed.*

Specifically for the *assault or weapon* misconduct option, the native origin likelihood was significant, $B = .48$, OR $= 1.62$, $p < 001$, suggesting that the independent variable *native origin* had significant effect on the odds of observing the *violation* category, increasing the likelihood of violation by 62%. The covariates *sex (male), race (black), violent offender, previously arrested* and *previously incarcerated* at $p < .001$, and *race (other) $p < .05$* displayed positive influence over increasing the likelihood of *assault or weapon* misconduct violations.

Table 9:   Multinomial Logistic Regression: Predicting Violation Type

General Non-Violent & Substance **Type**	**B**	**S.E.**	**Wald**	**Sig.**	**OR**
Native Origin-US	0.68	0.07	84.65	.001***	1.97
Age	-0.01	0.00	58.25	.001***	0.99
Sex-Male	0.17	0.05	15.04	.001***	1.46
Race-Black	-0.02	0.04	0.34	.558	0.98
Race-Hispanic	-0.14	0.06	6.88	.009**	0.87
Race- Other	-0.08	0.09	0.76	.384	0.92
Married Status	0.06	0.04	1.61	.204	1.06
Employed	-0.02	0.04	0.35	.552	0.98
High School Graduate	-0.15	0.04	16.46	.001***	0.86
Violent Offender	0.58	0.04	206.91	.001***	1.78
Previously Arrested	0.23	0.05	24.07	.001***	1.43
Previously Incarcerated	0.26	0.05	28.69	.001***	1.33
Constant	-1.19	0.11	107.86	.001***	
Assault or Weapon **Type**	**B**	**S.E.**	**Wald**	**Sig.**	**OR**
Native Origin-US	0.49	0.10	24.27	.001***	1.62
Age	-0.03	0.00	125.10	.001***	0.97
Sex-Male	0.38	0.07	33.05	.001***	1.47
Race-Black	0.28	0.06	23.40	.001***	1.32
Race-Hispanic	0.08	0.08	1.22	.270	1.09
Race-Other	0.28	0.12	5.16	.023*	1.32
Married Status	-0.08	0.06	1.69	.194	0.92
Employed	-0.21	0.05	16.42	.001***	0.81
High School Graduate	-0.37	0.05	50.52	.001***	0.69
Violent Offender	0.77	0.05	211.65	.001***	2.15
Previously Arrested	0.36	0.07	29.09	.001***	1.43
Previously Incarcerated	0.28	0.06	19.76	.001***	1.33
Constant	-1.64	0.16	106.57	.001***	

χ^2 (24)= 1059.49, p < .001, McFadden R^2 = 0.04
N=17107

Note: * *p<.05, **p<.01, ***p<.001*

For example, the regression coefficient for *sex (male)* was a significantly positive influence, *B* = 38, OR = 1.47, *p* < .001, indicating that *sex (male)* increases the likelihood of *assault or weapon* misconduct violations by approximately 47%. In the race category,

race(black) was a significantly positive influence, *B* = 28, OR = 1.32, *p* < .001, indicating

that *race(black)* increases the likelihood of *assault or weapon* misconduct violations by

approximately 32%, and *race(other)*, *B* = 0.28, OR = 1.32, *p* < .023, also increases

likelihood by 32%.

The covariates with significant negative influence on the likelihood of violation

were *age*, *employed, high school graduate* at *p* < .001. The regression coefficient for

employed was significant, *B* = -.021, OR = 0.81, *p* < .001, indicating that *employed*

decreases the likelihood of *assault or weapon* misconduct violations by approximately

19%. The covariates not resulting in significant influence were *married status, race*

(Hispanic). The McFadden R^2 = .04 states the model explains less than 4% of the

variance in the likelihood of *General non-violent & substance* or *assault or weapon*

misconduct.

The current study's research questions focus on previous immigration and prison

misconduct theoretical findings by examining inmates' native origin and the relationship

to prison misconduct. The research questions and hypotheses were formulated from

decades of previous research findings and theory, and similar to immigrant-crime link

research findings and the generational concept of the Latino Paradox, posit that non-U.S.

native born inmates would be significantly less likely to commit prison misconduct than

their U.S. native born inmate counterparts.

The native origin groups showed similar importation model inmate characteristics

and their variable differences were not more than twenty percent of each population.

Together, the presented analyses demonstrate varied importation model characteristic

differences among the groups, but in every case, there were significant differences

between non-U.S. native inmate and U.S. native inmates' relationships with prison misconduct. Non-U.S. native inmates not only represent significantly less misconduct involvement in the two grouped types, but were also found to be less likely of any type of misconduct involvement than their U.S. native counterparts. The importation model predictor covariates most likely to affect this relationship were also analyzed and found to vary depending upon the specific misconduct type. These findings are discussed in the next chapter, along with study limitations, policy implications, and conclusions.

CHAPTER V

Discussion

U.S. native origin, as considered separate from race and ethnicity, has so far been missing in previous criminal justice research, specifically prison misconduct. This unique importation variable has only recently begun receiving attention in the criminal justice system, albeit the majority of nativity research has been conducted on possible relationships to crime and sentencing (Light, 2014; Orrick & Piquero 2014; Orrick, Compofelice & Piquero, 2016; Wolfe, Pyrooz & Spohn, 2011; Wu & D'Angelo 2014; Wu & DeLone 2012). As discussed in the literature review, authors studying U.S. nativity and U.S. citizenship have repeatedly suggested these factors as important future topics (Olson, Laurikkala, Huff-Corzine, & Corzine, 2009; Orrick, Compofelice, & Piquero, 2016; Orrick & Piquero, 2014; Rumbaut & Ewing, 2007; Stupi, Chiricos, & Gertz, 2014; Ulmer, 2012).

As noted, empirical research findings focused on U.S. nativity have been consistently unsupportive of any positive relationship between new immigrants and criminal behaviors. Adelman and colleagues' (2017) study summed up four decades (1970-2010) of the immigration crime relationship, detailed macro level and individual level types of crime rates amongst varied samples, finding negative or no relationships between immigrants and crime (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017). Researchers have also offered the Latino Paradox as a generational context to the immigrant-crime link related theoretical question; suggesting that newly arrived, first generation immigrants are not the most likely to commit crime. In contrast, researchers posit the longer an immigrant and their subsequent generations reside in the U.S., the

more likely to show similar propensity to criminality as their U.S. native counterparts. (Bersani, 2014; Bersani, Loughran & Piquero 2014; Davies & Fagan 2012; Martinez & Slack 2013; Mastrobuoni & Pinotti 2014; Stupi, Chiricos, & Gertz 2014).

As such, the current study addressed this previous literature gap by examining misconduct from the importation perspective, specifically how native origin may affect misconduct involvement, the particular misconduct type associations and the likelihood of misconduct types. To examine this concept, the nationally representative "Survey of Inmates in State and Federal Correctional Facilities, 2004," was used as a self-reported, cross-sectional picture of institutional misconduct (United States Department of Justice. Bureau of Justice Statistics., 2004). Three research questions and corresponding hypotheses were tested. First, the question whether there was a difference between total non-U.S. native and U.S. native inmates' misconduct incidence. Secondly, the same question was posed to examine differences within commonly grouped types of misconduct. Finally, the third native origin influence question considered what importation model factors are related to misconduct and the likelihood of misconduct types.

Overall, the current study findings were consistent with previous immigration-crime link research discussed in the literature review. Even in prison, when inmates break the rules or commit illegal acts that would be considered crimes in the outside world, non-U.S. native inmates show significantly less incidence and likelihood of misconduct compared to their U.S. native counterparts. Importantly, for the first use of native origin as a misconduct importation variable, the descriptive statistics used in this study assured us that as a sample of inmates, both non-U.S. native inmates and U.S. natives inmates

seemed proportionately similar. This corresponds with previous research study findings on inmates and importation variables (Steiner, Butler, Daniel, & Jared, 2014).

Suggested by past misconduct research, the current study used bivariate and logistic regression analyses, finding the native origin variable clearly discernable as a separate and significant predictor variable. The hypotheses for all research questions were congruent to both the Latino paradox and previous immigration-crime research. We posited that non-U.S. native born inmates would be found to commit significantly less misconduct incidence, regardless of disaggregated misconduct type and importation factors tested, as well as have less likelihood of misconduct than inmates born in the U.S.

For the first analysis, the *Any* misconduct incidence was analyzed by a bivariate chi-square test. The results of our misconduct incidence comparison were conclusive and significant. Non-U.S. native inmates were significantly associated with less misconduct of any type than their U.S. native inmate counterparts. Like previous research findings that consistently showed negative relationships between immigrants and crime rates, the non-U.S. native origin group inmate differences indicated the same result. (Adelman, Williams Reid, Markle, Weiss & Jaret 2017; Davies & Fagan 2012; Martinez & Slack 2013; Mastrobuoni & Pinotti 2014). Table 5 indicates results from the first research question, affirming the initial hypothesis. Overall, for *Any* misconduct, non-U.S. native inmates were associated with significantly less than U.S. native inmates.

To further delineate any differences in native origin and misconduct, misconduct incidence was then separated into two subgroups; *General non-violent & substance* and *assault or weapon* misconduct. (See Table 2). The second research question asked if dependent upon the delineated misconduct types, there were significant differences

among native origin groups. Again, the bivariate chi-square analysis results were conclusive and significant, confirming the second hypothesis. In both subgroup types, non-U.S. native inmates showed significantly less misconduct involvement than U.S. native inmates. This overall lower incidence is indicative of certain immigration-crime link past research. Some previous studies concentrated focus on particular types of crime rates between immigrant and native incidence. Homicide, property crimes, violent assault, and burglary are the top researched, but in all of the studies, immigrants were found to either represent lower crime rates, or at least have no significant effect on crime at all (Rumbaut & Ewing, 2007; Stansfield, Akins, Rumbaut, & Hammer, 2013; Stowell, 2007; Stowell, Martinez, & Cancino, 2012).

Finally, for the last research question of the study, logistic regression analyses identified whether native origin and other importation model factors significantly affected the likelihood of misconduct types and the corresponding importation variables. The third hypothesis tested was found to be true. The likelihood of non-U.S. native inmates committing disaggregated types of misconduct was found to be significantly less than U.S. native inmates, regardless of importation model factors.

Overall, the logistic regression analysis on *Any* misconduct presented clear results showing U.S. native inmates were significantly more likely than non-U.S. native inmates to commit any type of infraction, with violent offenders also displaying higher likelihood of any infraction. Being male, identifying in the race category of "other", previously arrested or previously incarcerated all significantly increased the likelihood of any misconduct. In contrast, female, older inmates, Hispanic, employed, and high school graduates of both native origin groups were less likely to commit any infractions. Age

was a slight, but significant predictor, showing older inmates were 1-2% less likely to commit any type of misconduct. The findings of U.S. native inmates indicated violent offender and previous criminal history being positive predictors of misconduct were common results among all the misconduct type groups. It does not seem to matter the type or importation factors included in the analyses. The negative immigrant-crime relationship we have previously discussed in *Any* misconduct incidence concurs with the likelihood of all other misconduct types (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017; Hagan & Polloni, 1999; Lee et al., 2001; Ousey & Kubrin, 2009).

Violent offender being the other consistent factor in all subtype analyses, is also reminiscent of some misconduct findings. As mixed results of studies generally reveal, it is not always the homicide offenders that make up violent offenses in prison. For example, unless convicted of murder, violent offenders were also found to be significantly more involved in different types of prison misconduct (Sorensen & Cunningham, 2010).

General non-violent & substance analysis presented more mixed results amongst the remaining importation factors. These were the rule breaking and troublesome infractions. Along with violent offenders and U.S. native inmates, previously incarcerated and previously arrested inmates were found to be more likely to commit general misconduct. The importation factors not showing consistent predictor variable significance were *race (black),* and *married status*.

With both native origin groups showing similar rates of *high school graduation*, education level did prove to be an interesting importation factor in this study. Showing a negative predictor of misconduct offers proof Schenk and Fremouw (2012) may have

been correct in their examination of 500 misconduct studies and subsequent suggestions. Education level may predict prison violence and should be considered a viable need during incarceration for the sake of prison operations, as well as the inmate (Schenk & Fremouw, 2012).

The significant predictor variables specific to drug and alcohol violations were found similar to other traditional misconduct and criminal propensity research factors. *Males* were more than twice as likely to be substance violators, along with a high likelihood of *violent offenders, previously incarcerated*, and *previously arrested* inmates. Contrary to popular culture's portrayal of immigrant connections with drugs, the current study's bivariate analysis showed U.S. native inmates violate at twice the percentage of non-U.S. native inmates, and in the mixed misconduct group regression analysis they were shown to be 97% more likely to commit the mixed *General non-violent & substance* infractions than non-U.S. native inmates.

Although the current study analyses offered positive and significant support for adding native origin to inmate misconduct importation variables, as well as showed significant differences in misconduct likelihood between native origin groups, the results presented here supported the previous literature research findings and were not generally surprising. However, some results were surprisingly insignificant. Married status did not prove to be a significant negative predictor and age was only found to have a slight negative influence when found significant. In general, both have been found to be at least negative predictors when studied in misconduct research (Berg & DeLisi, 2006; Kuanliang, Sorensen, & Cunningham, 2008; Steiner & Wooldredge, 2009).

It is important to note that just like U.S. nativity, both sentencing and crime rate differences have previously been studied in relation to U.S. citizenship. However, the current study's survey data did not accurately offer citizenship information. The U.S. prison survey's secondary data included convicted inmates of both native origin groups who, irrespective of their deportation or immigration process status, were imprisoned in the U.S. correctional system for at least six months (United States Department of Justice. Bureau of Justice Statistics., 2004). As federal law states, I.C.E is to immediately detain and deport any illegal immigrant who is arrested as a suspect of a crime, as well as begin deportation hearing proceedings for any naturalized legal immigrant that is convicted of a felony (Akins, 2013). However, that does not occur in a standardized or definitive process every time. As such, the convicted naturalized resident immigrant, an illegal immigrant, detained as a possible criminal suspect, and any immigrant who has previously served time, all may or may not be immediately removed for deportation by I.C.E. officers (Shawn, 2016; U.S. Immigration and Customs Enforcement, 2015).

When considering a possible selection effect on the current study's inmate sample population, it is important to understand this reality of the U.S. immigration deportation system. If the threat of deportation was immediate or guaranteed, once an immigrant was convicted it could be assumed particularly dangerous immigrants would already be missing from prison inmate survey data, thereby causing a selection effect on misconduct data results.

However, illegal and legal immigrant criminal processes do not always follow a uniform deportation selection process. As discussed in the literature review chapter, notwithstanding official 2004 U.S. Customs policies and procedures, all types of

convicted non-U.S. natives, seemingly without regard to crime severity, age, employment status or even number of previous convictions may either be automatically deported or if determined by sentence, made first to serve out imprisonment. This often randomized I.C.E. enforcement process permits the U.S. correctional system population to consist of non-U.S. natives in varied stages of immigration status. (Akins, 2013; Brown & Stepler, 2016; Shawn, 2016; U.S. Immigration and Customs Enforcement, 2015).

Considering these processes, choosing U.S native origin as the independent variable without adding U.S. citizenship as a cofactor removed the question of an inmate's current or unknown deportation status from our entire inmate sample, thereby also lessening the risk of a possible selection effect.

Additionally, as discussed in the previous chapter, both U.S. native Hispanics and non-U.S. natives identifying as Hispanic represent an increasing proportion of prison inmates. In this current study, non-U.S. native inmates have now been found to be at less risk for misconduct, and Hispanic U.S. native inmates have also been found to either be at less risk or have no significant influence on misconduct likelihood. As such, when submerged in the prison subculture, does a U.S. native inmate that identifies as Hispanic pull more from ingrained, religious and cultural values like the Latino-based, non-U.S. natives, thereby lowering their risk of misconduct? Research has found these same immigrant values lessen area crime rates and violent crime amongst immigrant community areas, as well as finding Latino immigrants, above any other immigrant ethnicity, represent the most negative relationship to homicide rates (Ousey & Kubrin, 2009; Stowell, Martinez, & Cancino, 2012). Due to these findings, both native origin and

Hispanic importation variables may now offer prison officials new operational insights when considering prison safety concerns,

The purpose of this study was to determine the effect native origin has on overall inmate misconduct, as well as the influence native origin has on the probability of misconduct based on type. Overall, the results presented in this research support not only the offered hypotheses, but consistently support the previous research on misconduct importation models and immigration-crime link. Using the importation model, the differences in the native origin groups were found to be significant. Non-U.S. natives not only commit significantly less misconduct but regardless of type or importation model factors, show significantly less likelihood of all misconduct type incidence. Overall, it is relevant to link the current prison misconduct study with the previous Latino Paradox research concept, in that they both suggest it is assimilation into U.S. culture and influence, not solely immigrant nativity that may be more likely to increase criminal propensity in both first generation immigrants and their subsequent generations (Bersani, 2014; Bersani, Loughran, & Piquero, 2014). Guided by the additional suggestions of Sampson and Bean (2006) and Hickman and Suttorp (2008); immigration may serve as a protector not just from criminal involvement and re-arrest, but in the context of the current study, once an immigrant is incarcerated, it may also protect against misconduct behaviors. Since non-U.S. native inmates are first generation, the Latino paradox may explain why even criminally convicted non-U.S. natives may not assimilate enough into U.S. culture that they fully change their individual native cultural influences, thereby remaining significantly different than U.S. native inmates for all types of misconduct behaviors.

Continuing this discussion on native origin, the following chapter will offer policy implications on prison misconduct, along with limitations to this research design and suggestions for future research.

CHAPTER VI

Conclusion

By using native origin as a new importation model variable, the current study has attempted to further understanding prison misconduct, opening the door to future research and discussion. This was accomplished in a few different ways. First, I examined the probability of committing misconduct rather than simply the number of violations, which could be over or under-reported by inmates. I also investigated certain understudied variables in prison misconduct research, such as high school completion, employment and Married status. This allowed for the comparison of native origin groups more realistically while investigating how nativity and other factors may be related to inmates' likelihood of committing misconduct. Although I used the importation model variables along with native origin, the regressions allowed us to measure the influence separately and together. Not surprisingly, most importation variables traditionally used in research were also found to have a strong statistical influence on the likelihood of misconduct. This might suggest that, although nativity may negatively influence misconduct, the importation variables historically used to study prison behavior are still influential to misconduct, regardless of adding native origin as a variable.

Policy Implications

These results may be one of continuing support for historical immigration-crime relationship studies, but additionally, this study may now extend that understanding into prison misconduct research. Prison misconduct research findings often have implications benefitting the inmates, prison operations and hopefully, the possibility of future

recidivism. Therefore, the ultimate recipients of this new finding would be aspects involved with both prison operations and community recidivism prevention.

As this study suggests, non-U.S. native convicted criminals commit less misconduct in prison than U.S. native inmates, and consequently, the negative immigrant-crime relationship is not one that ends at the prison cell doors. This finding may continue to add empirical evidence against any current political and popular culture rhetoric regarding immigrants and their pseudo connection to crime, while offering support for new criminal justice programs that could foster positive assistance between the two native origin groups, instead of ones that might isolate or alienate non-U.S. natives (Berg J. A., 2009; Berg & DeLisi, 2006; Lopez, Taylor, Funk, & Gonzalez-Barrera, 2013; Martinez & Slack, 2013; Olson, Laurikkala, Huff-Corzine, & Corzine, 2009; Pew Research Center 2016).

For example, Table 2 in the current study's descriptive statistics shows the highest percentage of all *General* misconduct. Therefore, the highest percentage of any type of misconduct for non-U.S. native inmates was overwhelmingly *not following orders*. This would be a relatively simple connection for most non-U.S. native inmates between language fluency and misconduct by not following orders. English as a second language (ESL) prison courses for non-U.S. native inmates could possibly increase communication between inmates and with security staff, thereby aiding overall prison safety (Solinas-Saunders & Stacer, 2012).

As we have seen, many immigrants remain in the United States after re-entry and just like U.S. native inmates, once imprisoned are more likely to recidivate (Smith, Goggin & Gendreau, 2002). The ability to use English and communicate effectively once

released could further facilitate re-employment and social benefits while they are in U. S. communities (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017; Hickman & Suttorp, 2008; Rumbaut & Ewing, 2007).

When working to improve misconduct prevention, some prison administrations might look to applicable non-U.S. native outside communities, in order to gain a better understanding of these culturally unique immigrant societies. Higher attachments to family, marriage and social group connections, have all been cited as possible immigrant cultural and community deterrents to criminality (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017; Mehmood, Ahmad, & Khan, 2016). For instance, Asian prisoners have been found to have a low risk for misconduct, presenting a parallel to their outside immigrant community relationship to crime (Berg & DeLisi, 2006; Brown & Stepler, 2016). Whereas, Latino immigrants were found to actually have lower homicide rates than other immigrant community ethnicities (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017).

For both native origin group inmates, some importation variables used in many prison misconduct studies also prevailed here (Schenk & Fremouw, 2012). Employment prior to incarceration, education and even religious involvement have been found as negative predictors to prison misconduct, as well as outside community criminality. Since the current study found non-U.S. native inmates have high percentages of both employment and education as protective factors and a lower likelihood of misconduct, this would support previous research findings offering evidence that prison programs designed with work, and education may prevent misconduct and future recidivism

(Cochran, Mears, Bales, & Stewart, 2012; Ousey & Kubrin, 2009; Smith & Gendreau, 2007).

One consideration found amongst immigration-crime link studies that have yet to be unearthed in prison misconduct research is also one that must be considered relative to this study. When there are significant relationship differences between groups, research must investigate both the common and unusual factors in each group. Whether official or imagined by the immigrant inmate, the only succinct and constant difference between native origin inmate groups is the threat of deportation (Akins, 2013; Gonzalez-Barrera & Krogstad, 2014). Accurately measuring the deterrent effect of possible deportation may not be truly possible, but for this study, the implication must be offered as a valid argument. While U.S. native inmates have only the threat of misconduct punishment or disciplinary tickets while imprisoned, non-U.S. native inmates also live with the additional threat of deportation (Akins, 2013). The fear of being officially brought to the attention of I.C.E. through prison official reprimands, realistic or not, may come from their inherent dealings in the outside immigrant communities. Staying off law enforcement's radar is a common goal among deportable illegal immigrants throughout the United States (Davies & Fagan, 2012; Durand & Massey, 2010; Martinez & Slack, 2013).

Together, these similar attributes and cultural differences could be the glue to understanding significant misconduct differences among native origin inmate groups. The previously reviewed research literature provides evidence for each of these contributing factors. Overall, the current study's implications generally focus on the future, specifically prison operational awareness involving the non-U.S. native inmate

misconduct relationship and then for future research suggestions, endorsing native origin as an additional importation variable to accompany previously researched predictors of misconduct.

Limitations

The current study's use of a secondary dataset creates both limitations to the study and considerations for future research. Attributes of the dataset and the variables not chosen for study comprise the main limitations in the current analyses.

At the time of the 2004 Survey of Inmates, there were almost 1.2 million prison inmates imprisoned in the United States. A sample of over 18,000 inmates across federal and state facilities in the United States produced only 1,760 sentenced non-U.S. native inmate cases, a little less than 10% of the sample, but only .002% of the entire U.S. inmate population. A decade later, the U.S. Bureau of Prisons had a population a little over 1.5 million prison inmates (Bureau of Justice Statistics, 2015). At a minimum, the finding that 2004 non-U.S. native inmates have significantly less incidence/likelihood of misconduct occurrence than their U.S. native counterparts, compounded by the growth pattern of U.S. inmate population, would suggest that the native origin variable, ten plus years later, should be a more accurate predictor of current misconduct patterns.

As a cross-sectional data survey, the 2004 Survey of Inmates focused on misconduct incidence and the likelihood of misconduct. However, without longitudinal data, the ability to infer long-term misconduct recurrence is impossible. Instead, analyzed over a period of years, a study using the same 2004 survey cohort would change this limitation, while further helping to understand misconduct behavior between the native

origin groups (Craddock, 1996; Steiner, 2009; Trulson, Marquart, Mullings, & Caeti, 2005).

As a self-report survey, there may be limitations on inmates' memories and honesty regarding how many times they had been found guilty of misconduct during incarceration (Junger-Tas & Marshall, 1999; Meade & Craig, 2012; Pickett, Metcalfe, Baker, Gertz, & Bedard, 2014). However, specific to non-U.S. natives or immigrants, limitations associated with official reporting and reliance on official process channels might also exist. Just like U.S. natives, non-U.S. native inmate subcultures may parallel their outside cultural existence (Wooldredge & Steiner, 2012; Steiner & Wooldredge, 2015; Stowell, Martinez, & Cancino, 2012). In many outside immigrant communities throughout the U.S., a portion of crime incidents go unrecorded, either because victims may hesitate to report crimes to authorities due to deportation fears, or they may have an innate mistrust of authorities from their native countries (Davies & Fagan, 2012; Sampson & Bean, 2006; Stowell, Martinez, & Cancino, 2012). Additionally, if the current study solely focused on official reported data, the complication of language barriers between non-U.S. native inmates and prison staff or other inmates could also possibly limit any direct results (Adelman, Williams Reid, Markle, Weiss, & Jaret, 2017; Iverson, Mangerud, Sondenaa, Kjelsberg, & Helvik, 2014; Mehmood, Ahmad, & Khan, 2016).

As mentioned regarding a possible selection effect, the survey response data did not provide some importation variables applicable to non-U.S. native studies. A reliable citizenship status for each non-U.S. native inmate, country of origin, and deportation status was not consistently filled in for each inmate survey response set (United States

Department of Justice. Bureau of Justice Statistics., 2004). Since the possibility of both illegal and naturalized non-U.S. native inmates exist in the U.S. prison system, as well as many non-U.S. natives may have already been deported and then subsequently illegally returned to the U.S., the likelihood of selection bias for the current study's inmate sample is much lower than if there were set policies or consistent processes involving non-U.S. natives and the criminal justice system (Brown & Stepler, 2016; I.C.E, 2015; Mehmood, Ahmad, & Khan, 2016; Tabachnick & Fidell, 2007). This is one limitation that may remove some social context from the current study, but as sentencing research on citizenship status has suggested, also one that could help future immigrant-crime link research (Light, Massoglia, & King, 2014; Orrick, Compofelice, & Piquero, 2016; Ulmer, 2012; Wu & DeLone, 2012).

Although the data did offer federal and state facility designation for each inmate response, these deprivation model variables were not chosen. The lack of this comparison variable although not an importation model measure, may also potentially limit the current study's generalizability to all correctional institutions. Facilities may differ in not just environments, but also the officers who deliver discretionary infractions. As a result, inmates of different facility types may not commit misconduct at the same rates, both between the facility types and within each state or federal institution.

In summary, the current study's limitations focus more on the unavailable importation variables, as well as the survey data, than on the variables chosen for the research design. This may restrict the study's results from providing a more thorough understanding of native origin's influence on inmate misconduct, but hopefully, these will be augmented in future studies.

Future Research

On the whole, this nativity research is definitely a new perspective among inmate characteristic research, and this study has taken an important first step towards better understanding institutional prison misconduct and inmate native origin differences. However, the next steps offer even more potential to inform correctional practices regarding better operations, hopefully resulting in safer institutions throughout the U.S. prison system.

Since demographic differences exist among the various segments of the population, correctional administrators will forever see the need to tailor prison operations and practices towards lessening the probability of prison misconduct. A longitudinal comparison of misconduct from the 2004 prison survey through later years would highlight not just the demographic growth, but also look for differences amongst the immigrants themselves, similar to the Latino Paradox understanding of immigrant generational change (Bersani, 2014).

For example, given that this article's analyses utilized data from 2004, and non-U.S. natives have grown considerably in the overall U.S. populations in the last dozen years. Considering that in 1960, only 5% of all Americans were non-U.S. natives and that as of 2015, that number has increased to over 14% of the 324 million U.S. population, native origin is a newer segment requiring continual examination (Brown & Stepler, 2016; Cohn, 2015). Utilizing a newer, more recent than 2004, Bureau of Justice Survey of Inmates data should provide a larger sample of non-U.S. native inmate population to study (United States Department of Justice. Bureau of Justice Statistics, 2015). This could aid prison system administrators in not only understanding U.S. demographic

population changes, but also how those changes continue to affect their inmate populations. As our correctional populations become more diverse, it is essential that we better understand the importation model predictors associated with inmate misconduct.

To that extent, immigrants, specifically Asian immigrants, might be a future study demographic for prison misconduct nativity studies. Even though the current immigrant population living in the U.S. is 47% Latino, 26% Asian, 18% white and 8% black (Cohn, 2015), in the current study, Asian inmates, as well as the numbers of non-native Asian inmates, were both negligible and not included in the main race demographic variables. However, since 2009 Asian immigrants have exceeded Latin immigrants coming into the United States by at least 5% of the total annual U.S. immigration rate, and due to this elevated rate, researchers project the U.S. immigrant population will be 38% Asian and 31% Latino by 2065 (Taylor, 2012). With this projection, future native origin and criminal justice system relationship research may also benefit from studying Asian immigration and their lower rate of imprisonment.

While this research focused on non-U.S. native inmate origin, like U.S. natives, males constituted the large majority of non-U.S. native inmate populations. However, similar to U.S. native female inmates, non-U.S. native female inmates were still found to be a smaller and disproportionate demographic that should be considered in future research. Their federal population percentages versus state facility populations definitely warrant further examination in comparison to U.S. native female inmates, as well as their non-U.S. native male inmate counterparts.

In consideration of the different female inmate ratios between facility types, additional deprivation variables could include facility types. Future research should

consider the unique characteristics of the non-U.S. native inmates highlighted in this study. One of these being the relatively large population differences between federally incarcerated non-U.S. natives and state level non-U.S. natives. By investigating the criminal offenses and custody levels for each non-U.S. native inmate between the facility types, especially between the respective male and female populations, the further examination could offer a new contextual understanding between nativity and inmate misconduct.

Like any one perspective research study, attempting to explain the overall relationship between native origin and misconduct by the importation model alone does not offer the most thorough explanation of misconduct. However, research has continually used initial research to investigate a topic, then expanded the approach by use of different models. For example, inmate misconduct studies have used an integrated-lifestyle-exposure model (Hochstetler and DeLisi, 2005), a general strain theory approach (Blevins et al., 2010), and a multidimensional approach (Van Tongeren and Klebe, 2010). This furthering theory development of thinking outside just one model can be minimally attempted by just adding variables into the more widely accepted importation models. Understanding inmates as individuals, as well as what influences them as groups or whole populations, is the basis to prevent disciplinary infractions as well as promote safer prison operations. Like any importation model variable, native origin certainly affects an inmate's life development and personal culture; therefore, it is also likely to influence the incarcerated inmate's behaviors. With the current study findings offering significant differences between native origin misconduct behaviors, future prison misconduct

research has one more demographic to consider when using the importation perspective or future integrated model approaches.

Conclusion

The importance of this study stems from the lack of empirical examination regarding non-U.S. native inmates in the U.S. correctional system setting. The goal of this study was to evaluate whether native origin while controlling for other importation model inmate characteristics, affected the incidence and likelihood of prison misconduct. It expands upon prior native origin sentencing research by nativity as an independent variable once a criminally convicted non-U.S. native has begun their prison sentence. For the first time, this study likened native origin to race or sex, broadening the inmate characteristic as a possible misconduct predictor. Additionally, the incidence and likelihood of different types of grouped misconduct were compared, on top of the overall misconduct dependent variable.

The bivariate results indicated the overall misconduct test was significant. Non-U.S. native inmates were found to have committed less misconduct overall, and significantly less likely to have been found guilty of all four grouped types of misconduct. Using logistic regression analysis to control for the effects that other predictor variables might have, namely age, gender, violent offender, previously arrested, education and unemployment, these findings were then largely confirmed at the multivariate level. For modern criminologists seeking to understand prison misconduct comprehensively, this study's findings may now add inmate native origin as a new important variable.

Although we have now established a relationship between native origin and the criminal justice system, specifically for the first-time prison misconduct, we have also shown there are limitations and prison misconduct cannot be fully explained by this one simple connection. In the ways we currently comprehend inmate characteristics; race, ethnicity, citizenship and deportation status, much additional research and more comprehensive datasets are required before relationships between native origins can be completely understood. Nevertheless, this study's analyses advanced our knowledge on the links between prison misconduct and inmate native origin. Despite having limitations, this research contributes to a better understanding of the ways native origin affects prison misconduct and its subsequent types. While many questions and possibilities have yet to be answered, this thesis represents an initial, overall analysis of the importation model variable native origin and prison misconduct relationship, and with any luck, it will provide a springboard for continued research.

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Zamble, E., & Porporino, F. J. (1988). *Coping, behavior, and adaptation in prison inmates.* New York: Springer-Verlag.

VITA

Kiersten B. Taylor

EDUCATION

Master of Arts student in Criminal Justice & Criminology- Sam Houston State University, Huntsville, Texas, (2014-present). Thesis title: "Criminal immigrants in the U.S. Correctional System: Does U.S. nativity affect prison misconduct?" Chair, Dr. Erin Orrick

Bachelor of Science (December 2013) in Criminal Justice (Magna Cum Laude) Sam Houston State University, Huntsville, Texas

ACADEMIC EMPLOYMENT

Graduate Teaching Assistant Positions: (January 2014-August 2016)
Varying responsibilities:
Maintaining and administrating online course instruction process with students for Professor. Assist Professors with lecture classroom instruction, exams, record keeping, and other miscellaneous projects. Tutoring and mentoring students. Research and obtaining materials needed for classes, including texts and media instruction. Preparing presentations for lectures and deliver solo lecture programs. Grading research papers and proctoring examinations. Recording grades and advising students on their progress. Designing online courses on the Blackboard platform for teaching Professor.

Graduate Teaching Assistant to Dr. Erin Orrick, Department of Criminal Justice & Criminology- Correctional Methods. Honors Special Topics- Writing Enhanced. Sam Houston State University, Huntsville, Texas.

Graduate Teaching Assistant to Dr.Yan Zhang, Department of Criminal Justice & Criminology- Research Methods Writing Enhanced. Sam Houston State University, Huntsville, Texas.

Graduate Teaching Assistant to Dr.Victoria Titterington, Department of Criminal Justice & Criminology- Aging and the criminal justice system. Writing Enhanced. Sam Houston State University, Huntsville, Texas.

Graduate Teaching Assistant to Dr.Willard Oliver, Department of Criminal Justice & Criminology- Sam Houston State University, Huntsville, Texas.

PUBLICATIONS

Erin A. Orrick, Kiersten Compofelice-Taylor & Alex R. Piquero (2016) Assessing the impact of deportable status on sentencing outcomes in a sample of state prisoners, *Journal of Crime and Justice*, 39:1, 28-40, DOI: 10.1080/0735648X.2015.1087142

TEXTBOOKS

Oliver, W.M. (2017) Policing America: An Introduction. New York: Wolters-Kluwer. (Volunteer, non-program related position providing research assistance and all chapter summary questions and helpful resource links.)

Taylor, Kiersten (2017) Policing America: An introduction. Ancillaries and Instructor Manual- Test Bank. New York: Wolters-Kluwer

CONFERENCE PRESENTATIONS

Compofelice-Taylor, K. (2014, November). "Deportable status relationship to federal sentencing lengths." Paper presented at the annual meeting of the American Society of Criminology Conference 2014, San Francisco, CA.

Compofelice-Taylor, K. (2015, November). "Visitation and prison misconduct: An analysis". Paper presented at the annual meeting of the American Society of Criminology Conference 2015 Washington D.C.

PROFESSIONAL SERVICE ORGANIZATIONS

Sam Houston State -Criminal Justice Graduate Student Organization 2013-2015 Masters Vice President.
> Responsible for creating events and fundraising over $2100 towards newly created scholarships pertaining to student conference travel. Created and maintained the Graduate Student Mentorship Program for all incoming Criminal Justice graduate students.

PROFESSIONAL TRAINING/ DEVELOPMENT

Teaching Professor Conference 2015 (Atlanta, GA)- Seminar training and presentations.

Sam Houston State University –
IT Department Teaching Program (2014-2015) Blackboard Online Design Teaching Certification

PROFESSIONAL MEMBERSHIP

2016- present -Texas State Teachers Association- Student Member

2010-present-Academy of Criminal Justice Sciences- Student Member

2010-present-American Society of Criminology Student Member