

# Training Cannot Do What Management Cannot Do: The Evolvement of Centralized Training in Modern Correctional Services

Jess Maghan

*The perception of the corrections training academy as a separate institution with the primary purpose of a full-time staff development function is now axiomatic. However, the burden of reforming and improving corrections cannot be put on training, with the operating units free to carry on as before. Training belongs to management. Training cannot do what management cannot do. But, it can facilitate what management wants to do. This perspective is keenly important; otherwise, impossible expectations will be placed on the training enterprise. Centralized training must be protected by administrative fiat if viable change and accountability are to be sustained in modern correctional systems.*

*Key words: centralized training, correctional training, corrections training academy, training belongs to management*

**D**ELVING INTO THE past we often find striking similarities to situations in the present. The past three decades of change in American correctional services provide a platform for substantiating contemporary organizational development and structural changes. For example, the "alarming" national prison population of 200,000 cited in the 1967 report, *Challenge of Crime in a Free Society*,<sup>1</sup> seems like utopia in comparison with today's population of approximately 5 million Americans under the control of the criminal justice system, including a record 1.5 million incarcerated in federal and state prisons. In retrospect, what are the most significant changes from these times?

The evolution of a new organizational paradigm for viewing correctional agencies as separate bureaucratic entities and the emergence of centralized training within correctional agencies as both a management function and an ongoing mandate stand out as the classic changes in this historical context. It is elucidating to revisit these statistical profiles. During the 1960s and 1970s, prison populations were declining while crime rates were increasing rapidly. In those times it was natural for public attention to focus on crime rather than on corrections<sup>2</sup> (see Figure 1).

However, for correctional agencies the main concern was the reorganization of state corrections sys-

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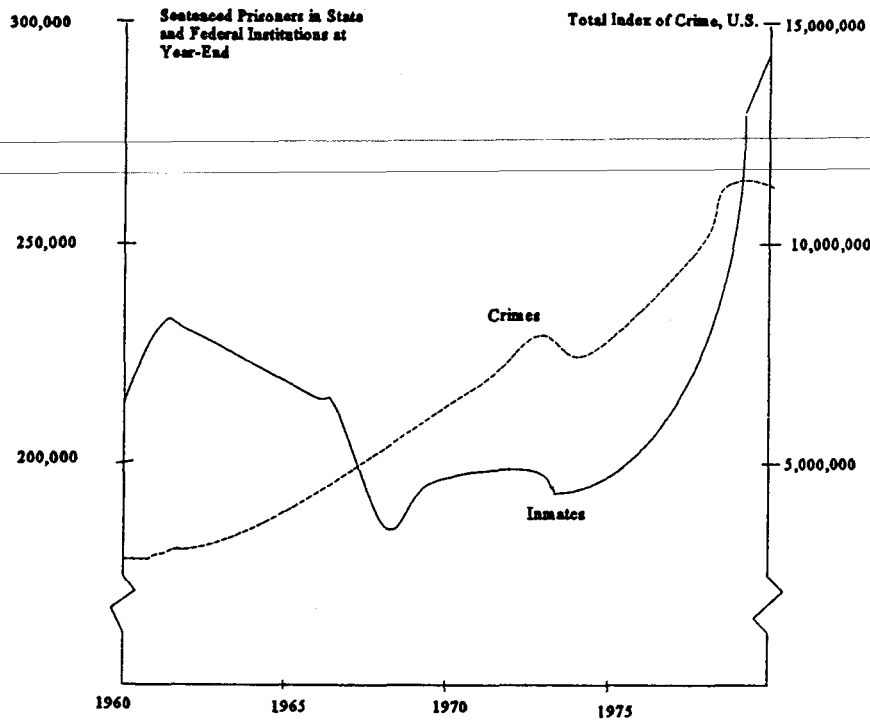


Figure 1. Crimes and prison populations in the United States, 1960–1977.

tems into consolidated agencies with centralized operations and services. Four successive national commissions recommended the restructuring of the corrections delivery system in the states: the President's Commission on Law Enforcement and Administration of Justice in 1967, the Advisory Commission on Intergovernmental Relations in 1971, the Committee on Economic Development in 1972, and the National Advisory Commission on Criminal Justice Standards and Goals in 1973.<sup>3</sup>

The debate over the appropriate administrative location of prisons, field programs, and juvenile services raised broad issues of policy and increased the awareness of legislators and governors to many of the problems involved in administering these programs. The dominant view was that if corrections systems were placed in an independent department accountable directly to the governor, they would be more visible than if located in an umbrella agency.

Despite achieving organizational autonomy, correctional agencies continue to be plagued by public and political proclivities concerning penal policies. The fragmented structure of corrections administration reflects the gradual, episodic emergence of programs and services, each beginning with a new notion of what was thought to be required or desirable in dealing with

criminal offenders. The essentially political pendulum of prison reform inexorably influences innovation and change in the correctional environment.<sup>4</sup> The steady expansion of corrections services is the result of a series of reform efforts, each one aimed at a perceived deficiency in its predecessor. As each reform was introduced, it became institutionalized with its own bureaucratic structure, distinct from its predecessor. From a historical perspective, these events now serve as a prelude to the modern day shift to incarceration as the primary mode of dealing with the criminal in American society.

Throughout these times the prison was viewed from the perspective of society, the criminal justice system, the inmates, the administration, the scholars, the victims, or the philosophers. Rarely, if at all, were the views of corrections officers included in these perspectives.<sup>5-10</sup> The focus on management practices as the locus of power to bring about the essential changes resides in the administration.<sup>11,12</sup> Arguments that the prime responsibilities for change lie with the governor, the legislature, the judiciary, or the public are diversionary, invalid, and counterproductive.<sup>13</sup>

Until recently, prisons operated as traditional, nonbureaucratic institutions. Although the change from traditional bureaucratic administration of justice

occurred unevenly in different regions, the first half of the 20th century witnessed a transformation. Shortly after World War II, bureaucratic administration of justice spread to more places in the United States. Written rules were formulated to legitimate official conduct rather than custom and the personage of a judge. The new, civil-service-selected staff were expected to perform according to a set of circumscribed duties defined by rules and regulations.<sup>14,15</sup>

### The Need for Training

In bureaucratic justice, however, discretion—and the training programs engendering it—became integral for applying rules themselves. As the coordination of offices in the administration of criminal justice grew, complex application of rules became ambiguous.<sup>16</sup> What is the relation of rules of law to the informal practices in bureaucratically administered justice? It became increasingly apparent that internal organizational development of correctional agencies was needed to ensure the appropriate bureaucratic orientation, training, and development of staff. The movement toward a centralized and comprehensive training enterprise in correctional service had begun.

### Emergence of Training as a Management Enterprise

The establishment of training during the past three decades as a permanent feature of modern correctional agencies represents a hallmark of organizational development. Training now serves as a qualifier of occupational identity, performance, and career options. Three important factors emerged during these times that provided the support necessary for structuring and rationalizing equity for corrections officers and staff in the modern prison. These factors are centralized training, the union movement, and the standards and accreditation process for the corrections field. Through centralized training, the administration has authority to instruct and expect accountability so as to ensure justice for inmates and as much efficiency as possible in operations and management. Through union representation, officers and staff are achieving access to management so as to ensure justice in terms of job expectations. At the same time, the standards and accreditation process continues to focus on com-

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monly held aspirations and helps monitor operations and services throughout the system.

Centralized training has tempered the reactive environment of the correctional organization into a more creative environment. It has provided a forum for “opportunity thinking” as opposed to the parochialism that has characterized corrections for so many years. However, the organizational efficiency, cost effectiveness, and quality management control features embodied in centralized training have yet to be fully institutionalized. The political nature of the public sector correctional system, reporting to the executive branch of government at the local, state, and federal levels, leaves it vulnerable to a host of external forces, particularly in the budget and operational philosophy domains. For example, the Republican majority that captured Congress in the 1994 elections has had a direct effect on state and local correctional agencies. A strong conservative political camp has succeeded in achieving cutbacks in the inmate educational and recreational programs and a return to more stringent custodial control, including chain gangs and forced labor. The corrections system is a residual agency. Positioned downstream from all other components of the criminal justice system, it often operates under the prey of politicians. This conservative climate is also presenting a considerable test of the viability of centralized training. In many jurisdictions training is again under threat as a cost-cutting option by conservative budgeteers.

### Centralized Training as a Federal Initiative

From a national perspective, the establishment of the National Institute of Corrections (NIC) and the creation of the National Corrections Academy in Colorado represent the first formalized professional training exchange programs between state and federal correctional agencies. The National Corrections Academy utilizes training specialists from various state systems

as members of its instructional faculty. In a sense, the creation of the National Correction Academy can be seen as a byproduct of the uprising at the state penitentiary at Attica, New York. The Attica uprising made it abundantly clear that the personnel of the nation's state and local correctional facilities were not receiving adequate training and technical resources. The Attica uprising was the impetus for expanded and permanent programming of technical assistance and resources at the federal level. The U.S. Department of Justice, the Bureau of Prisons, and the Law Enforcement Assistance Administration (LEAA) established a wide variety of technical assistance programs for state and local correctional agencies. Today, the NIC and its allied functions of the National Correction Academy, the National Information Center, and the National Jail Center provide training, technical assistance, and training resources to jails and prisons nationally.

## The Prisoner Rights Movement

The 1970s and 1980s were periods of great change on both sides of the bars in the prison and jail systems in the United States. The establishment of the civil rights of incarcerated persons became so extensive that virtually entire prison systems were operationally transformed. The penologist and sociologist, James B. Jacobs, described the status of the nation's prisons just prior to these sweeping changes.

There were no written rules and regulations, and daily operating procedures were passed down from one generation to the next. Wardens spoke of prison administration as an "art"; they operated by intuition. The ability of the administration to act as it pleased reinforced its almost total dominance over inmates. Early lawsuits revealed the inability of prison officials to justify or even to explain their procedures.<sup>17(p.458)</sup>

Litigation concerning conditions of confinement, concomitant consent decrees, special masters, compliance coordinators, house counsel, prisoner advocates, and other external prisoner and watchdog groups literally transformed the day-to-day operations of correctional systems. Some prison administrators were even known to welcome judicial intervention and used the courts to obtain resources that otherwise would have been unobtainable. The threat of vicarious liability for negligent retention, failure-to-supervise, and failure-to-train became strong factors in ascertain-

ing the need to develop training for all categories of staff. The impact of this litigation greatly affected the movement toward and maintenance of centralized and full-time training operations. The guiding principle was simple and direct: if the successful completion of training and on-the-job performance were considered a matter of employee responsibility (and liability), likewise, training should also be considered a matter of employee rights.

The ability and capacity of the nation's penal system to adapt to the changes of the past several decades have been miraculous. In this context, everyone who works in the correctional system is a "corrections officer." The corrections officer became, at last, a legitimate subject of scholarly research and interest. David Fogel's *We Are the Living Proof*,<sup>18</sup> Leo Carroll's *Hacks, Blacks and Cons*,<sup>5</sup> James B. Jacobs' *Stateville: The Penitentiary in Mass Society*,<sup>15</sup> Lucien Lombardo's *Guards Imprisoned*,<sup>19</sup> and Robert Johnson and Shelley Price's "The Complete Correction Officer,"<sup>20</sup> are but a few examples of the proliferation of research on the corrections officer. In fact, the very term *corrections officer* officially emerged during the 1970s as the occupational reference term used by the U.S. Department of Labor for the archaic term of "prison guard." The emergence of centralized training has opened new vistas for positive occupational identity. The centralized academy has also become an alternative to the traditional process by which corrections officer recruits are socialized into their occupation.<sup>21</sup> Cohen, in comparing the Illinois and New York academies, cited the opportunity to recognize personal and professional contributions to job performance.

It may be that one of the most important effects of the academy movement is simply giving the demoralized rank-and-file officers a sense that they are important and a target of concern independent of the content of the training program itself. An opportunity to get away from the institution may be a healthy experience for persons who work in chronically tense environments. . . . The therapeutic potential of officer training could be realized by bringing officers in small groups to the academy for interactive experiences, which would allow them to discuss and share their problems.<sup>22(p.196)</sup>

## Case Study: The Difficulty of Changing a Stereotype

In January 1974, Illinois Governor Daniel Walker formally dedicated the new Corrections Training

Academy. The early years of the Illinois Corrections Academy—1973 to 1979—constitute pioneer times of the corrections officer emerging as a symbol of reform. It was the era of line personnel searching for a meaningful role—a role that has increasingly become a key and respected factor in the human resource development features of prison operations.<sup>6</sup> In support of this process, sociologist John Irwin was contracted in 1974 to interview and profile the corrections officers of Illinois. Irwin identified three “social layers” of correction officers in the department: the “old guard,” the “new breed,” and the “correctional innovators.” The correctional innovators consisted of the new staff of the Illinois Academy, including senior corrections officers, program staff, and the cadre of civilian professional training staff. In his analysis, Irwin noted:

The old guard is going through a period of waiting to see what changes eventually come out of a new regime’s policies, (the new academy was one of these major new regime policies); the new breed . . . do not subscribe to the old guard’s perspective on the convicts nor their prison philosophy. They are much more prone to dealing with the prisoners on a more friendly and personal basis, are less likely to be rigid in the application of the prison rules. . . . Above the two strata is a thin layer of correctional innovators who have considerable formal power to make changes on paper. That is they can plan new programs, make some transfers and reassignments among the staff below them. They cannot, because of the civil service restrictions, replace any staff members. So their actual power is extremely limited.<sup>2(p. b1, b2)</sup>

Important steps were taken in the creation of the first academy curriculum to ensure both the credibility and the palatability of this new, required centralized training. A group of carefully selected senior corrections officers from all of the adult institutions of the department was chosen to serve as a catalyst group for the initial curriculum development for recruit corrections officers. This process was deliberately contrived to tap their seniority and work record in an advisory capacity. In the process, it gave these senior officers a feeling of contribution and ownership in the development of the new academy and established a sense of “trust” for the newly mandated centralized training. This process was “revolutionary” for the times. The magnitude of social foment and change in the larger society during the 1960s and early 1970s was rapidly manifesting behind the walls.

Corrections officers were becoming increasingly confused and alienated over the rapid institutionalization of the powerful prisoner rights movement. Compounding this situation was the mandate that corrections officers implement these changes without sufficient training. The result was a manifest polarization between inmates and officers.<sup>5</sup> Resentment in the custodial ranks was further compounded by the diminishing decision-making authority of wardens and ranking security staff. The officers began to notice a change in the traditional support from the warden and senior staff.

### Different Decisions by Different People

The traditional bipolar prison of the past is now fully transformed into a modern-day, complex tripolar prison, consisting of an interplay of operational exigencies and constituent interests that belie the more traditional interactional dyads of officer-inmate and officer-staff relations. Today the bureaucratization of the prison is replete with a new range of staff: affirmative action and equal employment opportunity officers, environmental health and Occupational Safety and Health Administration officers, compliance coordinators, inmate grievance officers, lawyers, law librarians, legal aides and paralegal clerks, substance abuse counselors, parenting counselors, recreation supervisors, accreditation officers, public relations officers, collective bargaining administrators, prisoner advocates, and a growing number of external inmate constituency groups. Despite all of these changes, the corrections officer still remains the linchpin to the successful integration of this process. The transfer of information about correctional policy and practices, in and of itself, is not sufficient to change the behavior of corrections officers. In this context, centralized training creates the capacity to gauge the way in which officers see themselves and the way in which they perceive their responsibility for managing inmates and institutional

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security. The centralized academy has evolved into an institution of positive occupational identity for the corrections officer. The perennial message, stated by Duffee, is clear: attention must be given to the process by which information is gathered and disseminated.

The correctional officer . . . is responsible for the control of those below him in accordance with the rules of organization but . . . usually (1) not given the necessary tools to do that job and (2) caught in the dilemma that full employment of the tools at his disposal usually cause disorder rather than order. . . . The correctional officer subculture, more than anything else, is born of the frustrating belief that inmates on the whole deserve better treatment than officers (or others) are capable of giving under present circumstances. Just what correctional officers expect of themselves or correctional organizations is not always clear, but in keeping with the new view of inmates, they expect something more and different from mere order.<sup>24(p.156)</sup>

The centralized correctional academy concept uses the basic tenet that there is absolutely no difference in what is good for the inmate and what is good for the officer: a secure, safe, clean, and humane institution.

## Corrections Officer Unions

The 1970s and 1980s were also characterized by a rapidly growing corrections officer union movement. The American Federation of State, County, and Municipal Employees (AFSCME) emerged as the primary union representing corrections officer employees (Illinois corrections officers joined AFSCME in 1975). An early and strong agenda item of AFSCME was the right of representation regarding the quantity and quality of training provided for newly hired and incumbent corrections officers and allied staff. As the custody and care of inmates became more complex, employee concerns and issues regarding training became integral to union contract negotiations.

The emergence of public sector corrections officer unions also created new liaisons. In 1981, Council 82-AFSCME, representing the New York State corrections officers, filed an amicus brief joining the inmates in conditions of confinement litigation against the New York State Department of Correctional Services. This curious alliance came together in the context that debilitating conditions of confinement for inmates constituted equally debilitating conditions of work for corrections officers. In addition, a settlement of the spring 1979 strike by New York State corrections officers

granted Council 82 provisions of a monetary stipend for corrections officers participating in pre- and in-service training. This settlement has expanded over the years to include oversight clauses covering the qualifications and selection of training staff, the appropriateness and range of courses offered, training classroom conditions, testing and certification, training program assessment and evaluation, on-the-job training, the accuracy of performance-based training objectives, scheduling and overtime compensation, and promotion and career ladder credit for training. Collective bargaining now also champions the equal access of females and minorities to both general and specialized training programs, as well as specialized training for all staff in stress management, sexual harassment, and occupational health issues such as communicable diseases, emergency preparedness, and hostage situations. Most employee union contracts now also include career benefits for participating in training.

## The Practice of Preventive Law

More lawsuits have been filed against prisons in the past two decades than at any other time in U.S. history. The perceived threat that the failure-to-train would result in deep-pocket damages became a banner for the development of comprehensive correctional training programs in state and local correctional agencies. As a result, basic correctional training programs are now the rule in most state, county, and municipal systems. While competition for funds becomes fierce and budget planning becomes more complex, those responsible for training have learned to parley the basic fact that training is inexplicably linked to agency operational control. It introduced corrections staff to the practice of preventive law.<sup>25</sup> It also helped affix responsibility for practicing preventive law at the most critical place: the point of employee performance. This approach enables personnel to focus on the real priorities of people in the institution rather than on the misleading agenda of people versus the institutions.

## Failure-To-Train Litigation

An informal review of recent failure-to-train cases suggests two conclusions. First, trainers are not the target of failure-to-train lawsuits; governments and

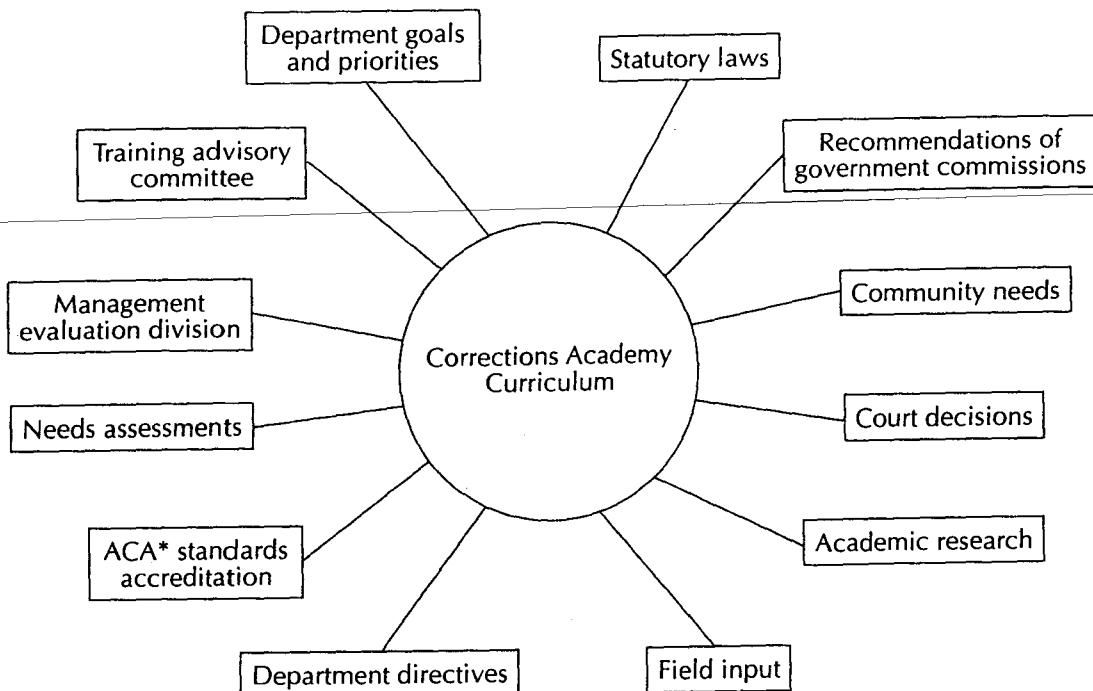
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agencies are. Second, failure-to-train claims are difficult to win.<sup>21</sup> Vicarious liability is essentially a myth.<sup>26</sup> When used in the context of inmate rights litigation under 42 U.S.C. § 1983, vicarious liability usually refers to liability against a top administrator that is based on a failure-to-train or failure-to-supervise theory. Because the official was not directly involved in the incident that created the liability, the myth holds the official was vicariously liable. However, it is indeed a myth. The concept of vicarious liability does not exist in litigation under this section of the statute. Court after court has repeated the mantra that the section does not recognize the concept of vicarious liability.<sup>27</sup> To legalists,

vicarious liability is substituted liability; that is, liability that attaches to someone with absolutely no involvement in an incident. The important feature to the vicarious liability "myth" is the inordinate influence it has had in substantiating the development of centralized training in the correctional agencies of the United States during the past two decades.

## Contemporary Guidelines

Certain operational tenets are now established regarding the centralized correctional training function. Training is no longer perceived as a discrete, isolated function; rather it is viewed as inextricably linked to program operations. Either training contributes to employee understanding of policies and procedures, proficiency in job tasks, and accomplishments of agency goals or it constitutes an obstruction of these matters. This approach has engendered an operational philosophy that every other program component within a correctional department has a vested interest in the effec-



**Figure 2.** Process for curriculum development and revision. \*American Correctional Association, in cooperation with the Commission on Accreditation for Corrections, January 1990.

tiveness of correctional training. The capacity to integrate these external forces in the development and design of training has become standard operating procedure. These external forces are increasingly viewed as useful to guiding and monitoring the curriculum and pedagogical styles within correctional training. Curriculum development must now include the full range of these forces (see Figure 2). The incorporation of these external forces essentially constitutes an ongoing assessment process and further secures the congruency of correctional training needs and course content development.

### Model Process for Curriculum Development and Revision

No training program is worth its salt if the following enabling objectives are not established and invoked. Enabling objectives represent the generalized goal objectives of a comprehensive training program. They must seek to:

- Explore the concepts of discipline, self-discipline, authority, power, and discretion in order to develop a deeper understanding of the role of the corrections officer.
- Relate these concepts to specific issues of corrections training, classroom management and control, and the overall philosophy and atmosphere of the correctional training environment.
- Examine and develop the concepts of self-image and self-awareness through reflective insight and relate these elements to those of assertiveness, confidence building, and authority.
- Apply the principles and theories of adult learning to assist others to learn through the creation of an educationally sound, pleasant, and safe environment.
- Employ principles of educational technology in designing lesson plans, audio/visual aids, computer-based training, and training manuals.
- Apply examples of practical corrections work to training content.
- Explore the relationship between the corrections officer and the community including issues related to attitudes, culture, society, and race.
- Develop corrections officer interpersonal and problem-solving skills by improving ability to communicate and listen.

- Practice reflective listening skills in a helping and counseling role and develop an empathetic approach.
- Provide feedback to others regarding performance in a nonthreatening manner and provide counseling in terms of improvement and future performance including the use of video for that performance.

The chief breakdown in any training program comes at the point where what is learned in the training fails to be used by the trainees (staff or inmate) in the program operation. Performance objectives represent the on-the-job application of training content. This process clearly illustrates the pragmatic usage of a well-conducted job task analysis. If it can be shown that training is based on an accurate, objective, and up-to-date analysis of what the job really is, and if trainee performance is well documented, it is easier for the agency to show a "good faith" effort. These objectives and assessment processes provide the skeleton. Correctional program experts must apply the specifics. Many excellent models are available.

### Conclusions

Everybody wants training to be everything. Training is not management; training belongs to management. Training is an influence, an instrument of management. It should facilitate policies, but it should not produce changes in operations or line programs. However, because training clarifies policies and actions determined at top levels, it functions as an important management tool. Consequently, training becomes both a place for staff to learn and a place for management to listen. The conceptualization of centralized agency training, as epitomized in the correctional training academy model, stands out as the most significant event contributing to the professionalism of corrections personnel during the past two decades.

The complexity of today's prisons requires interactive training sessions and a willingness to consider defused roles in maintaining security and custodial control. Corrections officers can understand simple fairness and reasonableness better than most people. They must work in a highly distilled environment where such factors are crucial to safety and cooperation. Corrections officers can also understand the need to build structure to ensure justice. Measuring prisoners' progress by their lawful behavior is as

plausible to corrections officers as is measuring their own work program and upward mobility through diligence and lawful behavior.

Inmate rights and the corrections officers' working environment are inseparably linked. Improvements in one affect the other. By getting both to see their community of interest, we may realize the promise of adding meaning to attempts to reduce the tension, confusion, and danger they mutually face.<sup>21</sup> Correctional trainers are key actors in facilitating this process. As corrections officers learn to be more self-determining through training, unionization, and the acquisition of a new sense of dignity, they will also free themselves from a previously narrowly conceived status as part-time prisoner. Training is the common denominator in this equation.

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