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Management Strategies in Disturbances and with Gangs/Disruptive Groups

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PREFACE

Prison disturbances range from minor incidents that disrupt institution routine to major disturbances that involve a large proportion of inmates and threaten security and safety. Realizing that proactive management strategies and informed readiness can reduce the potential damage of prison disturbances, many departments of corrections are seriously addressing the need both to prevent and to plan for managing such disturbances. Administrators are also looking for better ways to avert the potentially violent activities and serious problems caused by prison gangs and organized groups.

In response to the need for improved, current information on how corrections departments might prepare themselves to deal with the problems of both gangs and disturbances, the NIC Prisons Division and the NIC National Academy of Corrections sponsored special issue seminars entitled "Management Strategies in Disturbances and with Gangs/Disruptive Groups" in Boulder, Colorado, and in Baltimore, Maryland. Participants in each seminar included prison administrators and central office managers responsible for institution security. The seminar not only emphasized management principles directly related to controlling gangs/disruptive groups and preventing disturbances, but also identified specific techniques for responding to disturbances if they do occur. The seminar staff is listed in the Appendix.

The material in this publication is based on the seminars and was developed by the staff of the NIC Information Center, a correctional consultant, and staff of the NIC Prisons Division. This publication is not designed to cover all eventualities or to provide detailed guidance in preparing a disturbance control plan that will suit all agencies or institutions. However, its purpose is no less important: to increase awareness of key issues and to describe the best current thinking in addressing them. Unless otherwise indicated, all material in this report is from the training provided in the seminars or from the comments of those who participated. It is hoped that this publication will be useful to those looking for a concise guide to handling disruptive influences and events in institutions. Questions on the topic may be referred either to the NIC Information Center, 1790 30th Street, Boulder, CO 80301, 303-939-8877, or to the NIC Prisons Division, 320 First Street, NW, Washington, DC 20534, 202-307-1300.

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MANAGING PRISON GANGS/DISRUPTIVE GROUPS

Prison gangs and disruptive groups present difficult problems for administrators. Gangs are known to perpetuate criminal activity, and they threaten violence and total disruption of an institution. Operating through force, intimidation, and secrecy, gangs' potential for destructive activity is recognized by most corrections officials. A 1985 study identified active prison gangs in 33 of 50 states and noted that the gangs' impact on these systems varied greatly.¹ Evidence suggests that the presence and the power of prison gangs continue to grow. The day-to-day strain of dealing with informal and organized groups of inmates is less discussed in the literature, but it, too, is nevertheless a real problem.

The NIC Prisons Division Special Issue Seminar emphasized gang management and control strategies. However, presenters and participants also noted the importance of effectively managing other inmate groups and preventing them from engaging in destructive activities.

INMATE GROUPS

Inmate groups can develop around almost any similarity, including geography or religion, although most are organized around race or ethnicity. In any correctional facility, inmates tend to be divided into small, competitive social units. Most institutions have formally organized racial, cultural, and religious organizations to serve and structure these units.

These organized groups differ from gangs in that they have been granted legitimacy, either formally or informally, within the institution. Many have a positive value in meeting inmates' needs for cultural identity, religion, or leisure time activity.

Like gangs, however, inmate groups have the potential to be very disruptive if administrative responses are inadequate. Groups can engage in ganglike manipulation and attempt to control recreation areas, jobs, narcotics, sexual activity, and flow of canteen goods and contraband. Groups' ethnic or regional competitiveness or their insistence on special privileges can cause significant disruption in the normal operation of an institution. For example, any group defined as a "religion" can, on that basis, demand privileges such as specialized diets or arrangement of meeting times and places.

Institutions should always monitor the activities of both formal and informal groups and take steps, if necessary, to control them. One way that administrators can help ensure that organized groups do not interfere with the smooth working of an institution is to establish highly structured procedures for obtaining official recognition and approval of such groups. For instance, it is important for inmate groups to be guided and limited by written policies and procedures and to have clearly stated goals and objectives by which their activities and proposed activities can be measured and allowed or disallowed.

The presence of a staff monitor/sponsor at every meeting is a strong deterrent to the development of negative leadership in the group. Administrators have learned that the best way to work with inmate groups is to encourage constructive activities as well as to insist from the beginning that such groups operate under the authority of the administrator.

Distinguishing Between Inmate Groups and Prison Gangs

To determine whether an inmate group is in fact a gang or operates as a gang, four criteria may be applied:

- Does the group have an organized leadership with a clear chain of command?
- Does the group remain unified through good times and bad, and during conflict in the institution?

¹ Camille and George Camp, Prison Gangs: Their Extent, Nature, and Impact. South Salem, N.Y.: Criminal Justice Institute, 1985.

- Does the group demonstrate its unity in obvious, recognizable ways?
- Does the group engage in activities that are criminal or otherwise threatening to institution operations?

These criteria and four generally shared traits--loyalty, unity, identity, and reward of members' criminal or antisocial activity--differentiate gangs from other inmate groups.

Although groups and gangs can share some of these traits, it is important to differentiate legitimate groups from gangs and to respond differently to them. Examples of recognizable inmate groups that may not be gangs include "lifer" organizations, Prison Fellowship, Black Muslim, and similar organizations. Members of these groups exhibit identity, loyalty, and unity. However, unless they engage in criminal activity, they should be treated as groups, not gangs. Similarly, groups of Cuban Marielitos may engage in criminal activity, but in the absence of a leadership structure and continuing group unity they should not be considered prison gangs. Without adequate controls being applied, however, legitimate groups--though lacking gang structure--may indeed become disruptive groups engaging in various types of illicit activity.

PRISON GANGS

In the early 1960s the California prison system was assaulted by groups of inmates organized into prison gangs. Their organization was so firmly entrenched before authorities understood the danger confronting them that control of the institutions was seriously threatened. This phenomenon has been repeated in numerous jurisdictions as the presence and influence of gangs has spread throughout the country.

Gang Membership

At present, prison gangs exist almost exclusively in male correctional institutions. Women may be involved in gang activities, but they are rarely members. Instead, they serve as "runners," supplying husbands or boyfriends with information or contraband from the outside. If the women are incarcerated, they may act as "go-betweens" for gang members.

Another determinant typical of prison gang membership is race, with prior gang affiliation or association and geographic influences also of considerable importance. Religious and political beliefs as well as shared lifestyles may also influence membership.²

Gang membership can be generally divided into three categories: leaders, hard-core members, and marginal members. A gang's leadership and hard-core members ordinarily make up only 15 to 25 percent of the total membership.³ Other inmates in an institution, although not members, also may assist a gang in its activities to gain access to narcotics, contraband, etc., or for protection. Such alliances can transcend social, racial, geographic, and political factors, however, as is the case in the Illinois corrections system. There, alliances formed by inmates of varied backgrounds have led officials to view the system's gang situation as nonracial.

Most gangs' efforts to increase power and enlarge their sphere of influence will involve recruitment of new members. Growth is achieved primarily through three sources:

- Bringing street gang members into affiliation with the prison gang;
- Including gang members from other correctional jurisdictions who have been transferred into the facility under the Interstate Compact; and

² For a full discussion of gang membership determinants, see Camp, *ibid.*

³ Figure provided by Fred Spada, Gang Control Unit, Illinois Department of Corrections. His estimate is supported by Robert Briggs, California Department of Corrections.

- Recruiting inmates in the institution, often through threat and intimidation.

Prison gangs also attempt to sustain their membership strength through threats of violence. An inmate may risk his life if he betrays or drops out of the gang.

Gang Organization and Operation

The formal organization of a gang typically consists of a leader, lieutenants, and soldiers. The lieutenants often make up an advisory council, although the business and day-to-day operations of a gang are governed by the leader. While in theory gangs demand obedience to the command structure and adherence to a strict code of conduct, the degree of organization and member control varies greatly among gangs.

The operations of a gang revolve principally around extortion, drugs, in-house prostitution, gambling, and protection. A gang's criminal activities are usually directed toward nongang members of the inmate population. Violence and the threat of violence characterize a gang's methods of operation. Gangs also try to corrupt staff members, although staff involvement is generally limited to the introduction of contraband.

Prison gang leaders often instruct their members to cooperate with institution authorities in order to maintain a stable environment in which gangs can flourish. This approach can lead to conflicts between older and younger gang members, however, because younger members may be more likely to challenge authority. In reality, the prison gang organizational structure often supplants that of the institution. Gang members may give lip service to the staff but follow the dictates of the gang leadership.

As prison gang members have been released and their ties to gang members on the street have multiplied, prison gangs have also become involved in crime in the community. Drugs and prostitution are among their major activities, but legitimate businesses are also at risk. In addition, some gangs have devised strategies for gathering intelligence on law enforcement officers and activities.

Overview of Two Prison Gangs

Although prison gangs are no longer confined to West Coast institutions, those facilities have had the most extensive experience with gangs. The California Department of Corrections, for example, has developed substantial gang intelligence capabilities and has detailed the history, organization, and activities of most gangs operating in its institutions. The following overviews of two major gangs in California--the Mexican Mafia and the Black Guerilla Family--are intended to provide additional insight into prison gang membership and operations.

Mexican Mafia. The Mexican Mafia is considered the most powerful gang in the California correctional system. It espouses no political views and is totally crime oriented. As its name suggests, the gang is very homogeneous, with membership composed almost entirely of first or second generation Mexican-Americans. There currently is no formalized rank structure; status is measured by involvement in violent incidents. However, in every facility one or two highly respected members are recognized as leaders. Membership is for life. Voluntary dropouts are prohibited.

Formed in 1958 at the Deuel Vocational Institution, the Mexican Mafia's nucleus consisted of a group of young Mexican-Americans from East Los Angeles who wanted to develop a "gang of gangs" that would supersede traditional boundaries. They styled themselves after the Sicilian Mafia.

In a relatively short time, the gang was in control of most illicit activities valued by other inmates, including gambling, narcotics, homosexual relations, and debt collection. Attempts by the Department of Corrections to weaken the gang through transfer resulted in the spreading of membership throughout the correctional system. By the mid-1960s, the gang regulated heroin traffic and controlled much of the inmates' activities. Later, it successfully infiltrated several cultural groups supported and sponsored by correctional staff. Intelligence indicates that the Mexican Mafia has continued to be a dominant force in California institutions.

Beginning in the late 1960s, the Mexican Mafia began to move its operations into the community. Members inside have ordered "hits" on the street. Gang members have also been involved in numerous bank robberies. In addition, they attempted to take over federally funded drug abuse programs by getting gang members seated on the boards of directors. It was hoped that such positions would not only provide access to funds but also garner support from the Mexican community, which could then be used as a front for additional criminal activities. Although these efforts were uncovered, gang activity in the community continues.

Black Guerilla Family. The Black Guerilla Family is a black terrorist gang that follows a Marxist-Maoist-Leninist revolutionary philosophy. Its primary goal is to control the destiny of black inmates, particularly through educating them about racism and helping them maintain pride and dignity while incarcerated. The gang also advocates forceful overthrow of the U.S. government. They accept any black inmates, except homosexuals, who are willing to meet their standards.

The Black Guerilla Family is highly organized. It has a formalized rank structure consisting of a central executive committee, field generals, captains of arms, captains of squads, lieutenants, and soldiers. Members are responsible to the executive committee, to which all generals belong. The gang has also prepared an extensive constitution that goes so far as to specify procedures for leadership succession. The Black Guerilla Family follows a precise code of ethics, with punishments for violations.

Prospective members must have a sponsor who is a gang member. The sponsor must provide a report detailing the prospect's personal background and relationship with the sponsor. A screening committee investigates all information in the report. Once accepted, a member must take a death oath affirming a lifelong commitment to the gang.

The Black Guerilla Family originated in 1966 at San Quentin. Its organizer was George Jackson, a former Black Panther who was killed in a 1971 escape attempt. Leadership has remained relatively stable since Jackson's death. The gang has successfully recruited many disenchanting members of other black groups, and membership has grown rapidly.

Like the Mexican Mafia, the Black Guerilla Family has been able to infiltrate several cultural groups recognized and supported by the staff. This infiltration has provided the gang with greater access to the black inmate population and freedom of movement within California institutions. Infiltration also enabled the gang to communicate with outside revolutionary groups.

The gang considers law enforcement and correctional authorities to be its number one enemy. The gang is responsible for most serious assaults on and murders of California correctional staff.

The Black Guerilla Family has recently been struggling internally over whether to expand into criminal activity or remain politically oriented.

Early Warning Signs of Gang Activity

It is always easier to manage prison gangs in their initial stages of development, when membership is small and organization is relatively unsophisticated. Consequently, correctional administrators and their staffs should be alert to early indicators of gang activity.

An obvious sign of possible gang activity is the frequent association of specific individuals having a common tie such as ethnicity or street gang affiliation. Gatherings of such inmates may be observed, for example, in the dining hall or on the yard. These inmates may also display gang-related symbols such as tattoos, colors, and hand signals, although some gangs are moving away from such highly visible identifiers.

Graffiti may provide other visible signs of emerging gang activity. Although it may seem relatively innocuous, graffiti usually has some meaning. In regard to prison gangs, it may involve use of gang symbols or refer to gang monikers (aliases). Graffiti should be documented and examined for both its significance and relationship to gang operations. Graffiti and gang symbols should not be allowed to proliferate.

Another signal to administrators of possible activity is the recent **admission of inmates from the western half of the United States**. Existing prison gangs are most strongly entrenched in western states, and inmates from these states may have prison gang or street gang affiliations. If so, they are likely to augment the membership of existing gangs or start organizing new gangs when they enter the prison system in other states. The corrections staff should attempt to substantiate gang membership of out-of-state inmates by using identification strategies such as those discussed below.

In addition, an increase in disruptive behavior among inmates, particularly assaults on other inmates, may signal gang activity. As noted previously, prison gangs typically operate through violence or threat of violence, generally attempting to conceal their involvement. An inmate stabbing may, for example, seem to be the result of an argument between a drug user and supplier. However, if drug trafficking is controlled by a prison gang, the assault is likely to have been ordered by gang leadership. The correctional staff should examine closely all violent incidents to ascertain whether gang activity lies at the root of these incidents.

Similarly, an increase in the demand for protective custody may signal an increase of gang intimidation. An intelligence-gathering staff should extensively interview protective custody inmates to determine the degree of gang influence affecting such placements.

Finally, informants may be able to furnish information concerning the development of prison gang activities. Informants should be questioned about the existence of gangs at the institution and about recent events at the facility and elsewhere in the system. Because much gang-directed activity is camouflaged as isolated incidents between inmates, informants also should be asked about violent or disruptive occurrences.

Identification of Gang Members

Prison gangs attempt to avoid staff attention, operating behind the scenes when possible. However, as a group solidifies, it develops signs of recognition and identification. These signs may include tattoos, colors, and hand signs. The staff should be alerted to the importance of recognizing such symbols. Reference guides can be prepared to profile known gang-related tattoos, dress codes, etc., and staff training can include visual presentations that demonstrate the use of hand signs, walking motions, and other characteristic behaviors.

Some states, including California, Nevada, and Texas, have developed formal validation processes for determining and documenting an inmate's gang affiliation and activities. Formal validation of gang membership is a tool by which correctional administrators can identify, monitor, and manage gang members. Validation is based on specific criteria related to gang affiliation (behavior, signs, activities, etc.) and can serve as an important tool in classification, housing, and parole considerations.

Validation processes currently in use suggest numerous sources of information that can be used to determine gang membership, including the following:

- **Self-Admission:** An inmate may admit that he is a gang member. This inmate should be asked to sign a self-admission statement. Self-admission should not be the sole source of membership validation since an inmate may lie in order to intimidate others or for personal advantage.
- **Presentence Investigation Report:** This document may contain information about an inmate's street gang affiliation and activities.
- **Staff Information:** An inmate's central file may include staff reports that substantiate gang affiliation.
- **Confiscated Gang-Related Documents:** These materials may provide membership lists or notes and letters from confirmed gang members. An inmate may also possess items (e.g., photographs, insignias, correspondence) that establish gang membership.

- **Disciplinary Records:** An inmate's disciplinary file may reveal involvement in illegal activities associated with prison gangs (e.g., drug trafficking, gambling, homicide). Such involvement may substantiate gang affiliation.
- **Records of Previous Incarceration:** Facilities operated by the federal government, county jails, or other states may have information pertaining to an inmate's gang affiliation or activities.
- **Known Associates:** Gang members typically associate only with one another. An inmate who fraternizes with known or suspected gang members or who was a codefendant with confirmed members may also be a gang member.

Gang membership information should be readily shared with receiving institutions as inmate transfers occur and with supervising agencies and law enforcement before the release of an inmate.

Surveillance of Gang Activity

Validation of prison gang membership provides a foundation for monitoring gang activities, as well as for tracking individual members. When membership has been confirmed, the staff should attempt to ascertain members' monikers or gang-related aliases. Both the agency and individual institutions should maintain a file of gang monikers. Such a file is a valuable resource in conducting gang surveillance.

Gang documentation affords another useful means of monitoring gang activity. Gangs tend to manifest their existence in such forms as membership lists, codes of conduct, artwork such as emblem designs for tattooing, and action plans. Staff members who conduct security searches should be watchful for such documentation.

In addition to such observable evidence, the staff may use other means to monitor gang presence in a facility. During the intake process, newly arrived inmates may be questioned matter-of-factly about the group with which they will affiliate or the persons or group from whom they would like to be separated. Such investigation can yield intelligence about the presence of gangs in an institution.

The inmate population can be a very direct source of information about gang activity within a facility. Inmates known to be former gang members or to have other gang ties should be thoroughly debriefed for data on gang membership, activities, and plans.

Animosities between gangs can sometimes work to the advantage of officials by increasing the likelihood that one gang's membership will inform institution authorities about the activities of another gang. Appropriate staff members should be attuned to the opportunity of taking advantage of such situations while following established procedures and remaining sensitive to the potential problems related to using inmate informers.

Gang surveillance requires constant vigilance by the staff, for once a gang is identified, it may "go underground" for a time and re-emerge with a new name and different symbolism.

GANG INTELLIGENCE PROGRAMS

An institution's usual intelligence and security procedures, including shakedowns, correspondence checks, and informants, provide important information concerning gangs in a correctional system. However, collecting data is only a first step in tracking the gang-related activities of an inmate over time. The information gained must be evaluated, systematized, and made readily retrievable if it is to be useful. Gang intelligence programs are effective only if intelligence information is cataloged and subjected to systematic analysis. Some gang intelligence programs that meet these criteria are described below.

State Programs

Development of a gang intelligence program is exemplified by the Illinois Department of Corrections. In the early 1970s, the Department was aware that highly sophisticated gangs were operating within its

system. However, information concerning their membership and activities was disjointed at best and was not centrally available. To remedy these problems, a separate administrative unit was established to collect and systematize information relating to gangs. When established, the unit began investigating gang presence on a facility-by-facility basis. Membership lists were developed, and information on gangs' strengths and weaknesses was recorded. This information was coordinated on an agencywide basis and computerized. The Department continues to maintain this database and has designated full-time staff to oversee its management.

The Department also established communication links with law enforcement and other correctional agencies throughout the region. The Department now exchanges weekly reports with the Chicago Police Department, identifying gang members entering and exiting various facilities. Intelligence is shared with neighboring states, and every effort is made to ensure that inmates known to be involved in gang activity are so identified when transferred into or out of the system.

Two special organizations have been established in California to monitor extensive gang activity in the state. The first, the California Department of Corrections Law Enforcement Liaison Unit, was developed in 1963 under legislative mandate following the brutal slaying of a police officer by a parolee. Although not gang related, the incident demonstrated the necessity of communication and cooperation among corrections and law enforcement agencies. The unit operates out of the Department's central office and maintains three regional offices that serve as liaison centers for law enforcement officials. Agents assigned to the unit work with law enforcement in the investigation of all major crimes committed by parolees, and the agents also track gang members and their activities in the community. A separate, full-time gang intelligence section concentrates on the collection of gang-related data within the state's correctional facilities. An agent maintains contact with each correctional facility to gather intelligence and forward it to the regional offices. Special agents analyze and follow up on intelligence as appropriate.

The second California organization is the Prison Gang Task Force. The task force was formed in the early 1970s, when it became apparent that prison gang activities extended beyond the institutions. Criminal Gang Activity Coordinators from each institution meet monthly with representatives of more than 100 agencies to share information and concerns about gang activities. Included are federal agencies, the California Department of Corrections, state probation and parole agencies, and local law enforcement groups.

The Arizona Department of Corrections has developed a sophisticated, computer-based program to track gang members and associates. The program identifies inmates when they enter the correctional system and monitors their activities while incarcerated. The Department's efforts also involve two state parole officers as liaisons to ensure that the activities of gang members are tracked after they leave the institution on parole. The program is part of Arizona's emphasis on hard-line prosecution of gang members.

Information obtained through an agency's gang intelligence program should be considered highly sensitive. To maintain the information network, individuals serving as sources should remain confidential. Intelligence staff should work closely with the legal staff in developing policies and procedures governing source confidentiality.

Federal Programs

In response to the proliferation of disruptive groups, particularly prison gangs, the Federal Bureau of Prisons has organized a group known as the Federal Disruptive Group Task Force. Founded in 1982, the Task Force is composed of Bureau personnel and representatives of other federal agencies. In addition to a central office in Washington, D.C., the group has established coordinating offices in the Bureau's various regional divisions. The Task Force has two principal goals: to protect criminal justice staff and to promote orderly institutional operations. To achieve these goals, the group has undertaken three major objectives.

First, the Task Force has examined the extent of the gang problem. One of its key findings is that many apparently isolated incidents are actually gang related. For instance, an inmate may tell the staff that the murder of another inmate was due to a gambling debt when, in fact, there was a contract on the

victim's life. The Task Force also discovered that a substantial amount of criminal activity on the street is directed by gang members in institutions. Moreover, considerable interaction among gangs in different facilities is occurring, with the activities of one gang affecting those elsewhere. The Task Force has found that much more gang activity exists than was previously thought, especially beneath the surface. Awareness of the extent and nature of gang activities enables criminal justice system staff to devise proactive strategies for controlling prison gangs.

Second, to support the development of proactive responses, the Task Force evaluates and suggests strategies to deal with the prison gang problem. Among the strategies that have been examined are:

- Special housing provisions for gang members;
- Classification overrides to assign gang members to higher custody levels;
- Restricted privileges and limited access to community-based programs for gang members; and
- Targeting individual gang members.

These strategies are discussed in more detail in the section on Gang Control Strategies.

Third, the Task Force was charged with developing a communication network to assist with the management of prison gangs. A network for monitoring gang members under the Bureau's jurisdiction and for assessing the relationship between their individual actions and organized gang activities was developed. In practice, tracking of gang members often begins upon admission to a federal institution. However, efforts are made to initiate tracking at arrest. Identification of gang membership at this stage not only assists correctional personnel if the members are later incarcerated, but also helps ensure the security of detention facilities and courts and the protection of key witnesses. If gang members are confined in a correctional institution, information gathered there is used in managing inmates. Gang intelligence is also communicated to monitoring officers when gang members are paroled. Such information can assist the officers in determining where the gang members will be living and what they are expected to do on the street. Ideally, the communication network systematically incorporates information on gang members as they pass through the federal criminal justice system and disseminates this intelligence to staff members who can effectively use it.

The Federal Disruptive Group Task Force also exchanges gang intelligence with state correctional agencies. The Task Force checks with these agencies to ascertain the prior membership status of inmates entering the federal correctional system. In turn, the state agencies are provided with gang intelligence pertaining to former federal inmates.

Gang Intelligence Officer

Institutional administrators should establish the position of gang intelligence officer to ensure that their gang intelligence program and management strategies are coordinated and effective. This position may be full time or part time, depending on the magnitude of gang problems and the institution's needs. The gang intelligence officer position should be structured around several basic principles.

First, the position description should allow the gang intelligence officer latitude to circumvent certain of the institution's general policies and procedures. This staff member should, for example, be able to effect immediate transfers, housing changes, or other controls as inmates are identified as being involved in an illegal activity related to gang operations, with subsequent review through established procedures. Second, this officer should report directly to the institution administrator or an assistant administrator. Third, while the officer works closely with the internal affairs officer, the position should be separate from the internal affairs operations to enhance the intelligence officer's effectiveness. Fourth, the position should be designed to promote stability and capitalize on the officer's experience and knowledge. Fifth, the position should be assigned to a staff member whose rank is no lower than lieutenant. Finally, the position should be filled through an application process to ensure selection of an officer who is qualified for, interested in, and committed to the task.

The gang intelligence officer should be charged with the following responsibilities:

- Collection, maintenance, and analysis of gang-related information, including a validation file;
- Debriefing of ex-gang members;
- In-service training on gang intelligence, surveillance, and control;
- Development of a communication network with outside agencies;
- Attendance at local gang intelligence meetings; and
- Feedback to information sources to ensure continued coordination of activities.

In states where gang activity is limited, an intelligence officer may be assigned the duties described as appropriate for the gang intelligence officer to enhance the institution's vigilance in monitoring the presence of gang influence and activity.

GANG CONTROL STRATEGIES

Correctional officials agree that once gangs have become entrenched within a facility or system, strategies are better geared toward their control than their elimination. For any gang control strategy being considered, planners should assess the short- and long-term availability of resources, including funding, physical plant capabilities, staffing, and training needs. In addition, to minimize the chance that the enacted strategy will be declared improper by a reviewing court, legal counsel should be given a prominent role in reviewing proposed gang control efforts.

Two observations may be helpful in developing a gang control strategy. First, a gang may not be as closely controlled by its leadership or as cohesive as it seems. Marginal members can make up as much as 75 to 85 percent of the total membership, and some of these members may, in furthering their perceived best interests, act as a pipeline to useful information. Second, because a gang is usually controlled by a single leader with a dominant personality, removal of this person may result in a leadership vacuum and weaken the gang. Removal of prominent gang leaders from the general population is a strategy often used to weaken the gang structure and allow marginal members to rethink their relationship with the gang and its activities. It also sends a message that proliferation of gangs will not be permitted.

Housing Options

Various strategies for dealing with entrenched prison gangs are currently in use across the nation. One of the most widespread strategies focuses on special housing options for gang members. Some agencies transfer known, dominant gang members out of state. Others attempt to house their gang populations in separate facilities within the corrections system; these facilities are often operated under lock-down conditions. Agencies may also isolate gang leaders in special housing units within a facility to restrict their communication with their followers or may rotate known gang leaders among facilities for the same purpose. Each of these approaches is described below.

Out-of-State Transfers

Out-of-state transfer of prominent gang members is a common control strategy. Where gangs are either attempting to organize or are not yet fully entrenched in a facility's social structure, out-of-state transfers may help to stop or interrupt gang development and activity.

The Maine Department of Corrections closely watches and documents the activities of inmates whose present actions or previous associations indicate an inclination toward gang activity. If the agency determines that an inmate poses a risk to security, procedures are initiated to transfer the individual to

an institution in another state. The agency reports that this highly selective use of transfers has helped to inhibit the growth of full-fledged prison gangs within its system.

Where gangs are considered to be well established, out-of-state transfers are used primarily to create a power vacuum or to remove leaders or members who present a substantial danger to the smooth operation of the institution. Arizona has transferred many of its more disruptive gang leaders and hard-core members to other corrections systems, often to the Federal Bureau of Prisons. However, the involved jurisdictions recognize that, while such transfers may relieve them of particularly problematic cases, they have little impact on their gang situation as a whole. In addition, some correctional administrators believe that the policy of transferring gang members to other jurisdictions fosters the spread of gangs to receiving agencies and may lead to the formation of nationwide gang organizations.⁴

Use of Separate Facilities

When gangs are entrenched in a correctional system, agencies often attempt to house members in separate facilities. This practice, as policy and strategy, was first used by the Illinois Department of Corrections in the early 1970s. The Department abandoned this practice, however, when it found that it did not have the resources in its high-security institutions to house the many inmates who were confirmed gang members. The gang population among Illinois inmates has been estimated at 30 to 40 percent of the total inmate population, the highest proportion of any state. This large population stems from the fact that prison gangs in Illinois are an extension of street gangs, resulting in a constant influx of gang members into the correctional system.

Conversely, the Texas Department of Corrections has been successful with its strategy of placing all known gang members in a few high-security facilities. Inmate gang membership in Texas is estimated at 2 to 3 percent of the total incarcerated population.⁵ While this proportion is much smaller than that reported by Illinois, it represents a substantial number of inmates in Texas's large system.

Texas administers its gang control facilities under lock-down conditions. Moreover, gangs are segregated in such a way that all members of a specific gang are not housed in the same facility. This approach not only enhances conditions for the general population but also forces gang members to communicate more openly, thus facilitating surveillance activities. In addition, by housing antagonistic factions together, the Department agitates the destabilizing influences within gang structure. The extraordinarily tight control under which these facilities are operated has, to date, been accepted by the federal courts. It has been suggested that the courts' tolerance is an acknowledgment that drastic measures were needed to stem the gang violence that swept Texas facilities following the 1982 Ruiz decision.

The California Department of Corrections currently provides separate housing only for those gang members who are considered "hard core." Most of that state's hard-core gang members are held under lock-down conditions in maximum security facilities at Folsom and Tehachapi. Other less-violent members are located throughout the system according to security needs and to balance and minimize gang power and influence.

Isolation of Gang Leaders

Isolation of gang leadership is another strategy for managing entrenched gangs. California keeps known gang leaders separate from the rest of the gang population by holding them under conditions comparable to disciplinary segregation. This policy was adopted when courts rejected the practice of grouping gang members together in certain facilities and the practice of rotating leaders from institution to institution

⁴ See David A. Ward and Allen F. Breed, U.S. Penitentiary, Marion, Illinois: A Report to the Judiciary Committee, U.S. House of Representatives. Washington, D.C.: U.S. Government Printing Office, December 1984; and Camp, ibid.

⁵ Estimate was derived by using prison population data from the ACA Directory, 1985 edition, and a July 1986 figure for known gang members cited by Lester H. Beard, Texas Department of Corrections, in Corrections Today 48:5, July 1986, p. 18.

on a routine basis. Illinois adopted its current strategy of rotating gang leaders through its system when the courts rejected the practice of separate, segregated housing for gang members. The courts ruled that such segregation was improper in the absence of a specific disciplinary code violation.

Targeting Individual Gang Members

Another approach to gang control involves targeting individual gang members, which can take several forms. One form stresses the identification of members who may be vulnerable to defection or to use as informants. For instance, some agencies focus on younger gang members because they are more likely to want to avoid the possibility of adding time to their sentences by engaging in illicit activities associated with prison gangs. Texas attempts to provide "escape valves" for members who have joined gangs out of a need for protection.

A second form of targeting concentrates on making day-to-day life less comfortable for individual gang members or suspected members, without according them too much recognition in the process. This approach can entail controlled movement with little contact between inmates, as is done in Colorado and Utah. It can also involve restrictions on privileges, for example, noncontact rather than contact visits. Some agencies preclude gang members from access to furlough or halfway house programs. To provide a legitimate rationale for such actions, institutions frequently override classification recommendations and assign known gang members to higher custody levels.

Control of Inmate Programs and Jobs

Administrators should maintain especially close control over inmate program and work opportunities in institutions where gangs are firmly entrenched. Many gangs attempt to increase their power and their contacts by "placing" members in programs and work assignments and by influencing their operations. To thwart such efforts, agencies frequently restrict gang members' access to programs and jobs.

As noted earlier, most agencies--like the Colorado and Utah Departments of Corrections--carefully monitor all self-help groups, even if they are not suspected of gang ties. Such groups are vulnerable to gang influence, especially in jurisdictions where gang intelligence operations are not established. The agencies assign sponsors to manage both the programs and their content and carefully screen all sponsors. Some agencies routinely conduct background checks on volunteers connected with inmate programs, a practice intended to thwart communication with outside gang members and associates. To dilute the power of prison gangs, some agencies carefully monitor and strive to maintain racial balance in work and program areas.

Prosecution of Gang-Related Activity

In addition to adopting management tactics for gang control, agencies may attempt to make gang membership less attractive to inmates by stepping up prosecution of known members. In most states, prosecution of inmates is handled by the county in which a facility is located. Local authorities may be reluctant to prosecute these cases, however, because of a perceived difficulty in successful prosecution. They may also be hesitant to expend resources on cases they consider to be essentially internal institution security matters.

To address these issues, the New York state legislature established a program to reimburse local prosecutorial agencies for expenses incurred in the course of inmate prosecutions. Other states, like Wisconsin, provide salaries for investigators in counties having state prisons and bear the costs of prosecution. Arizona and Texas have established special units to prosecute prison gang members for crimes committed within their respective systems. Officials in these states believe that a policy of vigorous prosecution, coupled with the certainty of "stacked time" (consecutive sentences) upon conviction, has a deterrent effect on gang membership and activities.

The Arizona Office of the Attorney General, the Department of Public Safety, and the Department of Corrections combined resources in 1983 to establish the Arizona Prison Gang Unit. This agency's goal is the "ultimate eradication of prison gangs within the Arizona system." Using a comprehensive, computerized data bank and tracking program to zero in on known or suspected gang members, the unit

has scored a number of successes in prosecuting gang-related cases. An especially tough stance is taken in prosecuting those involved in disturbances, using forensic and other "hard" evidence, rather than inmate testimony, for conviction. The unit's success is attributed to the experience that the unit staff has developed in gang-related prosecution and to the excellent working relationships the unit has established with other law enforcement and prosecutorial agencies in the state.

The Texas prosecutorial unit, mandated by the state legislature, began operating in 1984. Consisting of two prosecutors, two assistant prosecutors, and three investigators, the unit handles prosecution of all gang-related crimes taking place in the state correctional system. Its operation has relieved many rural county prosecutorial agencies of the burden of such cases. The Texas Department of Corrections has found the unit to be quite successful in its prosecutions and considers it an integral part of the state's overall gang control strategy.

In some instances, it is possible for states to obtain federal assistance in prosecuting prison gangs. As noted previously, gangs tend to document their existence, and some may keep records of income derived from illegal activities. Confiscation of bookkeeping records can enable institution administrators to initiate federal prosecution under the Racketeering Influences and Corrupt Organizations (RICO) Act. This strategy was successfully used by California authorities in 1983 to prosecute Nuestra Familia gang members, who were subsequently sentenced to federal custody.

Internal institution investigations should vigorously pursue gang influence and activity, and adjudication through the institution disciplinary system should result in certain and substantial penalty. Specific regulations must define "gang activity," and penalties must demonstrate the institution's resolve to limit the sphere of gang influence.

SUMMING UP: MANAGING PRISON GANGS AND GROUPS

An agency's strategy for managing prison gangs and groups should be designed to respond to the nature of the problem the agency is encountering. Where gang activity is rare and a gang culture is not in place, the relatively simple tactic of transferring gang members out of state may be an effective control mechanism. Where gang membership is large but is only a small proportion of the total inmate population, as in Texas, successful control may be achieved by housing known gang members in separate facilities. Where gangs are already entrenched in the institution culture, as in Arizona, California, and Illinois, agencies will generally need to find strategies, such as gang intelligence programs and prosecutorial units, to lessen the impact of gang activities on the nongang inmate population and, ultimately, to reduce gang influence.

Other correctional agencies will find themselves somewhere along this continuum. Whether gang management strategies are necessary to respond to an immediate problem or to achieve long-range objectives, it is important that administrators remain aware of the specific conditions that exist in their institutions and plan accordingly.

INSTITUTIONAL DISTURBANCES

Institutional disturbances have been an unfortunate feature of correctional operations throughout the history of such facilities. These disturbances have ranged from isolated incidents--such as inmate-on-inmate assaults--to group actions such as work stoppages and large-scale violent events resulting in death, major injuries, and massive property damage. While any of these types of disturbances may create serious problems for institution administrators and staff, this document focuses on those disturbances involving groups of inmates who threaten the security, safety, and order of a correctional facility. Such disturbances have become more frequent and more serious in recent years. The potential for such events exists at any institution at any time, regardless of security level.

Contrary to the belief of many, most disturbances are not due to inmate organization, but to institution disorganization. When administrative staff members are not visible and accessible to line staff and inmates, but are perceived as remote from day-to-day operations or as unwilling or incapable of responding to the concerns of the inmate population, the likelihood of inmate unrest is increased.

This section addresses fundamental management strategies for preventing disturbances. It also covers the planning necessary to control a disturbance if one occurs.

CAUSES OF DISTURBANCES

There is no single cause of disturbances in correctional institutions. The causes are complex, interrelated, and difficult to predict. Even the weather, especially hot weather, can become a factor that increases inmate unrest; most disturbances occur in the summer months.

Because a correctional institution is never in perfect balance, there is always the potential for a disturbance. Consequently, it is crucial that correctional administrators and officers be able to recognize symptoms of unrest and be prepared to respond to situations that get out of control. It is also important that they be aware of the general practices and conditions that can precipitate disturbances and that they address the causes, where possible.

The "culture" of an institution is a crucial ingredient in determining whether specific conditions will lead to a disturbance. Situations that create no problem at one institution may precipitate a major disturbance at another. When discontent among inmates runs high, incidents that would ordinarily be insignificant can suddenly assume great importance.

It is not possible to identify a set of circumstances that will always lead to a disturbance, just as it is not possible to identify specific actions that will always prevent one. Administrators may not be able to exert much control over some factors related to disturbances (e.g., crowding, rising maintenance costs, and agitation by outside groups). Administrators risk a disturbance, however, when they fail to give attention to the fundamentals of institution operations. It is important for all staff members to be aware of some underlying conditions that may contribute to institution unrest or disturbances, including the following:

- Ineffective Management:
 - Vague lines of responsibility;
 - Lack of visibility and accessibility of administrators;
 - Practices or policies seen as unfair or based on favoritism;
 - Staff perceived as not in control; and
 - Inconsistency in application of rules and guidelines.

- Inmate Inactivity:
 - Lack of programs;
 - Lack of work opportunities; and
 - Idleness.

- Inadequate Inmate Services:
 - Poor or insufficient medical care;
 - Poor food service; and
 - Overly restrictive visiting opportunities.
- Facility Problems:
 - Unsafe, unsanitary conditions;
 - Crowded conditions; and
 - Outdated or poorly maintained facilities.

STAGES IN THE DEVELOPMENT OF A MAJOR DISTURBANCE

Whatever the general or particular sources of unrest, most disturbances seem to follow five distinct stages of development. When these stages appear, the probability of a disturbance is increased. As noted, however, administrators can take steps at each stage that can arrest further development and perhaps prevent a full-scale disturbance.

- **Conduciveness:** Inmates often feel that there is no way, other than force, to get what they want. They often believe that the administration does not have the control or the will necessary to take either corrective or repressive action. As a result of this belief and their frustration, some inmates hold little concern for the consequences of their actions. They also sense that those with power in the institution, the administrators, are inaccessible to those without power, the inmates. They perceive serious impediments to communication with administrators and staff. Serious disturbances are less probable when inmates believe there is an effective avenue of approach to administration, such as an institution grievance procedure that enables inmates to resolve complaints.
- **Strain:** Inmates experience considerable strain or tension caused by discrepancies between expectation and actuality. Such strain or tension may develop because the conditions of the facility change in some way. For example, routines or patterns, such as the regular times of meals or recreation or the length of visits, may be suddenly altered or a new administration may assume authority. Strain may be created if inmates perceive themselves as having been deprived of even minor comforts to which they have grown accustomed. Inmates also experience stress because they are continuously confronted with hostile relationships, whether with the staff or other inmates. Strain can be minimized by providing credible explanations for any change affecting inmates and by treating inmates with respect and consideration. Adequate notice of changes to be made is important, as is the tone in which such notice is given.
- **Riot-Relevant Beliefs:** Inmates often believe that a disturbance will occur when they are unable to explain the strain or tension they feel. They are likely to engage in blaming the administration for problems and to advocate violent solutions to their grievances. They are gripped by a twin sense of fear and urgency, making riot-relevant beliefs unusually seductive. Under such conditions, the most constructive action is to work rapidly to remove the causes of strain, if identifiable, while engaging inmates in positive discussion of perceived problems and proposed remedies.
- **Precipitating Event:** Inmates witness, hear about, or provoke an event that seems to substantiate their grievances. The event can be seemingly insignificant, such as late lunch service or postponement of recreation, or more serious, such as an incident of apparent mistreatment by an officer. The event may or may not have actually occurred. In either case, it serves to dramatize and validate the inmates' view of the need for action. Inmates may perceive it as a turning point, a signal that there is no longer any alternative to violence. To preclude this outcome, the administration must limit the impact of a precipitating event by correcting misperceptions quickly and by providing appropriate, accurate information about the event.

- **Mobilization and Organization:** In response to the precipitating event, inmate leaders emerge. They begin to recruit supporters and organize activities leading to a disturbance. They are also likely to establish a defensible area. The success of their effort varies depending on the unity of inmates and the power of their leadership. Sub-rioting may break out if leadership is diffuse or weak. Inmates' actions are also influenced by what they see the staff doing. The ability or inability, willingness or unwillingness, of the administration to act constructively at this point is crucial in determining whether or not a disturbance actually occurs. It is important to isolate and terminate the riotous activity promptly. Effective control requires extensive but prudent communication with inmates, preferably leaders, and judicious use of force.

EARLY WARNING SYSTEMS

As noted above, correctly interpreting and responding to changes in the institutional atmosphere, especially at an early stage, can often avert a disturbance. To this end, some institutions have developed "early warning systems" designed to monitor tension levels within the facility.

Early warning systems establish formal communications procedures to receive, monitor, and analyze information pertaining to a potential disturbance. These systems enable the staff to identify and correct problems that could lead to a disturbance. They also provide maximum staff input to facility administrators.

Massachusetts' system of "climate reports" is among the most formalized early warning systems. The climate reports, which focus on particular data relevant to each institution, originate from departments and housing units within the institutions. For example, correctional officers in the housing units may report on such indicators as particular inmates receiving large numbers of visitors, possibly indicating drug-related or other criminal activity. The canteen reports increased sales that may indicate food stockpiling in anticipation of a disturbance or lock-down. Absenteeism from work or other programs and increased sick call and medical "lay-ins" may suggest discontent or fear of being involved in an anticipated disturbance in a particular part of the institution. Each week the Superintendent, Director of Security, and other staff members in charge of institution security meet to discuss the climate reports for the previous week and to plan responses, where appropriate. An abbreviated report is also sent from the institutions to the Commissioner. Institution climate reports have been useful not only in pointing to conditions conducive to disturbances, but also in identifying and breaking up drug rings and other criminal activity.

In Wisconsin, some institutions assign the responsibility of charting and analyzing data and preparing a climate report to a security captain. Some data, such as number, source, and basis of formal inmate complaints, or their program or housing source, take on greater significance if reviewed in relationship to institution norms.

California has devised a "Tension Assessment Checklist" to help administrators identify conditions that may lead to a disturbance. With slight modification, the checklist can be employed at any correctional institution.

Tension Assessment Checklist

1. Delivery of Services:

- Assessment via formal process?
- Assessment via informal discussion?
- Assessment via grievance/appeal forms?

2. Number of Inmates in Lock-Up and/or Protective Custody:

- Percentage of general population?
- Increase or decrease?
- Criteria for lock-up?

3. Assault Rate:

- Inmate/inmate?
- Inmate/staff?
- Nature of assault?
- Increase or decrease?

4. Staff Sick Leave/Turnover:

- Percentage?
- Increase or decrease?
- Assessment of exit interviews?

5. Cleanliness of Unit/Facility:

- Inmate respect for conditions?
- Staff concern regarding conditions?

6. Grievance/Appeal Procedures--Inmates:

- Credibility of process?
- Increase or decrease over time?
- Heavy in what areas?

Other Indicators:

Much of the success of early warning systems depends on the alertness of the correctional line staff in identifying conditions conducive to unrest. Some of these conditions are noted below, as identified by the New York Department of Corrections.

- Dining Hall Indicators:
 - Alteration of noise levels;
 - Removal of food staples;
 - Complaints about food preparation and service; and
 - Refusals/requests to not attend meals.
- Housing Unit Indicators:
 - Increase in contraband;
 - Alteration of noise levels;
 - Increase in misbehavior reports/incidents;
 - Increase in cell change requests;
 - Increase in assaults on staff; and
 - Alteration of living habits.
- Recreation Yard Indicators:
 - Large gatherings of ethnic, racial, or other groups;
 - Polarization of known inmate rivals;
 - Increase in verbal defiance of staff members;
 - Decrease in yard attendance; and
 - Appearance of uniform symbols.

- Other Indicators:

- Increase in buying of staples from commissary;
- Alteration of visiting activity;
- Increase in smuggling of contraband by visitors;
- Increase in manufacture/possession of weapons;
- Observance/monitoring of staff movement by inmates;
- Increase in sick call attendance; and
- Increase in protective custody admissions.⁶

Some states have found the program staff to be particularly helpful in detecting early warning signals. Social workers and the classification staff, for example, can usually observe inmates more unobtrusively than can the security staff. Administrators and supervisory staff members should be cognizant of current news events. Disturbances at other facilities, passage of legislation affecting inmates, or demonstrations by the civilian population, for instance, may trigger sympathetic reactions from inmates or may otherwise signal future problems "closer to home."

Effective Handling of Change

The key element in causing many disturbances is change. The experiences of institutions across the country have shown that any modification of institution routine or any disruption of the inmate social system may contribute to collective unrest and violence. Adjusting schedules, eliminating or adding privileges, or restricting an inmate group's activity may cause collective resistance. It is important to provide adequate notice of any change, usually 30 days, to give inmates sufficient time to understand the change, react to the change before it occurs, and file grievances related to the change. As the experience of the Ossining Correctional Facility makes clear later in this document, changes in routine must be carefully planned and clearly communicated to both inmates and staff to ensure that changes do not become the catalyst for a major institutional disturbance.

MANAGING INSTITUTIONAL DISTURBANCES

The institution's administrator bears the final responsibility for protecting the lives and property in the facility. Every administrator needs to accept broad responsibility for crisis management and for preparing the staff to respond to disturbances. In addition to preventing avoidable disturbances, administrators should determine the overall management philosophy of the institution, plan the institution's response to disturbances, maintain the resources necessary for control, and train the staff to carry out plans for disturbance control. Each of these responsibilities is discussed below.

Philosophy of Management

An administrator's management philosophy creates an atmosphere that influences the general tone of the institution, including staff morale. Good morale among employees, in turn, affects the way the correctional staff treats inmates. Institution operations inevitably reflect an underlying administrative philosophy of interaction with inmates, institution safety and security, and emergency preparedness. Because rules cannot be written to cover all contingencies, good management and communication of a sound management philosophy are crucial to effective management of emergency situations.

The day-to-day experiences of staff members largely determine their readiness to appropriately respond in crisis situations. Therefore, it is important to give them the opportunity to deal with daily problems autonomously to prepare them to respond in crises. By allowing staff members to exercise authority and by supporting them as they exercise it, correctional administrators can provide valuable opportunities for staff growth. The staff will learn how the administrator or supervisor expects situations to be managed, and the administration can evaluate how well each member handles responsibility and decisionmaking.

⁶ "Early Warning System: Introduction and Implementation Manual for Employees." Department of Correctional Services, New York, no date, pp. 5-9.

Written scenarios of various crisis situations can also be used to improve the management skills of staff members and familiarize them with emergency response operations.

As part of the administrator's management strategy, both the staff and inmates must be made aware of the institution's preparedness for emergency. Inmates will respond to the administration's ability or inability to respond to and control an emergency, and this awareness can modify the way inmates conduct themselves.

Planning for Control: The Disturbance Control Plan

Institution administrators are responsible for the development of a plan that establishes institution policy for responding to disturbances. The plan should define individual responsibility of the staff, establish channels for notification and communication, and designate the person in command and control of the response activities. The purpose of such a plan is to enable the institution to deploy personnel, equipment, and materials as quickly and efficiently as possible to contain the emergency.

The disturbance control plan should be tailored to the specific characteristics of the facility. Although it should provide administrators with some flexibility in dealing with each situation, it should also include sufficient detail to ensure that staff members are able to respond appropriately. Designated staff members should be required to review the disturbance control plan at least on an annual basis to ensure understanding of individual and collective responsibilities. The staff should sign the plan as an indication that each has thoroughly reviewed it.

General Development Principles

In developing a disturbance control plan, several general principles should be followed:

- A disturbance control plan should be a realistic, working document.
- The plan must be adaptable. Deployment of staff and other resources will vary depending upon the time, location, nature, and extent of the disturbance. The plan must be sufficiently flexible to encompass a variety of contexts, including nights, holidays, and weekends.
- The plan must be re-examined regularly by the administrator and the staff and must be updated whenever relevant policy changes occur. Review of the plan must include the following:
 - Staff changes or changes in assignments;
 - Policy changes;
 - Structural changes (temporary or permanent);
 - Availability of medical and other ancillary services; and
 - Equipment and resources available.
- A supervisory staff member should be assigned to review the plan on an ongoing basis to ensure its accuracy and make changes in all copies.
 - Various means should be employed to review plans, including review at staff meetings and with the local law enforcement officials, the fire department, the military, and others who are expected to provide primary or backup support. Simulation of disturbances and other emergencies that offer opportunity for the staff to implement the plan and practice appropriate responses should be held on a regularly scheduled basis.
- The plan must address both institution-specific policies and procedures and department-wide policies. Failure to define and coordinate the roles of institution and department staff will contribute to confusion concerning chain of command and operational issues.
- When the disturbance control plans have been developed, the administrator should consider developing special implementation packets to ensure that the plans are executed effectively and efficiently. Such packets should be prepared for all key positions associated with disturbance control activities, ranging from the top administrative staff and the command post supervisor to

the maintenance chief and the media relations officer. The packets should detail all responsibilities pertaining to each position so that action can be taken in the event that key staff members are not immediately available.

Equally important, information contained in the packets can be reviewed and activated more quickly than can materials included in the entire plan. The various packets should be available at the post of responsibility; however, care must be taken that they not fall into inmate hands. It is helpful to detail responsibilities associated with each position in a checklist format, insofar as is possible, to assist staff members who may be unfamiliar with the position and responsibilities in "walking through" the tasks.

Institution-Specific Policy and Procedures

Some disturbance control procedures will vary among institutions. The facility configuration, location of essential systems and services, particular institution vulnerabilities, and policies for deployment of personnel and resources will not be consistent from institution to institution. At a minimum, the following elements should be specifically addressed:

- Alarm system and initial response;
- Vulnerable areas of the institution;
- Emergency power systems;
- Safety areas and evacuation routes;
- Accounting for staff;
- Command post locations;
- Security personnel and deployment;
- Nonsecurity personnel and deployment;
- Tool control;
- Food services;
- Medical triage and emergency supplies location;
- Communications systems;
- Community backup support contacts; and
- Staff/hostage debriefing areas.

Department-Wide Policies and Procedures

Uniform policies that encompass broader aspects of disturbance control are often developed by state departments of corrections and are made part of an institution's disturbance control plan. These aspects of the plan address issues that have important implications in the institution's response to a disturbance. Some of the issues appropriately addressed from a department-wide perspective include:

- Definition of "disturbance;"
- Priority considerations in executing the plan;
- Chain of command;
- Involvement of state-level corrections officials and other government officials;
- Documentation of a disturbance;
- Situation assessment and reporting;
- Allocation/deployment of staff;
- Securing the perimeter;
- Use of force;
- Management of nonparticipants;
- Media relations;
- Hostage situations;
- Escape attempts: outside assistance;
- Specialized resources for institution control; and
- Returning to normalcy.

Definition of "Disturbance"

To establish the basis for a plan of action and to protect the institution from liability, the disturbance control plan should include a specific definition of a disturbance. A definition developed by workshop participants follows:

A disturbance takes place when collective inmate behavior threatens the normal functioning, control, and good order of the facility and cannot be terminated by the facility staff on duty.

Priority Considerations in Executing the Plan

The plan should make clear that, in the event of a disturbance, the institution will take immediate steps to implement the plan. Execution of the plan should always emphasize the following elements, prioritized in accordance with department and institution philosophy:

- Security of the institution;
- Safety of the general public;
- Safety and welfare of hostages;
- Prevention of death or serious injury to staff;
- Inmate welfare and safety;
- Protection of property;
- Restoration of order and control; and
- Identification of participants, proper arrest, and prosecution.

Chain of Command

One administrator should have institutional responsibility during a disturbance. Although command may pass from one person to another if the event continues for an extended period of time, the disturbance plan should clearly define the line of responsibility for the institution, department, and other governmental staff members. The transition of authority from one person to another must be clearly established in the chain of command so that there is no question of authority. An organizational chart that specifically applies to disturbance situations can be helpful.

Involvement of State-Level Correctional Officials

The plan should also specify the responsibilities of state correctional officials, including the commissioner, deputy commissioner, regional administrator, director of institutions, and others whose roles may involve them in disturbance management. It is sometimes advantageous to have state correctional officials on site during a disturbance because they are able to summon support services and resources from other institutions and agencies. However, some states prefer to have separate command posts during a disturbance: one at the institution to manage the disturbance, and the other at the central office to manage communication with the political community and to provide support as necessary.

The state-level involvement should clearly be in policy formation, policy review, resource acquisition, and communication with the political community in behalf of the department and the institution. Close communication between the institution command post and the department command post is critical. The plan should clearly indicate that the institution administrator has ultimate authority in responding to a disturbance even when state correctional officials are available. If an outside official assumes command, staff members may lose confidence that the plan they have learned and practiced will be followed. In such instances, staff members may depend on their independent judgment rather than adhere to the plan. An outside official will not have the benefit of personal knowledge of the significant personalities involved in the disturbance and the interrelationships of those persons (hostages, hostage-takers, emergency squad leaders, etc.). Such knowledge is crucial in some decisions related to negotiation, assault by emergency squads, etc. Maintaining disturbance control responsibility within the institution's administrative structure not only ensures an efficient response, but also clarifies liability issues arising from the incident.

Documentation of a Disturbance

Institution administrators should designate a staff member to maintain a detailed log during a disturbance. The log should record the chronology of events and decisions that will facilitate subsequent analysis of the event and assist in planning. A chronological log should also be maintained that details assignments given, reports received, and information garnered. The documentation described is useful in the court review that often follows a disturbance, as well as in the institution debriefing and analysis of the event.

Situation Assessment

Institution administrators should ensure that their disturbance control plans include procedures for gathering intelligence during a disturbance, especially in its initial moments. Such information is crucial to effective decisionmaking pertaining to response strategies and resource allocation. The following elements are among the more important to be assessed:

- Life-Threatening Situations or Medical Conditions:
 - Has anyone been killed?
 - Has anyone been injured?
 - Is anyone being mistreated? How?
 - Have inmates threatened to kill anyone? Whom?
 - Have they threatened to injure anyone? Whom?
 - If they have threatened to kill or injure, who is first? Who is last? Why?
- Inmate Involvement:
 - How many inmates are involved?
 - Can they be identified?
 - Is there a leader/spokesperson? Who?
 - What is the leader's history of violence? Other inmate participants'?
 - Do the inmates seem unified?
 - Have they stated any demands?
 - Do they want to negotiate?
 - Have they made any threats?
 - Do the inmates appear calm or nervous?
 - Do they have drugs or alcohol available to them?
 - How might they respond to a show of force? An assault?
 - Is this a cover for other activities occurring simultaneously, such as an escape?
- Weapons:
 - What is the most lethal weapon known to be in the inmates' possession? What other weapons are they likely to have?
 - Who has the weapons?
 - How many weapons have actually been seen?
- Physical Aspects:
 - What is the exact location of the incident?
 - What access to other areas do the inmates have?
 - What equipment is within the inmates' control (e.g., lights, water, gas, etc.)?
 - What is the layout of the area at present?
 - Are any barriers or booby traps set up to injure or block an assault party?
 - Are other areas of the institution likely to become involved?

- Hostages:

- Are hostages being held?
- Who are they?
- Have all other staff members been accounted for?
- Which hostages are calm? Nervous?
- Are the hostages giving out information?
- Are the hostages planning an escape or other action?
- Are the hostages negotiating for their own release?
- Are the hostages expressing fear of an assault?
- Are the hostages physically located in such a way as to be endangered by an assault?
- What were the pre-disturbance relationships between hostages and hostage-takers?
- Can the hostages be distinguished from the hostage-takers in the event of an assault?

- Hostage-Takers:

- How many hostage-takers are there?
- Who are the hostage-takers?
- Is there an apparent leader? Who?
- Is more than one group involved?
- Are the hostage-takers planning an escape?
- What are the hostage-takers' demands?
- Are they united in their demands?
- Which hostage-takers are making threats or abusing hostages?
- Do the hostage-takers have food and supplies, indicating that the action was planned?
- Are the hostage-takers moving around freely? Where? Which ones?
- Do they seem patient or agitated?
- Which hostage-taker is most likely to hurt someone?
- Which are most likely to surrender?
- Are they worried about an assault? Prepared?
- What might they do if an assault is staged?

Allocation/Assignment of Staff

On the basis of intelligence gathered about the disturbance, the administrator should be able to assess its severity. The level of severity, in turn, determines the number and type of personnel necessary to respond appropriately. For purposes of staff allocation, disturbances can be grouped into four general categories:

- Disturbances that can be contained and controlled by on-duty staff;
- Disturbances that cannot be contained and controlled by on-duty staff and require the assistance of off-duty personnel;
- Disturbances that cannot be contained and controlled by institution staff and require the assistance of intra-agency personnel, local law enforcement, firefighting units, or others; and
- Disturbances that cannot be contained and controlled by institution, intra-agency, and local mutual aid personnel and require the assistance of state law enforcement or military units.

Whatever the level of severity, it is important that the institution administrator maintain command. To achieve an effective response to the disturbance, the administrator should emphasize communication, coordination, and cooperation among all personnel involved in control efforts. Establishing protocols for contacting other agencies, identifying liaisons, and limiting outside agency activities to those identified as having a role in the disturbance response will assist institution officials in controlling operations and following established policy.

Perimeter Security

One of the first responses in an institutional disturbance should be to secure the facility perimeter. The disturbance control plan should define who will be involved in this activity and how it will be accomplished.

Some institutions rely on outside agencies (e.g., local police or sheriff's departments) to secure the perimeter. A major argument in favor of using outside agencies is that doing so enables the institution to concentrate corrections personnel inside the facility to bolster security and keep a maximum number of staff members available in the event that reinforcement is needed or sympathetic disturbances occur in other institutions.

Factors to consider in using outside agencies to secure the perimeter include:

- Arrival time for outside personnel;
- Familiarity of outside forces with the institution philosophy and plan; and
- Willingness of outside forces to accept direction from the command post and follow the institution's use of force policies, where appropriate.

A combined approach has been satisfactory for some state agencies. Corrections personnel immediately secure the perimeter at first indication of a disturbance and are replaced by outside personnel as they arrive and are briefed. In this way, outside agencies are used to reinforce, rather than establish, the perimeter. Some states rely on outside agencies only for support functions such as transportation and food service.

It is essential that institution administration and security personnel meet regularly with any outside agencies that may be called on to provide any form of support during a disturbance. They should be familiar with the institution's layout, the capabilities of the institution's response teams, and the expectations the institution's administration may have of them.

Use of Force

The use of force is a difficult, sensitive, and controversial issue. Decisions relating to the use of force in a disturbance should be made in accordance with the department's policy and management philosophy. The disturbance control plan should detail, as specifically as possible, the degree of force to be applied. This is a crucial part of the plan; it provides the staff with direction and is the basis for post-disturbance review of the use of force in quelling the disturbance.

There are many variations in agencies' policies with respect to the use of force, but most practitioners agree on the following basic principles:

- Staff members should resort to force only after other alternatives have been exhausted or are clearly inappropriate because of the immediate threat to life.
- The use of force should be limited to the minimum level of force necessary to ensure institution security, personal safety, safety of others, preservation of property, and restoration of order.
- Any force applied must be deliberate rather than accidental.

The use of force is often essential in quelling a disturbance. (See, for example, the case study of the Kirkland Correctional Institution disturbance.) The degree of force that can be used ranges from a show of force by assembling fully equipped emergency squads to the use of physical force, even deadly force. During a disturbance, the force used may escalate along this range depending on the nature of the disturbance and the threat it poses to life and property.

The force used must be consistent with policies developed for the control plan. All staff members who are placed in positions where there is potential for the use of force should be selected and assigned on the basis of their experience, knowledge, and training.

Management of Nonparticipants

Typically, only a portion of the inmate population is involved in a disturbance, particularly during its initial stages. To ensure the well-being of nonparticipants and to prevent the disturbance from spreading, administrators should provide those not involved with an opportunity to leave the site of the event. (See, for example, the case study of the Kirkland Correctional Institution disturbance.)

Nonparticipants should be isolated in an area of the institution where they will be safe and can be effectively supervised. Those who are injured should receive prompt medical attention. Arrangements should be made to meet their food, clothing, and bedding needs until the disturbance has ended and operations have returned to normal. Although nonparticipating inmates will understand the need for restriction of their movement, it can be a serious tactical error for the administration to unnecessarily deprive nonparticipating inmates of services and privileges during a riot.

Media Relations

Institution disturbances are newsworthy, and it is unwise and virtually impossible to deny or delay media coverage. However, it is vital to recognize and manage the power of the news media in influencing public opinion concerning a disturbance.

In disturbances such as the one in Ossining, New York, the media greatly influenced the direction of events. To prevent this from happening, institutions should include clear provision for media relations in their disturbance control plans.

The posture an institution takes toward the news media should be open and informative. A positive relationship should be established with the media and, on a regular basis, they should be apprised of positive, newsworthy events occurring in the institution, as well as the less positive events that may occur. It is useful to allow the television media to take file footage of the institution that can be used during a disturbance or at other times when they do not have access to the facility. A positive history of working with the media will help create a good working relationship during a disturbance.

The disturbance control plan should include the following media-related considerations:

- A staff member should be identified as the media representative. In some agencies, a public information specialist at the department level is responsible for media releases, while others designate a media liaison from institution staff.
- All communications during the disturbance should originate with the designated media contact in concert with the command post.
- A media center should be established away from the immediate vicinity of the disturbance. New Jersey is among the states that send a mobile media unit to disturbance sites. Such a self-contained unit is ideal.
- The media should be notified of the emergency situation and provided with a brief, honest summary of events.
- A regular schedule for providing frequent, but brief, updates on the situation should be followed. It is better to provide regularly scheduled briefings than to wait until there is specific news to report, because media representatives are likely to "find" some news, often from inmates or other unofficial sources, when they are under pressure to meet deadlines.
- News should be provided on a schedule that coincides with the deadlines of media representatives, to the extent possible.
- Media representatives should not be allowed into the facility during negotiations with inmates. They can bring confusion, chaos, and speculation into what is already a tense situation.

- Media representatives should be allowed inside the institution only after a disturbance has ended. At that point, institution policy should determine whether the media are allowed to take photos or to interview inmates.

Hostage Situations

One of the most threatening aspects of major disturbances is the likelihood that inmates will take hostages in an effort to leverage their position and equalize power. Although hostage situations vary greatly, general principles apply to dealing with them. The following are principles to be held inviolate:

- No hostage should be exchanged for the release or reduction in sentence of any inmate;
- No weapons should be supplied to hostage-takers;
- No intoxicating substances should be given for the release of hostages; and
- No hostage should be exchanged for a different hostage.

Other principles that generally apply to hostage situations include the following:

- An early attempt should be made to identify which people have been taken hostage and where they are being held. There is no foolproof method for determining which staff members are in the institution when a disturbance occurs, but a practice should be in place that provides a record of the staff on duty at all times. This record will facilitate identification of persons who may be hostages. In addition, institutions can maintain a current picture ID for all staff members. This photo will facilitate identification of hostages.
- Hostages are most likely to be harmed during the initial phases of a disturbance. Particular care should be exercised in dealing with hostage-takers during this time.
- The families of hostages should be notified as soon as possible. If good relations have been established before the disturbance, the local police department or a chaplain from the police department can be helpful at this time. Use of trained personnel in this notification can serve to lessen the resentment that families often feel toward the institution and its administration when a loved one is taken hostage.
- Communication with hostage-takers should be initiated as soon as possible. This provides an outlet for inmates' hostility and directs their attention away from the hostages while negotiators are being assembled.
- To the extent possible, hostage-takers should be prevented from making changes in location or situation that will give them a tactical advantage.
- The formal process of negotiation with hostage-takers is important. Inmate leaders should be identified, and a predetermined, trained negotiation team should be used to deal with these leaders.
- The negotiation team should never be viewed in a decisionmaking role. This principle is important and enables the command post to use the negotiators to buy time for gathering intelligence and analyzing the disturbance.
- If it is clearly established that a hostage is being purposely injured, an immediate tactical response may be necessary.
- Inmates within the institution may be following media reports of the disturbance. The media should be cautioned not to undermine efforts in negotiation by revealing information that should not be known by inmates or by engaging in speculation.

- The negotiation team can respond to hostage-takers' deadlines by continuing negotiations through the deadlines. Negotiators should take control of the subject and stall, suggesting that work on the issue is continuing. Time is usually on the side of administration.
- Inmates' concerns should be identified. One approach is to agree to discuss inmates' demands in exchange for the release of the hostages.
- Hostage-takers should be apprised of what they are expected to do upon surrender. They should know what to do with any weapons they have and how they should act when surrendering.
- Someone close to each hostage should be present when release occurs to offer personal support. Personal, physical contact is important.
- The institution should expect some hostility from released hostages. The administrator should speak individually to each hostage despite evidence of this hostility. A post-disturbance treatment program should be mandated for all hostages.

Escape Attempts Assisted from Outside the Institution

The potential use of aircraft to aid inmates in escaping during a disturbance should be addressed in the institution's disturbance control plan. Institutions have established a variety of policies to address such situations, including the following:

- Fire upon any aircraft appearing to assist an inmate in escape;
- Fire to disable any aircraft that lands inside the institution;
- Fire upon fleeing inmates; and
- Use other preventive measures to block air approaches to an institution.

The Federal Bureau of Prisons and some state corrections systems prohibit firing on an aircraft for two reasons: a disabled craft may crash into institution housing or in the community, and the pilot may be a hostage.

Following an escape by helicopter at its Pleasanton, California, facility, the Bureau of Prisons initiated a policy of establishing "ground clutter" or stringing wires across open yards to prevent aircraft from entering institutions otherwise vulnerable to helicopter-assisted escapes. In Miami, the ground clutter consists of approximately 100 palm trees, but other obstacles such as picnic tables or volleyball nets are also being used at other institutions. Pleasanton has erected 90-foot poles with a grid of cable wires strung between them, while Leavenworth has run cables between the tops of existing buildings.

Institution officials should call the local Flight Control Center of the Federal Aviation Authority to request that the air space above an institution be closed during a disturbance. The institution's disturbance control plan should include the phone numbers and names of contact persons. It should also specify the procedure for requesting a restriction of air space (1,000 feet in height and 2,000 feet in radius) to prevent media or other fly-overs. The caller should cite F.A.R. 97.6 and be prepared to provide the coordinates of the institution.

SPECIALIZED RESOURCES FOR INSTITUTIONAL CONTROL

Emergency Response Teams

Every institution should have a team of specially selected, trained, and equipped personnel to intervene in disturbances. This team is known as a Special Emergency Response Team (SERT), Correction Emergency Response Team, Disturbance Control Team, Situation Control Team, Operations Task Force,

or other designation. These teams are used in situations in which the special skills and equipment of the team are the most effective option in resolution of the presenting problem.

Situations appropriate for SERT involvement include inmate disturbances, hostage rescues, barricaded inmates, retaking portions of an institution, escapes, high-risk transportation, and other dangerous situations. The specific responsibilities of a SERT unit may be detailed in the institution's disturbance plan.

Special teams vary in size according to institution, security level, inmate population, and geographical proximity and access to other departmental assistance. In some states, the institution's administrator has the authority to activate and deploy a special unit; in others, this decision is solely the responsibility of central office corrections officials.

Other Resources

In addition to emergency response teams, some institutions have developed other specialized resources to assist in both preventing and responding to disturbances. The goals and activities of these resources are highlighted below.

- **Conflict Resolution Team:** A Conflict Resolution Team uses assessment, negotiation, and mediation techniques to resolve conflict before, during, or after a crisis. Often the negotiation process reopens channels of communication, defusing and diminishing incidents of serious conflict. Given the potential losses that can result from institution disturbances, it is clearly advisable to prevent losses through negotiation whenever possible.
- **Negotiation Management Team:** Negotiation Management Team members are the primary communicators in hostage situations and can be responsible for implementing post-trauma programs. They are closely involved with the Conflict Resolution Team.
- **Critical Incident Management:** A Critical Incident Management program brings together all elements of a disturbance control program and tries to give administrators the most up-to-date methods of managing critical incidents.

RETURNING TO NORMALCY

The period immediately following the conclusion of a disturbance is a very sensitive time. Tension among staff and inmates is likely to be high, and the risk of further incidents always exists. It is crucial, therefore, that the disturbance control plan include policies and procedures to cover the transitional period between the end of a disturbance and the return of normal operations. The following are among the most important activities that the plan should address:

- Confining inmates;
- Isolating disturbance instigators and inmate agitators;
- Counting inmates;
- Checking for staff and inmate injuries;
- Providing food service;
- Inspecting physical facilities;
- Interviewing staff and inmate participants;
- Reviewing staff roster;
- Accounting for all staff;
- Accounting for all equipment used by staff; and
- Accounting for all keys and checking all locking devices for damage or tampering.

THE IMPORTANCE OF TRAINING

An institution's disturbance control plan has no value unless line supervisors and staff have been trained in activating it when necessary. Therefore, the institution's administrative staff should assign a high priority to disturbance control training. To promote sound management practices and staff competence, all staff members should participate in periodic training sessions that focus on disturbance control and include simulations of disturbance conditions.

GENERAL LEGAL CONSIDERATIONS

Training is legally mandated for the correctional staff. An administrator who fails to provide adequate training for staff could be held liable in suits against the correctional agency. In particular, "lawsuits against supervisors and agencies for failure to train emanate from two sources: 1) a client whose rights have been violated by an officer who has not been properly trained, and 2) a subordinate who suffers injury in the course of duty because he has not been trained adequately."⁷

To protect themselves from liability, administrators should develop policies and procedures that cite required training, as well as records that show who was trained during what period of time. It is important to be able to prove in court, if necessary, that officers received appropriate training. Policies and procedures should require training officers to document all training sessions and maintain detailed course outlines. It should be noted that proper training eliminates liability even if the trained officer fails to act in accordance with training.

ROLE OF TRAINING ACADEMY VS. ROLE OF INSTITUTION

Many states rely on a centralized training academy to provide staff training. In these states, it is important for the central training academy staff to be aware of the institution's specific needs for training related to disturbances. Coordination between the training academy and the institution is essential. Some suggestions for integrating academy training and institution training include the following:

- Training should receive oversight from the institution as well as the training academy. This oversight will permit both institution and central office input into the training program.
- The training academy should use trainers from the institution's training staff to deliver relevant portions of the training program.
- The institution should regularly send representatives to monitor the training being provided to new staff.
- Institution administrators should use staff meetings as training opportunities; for example, staff members could review materials describing other disturbances and discuss segments of the incidents as they relate to their disturbance plan and emergency preparedness.

TRAINING EXERCISES

Institution administrators should schedule periodic practice sessions in disturbance control for all staff members. Some states provide annual exercises, while others, like Michigan, require monthly drills in each institution on different aspects of the disturbance control plan.

⁷ Rolando Del Carmen, "Legal Liabilities and Responsibilities of Corrections Agency Supervisors," Federal Probation XLVII, No. 3, September 1964, p. 56.

For maximum effectiveness, these exercises should be structured to illustrate a point and achieve specific objectives. For example, sessions could focus on procedures related to the use of force, containment, hostage situations, or area sweeps. Exercises could also be developed for specific staff groups, such as emergency response teams, command post personnel, or medical staff. Each exercise should be designed to measure participants' actions against specific standards or goals so that the practice session can be evaluated objectively and provide guidance to the staff.

California has found that such exercises improve relations with state officials. Executive and legislative officials are invited to watch disturbance control training exercises, resulting in increased confidence in the institution's ability to respond to emergency situations. Such confidence often translates into smoother working relations during an actual event.

TRAINING FOR SPECIAL UNITS

The disturbance control plan should specify the kinds of training required of special emergency response units. As an example, California's training requirements for these teams are summarized below.

- **Conflict Resolution:** All supervisors, managers, and administrators, as well as Negotiation and Special Emergency Response Team members who participate in conflict resolution, should have specialized training. The training should cover assessment, conflict prevention, and conflict resolution before, during, and after an emergency. These concepts should also be included in all basic officer training and incorporated into all in-service training classes.
- **Negotiation Management:** Closely associated with conflict resolution training, negotiation management should include specialized training for those authorized to act as hostage negotiators. The training should prepare negotiators to handle hostage situations as professionally as possible.
- **Special Emergency Response Team:** SERT training should provide team members with the skills necessary to complete unusual, high-risk assignments, such as rescuing hostages, retaking inmate-controlled areas, and conducting tactical assaults. The course should cover basic and advanced tactical skills, marksman skills, special equipment and munitions training, and practical exercises. In addition, SERT training should include techniques for coping with the stress associated with waiting to respond to an emergency or noninvolvement in the response.
- **Critical Incident Management:** This training should be designed for those in command. It should provide administrators with the most up-to-date techniques for managing critical incidents. Using recent situations at institutions throughout the country, participants should examine the incidents, resources, and results.

POST-DISTURBANCE ACTIVITIES

Institution administrators should specify the activities that are to take place following any disturbance. After the event has ended and the institution has returned to staff control, administrators should ensure that at least two important activities are completed. First, special care should be provided for staff members involved in the incident. Second, an extensive investigation of the disturbance should be conducted. These processes are described below. Other actions deemed vital to an institution's security, safety, and orderly operation should also be identified and implemented.

POST-TRAUMA ACTIVITIES FOR STAFF

Staff members involved in a disturbance may undergo severe trauma, whether or not they have been subjected to abuse or assault. It is crucial for hostages and other staff to deal with trauma that accompanies such an event. The consequences initially evident may be numbness, withdrawal, sleep problems, depression, or difficulty in returning to work. Potential long-term effects include substance abuse, chronic depression, inability to do the job, isolation, fearfulness, anxiety, and difficulty in relationships.

Administrators should mandate post-trauma care for assault victims, hostages, participants in a critical incident, and other employees subjected to the physical or psychological blows of such an event. The care should be mandatory because some employees will resist the idea that they need "help" or "treatment." In describing the program, people should use the term "workshop" or "debriefing," rather than "treatment" or "therapy." SERT members should be included because they are also subject to trauma. Although they have been specifically trained to intervene in a disturbance, the training focuses on physical strategies and techniques and does not prepare them well for the psychological impact of such events.

Post-trauma programs should be delivered by outside professional counseling agencies with law-enforcement-related experience. Psychological staff members from the institution tend to be identified with inmate needs rather than staff needs and, therefore, are less likely to be effective. In addition, distance from the event and neutrality are essential in providing the best care for those involved in disturbances, particularly in instances in which staff members fear job repercussions. The South Carolina Department of Corrections, for example, used an independent counseling service specializing in the treatment of traumatic stress to care for staff members involved in the disturbance at the Kirkland Correctional Institution.

TECHNIQUES USEFUL IN HANDLING POST-TRAUMA STRESS

Information related to coping with traumatic stress should be shared as soon as possible with all staff members who have been involved in a disturbance. To help reduce the effects of stress after such events, participants should:

- Seek professional help in dealing with stress or trauma reactions;
- Try to recognize and accept, within 48 hours of the event, that they have experienced a high degree of stress or trauma;
- Talk about the event and their reaction to it with friends, other employees, or family;
- Engage in physical exercise to help release anger and frustration; and
- Try to provide "stress inoculation" for themselves by anticipating how they will handle such events in the future.

HOSTAGE DEBRIEFING PROCESS

All hostages should participate in debriefing as soon as possible after a disturbance. Arrangements should be made to record the proceedings of the debriefing for potential use in later court testimony. In addition to providing institution administrators with valuable information about the incident, such a debriefing process is essential to assist hostages in dealing with the anger and trauma resulting from such an incident.

A second debriefing should take place approximately four weeks later to enable hostages to talk about the impact of the incident on their family relations and jobs. The following aspects of this debriefing are important:

- Qualified individuals who were not involved in the disturbance should be in charge of the debriefing process.
- Participants should describe their experiences during the event. It is important for hostages to share their experiences because they may not know what was happening elsewhere in the institution.
- Participants should describe their feelings about the incident. It is important to emphasize that the hostages are not to blame for anything that happened. The administration should expect some hostility on the part of the hostages; such a response is common and understandable.
- Participants should be given recommendations concerning how best to handle their trauma; the normalcy of their stress response should be emphasized.
- Participants should be advised of the availability of further counseling.

It is important to develop policies that further support those who were held hostage or otherwise involved in a disturbance. For example, policy should specify that funds are available to replace any authorized belongings lost by staff during a disturbance.

POST-DISTURBANCE ANALYSIS

Following a disturbance, administrators should carefully review the event in terms of its causes and their responses. The review should not be directed at placing blame, but should be a structured learning opportunity and an opportunity to upgrade the disturbance plan and related operating policies and procedures. To do this effectively, administrators must examine both strengths and weaknesses in the institution and department response and must share the lessons learned with all staff. The information gained should be incorporated into the disturbance plan and shared with other institutions in the system.

Post-disturbance analysis should begin during the event. The institution's administrator should designate a staff member to document all actions and decisions that occur throughout the disturbance. It is especially important that time sequences be recorded accurately so that the chain of events can be reviewed after institutional order has been restored.

The administrator should also keep a personal chronology of events and thoughts, including those related to frustrated plans or apparent failures. A tape recorder or short written notations can be used for this purpose. Even though the administrator may decide not to share this information officially, it can prove useful during a personal review of the disturbance.

As a disturbance is analyzed, it is important to obtain and substantiate evidence of the chain of events, injuries to inmates and staff, and damage to property. To substantiate this evidence, criminal investigators should be called in as soon as possible to protect evidence and start a formal investigation. Although a correctional institution is an inherently difficult setting in which to obtain and preserve evidence, the following procedures are recommended:

- The crime scene should be immediately sealed off, if possible.
 - All inmates should be removed from the area and as many as possible identified both as to presence and role.
- Staff members should be posted to guard the area.
 - Staff should not be allowed to move or inspect the evidence unnecessarily.
 - Inmates should not be allowed back into the area before the investigation is completed.
- Unauthorized people should not be permitted in the area.
 - Only those responsible for conducting the investigation should be admitted into the area.
 - Staff members should not be allowed to handle evidence until it has been photographed, unless the institution's security is at stake.
- A diagram of the area should be drawn and the distances between points should be measured.
 - Important information regarding the layout of the area should be recorded.
- All staff members involved in the event should write a report describing their movements and observations.
 - Staff members should name all the inmates they were able to identify and the activities of the inmates they observed.
- A minimum of two photographs should be taken of each area and item.
 - Photos should be taken from various angles.
 - As much background as possible should be included in the photographs.
 - The location, date, time, and photographer's signature should be recorded on the back of each photograph.
 - An inmate should not be used to take crime scene photographs.
- Photographs should be taken of the victims' wounds, together with full-face and profile views of the victims.
 - Photos should show entrance and exit wounds.
- In a homicide, both close-up and distant photographs of the body should be taken.
 - A close-up photo may be difficult to introduce into court evidence because some courts conclude that a "gory" photo could prejudice the jury. For this reason, it is advised that photos from other perspectives and distances be available.
- If the scene is indoors, all possible building entrances and exits should be photographed.
 - The outside of the building and all access points should be photographed.
 - Photographs should be taken of all walkways leading to and from the building or the immediate area.⁸

After normal conditions have been restored, the administrator should ensure that a thorough review of the disturbance and its consequences is conducted. It should be repeated that such a review is intended solely as a learning tool for future planning and training. Specific areas to be examined should include the following:

⁸ Dempsey Johnson, "A Detailed Procedure for Protecting, Preserving, and Gathering Evidence," American Journal of Correction, November-December 1977, p. 13.

- Implementation of the disturbance control plan;
- Process of decisionmaking during the disturbance;
- Use and allocation of staff;
- Communication within the institution and with outside agencies and officials;
- Control of keys and tools;
- Extent of and reasons for use of force;
- Handling of inmates following the disturbance, with particular attention to allegations of abuse;
- Handling of media representatives;
- Structural condition of facility;
- Information in records obtainable through the Freedom of Information Act;
- Preparations for subsequent criminal/civil legal actions; and
- Response of firefighting units.

CASE STUDIES

The following brief case studies of disturbances at Ossining, New York, and Columbia, South Carolina, provide interesting support for points made elsewhere in this document. They underscore the adage that "a disturbance is always waiting to happen" in a correctional institution, but they also substantiate the importance of good management, the necessity of a disturbance control plan, and the need for specialized training.

OSSINING CORRECTIONAL FACILITY Ossining, New York, January 8-11, 1983⁹

Overview

Between January 8 and 11, 1983, an inmate disturbance occurred at the Ossining Correctional Facility in Ossining, New York. During the event, 19 correctional officers were taken hostage. The disturbance centered on Cell Block B, which housed "transient" inmates awaiting transfer to other facilities within the state correctional system. Although inmates were supposed to be housed there for no more than three months, many had been there for up to six months because of overcrowding in the system. Because of their transient status, most were not involved in program activities or work assignments.

Initial Incident

The incident occurred after dinner on Saturday, January 8, in response to a decision by a sergeant to change procedures for lock-down, showers, and recreation privileges. He insisted that all inmates be locked in their cells at the 3 p.m. lock-in, although normal procedures allowed the "House Gang" (the 35-inmate maintenance crew), the "Mess Hall Gang" (15 inmates), and a few other categories of inmates to remain on the galleries. His actions and attitude generated hostility from the inmates.

In response to being notified that there was trouble on the cell block, the Watch Commander, a lieutenant, arrived and let all inmates in Cell Block B out of their cells for recreation. However, the tension escalated as inmates shouted their grievances and demanded that the sergeant leave the cell block. The sergeant was ordered out of the cell block by the Watch Commander, but he and the inmates continued to exchange hostile comments as he walked toward a cell block exit. That exit was found to be locked and the sergeant was forced to re-enter the cell block so he could leave by another exit.

Hostages Taken

When the sergeant returned, inmates blocked the other exit and took the Watch Commander and 18 correctional officers hostage.

⁹ The Ossining case study is summarized from Report to Governor Mario Cuomo: The Disturbance at Ossining Correctional Facility, January 8-11, 1983; Department of Correctional Services, New York.

Calls for Assistance

Both before and after hostages were taken, the Watch Commander made several telephone and radio calls from the cell block, asking for assistance. He notified others in the facility that a troublesome situation was developing. The exact number, time, and nature of these calls and the staff's response to them have not been exactly determined because of conflicts and voids in testimony. It is clear, however, that the Commissioner of Corrections was notified of an inmate takeover at 8:05 p.m. The Commissioner informed key aides and arranged to have a state plane fly him to the site of the disturbance. He also telephoned the secretary to the Governor and notified him of the disturbance.

Superintendent Arrives

The Superintendent arrived at the facility at 7:55 p.m. He waited at the hospital for the arrival of the Officer of the Day, who was also the Corrections Emergency Response Team (CERT) commander.

Sit-Cons and CERT Mobilized

The 29-member Crisis Intervention Unit, or Situation Controllers (Sit-Cons), consisting of staff from Ossining, other state facilities, and the Central Office, was activated at 7:55 p.m. CERT members were alerted at 8:05 p.m., and timetables were established for mobilizing additional CERTs from other facilities. Throughout the negotiations and until the disturbance ended, 15 CERT members were on site, in uniform, as support forces.

Watch Commander Released

At 8:15 p.m., a group of inmates escorted the Watch Commander out of the cell block, taking his key ring from him. Inmates told him that he was being released because other officers would be less likely to be harmed if the Watch Commander was removed. He was taken to the administrative offices for debriefing and to notify officials of the inmates' initial demands.

Containment

The staff began to secure other housing areas at 8:20 p.m. to ensure that the disturbance would not spread from Cell Block B to other parts of the facility.

Listening Posts Established

Sit-Cons set up listening posts along the perimeter of Cell Block B. These posts became primary sources of intelligence about activities inside the block.

Governor's Command Post

Governor Mario Cuomo, eight weeks into his first term, set up a Command Post at his New York City office. The Governor was in constant communication with Ossining throughout the incident.

Initial Inmate Demands

At 10:20 p.m., inmates stated that they had not yet formulated any demands except that they wanted controlled medication. At 10:45 p.m., inmates demanded that an ABC television reporter and a specifically named attorney be brought to the scene.

Commissioner Arrives

The Commissioner and Deputy Commissioner of Correction, along with the director of the DOC Crisis Intervention Team, arrived at the institution at 11:30 p.m. and were briefed by the Superintendent.

Hostage Released

Following several hours of informal negotiations and confused communications, one correctional officer was released at 3:00 a.m. in exchange for controlled medication. The released officer was examined by a nurse and then interviewed by a team of Sit-Cons and the Commissioner.

Negotiation

During the first nine hours, no face-to-face negotiations occurred; all communications were by telephone. The hostage-takers insisted on promises of program improvements and access to the media before they would release the hostages. Face-to-face negotiations began at 1:20 p.m. on January 9, the day following the initial incident.

A five-man Sit-Con team handled the negotiations. They relayed status reports on the negotiations to Situation Control, which passed on information to the Commissioner's Command Post. The Commissioner, in turn, remained in close contact with Governor Cuomo's Command Post. According to the report on the disturbance, this arrangement provided for good communication among the parties and enabled details to be worked out quickly and efficiently.

At 7:55 p.m. on this second day, the inmate committee gave the Sit-Con negotiators a list of six demands:

- Removal from the block of the sergeant involved in the initial incident;
- More recreation time;
- More programs;
- Changes in transfer status;
- Package privileges for transient inmates; and
- Easing of overcrowding.

The inmates wanted the Superintendent to guarantee that these issues would be addressed. They also wanted media coverage of the hostages' release. Later demands included amnesty. The inmates reported that all hostages were safe, and they turned over a list of 17 men (16 correctional officers and 1 sergeant) who remained hostage.

Sit-Cons responded that hostages would have to be released before an agreement would be reached and insisted that amnesty would not be a condition of release. They agreed to permit the media to film the release of hostages. A reporter would then be allowed to report inmates' grievances but not to film the reporter's interview.

The Commissioner discussed each point with Governor Cuomo and his advisors, and they reached an understanding about the state's position on each issue. The Inspector General signed a guarantee that the Director of Correctional Services would not engage in retaliation against any inmates involved in the disturbance.

Media Representative Arrives

The parties seemed close to a negotiated settlement, and a media representative was selected to enter the negotiating area to film the release of hostages. The media representative arrived in the dining hall at 10:15 p.m. and was introduced to the inmate committee.

Settlement Setback

When it seemed that a settlement had been reached and hostages were about to be released, the situation changed. Despite Governor Cuomo's request that he stay away from the institution, a state senator arrived at the gate of the institution to personally review the situation. After being briefed on negotiations by the Executive Deputy Commissioner of Corrections, the senator told reporters that the hostages would be released "momentarily." He also stated that under no condition would the state consider granting amnesty to the inmates. The inmates, who were watching the interview on live

television, began shouting that the deal was off. The senator's televised statement caused the inmates to call off their agreement to release the hostages.

Restoration of Order

Throughout the night, the inmates moved hostages to other locations and placed them under tight guard, while the negotiation committee tried unsuccessfully to get the inmate population to agree to a settlement. Fresh CERT teams were brought in to replace teams that had been at the scene for 24 hours. The inmates were assured that the senator was not in charge of the negotiations, but negotiations were not resumed for several hours. The Commissioner ordered reduction of heat, water, and electrical power to the cell block.

Some Hostages Released

Negotiations were resumed at 7:30 a.m. One hostage--the oldest correctional officer--was released at 8:20 a.m. In addition to their earlier demands, the inmates' demands now included a meeting with the Attorney General to discuss amnesty and medical attention before release. At 5:50 p.m. negotiations ended without agreement. Four hostages were released at 6:35 p.m. as a sign of good faith.

End of the Incident

An agreement was negotiated on Monday, January 11, at about 11:00 p.m. It was agreed that transient inmates of Cell Block B would have access to the same mail, recreation, and medical services as other inmates at the facility. Representatives of the Inspector General and the Commissioner of Correction would monitor CERT operations during entry into the cell block. Media would be allowed to be present for the hostages' release, and no retaliation would occur against inmates involved in the disturbance.

The remaining hostages were released following the agreement. The inmates in Cell Block B were temporarily locked down in their cells, and there were no further incidents.

Post-Event Analysis

Conditions Before the Disturbance

The report on the Ossining disturbance prepared for the Governor identified numerous deficiencies that existed before the disturbance. These included inadequate fire protection, ventilation, heating, sanitation, and medical care. Problems existed in food services, clothing distribution, package policies, and inmate grievance mechanisms. There were also allegations of violence, corruption, and misconduct of correctional officers. Other conditions were described as follows:

- **Crowding:** There were 3,000 more inmates in the institution at the time of the disturbance than in the previous year.
- **Idleness:** Transient inmates were denied work assignments, educational programs, enrollment in alcohol and drug abuse programs, counseling, and delivery of hardcover books or packages. Their recreation time, visits, and showers were restricted.
- **Chronic Staff Shortages:** A constant turnover of staff officers, many lacking adequate training, caused routines to change and resulted in unmet inmate expectations.

Role of Media

Although the administrators refused to accede to inmates' demands for media coverage, the media became an important factor in the disturbance. Because of the immediacy of television and the inmates' ability to watch it throughout the disturbance, television became influential in the event. Although media representatives were not granted official access, inmates used the media in their own behalf.

- Inmates refused to meet with administrators without reporters present.
- Inmates used bedsheets as signs at cell house windows, asking for media coverage.
- Inmates shouted their demands over a loudspeaker to reporters on a hill overlooking Cell Block B. The reporters relayed their statements by walkie-talkie to other reporters near telephones in the institution's reception center. The demands were then reported on television broadcasts.
- Inmates insisted that their surrender be viewed by the media.
- Media reports of the state senator's comments erased progress made in negotiations and prolonged the disturbance.

Finally, the report emphasized that, in comparison to many other states, New York's emergency preparedness was relatively advanced. The emergency control operations, generally conforming to those recommended by the American Correctional Association, enabled authorities to regain control of the institution in 53 hours. There were no deaths, few serious injuries, and relatively little property damage resulting from the disturbance.

KIRKLAND CORRECTIONAL INSTITUTION

Columbia, South Carolina, April 1, 1986¹⁰

Overview

On the night of April 1, 1986, a major inmate disturbance occurred at the Kirkland Correctional Institution (KCI), a medium-maximum security facility near Columbia, South Carolina. At the time of the disturbance, the institution housed 951 inmates and was staffed by 36 security employees and 15 support/program personnel. The disturbance began in the institution's Administrative Segregation Unit and soon spread to other parts of the facility. During the event, which lasted approximately five hours, numerous staff members were taken hostage or trapped at their posts, and substantial property damage was inflicted.

Initial Incident

At 7:00 p.m. on April 1, when the Deputy Warden for Administration completed the inmate count, the climate of the institution appeared to be normal.

Between 7:00 and 7:15 p.m., an inmate assigned to the Administrative Segregation Unit (Unit D) repeatedly asked a correctional officer to bring him an aspirin. The particular area of Unit D where the inmate was assigned is known as Substantiated Security Risk section and had been modified to house the most violent of KCI's inmates.

When the officer entered the section to deliver the aspirin, another inmate approached him from behind with a homemade knife approximately 16 inches long. The inmate threatened to kill the officer if he did not surrender the keys to the cell doors. Armed only with a canister of CN tear gas and trapped in the section by himself, the correctional officer placed the keys on the floor. Three other officers in the building's control room could not hear his shouts for help. While the 32 inmates in the wing were being released by the inmate with keys, the officer moved to the wing gate and called for help to the other officers in the unit, who triggered the red phone alarm system to alert the central control room.

Inmates Take Control

At 7:35 p.m., some of the A/S inmates climbed over the Unit D recreation yard fence and broke into a large metal tool box that contained heavy-duty tools, including acetylene cutting equipment, crowbars, metal side grinders, bolt cutters, power saws, and sledgehammers. With these tools, they proceeded to all general population units, freeing approximately 700 other inmates and taking hostage or trapping 22 employees.

Initial Response

The KCI Chief Correctional Officer arrived at 7:30 p.m., following initial notification calls. He placed the few remaining available officers on additional security posts on the outside perimeter of the institution. He also instructed a correctional officer to position himself on the roof of the administration building; to equip himself with a 12-gauge shotgun and a mobile radio; and to prevent inmates from gaining access to the administration building, infirmary, cafeteria, prison industries building, and Gilliam Psychiatric Center.

At 7:40 p.m., inmates began setting fires in the administrative offices of the housing units and in the treatment, education, and library buildings.

¹⁰ The Kirkland case study is based on a presentation at the NIC seminar and on an unpublished report, A Review of the Kirkland Correctional Institution Disturbance on April 1, 1986, which was prepared for the Board of Corrections and the Commissioner of the South Carolina Department of Corrections.

At 8:00 p.m., the officer posted on the roof of the administration building fired one warning shot over the heads of several groups of inmates approaching the administration building, cafeteria, and prison industries building. In response to this warning shot, the inmates ran back to the housing area. All rioting inmates were thus contained in the institution's housing area.

Command Post Established

A Command Post was established at 8:20 p.m. in the KCI Warden's office. At 8:45 p.m., the Regional Administrator, who was in the Command Post, received a telephone call from an inmate at KCI advising that he had two officers with him as hostages. The inmate requested a meeting with the Regional Administrator before releasing the officers. In this meeting, the inmate demanded that the Regional Administrator promise that the inmates would not be hurt. The Administrator responded that no inmate would be hurt as long as the inmates did not harm anyone. Although the Administrator attempted to ascertain how many officers were being held hostage, the inmate refused to answer this question.

At 9:10 p.m., a call came to the Command Post from officers trapped in the security office of Unit D. They reported that the inmates were trying to break into the office by using a cutting torch and numerous weapons. They also stated that fires had been started in the building. In response to the Administrator's question, the officers said that they could get out through the back of the building if emergency personnel were sent to assist them.

Thirty-five emergency team members armed with riot gear and shotguns loaded with bird shot were sent to the rear recreation yard gate of Unit D, where the 11 officers were barricaded inside the building. The officers were freed, and the emergency team regained control of Unit D, taking custody of approximately 75 inmates.

At approximately 9:15 p.m., while the emergency team was entering the gate of Unit D, the Warden made an announcement over the public address system:

Give me your attention. Give me your attention. This is Warden McKellar. A state of emergency has been declared. We have implemented the riot and disorder plan and will take necessary steps to quell the disturbance unless those involved cease their violent acts at once. The Riot Squad has been deployed with shotguns. They have been instructed to use all necessary force to quell this disturbance, to include deadly force. Lie down on the ground where you are. Lie down on the ground where you are. I am not playing games. I am dead serious. [Statement repeated]

Emergency Teams Regain Control of Institution

The Warden made a second announcement over the PA system at 9:40 p.m.:

Give me your attention. A state of emergency has been declared. We have implemented the riot and disorder plan and will take all necessary steps to quell the disturbance unless those involved cease their violent acts at once. If you are not involved and do not want to become involved, report to the recreation field immediately. I repeat, if you are not involved and do not want to become involved, report to the recreation field immediately. [Statement repeated]

Simultaneously, a squad of approximately 40 emergency team members, armed with shotguns loaded with bird shot, were deployed to the yard and began moving most of the inmates (approximately 600) onto the fenced recreation field. The entire sweeping process took approximately two hours and 15 minutes. All yard areas and buildings were secured by 11:40 p.m., and the entire institution was under control of the correctional staff.

Remaining Hostages Freed

The remaining nine employee hostages were released between 9:45 and 11:00 p.m. Nearly all releases were assisted by 30 to 40 supportive inmates who allowed officers to hide in their cells or helped them escape to secure areas.

Fires Suppressed

At 10:15 p.m., when the institution was sufficiently under control that the fire fighters and their equipment could be protected, four fire trucks from the Columbia Fire Department were dispatched from the vehicle gate to the housing units and multipurpose building to suppress numerous fires. The Fire Department remained at the institution until 7:00 a.m. on April 2.

Inmates Secured in Dorms

Between 11:30 p.m. and 12:00 midnight, a preliminary damage assessment was conducted. It was determined that nearly every area except for staff offices was functional and that inmates could be safely secured in their assigned housing.

At 12:05 a.m., inmates were taken from the recreation field according to their housing assignments, one unit at a time, in groups of ten. They were frisked, identified by their unit manager, and escorted to their assigned unit. The process took about six hours to complete; the inmates were generally cooperative.

The institution was locked down at 6:00 a.m. on April 2. At 6:30 a.m., eight inmates who had been identified as being directly involved in the disturbance were escorted from the recreation field to security vans for transfer to the Central Correctional Institution (CCI).

Damage assessment continued throughout the day. During the next several days, another 15 inmates under investigation for rioting were transferred to CCI. Seven inmates who assisted officers during the disturbance were transferred to other institutions for protection and reassignment.

Media Briefings

Throughout the disturbance, all representatives from the news media were kept away from the institution. A briefing area was established approximately one mile away, near agency headquarters. Periodic briefings were conducted by the Director of Public Affairs. The Commissioner of Corrections held a news conference at noon on April 2.

Post-Event Analysis

A review of the Kirkland disturbance that was prepared for the Board of Corrections and the Commissioner of the South Carolina Department of Corrections reported a number of findings, including the following.

Overcrowding Not a Cause

Although the institution was overcrowded, the disturbance was started by inmates assigned to a section with single cells. All evidence indicates that the disturbance was a spontaneous event triggered by the escape of a relatively small number of extremely disruptive and violent inmates.

Malfunctioning Locking System

At the time of the disturbance, security renovations were under way on the Substantiated Security Risk section. It is believed that the first inmate to escape from his cell did so by reaching through the air vent opening of his cell and throwing open the sliding bolt lock. It is then likely that the electric lock on the cell door malfunctioned.

Key Control

The door key to the Unit D fire exit was on the same key ring as the cell door keys when the first correctional officer was taken hostage. Although the inmates did not use the key, but rather broke the exit lock to leave the building, the exit door key should not have been on the cell door key ring.

Tool Control

By climbing the recreation yard fence and breaking a padlock, inmates were able to gain access to a large metal construction tool box containing hardware and heavy-duty tools.

Management and Control of the Disturbance

A number of decisive and well-planned actions were taken by administrators and staff. According to the report, "These actions no doubt saved lives and prevented much further property damage."

- The decision to post an officer on the roof of the administration building was an excellent one. It contained the disturbance in the housing area of the institution.
- The warning shot "saved the day." (As required by regulations, the shotgun was loaded with bird shot.)
- Two officers trapped inside Unit D risked personal injury and wisely replaced the padlock to the fire exit gate leading into the Protective Custody Unit, thus preventing serious harm or death to those inmates.
- The South Carolina Department of Corrections had upgraded its capability to respond to emergencies by providing management level training in emergency response techniques and by increasing training for members of the emergency response teams.
- The emergency teams, management, and support personnel conducted themselves in an exemplary manner both during and after the disturbance.

LEGAL ASPECTS OF MANAGING PRISON GANGS AND DISTURBANCES

State officials need to ensure that the methods they use to respond to gang problems or disturbances will not be successfully challenged in federal or state courts. While the courts have acknowledged that the primary role of an institution administrator is to maintain security, they have also made clear that security needs must be balanced against the constitutional rights of inmates. The following review of cases highlights key issues of which administrators should be aware in planning inmate management strategies. The cases, applicable to gangs, groups, and disturbances, are arranged by topic. They illustrate the courts' approach to achieving a balance between security needs and inmate rights.

CONSTITUTIONAL RIGHTS: REGULATION BY CORRECTIONAL OFFICIALS

In a recent decision, Turner v. Safley, No. 85-1384, 55 USLW 4719 (June 1, 1987), the Supreme Court ruled that "when a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it is reasonably related to a legitimate penological interest." The Court then provided three guidelines for determining whether a regulation is reasonably related to a penological interest:

- The existence of a valid, rational connection between the regulation and the legitimate governmental interest or goal used to justify it;
- The availability to inmates of alternative means of exercising the asserted right; and
- The impact of accommodating the asserted right on staff, other inmates, and the allocation of institutional resources.

The Court determined that the impact analysis cited in the third guideline is extremely important and that the courts should be particularly deferential to the informed discretion of correctional officials.

FIRST AMENDMENT RIGHTS

The First Amendment includes guarantees related to freedom of speech, religion, and association. Much civil rights litigation has arisen over First Amendment rights because these are the very freedoms that correctional officials often curtail to maintain institutional security and safety. The cases below provide an indication of how the courts have dealt with First Amendment suits.

Rights of Association

Infringement of First Amendment rights is scrutinized carefully by the courts. Therefore, correctional officials should provide detailed documentation of problems with any group whose rights of association they wish to limit. Inmates do not have a right to organize groups that could constitute a threat to the security of the institution. (See Jones v. North Carolina Prisoners Union, Inc., 433 U.S. 119 [1977].)

Rights of Religious Expression

Correctional officials must allow inmates to practice their religion as long as the practice does not constitute a legitimate threat to the institution's security. However, unrestricted right to practice religion is not mandated. In O'Lone v. Estate of Shabazz, No. 85-1772, 55 USLW 4792 (June 9, 1987), the Supreme Court affirmed a restriction on certain inmates prohibiting their attendance at a specific service mandated by the Islamic religion. The Court found the restriction reasonable because it was related to legitimate security interests and because it did not deprive the inmates of the right to practice other Islamic tenants. In formulating any regulations pertaining to religion, however, officials should not attempt to decide which religions are or are not legitimate.

Rights of Expression

In Rios v. Lane, 812 F.2d 1032 (7th Cir. 1987), the Court considered a case in which the correctional staff confiscated a card containing gang-related slogans, as well as a list of Spanish-speaking radio frequencies, that one inmate had given to another. The action was taken under a state regulation prohibiting "gang-related activities." The Court stated that gangs constitute a legitimate threat to institution security and that attempts to control them are a reasonable goal. However, it ruled against the defendants because the term "gang-related activities" was too broad and vague and, therefore, difficult to apply.

The Supreme Court also upheld the right of correctional officials to "bug" a visiting area and intercept a conversation between an inmate and his brother without the knowledge of either and without a warrant (Lanza v. New York, 370 U.S. 139 [1962]). While this ruling has been called into question by a subsequent opinion, at least one decision has expressed the survival of the Lanza holding. (See United States v. Paul, 614 F.2d 115 [6th Cir. 1980].)

With respect to wire interception of inmates' telephone calls with persons in the community or in other institutions, excluding their attorneys, the courts have made it clear that correctional officials can monitor calls for purposes of maintaining institution security or for purposes of institution administration. (See, for example, United States v. Paul, 614 F.2d. 115 [6th Cir. 1980]; Crooker v. U.S. Department of Justice, 497 F. Supp. 500 [D. Conn. 1980].) The court rulings strongly suggest that institution policy mandates the posting of telephone rules so that inmates might have reasonable notice that the monitoring of calls might occur. The posting of such rules also establishes monitoring of calls as part of officials' ordinary course of duties, thus making this activity a part of institution administration. Federal statute (18 U.S.C. 2517 [1], [2]) provides that any information on illegal activities that is intercepted during ordinary monitoring of telephone calls may be turned over to federal or state authorities for use in criminal investigations or prosecutions.

The right of correctional officials to censor inmates' mail was affirmed by the Supreme Court in Procunier v. Martinez, 416 U.S. 396 (1974). However, the Court held that to be justified the censorship must meet two criteria:

- The regulations must further an important or substantial institutional interest; and
- The censorship can be no greater than is essential to accomplish protection of that interest.

The Court also indicated that the rights of inmates' correspondents must be afforded consideration.

FOURTH AMENDMENT: SEARCH AND SEIZURE

The courts have found that neither inmates nor their visitors have a protectable liberty or property interest in a correctional setting. (See Pell v. Procunier, 94 S. Ct. 2100 [1974]; Hudson v. Palmer, 104 S. Ct. 3194 [1984].) Therefore, the courts have generally held that inmates and visitors may be searched in pursuit of a legitimate security need of an institution. In all cases, both the manner and the method of the search must be reasonable and based on a reasonable suspicion. (See, for example, Hunter v. Auger, 672 F.2d. 668 [8th Cir. 1982]; Thorne v. Jones, 765 F.2d. 1270 [5th Cir. 1985]; Goff v. Nix, 803 F.2d. 358 [8th Cir. 1986].)

FOURTEENTH AMENDMENT: DUE PROCESS

The Due Process Clause of the Fourteenth Amendment states that no person should be deprived of life, liberty, or property without due process of law. Although the language of this constitutional provision appears simple, it has created considerable confusion and formed the basis for numerous lawsuits. The cases below provide a sampling of the litigation most pertinent to managing gangs and disturbances.

Transfer of Inmates

The Due Process Clause of the Fourteenth Amendment has been cited by inmates being transferred to another institution. The courts, however, have disagreed. (See Meachum v. Fano, 427 U.S. 215 [1976]; Montanye v. Haymes, 427 U.S. 236 [1976].) In these cases, the Court looked at state laws and found that they provided administrators complete discretion to transfer inmates among institutions. The Court found no "liberty interest" to be protected by the Constitution. In Olim v. Wakinekoma, 103 S. Ct. 1741 (1983), a case involving out-of-state transfer, the Court also found no violation of due process.

In addition, the court has affirmed the mass transfer of inmates to special management facilities in order to maintain institution security. In Tyler v. Black, 811 F.2d. 424 (8th Cir. 1987), the court determined that such a transfer was a legitimate response to meet security needs in an institution that had experienced six inmate stabbings in four days and was confronted with the threat of mass violence. The court also found that inmates involved in the transfer were entitled only to an informal hearing following the move.

Placement in Administrative Segregation

In 1983, the Court addressed the placement of an inmate in administrative segregation pending investigation of his participation in an institution disturbance (Hewitt v. Helms, 459 U.S. 460 [1983]). The Court found no liberty interest established by the Constitution. However, in investigating relevant state regulations regarding placement in administrative segregation, it found that the discretion of state officials was limited because mandatory procedures were outlined. State regulations thus entitled inmates to some procedural due process protection pending investigation of their involvement. The Court determined that minimal due process procedures, including notice and an opportunity to respond, were sufficient.

The importance of due process to placement in administrative segregation is also emphasized in a more recent case, Childs v. Pellegrin, 822 F.2d. 1382 (6th Cir. 1987). This case grew out of a response to an inmate work stoppage that resulted in the wounding of inmates by correctional officers. Several inmates were placed in administrative segregation for two months, pending investigation of their role in the work stoppage, an action upheld by the court. However, correctional officials continued to keep the inmates in segregation for several additional months despite a lack of evidence for doing so, and the court found that the officials had failed to restore the liberty to which the inmates were procedurally entitled.

Deprivation of Property

The courts have held that negligent deprivation of property and most intentional deprivation of property do not constitute a denial of due process. In Hudson v. Palmer, 104 S. Ct. 3194 (1984), for example, the Court found that inmates do not have an expectation of privacy from governmental intrusion and could be subject to a cell search related to institution needs. For instance, it would be impossible to accomplish the objective of preventing the introduction of weapons, drugs, and other contraband if inmates retained a right of privacy in their cells. However, the Court also warned that inmates do have an interest in not being harassed through calculated deprivation or destruction of personal property.

EIGHTH AMENDMENT: CRUEL AND UNUSUAL PUNISHMENT

The courts have consistently asserted that inmates should not be subject to cruel and unusual punishment. However, the courts have acknowledged that deference is owed correctional administrators when they are exercising security measures to respond to or prevent breaches of institution discipline.

In Whitley v. Albers, 106 S. Ct. 1078 (1986), the Supreme Court addressed a case in which an inmate was shot by a correctional officer in an attempt to quell a disturbance. Because the inmate was injured by state officials and was not a participant in the disturbance, it was argued that the injury rose to the level of a constitutional violation, entitling the inmate to damages. In its opinion the Court found no

violation of the Constitution and stated that "...the infliction of pain in the course of a prison security measure...does not amount to cruel and unusual punishment simply because it may appear in retrospect that the degree of force authorized or applied for security purposes was unreasonable, and hence unnecessary in the strict sense." The Court determined that specific factors must be addressed in determining whether conduct amounts to cruel and unusual punishment:

- The need for the application of force;
- The relationship between the need and the amount of force used; and
- The extent of the injury inflicted.

The Court also noted that in examining the use of force on an inmate, the Court must consider "...the extent of the threat to the safety of the staff and inmates as reasonably perceived by the responsible officials on the basis of the facts known to them." This decision and findings in other recent cases have granted increased protection to correctional officials in responding to single disciplinary incidents as well as to disturbances.

DEFENSES AVAILABLE TO CORRECTIONAL OFFICIALS

As the courts have addressed the numerous cases pertaining to inmates' rights and institution security, they have also recognized the burden of litigation on correctional officials. Recent decisions have been more generous in redefining the defenses available at the start of litigation to prohibit its continuation and during trial to prevent an award of damages if certain evidence cannot be demonstrated:

- **Qualified Immunity:** This immunity provides a defense that can be offered at the initiation of a lawsuit in which an inmate is seeking damages against a state official and the law has not been clearly established on the facts about which the inmate is complaining. Often the law relating to a correctional setting is not clear. When it is not, qualified immunity allows officials to have a case dismissed immediately.
- **Unintentional Violation:** Damages cannot be awarded in a trial against state officials if the officials can demonstrate that a constitutional violation was not committed intentionally.

The cases highlighted in this section suggest that in balancing institutions' security needs and inmates' constitutional rights, the courts tend to favor the former when correctional officials can justify their rules and regulations. The courts have generally provided officials with considerable latitude in acting to establish the secure setting required by inmates and to anticipate threats to that setting. Experience suggests, however, that in restricting inmate rights, officials should articulate specific rules and regulations while also creating the ability to deal with exceptions.

Although the courts have resolved many issues, problematic questions and situations continue to confront correctional administrators. As Barbara Jones, General Counsel of the Kentucky Corrections Cabinet, points out:

Many decisions are left to the professional judgment of the correctional administrator based on present knowledge of the law and knowledge of the incarcerated felon. Education and training are the best protection a correctional official has in order to exercise good professional judgment and avoid serious liability.¹¹

¹¹ "The Civil Rights of a Convicted Felon and the Defense of a State Official." Paper presented at the NIC Seminar on Gangs and Disturbances, April 1987.

CONCLUSION

Gangs and disturbances are among the most potentially harmful problems faced by today's correctional administrator. The constant challenge to administrators is to manage their institutions in such a way that neither gangs nor disturbances threaten safe and secure operations; that is, prevention is the principal strategy to be pursued.

The proliferation and influence of gangs can be controlled. Good intelligence gathering, vigilance, sound operational procedures, and a consistent policy of discipline and firmness will enable officials to maintain control and limit the power and influence of gangs.

Similarly, many inmate disturbances can be avoided. Consistent adherence to sound correctional management principles, coupled with an understanding of the factors that tend to lead to disturbances, can enable administrators to run most institutions in an atmosphere of order. In short, the most effective approaches to prevention are founded on good management, visibility and accessibility of top administrative staff, and constant alertness to symptoms of possible problems.

Even excellent management practices, however, cannot always contain the volatile elements in an institution. It is crucial that, in addition to using strategies for prevention, administrators be prepared to address both gang activity and inmate disturbances if they do occur.

This publication was developed from consultants' presentations and participants' comments at the National Institute of Corrections seminar titled "Management Strategies in Disturbances and with Gangs/Organized Groups." It has focused on the importance of planning for control, as well as the necessity of early identification of both gang behavior and the stages in development of a disturbance.

In addition, the report has stressed the importance of developing and practicing a comprehensive disturbance control plan. The need for adequate staff training, and the establishment and use of special disturbance control forces have also been emphasized. Follow-up care and attention for those involved in a disturbance, which are sometimes ignored in discussions of disturbances, are necessary from both a humane and practical management standpoint.

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