

Having one's complaint heard: Implicit knowledge in prison disciplinary reports

Faire entendre sa plainte. Le savoir-faire mobilisé dans la composition des rapports disciplinaires en prison

Hacer oír su denuncia. El "saber-hacer" movilizado en la composición de los reportes disciplinarios en la cárcel

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Résumé de l'article

Maintenir l'ordre de façon autonome dans le secteur dont ils sont responsables témoigne de la compétence des agents correctionnels. Dans de rares cas, ces derniers choisissent néanmoins de renvoyer une situation problème au comité de discipline. La sociologie pragmatique nous invite à lire ce renvoi comme une plainte qui, pour être validée, nécessite le recours à un savoir-faire implicite porté par les documents. Notre analyse de discours des rapports disciplinaires produits sur un an dans une prison québécoise nous amène à cerner les ordres de justice et les répertoires interprétatifs mobilisés par les agents qui voient à faire entendre leurs plaintes. Cette incursion dans la forme et le contenu du rapport disciplinaire nous convainc de l'intérêt de se pencher sur les documents comme médiateurs entre les paliers de la justice carcérale.

Having one's complaint heard: Implicit knowledge in prison disciplinary reports

Esther Danais-Raymond¹ and Dominique Robert

Abstract

The competence of correctional officers is judged based on their capacity to maintain order within a particular sector of a prison. In rare instances, however, an officer may decide to refer a problematic situation to a disciplinary committee. Pragmatic sociology suggests that such referrals should be viewed as complaints whose validity can be decided only if the implicit knowledge they rely on is understood. Our discursive analysis of one year of disciplinary reports from a Quebec prison allows us to identify the orders of worth and interpretations used in complaints by correctional officers. This exploration of the form and content of disciplinary reports suggests that such documents play an important role as mediators between different levels of prison authority.

Keywords

Prison, disciplinary offenses, pragmatic sociology, discourse analysis, documents.

Introduction^{2 3}

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Interpersonal skills, verbal exchanges, humour. These are the tools correctional officers use to maintain order in prisons. The ability to maintain order – being able to ensure relative calm and proper functioning (Chauvenet, Benguigui and Orlic, 1993) – is one of the informal standards used to determine an officer's competence (Rostaing, 2014). Conversely, calling on those higher up in the hierarchy to discipline inmates is perceived by both officers and superiors as a weakness, a failure to show authority (De Galember, 2014). Nevertheless, correctional officers sometimes choose to refer problematic situations⁴ to the disciplinary committee.

Rather than seeing such cases as an act of surrender or a sign of incompetence, pragmatic sociology suggests that such referrals be seen as complaints that muster a specific “know-how” in terms of justice (Boltanski, 1990; Boltanski, Darré and Shiltz, 1984). Pragmatic sociology, situated at the intersection of ethnomethodology and sociology of science, is interested in how actors (human and, to a lesser extent, non-human) reach consensus and administer justice. The work of resolving conflicts, both large and small, is one of the areas in which the social fabric is created. Those involved in this resolution produce a part of the social fabric that did not exist before their interactions, or at least not entirely (Nachi, 2009). From this perspective, a disciplinary report is a complaint that mobilizes resources toward action. The resources selected determine whether the complaint will be deemed admissible and the extent to which it will act as an effective mediator in the institutional chain of communication that is the disciplinary process. In micro-sociological research on this subject, the personal interactions between the prisoner, the officer, their supervisor, and the members of the disciplinary committee are often at the centre of the analysis (De Galember, 2014; Fernandez, 2015; Rostaing, 2014). However, documents are also key actors that influence the course of events (Atkinson and Coffey, 1997; Prior, 2008). They translate and crystallize events, rationales, and agreements; they act as spokespersons for those both absent and present; they frame a complex and evolving situation, creating a definitive although necessarily partial portrait; and they are levers for individual actions. Documents can also serve as witnesses, providing official justification for prior decisions in the audit culture that permeates prison institutions. They remain, however, under-exploited in empirical research focused on how order is produced and justice administered in prisons. These observations led us

⁴ We use this term instead of “breaches” to define situations that occur in detention and sometimes, but not always, evolve into breaches (official breaking of the rules) that must be dealt with by management. We owe the term “problematic situation” to the late Louk Hulsman. See Hulsman and Bernat de Celis (1982).

to explore how documents function in the prison context, specifically by identifying the “orders of worth” displayed in disciplinary reports. Following Boltanski and Thévenot (1999), we use this term to refer to the principles – explicit or implicit – that are called upon to reach an agreement in the course of a conflict (Nachi, 2009). These orders of worth can be found by identifying the interpretive repertoires, i.e., the clusters of discursive resources, used in mediating documents. Our discourse analysis of one year of disciplinary reports in a provincial prison in the province of Quebec allowed us to identify these interpretative repertoires and, through them, the orders of worth that correctional officers draw on in shaping their complaints. These disciplinary reports draw on multiple orders of worth (Boltanski and Thévenot, 1991) such as the civic order and legal validity, the industrial order and valorization of competence, the domestic order and socio-educational intervention, and, finally, the order of opinion and discreditation. By mobilizing these orders of worth and their underlying repertoires, correctional officers attempt to maximize the possibility that their disciplinary reports will be accepted by institutional authorities and their complaints heard.

Our discussion proceeds in five steps. After reviewing the literature on the processes used to produce order and discipline in prison, we describe the aspects of pragmatic sociology on which our research is based. We then discuss the discourse analysis used, the interpretative repertoires at work in the disciplinary reports, and the orders of worth they convey. We conclude with a reflection on the potential for documents to serve as witnesses to the fluidity of social relations in prison settings. Our foray into the form and content of disciplinary reports has convinced us that looking at how disciplinary breaches are put into words is a fruitful way to observe prison justice in action.

The process of producing order and discipline

Maintaining order in prison is the result of complex choices by those working in this environment (Beauregard, Chadillon-Farinacci, Brochu and Cousineau, 2013; Sparks, Bottoms and Hay, 1996). This delicate work depends on both the resources (laws, prestige, moral appeals, physical strength, etc.) and skills (the ability to express, analyze, and persuade; use knowledge, etc.) available to these actors in constructing the worlds in which they operate. Although these

resources and skills are not evenly distributed, no one is completely without them (Benguigui, 1997; Benguigui, Chauvenet and Orlic, 1994; Chauvenet, 2005, 2006, 2010; Vacheret and Lemire, 2007).

The use of disciplinary law is only one of the options available to correctional officers. In the Weberian tradition, this law is living, relational (Lascoumes and Serverin, 1988). It is a resource whose availability does not completely explain its use (Rostaing, 2014). In a context where the “humanization” of prison has been accompanied by the structuring (Fernandez, 2015) and increased legalization of social relations (see Rostaing, 2007, p. 579), ethnographic research can help document the intricate tangle of considerations involved in the use of disciplinary law, which can include a subjective assessment of an incident related to the hierarchy of misconduct specific to the local prison culture; a perception of intent to interfere with the safety of an officer or an institution; a contextualization of an incident as related to the length of the inmate-correctional staff relationship; an assessment of the inmate’s general attitude, background, and social network; and the reactions of officers, as well as the impact on both colleagues’ workloads and the atmosphere of the prison wing or floor (De Galembert, 2014; Fernandez, 2015; Rostaing, 2014). Appealing to disciplinary law is never a simple and automatic choice.

This is especially the case given that officers who choose to initiate the disciplinary process incur costs. In addition to damage to their reputation as a result of acknowledging their inability to manage the situation, officers also risk the disapproval of their superiors, who must take over control of the situation (Rostaing, 2014). Even if the complaint is found admissible by their immediate superior and sent forward, there is still a risk that the disciplinary committee will decide on a not-guilty verdict or an unsatisfactory punishment. The hope of avoiding being seen as powerless (De Galembert, 2014) or having one’s authority undermined is why many correctional officers prefer informal discipline (Fernandez, 2015) and avoid formalizing problematic situations (Rostaing, 2007). Doing so is a way to remain in control and increase the margin of manoeuvre for both prisoner and superiors (Ibsen, 2013; Rostaing, 2014).

Nevertheless, circumstances sometimes lead correctional officers to resort to using disciplinary law, which requires a process that has been described as “naming, blaming, and claiming,” (Rostaing, 2014, pp. 311-312, see also Felstiner, Abel & Sarat, 1991) in which a

problematic situation is outlined, attributed to an individual, and denounced. An informal situation is transformed, for example, into a breach of Regulation 68.1 of the statute governing the institution. This reconstruction is necessary for the event to be considered by those higher in the decision-making chain and, eventually, to result in punishment (Acosta, 1987; Faugeron, 1980; Faugeron, Fichelet and Robert, 1977; Zauberman, 1982).

To deal with the risk of failure inherent in reporting a problematic situation (Rostaing, 2007), correctional officers will take care to “string [the elements in the event being reported] together artfully” (p. 589), describing it in a way that takes into account its expected audience (De Galembert, 2014; Rostaing, 2014). The disciplinary report serves as officers’ representative, even if there is a possibility of eventual contact with their superiors about the complaint.

In a study focused on complaints made by detainees as a way to protect their rights, Durand (2014) insists on the importance of “describing the creative dimension of these writings, i.e., their ability to propose a definition for the framework in which the interaction occurs that goes beyond pre-existing or external communication norms,” (p. 331). The same can also be said of correctional officers’ reports.

Unlike De Galembert (2014), who followed the development of a problematic situation (that began when a prayer was forbidden) from start to finish, documenting the conditions that determined the admissibility of the officer’s complaint, we are interested instead in analyzing the beginning of the process by examining the documents involved: “the work that they accomplish or purport to accomplish ... without tying it to that which follows, in particular the response of authority” (Durand, 2014, p. 331). For us, it is a question of taking into account the way in which “socially weakened actors,” in this case correctional officers, when they turn to their superiors and the disciplinary committee to restore order in their sector, use discursive resources to transform their disciplinary reports into mediators that are sufficiently powerful that they can achieve justice more effectively than they could have directly.

The pragmatic approach to rightness and justice

Our study mobilizes the lessons of pragmatic sociology, which posit that individuals operate according to their own principles of rightness and justice, which are negotiated on a daily basis (Boltanski et al., 1984).⁵ The regime of rightness includes all actions that do not require justification and are dictated by convention and habit (Nachi, 2009). For example, the distribution of meals in a cafeteria is based on the unspoken principle of first come, first served. However, this interaction shifts to the regime of justice if a person further down the line asks to be served immediately because of reduced mobility. We then find ourselves facing a – very minor – justice-based dispute, in which different orders of worth (order of arrival versus physical capacity) are explicitly brought to light and negotiated. In a justice-based dispute, the parties attempt to find a higher decision principle that shows that the order of worth they are promoting is superior and will bring an end to the dispute (Boltanski, 1990).

Adopting this perspective in analyzing how order is produced focuses attention on the shifts that take place between the regimes of action found in prisons. These shifts occur when a problematic situation is defined as a breach in a correctional officers' disciplinary report and referred to the disciplinary committee. Given the broad scope of prison regulations, numerous kinds of incidents can lead to punishment (verbal exchanges, abusive language, etc.), but the vast majority remain unreported. However, correctional officers occasionally single out certain events as departures from the regime of rightness that governs the daily routine, making them officially disciplinary breaches under the regime of justice. In making referrals, officers use arguments that rely on orders of worth that can be effective in justifying the need for action by the prison authority responsible for dealing with the reported event. These orders of worth are also used to determine the response to the material, emotional, and symbolic harm generated by an appropriate punishment. Officers must be persuasive in presenting the problematic situation in question as a conflict that threatens the ethos of the institution. The report of a breach thus takes on the status of a mediator in that the language used transforms a local and specific situation between two individuals into an official complaint worthy of being taken up by the institution's general authority. How, in these disciplinary reports, do correctional officers make the transition

⁵ Although the correspondence is not straightforward and the theoretical bases differ, there are parallels with the model put forward by Hepburn (1985).

to the regime of justice credible and which order of worth do they invoke to guide the disciplinary process?

Discourse analysis of problematic situations

To identify the orders of worth mobilized by correctional officers, we analyzed all problematic situations referred to the disciplinary committee of a medium-sized provincial prison in Quebec over a one-year period (n=456). Descriptions of situations are found in the report that correctional officers provide as part of a formal investigation and range from a single sentence to a long paragraph. These reports, a copy of which is provided to the prisoner who is the focus of the officer's complaint, are forwarded to the institution's disciplinary committee. If the committee decides that there was no misconduct, the prisoner is notified of this verbally. If the committee decides that there was a breach, it must then decide on an appropriate punishment: options include reprimand, loss of benefits, restrictions, loss of days of sentence reduction, or having to pay for damages caused to the institution or to a third party (Interpreting Regulations under the Act respecting the Québec correctional system, S-40.1, r. 1, sect. 73 et 74).

We used discourse analysis and interpretive repertoires (Potter & Wetherell, 1987; Wetherell & Potter, 1988) to analyze our empirical data, based on their links to pragmatic sociology and its focus on means of justification. Interpretative repertoires are reservoirs of discursive resources that individuals, consciously or unconsciously, employ to construct rationales that make it possible for them to act in a way that they can justify to themselves (Wetherell and Potter, 1988). Such repertoires are identifiable as habitual patterns in the form and content of arguments, descriptions, and assessments present in the material under study (Reynolds and Wetherell, 2003). This analytical strategy proceeds by identifying variations and recurrences, which provide insights into how individuals construct statements for rhetorical or expressive purposes (Wetherell and Potter, 1988).

The descriptions of problematic situations were first grouped according to the corresponding article in the Regulations under the Act respecting the Québec correctional system.

TABLE 1

Number of problematic situations referred to according to the Regulations under the Act respecting the Québec correctional system

Section of the Regulation	Number of Events
68.1 Physical violence, abusive or threatening language or gestures +68.8	215
68.2 Damage to establishment property +68.8	33
68.3 Refusal to participate in activities +68.8	7
68.4 Interference in the course of activities +68.8	14
68.5 Possession or use of prohibited items or substances +68.8	90
68.6 Exchange of items +68.8	12
68.7 Acts of an obscene nature	0
68.8 Does not comply with rules or guidelines ⁶	41
68.1, 68.2 ⁷	4
68.1, 68.3	6
68.1, 68.4	11
68.1, 68.5	1
68.2, 68.4	3
68.2, 68.5	1
68.3, 68.5	1
68.4, 68.5	1
68.5, 68.6	5
No relevant article	10
Information missing	1
	Total : 456

Most complaints were related to physical and verbal violence (especially against staff),⁸ possession of prohibited items, or the use of illegal substances, as well as damage to institutional property.⁹

Following this initial classification, three types of variations and recurrences were identified in the descriptions associated with each of the reported violations: explicit arguments as to why the situation should be handled formally; narrative strategies (e.g., quoting the

⁶ Additional articles are shown as +(article number) following the description. All disciplinary reports could be considered to fall under section 68.8 since it deals with non-compliance with the rules of the institution. The 41 reports classified only under this section include a wide variety of breaches (e.g. smoking indoors, climbing walls, causing a riot, etc.), making it difficult to establish operational criteria specific to this section.

⁷ Where two categories are listed, breaches were considered to have occurred in both categories.

⁸ This finding agrees with that in other research on this topic (Fernandez, 2015; Rostaing, 2014).

⁹ For purposes of analysis, we considered breaches of two sections of the regulation, if they included section 68.8, which refers to failure to comply with the regulation, as part of the same category.

detainee, referring to the detainee formally or personally, etc.); and lexical choices (e.g., using the term “the subject” to refer to the detainee). Studying the function of these recurrences and variations made it possible to identify interpretative repertoires and put in perspective the orders of worth invoked in composing complaints in order to be heard by a higher level in the hierarchy, i.e., move it from being seen as a specific problematic situation to being understood as an attack on the collective being.

Having one’s complaint heard

While the correctional officers who fill out disciplinary reports all share a common legal identity (Lascoumes and Serverin, 1988), the resources deployed in their complaints vary. In addition to the legality specific to the civic order, the complaints are also supported by the industrial order and by reference to the valorization of competence, the socio-educational intervention specific to the domestic order as well as to different forms of discreditation associated with the order of public opinion.

The civic order and legal validity

In the civic order, disputes are resolved based on the logic of promoting the good of the community and its members (Boltanski and Thévenot, 1991). In correctional officers’ reports about problematic situations, the civic regime is embodied in the interpretive repertoire of legal validity. Complaints that use this repertoire usually refer to situations that involve physical violence and, to a lesser extent, damage to the institution’s property. The negative consequences of such acts for the safety and proper functioning of the institution as well as their high visibility encourage correctional officers to formally report these situations (Chamberland, 2014). In these cases, the framework of the dispute is the inmate’s relationship to the institution.

Formally, there are three elements characteristic of those reports. The first noteworthy feature is the simplicity of the descriptions: “You violently pushed IP [incarcerated person] _____[prisoner’s name].” The injuries sustained by the victim are sometimes described or a list of damage to property is provided. Descriptions are usually factual, focusing on the act rather than the offender, without providing any justification for it. By objectivizing the facts, the

descriptions justify the complaint, as if it went without saying that the situation requires official intervention.

The problematic situations in this category also invoke quantity. This is done in three ways: by specifying that several people were affected by the prisoner's violation, emphasizing that several officers were needed to manage the situation, and using the royal "we," even when only a single officer is involved. Whether the quantity referred to is numeric or symbolic, referencing it bolsters the complaint by explicitly giving it a collective and public character, which contributes to increasing status as an attack on the collective being.

Finally, a recurring rhetorical element in reports that draw on the civic order is repetition, in writing, of the fact that the behaviour being described contravenes the rules. This repetition is in addition to having indicated, in a place provided for this purpose on the form, which section of the regulation was contravened by the behaviour in question: "all of which is in violation of section 68.4 of the Act respecting the Québec correctional system". In these situations, officers position themselves as "spokesperson[s] for respect for the law. The author of the complaint takes the simple role of whistleblower: it is the law that is being flouted," (Durand, 2014, p. 340).

In complaints invoking the civic order and legal validity, the appeal to the collective level is shaped as inherent in the action being criticized: the complaint does not require any explanation beyond the statement that the formal rules for community living have been broken. The textual objectivity of the law is enlisted. Complaints are endowed with a normative capacity as well as an intrinsic legal validity (Beetham, 1991; Sparks et al., 1996) that is "devoid of individual perspectives," (Durand, 2014, p. 340).

The industrial order and the valorization of competence

The complaints grouped here invoke the industrial order of worth, in that they advance an argument in which the efficiency and professional capabilities of their authors are seen as a basis for their validity (Lafaye, 1990). In reporting the problematic situation, the institutional relationship between the authorities and front-line staff provides the framework for the dispute. As noted above, a disciplinary report is as much an assessment of the correctional officers' capacity to respond as of the inmate's behaviour (Rostaing, 2014). It is thus not surprising to find

that officers' descriptions of problematic situations rely on interpretative repertoires that highlight their skills: success, prevention, and effort.

These descriptions of problematic situation focus not as much on the incident as on detailing the actions undertaken by the officers. Such reports often conclude on a positive note, specifying that the response ended the problem: "He tried to intimidate us with threats ..., officer [name of officer] closed the cell door hatch and the subject went and sat down." Although the officers have decided to refer the situation, often an instance of violence against staff or damage to the institution's property, to their superiors to have it officially punished, they are also careful to point out that they were able to maintain order on their own, thus countering the idea of incompetence that may be associated with referrals.

Similarly, expertise in prevention is emphasized to justify the referral and thus protect the officer's reputation. Two cases are characteristic of descriptions of the possible effects of a breach. The first deals with self-protection in response to aggressive behaviour: "This objectionable behaviour could potentially have resulted in injury to one or several CSOs [correctional service officers]." The ability to protect oneself is a highly valued skill among correctional officers, who, especially in situations of crisis, see themselves as a team. Some twenty reports that invoked the repertoire of prevention had been filled out by officers who were not the primary target of the behaviour. In these cases, not only does the officer reporting the incident prove that he is not a security risk for his colleagues, he also demonstrates that he can protect them in chaotic situations. The second situation in which the repertoire of prevention was found involved descriptions of problematic situations around drug trafficking. These reports carefully list the prohibited items that are circulating within the establishment, as well as the way in which this takes place. Doing so provides information about illicit practices as well as evidence of the officer's perspicacity: "You tried to smuggle in cigarettes by hiding them in the lining of your coat." Aside from these examples, most of such reports deal with the possession of items associated with direct threats to the health and safety of other detainees or staff (razor blades, adulterated alcohol, medications, and narcotics). In these cases, if officers are unsure about the substance's nature, they resort to simply describing it: "5 orange tablets (unidentifiable), 6 Zyprexa 10 mg tablets (antipsychotics)". By doing this, they avoid mistakes

that could later invalidate the disciplinary report, thus demonstrating their competence in invoking the authority of their superiors.

The effort involved is also highlighted in the wording of the disciplinary reports grouped here. In some of these reports, the text is carefully constructed to show that officers are not responsible for the prisoners' behaviour. In formal terms, these reports describe interventions used in the past in response to similar violations. The repeated and varied attempts described serve as evidence of the effort invested in trying to remedy the issue. This inventory of effort can also be seen when an officer insists that, despite the fact that he had acted correctly, the detainee still behaved badly: "I politely asked you ... "

Within the industrial order, although the conflict emerges between a correctional officer and an inmate, the parties at stake are the correctional officers and the disciplinary committee. The order of worth invoked here refer to the effectiveness and professional capabilities of the officers involved (Boltanski and Thévenot, 1991). Given this, reports tend to highlight the officers' skills by calling attention to their successes, their acuity in terms of prevention, and their repeated effort. In contrast to violations emphasizing the legal validity repertoire described above, in which recognition of the violation was self-evident and therefore did not require explicit explanation as the law "speaks for itself," here the description of the problematic situation is what justifies its referral. It does so, moreover, by inverting the presumption of incompetence institutionally associated with referrals. The work of self-presentation (Goffman, 1959) that is part of the report directs the disciplinary committee to recognize and punish the incident not only because it contravenes regulations but also because the officer has shown himself worthy of recognition by his superiors.

The domestic order and socio-educational intervention

In the domestic order, conflicts are managed by relying on dependency relationships between individuals, which are thought to be—and should be—based on respect, loyalty, and fidelity (Lafaye, 1990). In this order of worth, the arguments put forward to justify the referral and resolution of a problematic situation involve the relationship between the officer and the prisoner. as the arguments illustrate the complex and, to some extent, contradictory rapport that exists between them. Prison relationships are characterized not only by interdependence but by a

difficult balancing act related to the officers' responsibilities for both security and support. As part of their official role, officers must provide guidance to prisoners. The repertoire of the lecture and reasonable consequence is captured in the delicate equilibrium revealed in the wording of officers' complaints.

The repertoire of the lecture involves respect for authority. It is present especially in the 90 reports that concerned abusive language directed at officers: "you refused to cooperate with the officers' instructions, specifically that you stop insulting the officers with threatening words such as '*shut your trap, go to hell*'" When looking at the formal aspects, this repertoire is distinguished by its reference to professional category rather than individual identity: "you demonstrated a lack of respect for an officer." Rather than specifying the victim of this lack of respect, the incident is expanded to the professional category, thus becoming a general attack on authority. The safety and well-being of prisoners depends on the goodwill of officers and, given this, prisoners are expected to show respect. An affront to authority can potentially result in a referral to the disciplinary committee as a lesson in learning how to live together.

The domestic order is also revealed in the repertoire of what are considered to be reasonable consequences. Here, disciplinary reports demonstrate a form of benevolence towards the pupil, in this case the detainee. In formal terms, correctional officers often spoke directly to the inmate rather than to the members of the disciplinary committee, at times referring to the inmate directly as "you": "... you pushed me against the wall when I asked you to go back to your cell." The report is addressing the prisoner, making an attempt to get through to them. Mitigating factors in the breach, such as shared responsibility, are also noted: "You told me it was because he had sought you out and that you lost your temper." In other cases in this repertoire, officers confirm in writing that the detainee had cooperated, for example during a search. The statements in these examples show that prisoners had admitted their mistakes. The detainee is educated by being told why the behaviour was inappropriate as well as why the complaint was necessary. Any repentance is noted. Recourse to disciplinary action thus becomes a form of socio-educational intervention that includes suggestions for clemency. In its demonstration of sensitivity to both the inmate and the situation, the referral to the disciplinary committee positions itself as the reasonable consequence of a negative behaviour, thus preserving the exchanges and accommodations between officers and inmates that are necessary

in maintaining order (Benguigui, 1997; Benguigui et al., 1994; Chantraine, 2004; Vacheret and Milton, 2007).

In his research on prison discipline, Fernandez (2015) asks:

“what is the objective and the meaning of these judgements and disciplinary punishments for the actors who implement them within the prison walls? Is it simply a question of punishing deviance and/or diminishing the risk of recidivism in prison or even outside its walls? Is maintaining order, which is at the heart of this punishment, not a moral action as well as a desire to transform prisoners in the short or long term?” (p. 380)

Rostaing (2014) answers these questions by stating that the discipline implemented by correctional officers is “devoid of content, with no intent to change individuals in the medium or long term. It does not, contrary to Foucauldian thought, have the objective of shaping bodies and minds” (p. 307). It can be difficult to distinguish the private motivations involved in the disciplinary reports. However, the act of writing complaints demonstrates that socio-educational intervention carries sufficient weight for it to be invoked as justification for a disciplinary action and suggested as a way to govern its resolution. It may not be possible to claim that the individual has been deeply changed, but the presence of these repertoires proves that appealing to learning and reasoning is a legitimate option when using disciplinary action to end a behaviour. The idea that behaviour can be changed by punishment is not repudiated (Fernandez, 2015) and, rather than being opposed, is enlisted in maintaining order in prison.

The order of opinion and discreditation

Within the order of opinion, conflicts are resolved according to an individual's status, which is based on recognition by others (Nachi, 2009). In disciplinary reports that invoke the regime of opinion, it is the detainee, more than the act, that is described. This occurs when the complaint notes the prisoners' lack of cooperation, alludes to their intractable nature, or specifies that they lied. It also occurs when the description of the incident results in an implicit characterization of the detainee, which is always negative.

A significant level of negative emotion is found in the roughly 100 reports of problematic situations involving the use of offensive language. In these reports, the inmates' words are transcribed verbatim: "... you began calling me names and threatening me *'fucking bitch, slut, you poorly fucked, dirty screw, if I catch you outside, I'll slug you, I'll fuck you in the ass.'*" In reporting them word for word, the officer not only demonstrates a concern for accuracy but also pushes members of the disciplinary committee to experience the shock and fear generated by the insults. The complaint demands that the authorities recognize the seriousness of the feelings triggered (Laé, 1996).

In the same vein, some 30 reports resort to packing, that is compiling a list of repeated breaches that occurred on different dates. The routinization of the problematic behaviour is marked by the use of expressions such as "every time that," "you have continued to," "you have several times ...," "you do not stop," "I have asked you several times," and "in spite of my several requests to stop." In certain instances, terms that amplify the behaviour are included: "you even ..." This suggests that the prisoner's subsequent behaviour was worse than the one first reported. Reading these disciplinary reports, one is aware of both the situation's gravity and the exasperation of officers trying to deal with an individual they find obstinate.

In certain cases, correctional officers emphasize the inmate's self-awareness and poor choices: "A notice saying not to use this shower was communicated to all inmates. However, the inmate in question continued to use the shower, causing damage." Recurring expressions cite responsibility: "you knew that," "you deliberately," "voluntarily," "intentionally." The detainee's malicious nature is noted.

Recourse to caricature is also used as a way to establish distance from the detainee. In these cases, correctional officers portray themselves as calm and in control, while inmates are described as uncontrollable and unpredictable: "when I was handing out meals, I asked you if you wanted hot water ... you called me a bitch ..." The contrast between officer and inmate is clear. In several reports, the officer sometimes ridicules the detainee: "all this because you thought that ..." Depicting one's opposition as absurd is a technique that makes it possible to short circuit any possible objections from the opposing side (Boltanski et al., 1984).

Finally, in approximately 40 descriptions of problematic situations, rather than naming the prisoner, the officers employ impersonal descriptors such as “the subject” or “the incarcerated individual.” This depersonalization suggests distance and coldness between the detainee and the officer. In the language of pragmatic sociology, it acts as a mechanism that increases the likelihood that the complaint will be heard: the two parties must be seen as distant from one another; without this distance, the complaint will appear to be a conflict between closely associated individuals, which does not justify the intervention of a higher authority (Boltanski et al., 1984).

The disciplinary reports that mobilize the order of opinion concern a single conflict between officers and detainees. Far from being a learning opportunity within the context of an interdependent relationship, as was the case in the domestic regime, here the problematic situation is seen as a conflict between atomized and opposed individuals. In the order of worth, the respective status of the parties involved serves as the premise for dispute resolution. Reports of problematic situations undermine the status of detainees by exposing the negative emotions they provoke: fear, exasperation at the repetition of actions, irritation with the malicious nature of a detainee, or coldness and distance. Since, in this order of worth, an individual’s status is established based on the opinion of others, the officer employs discursive strategies that influence the opinion committee members have of the act and, especially, of the inmate.

Discussion

Prison regulations prohibit not only physical violence but abusive language, illicit exchange of items, refusal to participate in activities, and much more. Given the range of behaviours prohibited, it seems likely that many of the interactions and events that take place daily, particularly those that are most visible, could be the basis of disciplinary reports. There is a large “dark figure” in discipline – a low number of referrals to the disciplinary committee is one criterion of the competence of correctional officers (De Galembert 2014; Rostaing 2014). The gap that exists between referable and referred situations raises several questions. Following the insights of pragmatic sociology, we understand a disciplinary report to be a complaint that asks to be heard by a higher authority able to provide a just resolution to the conflict. The complaint inevitably involves a reconstruction of events (Acosta, 1987). Using discursive resources, it

attempts to convince the authorities of the distinctive nature of the conflict, i.e., that it differs from the usual problematic situations, which are generally managed through the informal regime of rightness. In doing this, the document frames the event using a specific order of worth, therefore suggesting the principle to be used in assessment and dispute resolution. Our objective has been to document the orders of worth used in correctional officers' reports of problematic situations.

When correctional officers are asked about the best way to write up a report of a breach, all of them mention the importance of answering certain basic questions: who, what, when, where, and how (Chamberland, 2014). However, this emphasis on substance fails to capture the variety of universal ideals referred to and the symbolic effect of these reports, two elements that are used to appeal to higher authority and create complaints that will be accepted by the disciplinary committee.

Discourse analysis through interpretative repertoires showed that officers used four orders of worth when wording disciplinary reports. The civic order and the repertoire of legal validity emphasize protection of the common good as the principle to be taken into account in resolving conflicts and finding solutions. Such reports demonstrate an objectification of the facts, of the law, as well as an appeal to quantity. Violation of the rules, which guarantee the well-being of all, is in itself, sufficient justification for a higher authority to intervene. It is not insignificant that several of the breaches described in the complaints we analyzed refer to acts of physical violence. The industrial order promotes professional competence as the basis for settling disputes: in their description of problematic situations, correctional officers highlight the success of their efforts and the need to act to prevent damage or provide other examples that illustrate their efforts to control an uncooperative inmate. In these cases, the disciplinary committee's intervention can be seen as a symbolic wage for, and recognition of, the officer's skills. The domestic order emphasizes the importance of tradition and authority in the series of personal attachments found in prisons. In the description of problematic situations, this order can be identified by its use of the repertoires of learning and reasonable punishment. Following the principle of socio-educational intervention, prisoners must learn to respect a benevolent authority that guarantees both safety and security. Finally, descriptions of problematic situations also involve the order of opinion, conflict resolution based on assessment of the parties involved. In

their descriptions of problematic situations, correctional officers discredit the inmate involved by emphasizing the level of emotion they had to deal with, listing multiple offences, suggesting the actions were unrelenting, or highlighting an inmate's malicious nature by caricaturing him or, more rarely, depersonalizing him.

Correctional officers who turn to formal authorities find that they have to deal with a certain "indignity involved in their invoking of [disciplinary] law," (Durand, 2014). They are legitimate representatives of law and order who must "keep the law in reserve," (Rostaing, 2014). The way their documents are written shows that the disciplinary reports perform a wide variety of functions. They maintain the law, of course (civic regime and legal validity), but at the same time they work to repair the tarnished image of officers who have had to ask for help from their superiors (industrial regime and valorization of competence). The way complaints are written also affects the way the conflict and its resolution are understood by either diminishing (domestic regime and socio-educational intervention) or accentuating (regime of opinion and discreditation) the distance between the two parties, and, in so doing, reveal the acrimony in the conflict that is the basis for the referral.

Maintaining order in prison is not an easy task. In addition to the host of interpersonal skills that officers employ on a daily basis to ensure that the informal regime of rightness is maintained, they must also keep in reserve the justice regime, the regime that takes over once conflicts are formalized. It is this know-how that can be seen in their ability to effectively enlist different justification regimes, providing the higher authority with an interpretive framework while also encouraging it to validate the disciplinary report. The identification and shaping of problematic situations are thus to be understood as interactional and collective accomplishment (Prus, 2003). Rather than assuming that structures, particularly those embodied in regulations, have a decisive impact, we elected to look at the performativity of social fabric (Latour, 2005). Studying the development, identification, and handling of problematic situations means studying prison order and justice in the making. Every problematic situation is a moment of negotiation between the acceptable and the unacceptable, as well as the means of maintaining the boundary between the two. Justice is not instituted once and for all: it is administered, renewed – and potentially modified – in every interaction. Within this perspective, the way problematic situations that are encountered every day are put into words in disciplinary reports provide a rich

laboratory for observing the negotiation of justice, or justices, within the prison context. Our analysis of problematic situations selected and described in disciplinary reports contributes to shedding light on the negotiations over the criteria and rationales used in the production of justice in prison.

Références

Acosta, F. (1987). De l'événement à l'infraction : le processus de mise en forme pénale. *Déviance et société*, 11(1), 1-40.

[Google Scholar](#)

Atkinson, P. et Coffey, A. (1997). Analysing documentary realities. In D. Silverman (ed.), *Qualitative research: Theory, method and practice* (p. 45-62). London, UK: Sage Publications.

[Google Scholar](#)

Beauregard, V., Chadillon-Farinacci, V., Brochu, S. & Cousineau, M.-M. (2013). Enforcing institutional regulations in prison settings: The case of gambling in Quebec. *International Criminal Justice Review*, 23(2), 170-184.

[Google Scholar](#) [10.1177/1057567713486806](#)

Beetham, D. (1991). *The legitimation of power*. London, UK: Macmillan.

[Google Scholar](#) [10.1007/978-1-349-21599-7](#)

Benguigui, G. (1997). Contrainte, négociation et don en prison. *Sociologie du travail*, 39(1), 1-17.

[Google Scholar](#) [10.3406/sotra.1997.2302](#)

Benguigui, G., Chauvenet, A. et Orlic, F. (1994). Les surveillants de prison et la règle. *Déviance et société*, 18(3), 275-295.

[Google Scholar](#)

Boltanski, L. (1990). *L'Amour et la justice comme compétences. Trois essais de sociologie de l'action*. Paris, France: Métailié.

Google Scholar [10.3917/meta.bolta.1990.01](#)

Boltanski, L., Darré, Y. & Schiltz, M.-A. (1984). La dénonciation. *Actes de la recherche en sciences sociales*, 51, 3-40.

Google Scholar [10.3406/arss.1984.2212](#)

Boltanski, L. & Thévenot, L. (1991). *De la justification. Les économies de la grandeur*. Paris, France: Gallimard.

Google Scholar

Boltanski, L. & Thévenot, L. (1999). The Sociology of Critical Capacity. *European Journal of Social Theory*, 2(3), 359-377. [Google Scholar](#)

Chamberland, C.-A. (2014). *Le processus disciplinaire des prisons du Québec : Une histoire de logiques* (Mémoire de maîtrise, Université d'Ottawa). Found at <http://dx.doi.org/10.20381/ruor-3750>

Google Scholar

Chantraine, G. (2004). Ordre, pouvoir et domination en détention. Les relations surveillants-détenus dans une maison d'arrêt en France. *Criminologie*, 37(2), 197-223.

Google Scholar [10.7202/010710ar](#)

Chauvenet, A. (2005, mars). *La violence carcérale en question*. Communication presented at the Colloque Prisons et mutations pénales. Ottawa, Ontario.

Google Scholar

Chauvenet, A. (2006). Privation de liberté et violence : le despotisme ordinaire en prison. *Déviance et société*, 30(3), 373-388.

Google Scholar

Chauvenet, A. (2010). « Les prisonniers » : construction et déconstruction d'une notion. *Pouvoirs*, (135), 41-52.

Google Scholar [10.3917/pouv.135.0041](#)

Chauvenet, A., Benguigui, G. & Orlic, F. (1993). Les surveillants de prison : le prix de la sécurité. *Revue française de sociologie*, 34(3), 345-366.

[Google Scholar 10.2307/3321972](#)

De Galembert, C. (2014). « La prière qui n'existe pas ? ». Sociologie d'une mise à l'épreuve du droit disciplinaire en maison centrale. *Droit et société*, 87(2), 349-374.

[Google Scholar](#)

Durand, C. (2014). Construire sa légitimité à énoncer le droit. Étude de doléances de prisonniers. *Droit et société*, 87(2), 329-348.

[Google Scholar](#)

Faugeron, C. (1980). *Régulations et contrôle social. Le problème du renvoi*. Paris, France: Service d'études pénales et criminologiques.

[Google Scholar](#)

Faugeron, C., Fichelet, M. & Robert, P. (1977). *Le renvoi du déviant*. Paris, France: CORDES.

[Google Scholar](#)

Felstiner, W. L. F., Abel, R. F. & Sarat, A. (1991). L'émergence et la transformation des litiges : réaliser, reprocher, réclamer. *Politix*, 16, 41-54.

[Google Scholar 10.3406/polix.1991.1477](#)

Fernandez, F. (2015). Lorsque la prison (se) rend justice. Le traitement contemporain de l'indiscipline carcérale. *Déviance et société*, 39(4), 379-404.

[Google Scholar 10.3917/ds.394.0379](#)

Goffman, E. (1959). *The presentation of self in everyday life*. Garden City, NY: Doubleday.

[Google Scholar](#)

Hepburn, J. R. (1985). The exercise of power in coercive organisations: A study of prison guards. *Criminology*, 23(1), 145-164.

[Google Scholar 10.1111/j.1745-9125.1985.tb00330.x](#)

Hulsman, L. & Bernat de Celis, J. (1982). *Peines perdues : le système pénal en question*. Paris, France: Centurion.

[Google Scholar](#)

Ibsen, A. Z. (2013). Ruling by favors: Prison guards' informal exercise of institutional control. *Law and Social Inquiry-Journal of the American Bar Foundation*, 38(2), 342-363.

[Google Scholar](#) [10.1111/j.1747-4469.2012.01307.x](#)

Laé, J.-F. (1996). *L'Instance de la plainte. Une histoire politique et juridique de la souffrance*. Paris, France: Descartes et Cie.

[Google Scholar](#)

Lafaye, C. (1990). Situations tendues et sens ordinaire de la justice au sein d'une administration municipale. *Revue française de sociologie*, 31(2), 199-223.

[Google Scholar](#) [10.2307/3322427](#)

Lascoumes, P. & Serverin, E. (1988). Le droit comme activité sociale : pour une approche wébérienne des activités juridiques. *Droit et société*, 9, 165-187.

[Google Scholar](#) [10.3406/dreso.1988.999](#)

Latour, B. (2005). *Reassembling the social. An introduction to actor-network theory*. Oxford, UK: Oxford University Press.

[Google Scholar](#)

Nachi, M. (2009). *Introduction à la sociologie pragmatique*. Paris, France: Armand Colin.

[Google Scholar](#)

Potter, J. & Wetherell, M. (1987). *Discourse and social psychology*. London, UK: Sage.

[Google Scholar](#)

Prior, L. (2008). Repositioning documents in social research. *Sociology*, 42(5), 821-836.

[Google Scholar](#) [10.1177/0038038508094564](#)

Prus, R. (2003). Policy as a collective venture: A symbolic interactionist approach to the study of organizational directives. *International Journal of Sociology and Social Policy*, 23(6/7), 13-60.

Google Scholar [10.1108/01443330310790589](https://scholar.google.com/citations?hl=fr&user=10.1108/01443330310790589)

Reynolds, J. & Wetherell, M. (2003). The discursive climate of singleness: The consequences for women's negotiation of a single identity. *Feminism & Psychology*, 13(4), 489-510.

Google Scholar [10.1177/09593535030134014](https://scholar.google.com/citations?hl=fr&user=10.1177/09593535030134014)

Rostaing, C. (2007). Processus de judiciarisation carcérale : le droit en prison, une ressource pour les acteurs ? *Droit et société*, 67(3), 577-595.

Google Scholar

Rostaing, C. (2014). L'ordre négocié en prison : ouvrir la boîte noire du processus disciplinaire. *Droit et société*, 87(2), 303-328.

Google Scholar

Sparks, R., Bottoms, A. & Hay, W. (1996). *Prisons and the problem of order*. Oxford, UK: Clarendon Press.

Google Scholar [10.1093/acprof:oso/9780198258186.001.0001](https://scholar.google.com/citations?hl=fr&user=10.1093/acprof:oso/9780198258186.001.0001)

Vacheret, M. et Lemire, G. (2007). *Anatomie de la prison contemporaine*. Montréal, Québec: Presses de l'Université de Montréal.

Google Scholar

Vacheret, M. et Milton, M. (2007). Peurs en milieu carcéral : quand sentiments et expériences diffèrent. *Criminologie*, 40(1), 185-211.

Google Scholar [10.7202/016020ar](https://scholar.google.com/citations?hl=fr&user=10.7202/016020ar)

Wetherell, M. & Potter, J. (1988). Discourse analysis and the identification of interpretative repertoires. In C. Antaki (ed.), *Analysing everyday explanation: A casebook of methods* (p. 168-183). London, UK: Sage Publications.

Google Scholar

Zauberman, R. (1982). Renvoyants et renvoyés. *Déviance et société*, 6(1), 23-52.

Google Scholar

Laws

Québec. Regulation under the Act respecting the Québec correctional system, chapter S-40.1, *revised December 31 2017*, [Québec], Éditeur officiel du Québec, c2017.

[Google Scholar](#)

Faire entendre sa plainte. Le savoir-faire mobilisé dans la composition des rapports disciplinaires en prison

Résumé

Maintenir l'ordre de façon autonome dans le secteur dont ils sont responsables témoigne de la compétence des agents correctionnels. Dans de rares cas, ces derniers choisissent néanmoins de renvoyer une situation problème au comité de discipline. La sociologie pragmatique nous invite à lire ce renvoi comme une plainte qui, pour être validée, nécessite le recours à un savoir-faire implicite porté par les documents. Notre analyse de discours des rapports disciplinaires produits sur un an dans une prison québécoise nous amène à cerner les ordres de justice et les répertoires interprétatifs mobilisés par les agents qui voient à faire entendre leurs plaintes. Cette incursion dans la forme et le contenu du rapport disciplinaire nous convainc de l'intérêt de se pencher sur les documents comme médiateurs entre les paliers de la justice carcérale.

Mots-clés

Prison, discipline, sociologie pragmatique, analyse de discours, documents.

Hacer oír su denuncia. El "saber-hacer" movilizado en la composición de los reportes disciplinarios en la cárcel

Resumen

Mantener el orden de forma autónoma en el sector del que son responsables demuestra la competencia de los agentes correccionales. En algunos casos raros, estos últimos escogen reenviar una situación problemática al comité disciplinario. La sociología pragmática nos invita a leer esta transferencia como una denuncia que, para ser validada, requiere el recurso a un "saber-hacer" implícito, orientado por los documentos. Nuestro análisis de discurso, de los reportes disciplinarios producidos en un año en una cárcel quebequense, nos conduce a identificar las órdenes de justicia y los repertorios interpretativos movilizados por los agentes que participan a

hacer escuchar sus denuncias. Esta incursión en la forma y en el contenido del reporte disciplinario nos convence del interés de orientarse hacia los documentos como mediadores entre los escalones de la justicia carceral.

Palabras clave

Cárcel, disciplina, sociología pragmática, análisis de discurso, documentos.