

CJI

Resolution of Prison Riots

Bert Useem
University of Louisville

Camille Graham Camp
Criminal Justice Institute

George M. Camp
Criminal Justice Institute

1993

1990

147708

Report to the
National Institute of Justice,
Department of Justice

RESOLUTION OF PRISON RIOTS

Project Number 90-IJ-CX-0026

147708

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this [redacted] material has been granted by
Public Domain

U.S. Department of Justice
to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the [redacted] owner.

by

**BERT USEEM
University of Louisville**

**CAMILLE CAMP
Criminal Justice Institute**

**GEORGE CAMP
Criminal Justice Institute**

CONTENTS

Acknowledgments	iii
Chapter 1: Introduction	1
Chapter 2: Kirkland Correctional Institution	15
Chapter 3: United States Penitentiary, Atlanta	33
Chapter 4: Mack Alford Correctional Institution	78
Chapter 5: Coxsackie Correctional Facility	123
Chapter 6: Idaho State Correctional Institution	159
Chapter 7: Pennsylvania State Correctional Institution at Camp Hill	175
Chapter 8: Arizona's State Prison Complex - Cimarron Unit	211
Chapter 9: Federal Correctional Institution, Talladega, Alabama	229
Chapter 10: Before the Riot	262
Chapter 11: During the Riot	288
Chapter 12: After the Riot	311
Chapter 13: Public Policy Preparedness	317
Appendix A: The Essentials of a Viable Emergency Plan	334

ACKNOWLEDGMENTS

This project was made possible by the generous financial support of the National Institute of Justice (Project Number 90-IJ-CX-0026) and the Federal Bureau of Prisons. We also appreciate very much the assistance of Ms. Voncile Gowdy who served as the Program Monitor.

Our deep gratitude goes to the on-site corrections practitioners who provided this project its base of information. They opened many doors (and sometimes security gates) for us and, once we were inside, were most helpful in sharing their observations and thoughts. Their commentary was forthcoming, insightful, and generous. Every request for assistance and information was fulfilled. We would like to thank each by name but cannot.

One group we do wish to name is the directors of the agencies in which we conducted the research. They were unreservedly helpful and tireless in providing information, both written and from memory.

We gratefully thank

Former Director J. Michael Quinlan, Federal Bureau of Prisons

Commissioner Thomas A. Coughlin, New York State Department of Correctional Services.

Former Director Gary Maynard, Oklahoma Department of Corrections

Director Samuel Lewis, Arizona Department of Corrections

Commissioner Parker Evatt, South Carolina Department of Corrections

Commissioner Joseph Lehman, Pennsylvania Department of Corrections

Director Richard Vernon, Idaho Department of Corrections.

Also, a number of individuals at the interview sites went above and beyond the call of duty in their assistance. Special gratitude goes to Warden Kenneth McKellar, South Carolina Department of Corrections, Superintendent Gary Filion and CIU Director Richard Roy, New York State Department of Correctional Services, Mr. George Miller, Idaho Department of Corrections, Warden Jeffrey Beard, Pennsylvania Department of Corrections, Regional Director Dave Miller, Oklahoma Department of Corrections, Regional Director Sam Samples, Bureau of Prisons, Atlanta Georgia, and Warden Roger Scott, FCI Talladega.

Finally, we would like to thank the Directors of each correctional agency in the United States who took the time to answer the screening survey at the start of this study.

Chapter 1

Introduction

"Prison riot" should be an oxymoron, like jumbo shrimp or deafening silence. Prisons are attempts to control those who, left to their own devices, have not lived up to the responsibility of living within the law. Much goes into that regulatory effort: 24 hour supervision, rules governing most aspects of everyday life, special units for those who break the rules, cells with steel reinforced concrete walls, and armed officers on the perimeter. This is one reason why prisons are so expensive, why it costs more to send a person to prison than to educate a student at an elite college. Prison riots have occurred all too often and, having grown accustomed to the term, the term does not strike the ear as antithetical or incongruous. We should anticipate them in the future.

This report seeks to understand how prison riots have been resolved and considers the strategies and conditions under which they can be settled more effectively and with the lowest costs to all parties involved. We will examine strategies and conditions before the riot, during the riot, and after the riot.

BEFORE THE RIOT

Successful resolution should not be regarded as something that happens by chance. Neither can officials depend upon the self-restraint of inmates nor even on the most advanced tactical strategy or weaponry. These help and pure luck can help even more, but they cannot be relied upon.

Equally mistaken is the belief that authorities can rely on inherently superior force to end a disturbance when they lack preparation. Locked gates, vigilant correctional officers, "unbreakable" glass that does not give way when clubbed by angry inmates, and other factors of physical security can limit

the spread of a riot. Rapid response in executing a riot control plan can be crucial in minimizing harm to staff and inmates.

Two riots may begin the same way, an inmate takeover of a housing unit, but one is immediately met by a mobilized show of force and the other is not. The next day, the press account of the two incidents might read: (1) Fifty inmates seized a correctional officer and held him hostage for several hours; damage was limited to a single housing unit; corrections officials were praised for their quick action or (2) 800 inmates went on a wild rampage for 12 hours, destroying much of the facility and taking numerous hostages; the governor has appointed a blue-ribbon task force to investigate the causes of the multimillion dollar riot. The advantage of speed was the only difference, an advantage that comes only with thorough preparation.

In addition, the risk of organizational failure in controlling a prison riot is hard to overstate. Resolution may fail, not because of the violent and malevolent actions of inmates, which often can be taken as a given. (In high-security prisons, the majority of inmates will have histories of violence, including assault and murder.) Rather, the resolution strategy falls short because the state's efforts become disorganized or unclear to those who must take action. Clausewitz's comment on the conduct of war applies equally to the control of prison riots: "Everything in war is very simple, but the simplest thing is difficult. The difficulties accumulate and end by producing a kind of friction that is inconceivable unless one has experienced war."¹

As in war, the friction of prison riots often stems from the same sort of garden variety snags that we experience in ordinary life, only multiplied by the pressures of the event: vehicles that break down, spent batteries in communication equipment, lost keys to doors or gates, unplanned delays in arrival, and messages that are garbled or not transmitted. Line personnel may exercise poor judgment, perhaps brought

¹Carl von Clausewitz, On War. Eds. and trans. Michael Howard and Peter Paret. (Princeton: Princeton University Press 1976 [1833]). Quoted in Edward N. Luttwak, Strategy: The Logic of War and Peace. (Cambridge: Harvard University Press, 1987), 12. Luttwak discusses Clausewitz's work upon which we, in turn, draw.

on by the extreme conditions of the moment. Officers stationed in towers may, at the moment of truth, aim their weapons with far less precision than they did throughout qualification training. Some officers may freeze altogether.

Command officers must handle these unpredictable problems as they arise but their own mistakes may only add to confusion. Who is in charge: the warden, the director of the department, or (in some jurisdictions) the regional director? This issue should be settled in advance, but sometimes it is not. Command may have a clear idea of what it wants done, but may issue orders that seem ambiguous or confusing to line officers. The tactical squad and negotiating team may each be well-practiced. Their training, however, may have been conducted separately and, as a consequence, the two units may find it difficult to coordinate their operations during a disturbance. In short, friction can be intense.

Successful resolutions require a controlled, measured response. Important are an orderly command post, clear lines of authority, effective communication, appreciation of the consequences of alternative lines of actions, and a sense among correctional officers that their skills and training are adequate to the challenge at hand. The sources of friction will never be eliminated, but they can be brought under control. Most of what must be accomplished must be done before the riot begins. One goal of this report is to develop a perspective on how this can be achieved.

DURING THE RIOT

Prison officials have three options to end a riot. They may order forcible retaking of the prison, the tactical solution. They may end the riot through talking, the negotiation solution. Or they may let the riot die of its own accord, the waiting solution.

As we shall see, in actual riots the boundary between these strategies may break down and the options become indistinct. Negotiations can be used to collect information for a tactical assault or to tire and demoralize the inmates so they will surrender. A policy of waiting can be used to strengthen the

administration's tactical capabilities or, if used in conjunction with deprivation of food, water, or electricity, to force inmates to bargain seriously. A visible tactical mobilization may permit inmates to see more clearly the consequence of failed negotiations or to tire and wear down their mental faculties. Still, at any given time prison officials must commit themselves to one course or another, based on a calculation of its costs and benefits against the costs and benefits of other options.

In a later chapter, for example, we will observe a riot in which prison officials were initially committed to a strategy of negotiation and waiting. Then, after nine days, in a focused moment officials reconsidered their strategy based on changing circumstances. A tactical assault was ordered.

With these options in mind, it might appear that there is nothing unusual about the handling of a prison riot. Consider a routine problem facing a prison official. An inmate, having been found guilty of a serious rule infraction is ordered to be moved to a disciplinary cell. He refuses to leave his cell to go to the disciplinary cell. Like the prison official facing a riot, an official can try to talk the inmate out of his cell (negotiation solution), use force to extricate the inmate (tactical solution), or let the inmate stew in his cell until hunger or sheer boredom convinces him to leave voluntarily (waiting solution). The decision will be based on (a) the importance given to the principle that inmates are never permitted to refuse a direct order, (b) the likelihood of injury to correctional officers, and (c) the burdens on staff time. The analogy, however, is flawed.

The recalcitrant inmate is an administrative problem. While the circumstances may vary from one situation to the next and each inmate might react somewhat differently, still standard procedures and existing resources will suffice. Once the decision is made, the outcome is never in doubt.

In contrast, a prison riot of serious magnitude requires officials to develop a resolution strategy in a complex and uncertain environment. They must assemble material and human resources from within the prison facility, the broader corrections agency, and (sometimes) from outside the agency. The viability and outcome of any particular course of action can be in serious doubt even (or especially) for a tactical

course of action. The costs in human suffering and damage to the facility can be staggering. Life and death decisions may have to be made quickly and under extreme pressure. Finally, prison riots are public events: Careers can be advanced and, from time to time, destroyed by the quality of leadership shown.

The difference between normal administrative decisionmaking, as compared to decisionmaking in the context of a riot, was made clear in a comment of a senior-level official in one state. He explained that, during a disturbance, those outside of command often make intemperate demands "to get it over with" (implying that to do otherwise borders on inmate appeasement). Such demands, he explained, fail to appreciate the practical difficulties of tactical solutions. One cannot merely "order" a tactical solution that stays within reasonable costs any more than a general can "order" a military victory. In between the order and the desired results are formidable tasks, not the least of which is assembling the necessary resources and preparing the tactical teams. Perhaps those who dogmatically demand an immediate assault (keeping in mind that a recommendation for immediate tactical assault is not always dogmatic) see prison riots as similar to cell extractions. The two are not comparable.

In a subsequent chapter, the reader is likely to be impressed by the FBI's Hostage Rescue Team in the retaking of a unit in which nine hostages were being held. The assault was ordered only when negotiations failed to achieve a settlement, the tactical forces were at the peak of readiness (which included rehearsing the assault in dry runs), and the assault could be timed to maximize the element of surprise.

AFTER THE RIOT

This period consists of short-term problems associated with returning the prison to order, medium-term problems with repairing the damage and reestablishing work schedules, and long-term problems related to restoration and change.

By short-term we mean the first half-dozen to dozen hours after resolution of the riot.² Injured or ill inmates must be treated. The prisoner count must be cleared and inmates must be searched for contraband and moved to secure areas. The importance of security tasks cannot be overstated. A subsequent chapter will describe the consequences of failing to attend to these responsibilities: Inmates rioted again, this time far more destructively.

Another important task is to attend to the needs of hostages, providing necessary medical attention and moral and psychological support. We shall see that some agencies are better prepared to handle the trauma of hostage taking than others. Not only are professional services, such as psychological counselling, required but the corrections leadership must demonstrate that they recognize the sacrifice required by hazardous duty. The moral and human elements of leadership are crucial to overcoming the personal suffering of hostages.

The medium-term problems include repairing damage to the physical plant, administrative follow-up associated with the disturbance, and returning employees to their normal work routines. The severity of these problems will depend, of course, on the duration and intensity of the riot. Many, if not most, of the prison's buildings may have destroyed beyond repair by inmates. On the other hand, in one disturbance described in subsequent chapters, the damages of a nine-day siege were found to be surprising superficial, allowing for reoccupancy just two days later.

The term "administrative follow-up" understates the substantive problems that officials may face. If employees file for disability as a result of trauma experienced during the disturbance, what criteria will be used to grant it? Will disciplinary hearings be held for employees whose mistakes may have contributed to the takeover? Will the department initiate an investigation of the disturbance and, if so, with what resources and for what purpose?

²These tasks can take up to 72 hours, or even a week, to be fully completed.

•Prison riots are important events in corrections, often with long-term consequences for those involved and to the agency as a whole. These consequences can be negative or they can be positive, a threat or an opportunity, depending on what is done before, during, and after the disturbance.

The impact of the riot on staff morale is crucial. By staff morale we mean identification with the agency, respect for leadership, and commitment to the goals of the agency. Prison riots may undermine these attachments or they may strengthen them. Much depends on how well prepared the department was and the effectiveness of the action taken during the riot. After the riot, staff will ask, "Did management act to take control of the situation or was it indecisive? Was the staff adequately trained or were they allowed to drift into the situation unprepared?"

When handled properly, prison riots can bolster morale. The system has been tested and it works; put to the highest test, personnel responded professionally if not heroically. A new sense of unity may emerge, both within particular units and within the department as a whole. This unity will be of the strongest kind: based not upon speeches and symbolic gestures alone, but emerging from a shared crucial experience. Management and staff will feel that they can depend on each other and are working toward a mutual goal.

When handled improperly, a riot can damage a department's internal integrity. Staff may feel that lack of riot preparation was evidence of indifference to their safety. Poor judgment by management during the riot may be taken as evidence of lack of competence. Lack of support by the central office to the institution's superintendent during the riot may raise doubts about its concern for those outside the central office. If morale plummets, absenteeism and turnover can be expected to increase. There may be a flood of employees filing disability claims, even those who only witnessed the events and were not taken hostage.

While riots are tragic events, at the same time, they afford opportunities to rethink policies, procedures, structures, and commitments. After a riot, the organization may become more adaptable,

allowing for innovation that otherwise would not be initiated. Those who want change can point to the riot as evidence of its necessity. Additional funds may be made available. These changes may be directed toward the agency's normal administrative operation where it had been found lacking or new efforts may be initiated to develop riot response operations.

Opportunities may not be recognized. A department may respond defensively, arguing that it did nothing materially wrong before the riot and that the occurrence is nothing more than can be expected from a population of hardened criminals. A department may take a defensive posture about the handling of the riot itself. When mistakes cannot be credibly denied, individuals may be targeted for blame with no useful lessons learned. Funds may be more difficult to secure after the expenses of the riot are settled.

METHODOLOGY

We asked every U.S. state corrections agency, District of Columbia Department of Corrections, and the Federal Bureau of Prisons to provide a thumbnail sketch of disturbances that occurred in the agency over the previous two years. This survey yielded brief accounts of 49 riots. In addition, we considered disturbances that occurred outside the two-year period if there was a compelling reason for their inclusion. Initially, we planned to study six riots, but added two others because of their significance, disturbances at the United States Penitentiary, Atlanta, Georgia and the Federal Correctional Institution, Talladega, Alabama. Both were examined with the perspective gained from site visits to six state prisons. The disturbance at Talladega occurred during the course of the study and permitted us to assess its resolution while it was still fresh in the minds of those involved.

In general, four criteria governed the selection. First, a riot became a likely candidate for selection if it occurred in an agency known to be innovative in developing a riot control response and/or for known the quality of its leadership. This criterion suggested disturbances at Kirkland Correctional Institution (South Carolina) and Coxsackie Correctional Facility (New York).

Second, a riot was more likely to be included if special problems emerged in its resolution. For example, a riot at State Correctional Institution, Camp Hill (Pennsylvania), was actually two disturbances separated by a 12-hour period. How could this occur? The riot at USP Atlanta was resolved through complicated negotiations and, in the aftermath, prompted a major effort by the Federal Bureau of Prisons to expand its program for emergency preparedness. The disturbance at FCI Talladega four years later tested these efforts and, as well, provided an excellent example in the use of tactical force.

Third, we wanted a sample of different types of disturbances which would permit us to examine the range of problems that corrections authorities face. A disturbance at State Prison Complex at Tucson (Arizona) was essentially a conflict between inmate groups which spilled over to being a riot against prison officials. A disturbance at Mack Alford Correctional Center (Oklahoma) illuminates the problem of controlling the expansion of a disturbance. A disturbance at Idaho State Correctional Institution (Idaho) demonstrates the problems of controlling a disturbance made more complex by serious fire.

Fourth, we wanted to include disturbances that occurred in different types of institutions occurring in different parts of the country.

Fieldwork

To gain a greater understanding about how prison riots are resolved, we determined that the best approach was to go directly to the scene of the disturbances, interview staff who had been involved in the resolution of the disturbance, observe the areas in which the disturbance occurred, and study documents and reports some of which might not have been published and would not have been available without traveling to the prison itself. In addition, we read the public accounts of the disturbance as they may have appeared in the press or had been written by designated committees or groups to investigate and assess what had happened. As well as traveling to the seven of the eight prison sites (the U.S. Penitentiary at Atlanta was not visited because of both time and budget constraints as well as the fact that an indepth

report of the riot had been prepared and was available), we also interviewed key staff in the correctional agency's central office.

While it was obviously not possible to have been present during the resolution of the riot, we were able to view video-tapes of the on-going disturbance, its resolution, and aftermath. Those video-tapes were made by the correctional agencies in some instances and by local television stations that were on site at the time of the disturbance. In conjunction with the written records of the correctional agency, those of other public bodies, and the press that documented the events along with the structured interviews that we conducted, we were able to capture the events.

At each of the prison sites individual and small group interviews were conducted. Those interviews were recorded and transcribed. During almost every interview, at least two of the three person research team was present. This arrangement permitted at least one interviewer to take more complete notes and ask follow-up questions on issues that might have been overlooked had just one interviewer been present.

The principal investigators completed all the field work. At least two of them, and in several cases all three, conducted interviews at the prisons and the central offices of the various departments of corrections. They brought to the study a combination of well developed interviewing techniques, first hand correctional experience, and social science research skills. They have studied and written about prison disturbances and the management of prisons and prison systems. The experiences learned from that prior work and study provided them with the necessary understanding of the issues and the capacity to discern from what they heard and observed.

The individuals we interviewed were from all ranks of the institution and agency. The primary criterion for their inclusion was their involvement in the resolution of the riot. Their role, their action, their impressions were our concern in describing what happened, how it happened, when it happened, and why it happened. One group of individuals was not interviewed. We decided not to interview inmates. The focus of the study was on the resolution of the riot. Since the staff were responsible for quelling the

riot and restoring order, we concentrated on them as the primary source of our information. At the same time, we did gain the perspective of many of the inmates who were in the facilities at the time of the riot through other reports of the events in which their statements and opinions were related.

One other group was interviewed and bears mentioning. At Atlanta, Talladega, Mack Alford, Cocksaxie, and Camp Hill prison staff were taken hostage by the rioting inmates. At all but Atlanta, we interviewed at some length a number of the former hostages. Their accounts of the events they endured and the nightmares that many of them still live with to this day, provided riveting testimony to the tragic occurrences that result when an institution is temporarily out of control. Their accounts gave us not only valuable insight into how the disturbance began and how the inmates were able to gain control, but also first hand information as to the actions and expressed opinions of the inmates who were holding them captive.

The interviews were transcribed and, along with our notes and the documents collected at each site, we assessed the information collected. We discussed our findings, wrote the individual case studies, shared drafts, and refined and edited the reports. We then assessed the cumulative weight of our findings and organized a summation of our findings and conclusions which are presented in four chapters following the case studies.

SOME FINAL PREFATORY REMARKS

As we progressed through our field work, going from one site to the next, it became clear to us that current practices vary considerably from one agency to the next, both in form and in quality. Some agencies invest considerable resources and time in developing an ongoing riot response effort. Others are less well prepared even by their own standards.

In drawing attention to this variation, it is not our intention to criticize some agencies and praise others. Too often, policy reformers moralize when they complain that their pet problem has not received

all the attention it deserves. What problem does? The moral and practical claims on corrections' resources are great, compelling, and all too familiar: crowding, skyrocketing medical costs, court mandated reform, and so on. Nevertheless, we would be remiss if we did not report the efforts of agencies that have improved their capability to resolve disturbances and to encourage other agencies to draw from their experiences. We make this point based not on an abstract hope that some policy innovation might work, but rather in the observation that preparation is a key to successful riot resolution.

When we began this project, we thought it possible to focus our attention just on the resolution of prison riots: what happens after a riot starts and how can it be resolved most effectively with lowest costs for all parties involved. That remains our primary concern. The problem is, we discovered, that one cannot snip a riot from the agency in which it occurs and hope to understand that disturbance and its resolution. How a prison operates under normal circumstances will influence greatly the direction it will take to restore order in a disturbance. The operation of a prison, in turn, will reflect the broader agency of which it is a part.

Two policies implications follow. One is that we should anticipate that there is no one correct way to resolve a disturbance. What is done, what should be done depends upon the management style and capabilities at hand. For example, some directors develop reputations for hands-on management, others allow their facilities greater operational latitude. Both approaches can lead to excellent results, to well managed prison systems. Still, it is unrealistic to expect that directors who differ along these lines would take the same approach to resolving a particular disturbance. Just as there is no one right way to manage and lead a department of corrections, there is no single right way to manage a disturbance.

We shall see, for example, some state directors of corrections immediately rush to the riot scene, and not much is done until the director arrives. In others, the director remains at state headquarters, helping mobilize the necessary resources, acting as sounding board for the warden, and ensuring that the warden is on a proper course. These differences reflect different management styles.

Moreover, put a group of directors of departments of corrections in the same room, and they will debate the issue, with heat as well as light. There may be no definitive resolution to the discussion, other than a recognition that what works in one state may not work in another state. On the other hand, some strategies have proven more effective than others for any given situation.

A second policy implication is that the same problems that helped give rise to the disturbance may carry over to the resolution itself. A corrections agency, or a prison facility, with management problems before a disturbance should anticipate that those problems will emerge in the riot resolution. By the same token, a well-managed agency can use its capacities to achieve an efficient resolution.

That riot resolutions must be studied as elements of a larger tapestry surely makes the undertaking more complicated. It also (we hope) makes the task more instructive. By tracking different resolution strategies and outcomes, we can also learn much about routine corrections. A system's routine operation can help us predict what will occur in the event of a disturbance. We still have much to learn about corrections, routine and otherwise.

In each of the next eight chapters, a case study of a prison riot is presented. The chapters are arranged in the order of the occurrence of the riots. The names of the prisons, their location, and the dates of the disturbances are listed below. Following the case studies, four chapters summarize our findings. One chapter each is on issues that arise prior to the riot, during the riot, and after the riot. A fourth concluding chapter discusses riots and public policy preparedness. An appendix offers suggestions as to the essential elements needed for a reliable emergency response plan.

CORRECTIONAL AGENCY	PRISON	LOCATION	START DATE	END DATE
South Carolina DOC	Kirkland Correctional Institution	Columbia, SC	April 1, 1986	April 1, 1986
Federal Bureau of Prisons	U.S. Penitentiary Atlanta	Atlanta, GA	November 23, 1987	December 4, 1987
Oklahoma DOC	Mack Alford Correctional Institution	Stringtown, OK	May 13, 1988	May 16, 1988
New York DOCS	Coxsackie Correctional Institution	Coxsackie, NY	August 1, 1988	August 2, 1988
Idaho DOC	Idaho State Correctional Institution	Boise, ID	September 28, 1988	September 28, 1988
Pennsylvania DOC	State Correctional Institution	Camp Hill, PA	October 25, 1989	October 27, 1989
Arizona DOC	State Prison Complex — Tucson	Tucson, AZ	June 21, 1990	June 21, 1990
Federal Bureau of Prisons	F.C.I. Talladega	Talladega, AL	August 21, 1991	August 30, 1991

Chapter 2

Kirkland Correctional Institution

April 1, 1986

This riot began when small number of extremely violent inmates forced their release from a high security unit. The initial takeover did not involve a general uprising of aggrieved inmates. In fact, the prison before the riot was notable for its effective management and high morale, except in the unit where the disturbance began. But once the disturbance began, it expanded quickly to the general inmate population and posed a high risk of violence to the 22 staff members taken hostage or otherwise trapped.

Officials responded with skill and ended the disturbance in six hours with no casualties. The resolution illustrates the value of preparatory efforts, as well as suggesting how such efforts can be improved.

THE PRISON AND ITS INMATES

Kirkland Correctional Facility is located adjacent to the Department of Corrections headquarters on the outskirts of the capital city of Columbia. It is a "campus-style" facility with 12 detached buildings. On one side of the grounds are seven housing units. On the other are an administration building, an inmate industries building, a cafeteria, an infirmary, and a psychiatric unit for mentally disturbed inmates. Straddling the two sides is a large multipurpose building with a canteen, library, barber shop, and academic and vocational classrooms.

On the day of the riot, the state's prisons were overcrowded. The Department had reached an all time high of 9,800 inmates, considerably above the system's "safe and reasonable" operating capacity of

a few over 8,000.¹ Opened in 1975 as a medium security prison, Kirkland was designed to hold 448 inmates but in 1986, there were 950 inmates.

Despite the pressures of crowding, the general atmosphere of the facility seemed positive. For several weeks prior to the disturbance, the Department's director of security had been conducting a security audit of the prison and had talked with a large number of inmates and employees. He reported that the morale was high among both employees and inmates. The prison appeared to be well managed, and there were no indications that a riot was imminent.

This positive atmosphere, however, did not extend to Housing Unit D, the prison's 73-bed administrative segregation unit. Although Kirkland was built as a medium security prison, it housed high-risk, dangerous offenders. As part of a consent decree settling an overcrowding lawsuit filed in 1982, the Department agreed to close the state's Maximum Security Center, the facility that had traditionally housed the system's most violent inmates. Those inmates were dispersed throughout the system, with each institution, including Kirkland, receiving some of them.

Unit D was not overcrowded and each inmate was assigned to a single cell. But hostilities were intense, especially in the Substantiated Security Risk (SSR) section of Unit D (see Figure 2-1). This separate bay of eight cells was reserved for the prison's most violent and disruptive inmates, primarily those with histories of assaults on staff and other inmates. Inmates in SSR conducted a daily barrage against correctional officers. They collected their own urine and excrement and hurled it through the bars

¹This material comes from several sources. One is a Department of Corrections report on the riot by William D. Catoe (Deputy Commissioner for Operations) and James L. Harvey (Regional Administrator) issued seven weeks after the disturbance. William D. Catoe and James L. Harvey, A Review of the Kirkland Correctional Institution Disturbance on April 1, 1986, A Report for the Board of Corrections and the Commissioner of the South Carolina Department of Corrections (Columbia, South Carolina: South Carolina Department of Corrections), mimeographed, May 20, 1986. This excellent report stands as further evidence of a thesis developed herein: the high quality of the Department's emergency response efforts has observable payoffs. The payoff here is that the Department was able to learn from its experience. A second source is a video-tape on the riot prepared by the Department for training. It provides a useful overview of the events. Finally, we conducted a round of interviews of central office and Kirkland officials in the fall of 1990.

at officers or spat on them as they passed. Some inmates set fire to their mattresses or other debris in their cells.

The abuse began to take its toll. According to one Kirkland supervisor, "everyone coming in contact with the clientele we had in Unit D . . . [was] burned out . . . There wasn't a fresh crew of people that I could put in there." The Department's investigation found evidence that correctional officers were experiencing high rates of stress-related illness and turnover due to an increasing level of assaults against officers.² Several other South Carolina prisons, not just Kirkland, had units with similar problems.

In August of 1985, renovations of Unit D were begun to make it more secure. Maintenance crews installed heavier doors and window grills. Two cells were outfitted with closed circuit television monitors. In some instances, however, inmates were able to defeat the higher-security equipment that maintenance crews had installed. For example, an inmate had banged on his door until the locking mechanism malfunctioned. He then stabbed an officer. The door of the cell had been replaced during renovations, but not the locking mechanism.

In response to this particular incident, the Warden ordered the installation of sliding deadbolts on each cell door in SSR as a redundant safety system, backing up the electric locks. Officials decided not to secure the deadbolts with a padlock. It was thought that an inmate could not open the deadbolt from inside his cell, and no inmate was allowed into the bay area. Furthermore, padlocks securing each cell might put inmates at risk in the event of a fire. Officials' concern over fire safety had remained high since a fire, occurring just after the facility opened, killed two Kirkland inmates.

THE RIOT

During its 11 years, Kirkland had never had a major disturbance. The one that broke out on April 1, 1986, was South Carolina's most serious prison riot in nearly two decades.

²Catoe and Harvey, "Kirkland Correctional Institution Disturbance," 24.

Initiation

At approximately 7:00 P.M. on April 1, an SSR inmate asked for some aspirin. A second inmate had jammed the electric lock on his cell, opened it, and hid in a shower. When a correctional officer returned to give the inmate the medication, the second inmate approached him from behind and, with a prison-made knife, threatened to kill the officer unless he turned over his keys. The officer shouted for help, but the three officers in Unit D's control center could not hear his warning. The officer, equipped only with a tear gas canister, dropped his keys and ran to alert his co-workers.

Once past the wing's security grill, the officer phoned the control center to summon help. The officers there, in turn, triggered the institution's emergency alarm system. A half-dozen officers responded. In the meantime, the inmate used the keys to release all of the inmates in his wing, about 32, including those in SSR.

Expansion

About 20 minutes into the incident, some of the prisoners used a metal chair leg to break the padlock on a fire exit door and entered a fenced-in recreation yard. There they used a weight lifting bar to break another lock, allowing them to move around the building. On the opposite side of the Unit, a lock on a second fire exit was snapped and more inmates were released. Two officers replaced the padlock on the fire exit leading to the Protective Custody unit, preventing the rioters from gaining access to it.

At about 7:35 P.M. a group of inmates scaled the fence that surrounds the Unit D recreation yard. Just outside was a heavy metal box secured by a large lock, inside which were the tools for Unit D's renovation, including acetylene cutting equipment, bolt cutters, crowbars, power saws, metal grinders, and sledge hammers. The inmates smashed the lock and took possession of the tools.

The officers stationed in the six remaining housing units had been alerted of the disturbance. Following orders, they locked themselves behind entrance grills in their units. The inmates with tools, however, were eventually able to gain access to all six areas. In so doing, the rioters released roughly 700 general population inmates and brought the number of trapped or seized employees to 22. Inmates soon vandalized and set fires in the administrative offices in the housing units and the multipurpose building. One side of the prison was in their control but not the other.

Administration's Response

At approximately the time that inmates were climbing over the Unit D recreation yard fence, Kirkland's Chief Correctional Officer arrived at the prison. For the moment, he was in charge. The Chief had only a few officers available. He assigned several to perimeter posts and one to the roof of the Administration Building with a shotgun and a walkie-talkie radio. The instructions for the officer on the roof were to prevent inmates from seizing buildings yet untouched: the administration building, infirmary, cafeteria, prison industry building, and psychiatric center.

With the idea of adding more officers to the roof, the Chief called the psychiatric center to order the two available officers to report to the administration building. Unknown to either the Chief or the officers, however, about a dozen inmates had crossed past the administration building and were in the vicinity of an electrically operated door that secures the psychiatric unit. The two officers exited through the security door and took ten steps toward the administration building before they noticed the inmates. They ran back to the security door, pushed a buzzer requesting that the door be released, but were quickly overpowered and taken hostage. The officers were beaten, kicked, handcuffed, and then moved to the housing area.

At 8:00 P.M., large numbers of inmates began moving in the direction of the Administration, Industries, cafeteria, infirmary and psychiatric center buildings. As the inmates neared these buildings,

the correctional officer stationed on the roof of the administration building fired a warning shot above their heads. The inmates retreated back to the housing area. From that point on, the riot was contained to one side of the facility.

A command post was established by 8:20 P.M. in the Warden's office in the administration building. Present were the Commissioner, Deputy Commissioner for Operations, Regional Administrator, Deputy Regional Administrator, Director of Security, and the Warden, as well as the captains of the Department's three emergency-response teams.

By way of background, the South Carolina Department is notable in the stability of its upper echelon management. Most of those in the command post had worked with each other for years, some for as many as 20 years. "We're all good friends, longtime associates," one administrator stated, "[and thus] we didn't have to impress each other, no posturing." Because of this familiarity and trust, the Command Post functioned smoothly in amassing and deploying its resources.

Emergency Preparedness and Notification

In 1982 the Department made a major commitment to strengthen its emergency preparedness unit. The unit was divided into three operational divisions. Situation Control Teams (Sit-Con) were designated to be trained in the use of negotiation to resolve emergency situations. They also were given the responsibility of debriefing hostages after their release. Reserve Emergency Platoons (REP) were to be trained in the use of crowd control techniques and emergency perimeter security. These units resemble traditional riot control squads. Correctional Emergency Response Teams (CERT) were trained in specialized tactical force, such as the use of sniper fire.

Each of the state's prisons has locally based REP and Sit-Con teams. The Sit-Con teams each have five members; the number of REP members depends upon the size of the institution, ranging from 16 to 52. Each REP, Sit-Con, and CERT team is based at a particular facility but, at the same time, contributes

to a departmentwide emergency operations structure. At his or her own discretion, a warden can deploy the facility's own emergency response team. If the warden requires additional help, he or she can request assistance from units based at other facilities.

On the night of April 1, the Chief told his command center to call the Department's Director of Security and to request him to mobilize all available REP members. The Director of Security received this call at home and, before leaving for Kirkland, issued an emergency call to all Columbia-area REP teams.

Early Hostage Release

At 8:45 P.M., the Regional Administrator at the Command Post answered a call from an inmate who said that he had two hostages and he wanted to meet with someone in authority. When the Regional Administrator asked who he wanted to talk to, the inmate responded, "You, alone, in front of [the administration building] in 20 minutes." The Regional Administrator agreed and the meeting occurred accordingly. The inmate who had made the call, along with another inmate, produced two hostages. The inmates stood behind their hostages, who were handcuffed together. The prison official could not see if the two inmates had weapons.

The inmates told the Regional Administrator that their only demand was a promise that inmates would not be injured. He responded that the Department would do what was necessary to restore order, but that no one would be hurt so long as inmates did not try to injure any hostage or inmate. He also asked the inmates about the number and conditions of the hostages; the inmate provided no clear information. The inmate stated, however, that he would have the remaining hostages released if the Department would not intervene and let him handle it. The Regional Administrator said that if this were to occur it would have to happen quickly and that he should call him back. The Regional Administrator

ended the conversation, taking the two hostage officers with him. Their handcuffs removed, they were sent to the infirmary.

Critical Point

Another telephone call was received by the Regional Administrator in the Command Post at 9:10 from an assistant supervising correctional officer, one of eleven officers trapped in a security office in Unit D. He reported that the inmates had weapons and a cutting torch, and that they were trying to break in on them. Several fires had been started in the building, emitting thick smoke making it difficult to breathe and see. The Regional Administrator asked the officer if they could leave the building via a rear door if enough help arrived to cover them, and he answered that they could. The Regional Administrator told the officer to watch the rear of the building and to prepare his group to leave quickly.

The Regional Administrator briefed the others in the Command Post and everyone quickly agreed that the officers trapped in Unit D had to be rescued immediately. About this decision, the REP captain would later remark that he wanted to go into the yard with no fewer than 100 officers, but that the 35 now assembled would be the bare minimum for safety. "We knew we were going out there severely handicapped... but we couldn't wait any longer."

Ultimatum and Deployment

At 9:15 P.M., the Warden collected his thoughts and made the following statement over the institutional public address system:

Give me your attention. This is Warden McKellar. . . [We] will take necessary steps to quell the disturbance unless those involved cease their violent acts. 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. I am not playing games. I am dead serious. (abbreviated; statement repeated by Warden)

As the Warden's message was being broadcast, a 35-officer REP group left the administrative offices building heading toward Unit D. The Department's REP captain led, flanked by two officers and the Chief, the latter so assigned because of his familiarity with the prison. The captain was unarmed, but the other REP members had shotguns loaded with bird shot. The team went through the rear gate of the Unit D recreation yard and freed the trapped officers through Unit D's emergency exit door, located between the building's wing gates.

Five REP members accompanied the hostages to the Administration Building; the remaining thirty re-formed with other REP members just arriving and began moving inmates toward the main recreation yard at a rapid pace. There were a few moments of uncertainty when the officer who was supposed to be carrying the yard gate key could not find it. At that point, some words were exchanged between inmates and the officers, and the REP captain ordered the team members to rack their guns and the inmates to lie on the ground. The inmates complied; a team member was dispatched to get bolt cutters, but within minutes the officer discovered that he had had the key all along.

The Warden made a second statement over the public address system at 9:40. After repeating part of his earlier statement, he said

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.

Many inmates responded and moved to the main fenced recreation area. Others were routed to the fenced recreation yard by the REP squad as they performed sweeps of the yards and buildings. Eventually, about 600 inmates were placed there. Another 100 inmates had remained in their housing units to avoid the disturbance. A smaller group of inmates, mostly those fearful of other inmates, was moved to an area near the industry building. Although this latter group was not restrained by fencing, its members were primarily concerned with their own safety and wanted no part in the riot. By 10:15, officials considered the prison to be sufficiently in control that fire trucks could be moved into the

compound. They extinguished fires in the housing units and the multipurpose service building. By 11:30 P.M., the facility was considered fully secured.

The nine additional hostages were released throughout the evening. Some were assisted by a group of 30 to 40 inmates who helped hide the hostages and/or helped them escape. For example, one correctional officer changed into inmate clothes with the assistance of several inmates, allowing him to run across the yard to escape. The remaining hostages were freed by the emergency response team as they swept the buildings and yards. The Sit-Con team debriefed all of the hostages and trapped staff members, as well as some of the inmates who provided protection to officers.

AFTERMATH

Between 11:30 p.m and midnight, prison officials inspected the living areas and found they could still safely house inmates. A few minutes after midnight, the Warden announced over a bullhorn:

Give me your attention. This is Warden McKellar. Shortly, we will begin moving you back to your dorms in small groups. To our knowledge, no inmates or employees have been seriously injured. We will require your cooperation to help get things back to normal as quickly as possible. Instructions will be forthcoming, so follow them closely. As long as you continue to cooperate, our officers will continue to proceed in a proficient and professional manner with no retaliation to you whatsoever.

The emergency team members were positioned to form a double column channel from the main recreation yard to the housing units. Inmates were ordered to move in groups of ten from the recreation yard to their housing assignments, one housing unit at a time. Housing unit managers and the Unit D supervisor were stationed at the recreation yard gate to identify each inmate by housing unit. The inmates were frisked and escorted to their assigned housing unit. For the most part, inmates cooperated. Six hours later, the process was nearly complete. The last eight inmates, held aside because they had been identified as most directly active in the disturbance, were put in security vans for transportation to a nearby facility.

The prison was fully locked down by 6:00 A.M. on April 2. An hour later, 96 emergency response employees from other institutions departed. By noon, most of the 99 Kirkland employees who had responded to the emergency also departed. Officials continued to assess the damage to the plant throughout the day. A shakedown was conducted the morning after the riot, and a second and third time about a week later. The Department's Division of Construction and Security sent 40 employees to begin cleaning and restoring the facility on April 2.

Over the next several days, 30 inmates under investigation for the riot were transferred to other institutions. Another seven who had assisted officers were also transferred for their own protection.

Throughout the disturbance until the morning hours of April 2, news media representatives were stationed in the Department's nearby parking lot and given press briefings by the Department's Director of Public Affairs. A press conference was held by the Commissioner at noon on April 2 in the Warden's Conference Room. On April 3, the Commissioner and staff members met with the Governor. Later the same day, the Commissioner, accompanied by one of the correctional officers trapped in Unit D, met with the members of the state legislative task force on prisons. On April 7, the Commissioner held a briefing for noncorrections state and local agencies that provide emergency assistance to the department, although only the Columbia Fire Department had been required for this disturbance.

After a six-week investigation, a grand jury indicted 34 inmates, charging them with rioting, inciting a riot, and taking hostages. Charges against two were dismissed; the others either pled guilty or nolo contendere or were convicted. Their sentences ranged from six months to fifteen years, to be served after their existing sentences. In total, over 100 years of additional prison time were given. Other inmates were disciplined through the department's internal discipline committee.

Repairs to the facility and equipment replacement amounted to about \$730,000. These costs were kept down by using inmate labor for much of the repair work. One department official estimated that the

overall cost of the riot, including expenses related to overtime, workmen's compensation, counselling, and fire fighting, was well over \$1 million.

MISTAKES MADE, LESSONS LEARNED, AND PROCEDURES CHANGED

In the Department's investigative report on the riot and during our own interviews, corrections officials were forthright in identifying mistakes and lessons learned. The success of the resolution fostered neither complacency nor defensiveness. Perhaps this was because of a general confidence in the department's emergency response efforts. One senior official told us, "I think we probably have the most professional [emergency response section] in the country," but he was willing to learn from, rather than gloss over, the Department's performance during the disturbance. Many of his comments are incorporated below.

Crowding

The media often offers pat answers as to why prison disturbances occur, and none are given more often than crowding. The press was quick to attribute the Kirkland disturbance to crowding.³ However, the department's investigation points out that the riot began in Unit D, which was not overcrowded. Each inmate was assigned to a single cell. The report also indicates that crowded conditions did make the control of the disturbance more difficult.

Locks, Keys, and Fences

Evidence suggests that the inmate who first escaped from his cell did so by jimmying the electric lock on his door and reaching through a ventilation slot to slide the unsecured deadbolt. After the

³Columbia The State, "Inmates Riot at Kirkland: Overcrowding Blamed for Prison Rampage." April 2, 1986. In fairness to the press, it should be noted that several (noncorrections) state officials apparently reinforced speculation that crowding caused the riot.

disturbance, the electric locks on all Unit D doors were replaced with manually operated deadbolt locks. Further, the Department's locksmith was instructed to inspect the locks and locking devices in each maximum security prison, and repair or replace them when indicated. Inspection was to become routine thereafter.

A mistake identified by department officials was that the officer who was initially overpowered was carrying unneeded keys. "It was not necessary for that officer to have [had] the cell door keys," a senior level official explained. "All he needed was the wing gate key." According to the Warden, key control procedures in Unit D failed to specify the keys the officers should carry on the evening shift, as distinct from the keys that should be carried in the day shift, when more officers are on duty.

This situation was remedied after the disturbance. The Warden issued new policies that required officers to carry only those keys that are in use. In addition, the Department instructed every Warden of a maximum or medium security prison to personally review the key control procedures in his or her institutions. Additionally, the Department's Director of Security would henceforth audit key control policy in each of these institutions on a regular basis.

As described above, inmates jabbed spears through windows into the Unit D area where 11 correctional officers had retreated. Two fences were installed, making this area inaccessible (or at least less accessible) from outside the building.

Tool Control

The placement of a construction tool box inside the prison perimeter was an acknowledged mistake. After the disturbance, the Department issued an order that no construction tools would be allowed to remain inside an institution, regardless of the security rating of their storage unit or the inconvenience this might cause construction crews.

Strict Adherence to the Emergency Response Plan

Had the riot plan been followed to the letter, two additional calls would have been made: one to the Governor, and a second to the state's emergency response office. One Department official stated that this lapse could have been avoided if the emergency response plan had been followed. Department policy was changed to require that each facility designate a nondecisionmaking person, such as an administrative assistant, to retrieve the plan in an emergency. His or her responsibility is to monitor events to ensure that all of the procedures the plan calls for are being executed. If they are not, he or she brings this to the decisionmaker's attention.

The Warning Shot and Its Policy Implications

Although technically a violation of procedure, one warning shot saved half of the prison from falling under inmate control and avoided a potentially far more costly conflict. Among institution-level staff, only the Warden had authority to give an order to fire; at the time of the shot, he was not yet at the institution. This policy was changed to allow the senior person on duty to make the decision, as was necessary at Kirkland.

Post-riot Recovery

One year after the riot, only one of the 22 employees trapped or taken hostage had left the Department. The turnover rate of this group was lower than the turnover rate for employees elsewhere in the Department. Department officials we interviewed attributed this in part to mandatory "stress debriefing" or counseling sessions for the hostages and others exposed to potentially traumatizing experiences. Such sessions should be required, these officials told us, because the employees who might benefit most from such sessions are often the first to deny their need. Further, one official explained, when the sessions are mandatory, employees can take advantage of them without having to admit their

need for such services to fellow employees. An initial session occurred one week after the incident; four weeks later there was a follow-up session.

Equally important were the efforts of corrections officials in the post-riot adjustment process. Kirkland's Warden, for example, took an active part in one of the post-riot counseling sessions.⁴ He thanked those taken hostage and the other participants for their efforts, and answered questions about the incident and related security matters in the Department. Perhaps only duly appointed corrections officials, not their contracted representatives, can demonstrate the department's continued commitment to its employees. Just as there are good reasons why a general visits his wounded troops in the field hospital, corrections officials cannot delegate "recovery" to mental health workers alone.

Training of Institutional Managers in Command and Control

An important innovation in the Department's emergency response effort (although not a direct lesson of the 1986 Kirkland disturbance) concerns training institutional managers in the management of emergency response efforts. Soon after Department's emergency response section was reorganized in 1982, the Department found that the capacity of its three operational units (i.e., Sit-Con, CERT, REP) outstripped the ability of wardens and other managers to use them effectively. As one official put it, "After a couple of serious incidents, we realized that we had some well-trained teams, but our wardens...weren't well trained." This discrepancy increased as the Department grew rapidly in the 1980s. New institutions opened, often with less experienced wardens. The same official observed, "Our wardens are younger and more inexperienced than they used to be."

⁴Catoe and Harvey, "Review of the Kirkland Correctional Institution Disturbance," 14. A detailed description of this counseling program can be found in Lawrence H. Bergmann and Timothy R. Queen, "The Aftermath: Treating Traumatic Stress Is Crucial," Corrections Today 49 (August, 1987), 100-104, and Anonymous, "Correctional Employees Receive Debriefing after Prison Riot" Counseling and Readjustment Services Update, (Columbia: State of South Carolina) 1, no. 2 (October 1986).

In response to this challenge, the Department developed an emergency command and control training program for Wardens, Deputy Wardens, and other senior prison officials who (on various shifts) are in charge of a prison. One element of the program is an annual three-day training seminar for wardens and deputy wardens at the training academy in Columbia. The seminar combines classroom instruction with rehearsing emergency scenarios. The seminars are coordinated with Sit-Con, REP, and CERT team training, allowing for full-fledged scenarios with command posts.

A second component is on-site training scenarios. Several Central Office officials will enter an institution, unannounced, and tell whomever is in charge to develop a response to a set of specified circumstances. The scenarios may be complex, requiring difficult decisions and judgments. Details of the events are given piecemeal, as in an actual situation. Unexpected twists and turns may be often added to make the task of command and control more difficult and, perhaps, more realistic.

The drill scenarios are conducted on all shifts. If conducted during the night shift, a lieutenant may be in charge and it is his responsibility to open the emergency book and call in the Warden and Deputy Warden. They are required to rush to the prison as if there were a real disturbance. These scenarios are, one Department official observed, "extremely effective and intensive training for the people involved. They get into it. It gets real in about 15 minutes." After the scenario is completed, the observing officials debrief the participants, giving their views on what went right and wrong and what can be learned. Staff participants later write up their impressions of the events, what they learned, and offer any recommendations for improving the Department's emergency procedures.

Mobilization of Riot Control Forces

In responding to a prison disturbance, speed is essential. Most observers felt that the Kirkland response time was adequate but needed to be improved, resulting in two changes. First, all riot response

team members were given electronic beepers, and a computer-operated automatic dial telephone was installed in the control room of each medium and maximum security prison.

Second, the REP forces had assembled in a conference room adjacent to the Warden's office. Reportedly, there was some confusion in this room and thus delay in equipping the forces. For example, the REP members first were given shotgun shells loaded with buckshot rather than birdshot. Although this error was discovered and corrected, it points up the need for clearly marking ammunition and re-checking before issuing it is issued. Some REP members arrived dressed in their red riot jump suits, while others did not. Not every correctional officer who arrived for riot duty could be appropriately deployed. One senior level official observed, "It took a little time to sort them all out."

Current procedure in the Columbia area has been changed to have REP members report to the Training Academy. They are briefed and equipped before being transported to the disturbance.

Unit Management

Some department officials credited Kirkland's unit management system with fostering positive relationships between staff and inmates: "there was not the dichotomy of staff [versus] inmates that might have been had unit management not been employed." To some degree, the positive relationships that were developed through unit management helped restrain violence against the staff who were trapped. The unit management system also proved useful in the final stages of the disturbance; unit managers identified each inmate to ensure that he was returned to the appropriate housing units.

Concentration versus Dispersal of Disruptive Inmates

For some time, corrections has debated whether a department's most disruptive, violent inmates should be concentrated in one or in a small number of facilities or dispersed throughout the system.⁵ There are advantages and disadvantages to each strategy, although the debate and policy seem to be leaning toward a concentration strategy. The occurrence of the Kirkland disturbance can be seen as evidence of the risks associated with a dispersal strategy. Some officials we interviewed disagreed with the consent decree's mandate to close the facility that traditionally housed the Department's most violent inmates.

On the other hand, the problem may not have been the dispersal of violent inmates as such but rather their placement into a housing unit before it was adequately prepared. "You don't renovate a building," one Kirkland correctional officer told us, "and have hard core criminals in that building at the same time." However, evacuating a unit under renovation requires space elsewhere for the evacuated inmates. Department-wide overcrowding may have made the choices for officials less than ideal. Currently, the Department is constructing a high-security facility to house its most disruptive inmates.

⁵See, especially, Robert A. Buchanan, Cindie A. Unger, and Karen L. Whitlow, Disruptive Maximum Security Management Guide. (Washington, D.C., National Institute of Corrections, 1988).

Chapter 3

United States Penitentiary, Atlanta

November 23, 1987 - December 4, 1987

This uprising by Cuban nationals lasted eleven days, involved over 100 hostages, and required protracted negotiations to resolve. It occurred concurrently with a nine-day disturbance at the Federal Detention Center, Oakdale, Louisiana, also by Cuban nationals. Together, the two disturbances cost the government over \$100 million. In the aftermath, a team led by senior members of the Bureau of Prisons (BOP) conducted a detailed analysis of the riots and set forth over 100 recommendations. Later, an Office of Emergency Preparedness was established within the BOP to oversee the implementation of those recommendations.

One advantage of looking at the Atlanta riot is that we can study the resolution of a large scale riot involving complicated negotiations. A second is that the changes prompted by Atlanta and Oakdale were put to the test in the summer of 1991 when Cuban detainees rioted at Talladega, Alabama. These events are the focus of a subsequent chapter.

The study of the Atlanta disturbance must begin, not with rates of imprisonment or with problems internal to the prison, but with an incident in 1980 at the Peruvian embassy in Havana, Cuba.¹

¹Note on chapter focus and sources: The Atlanta prison riot began two days after the start of the riot at the Federal Detention Center, Oakdale, Louisiana. This chapter does not detail the events at Oakdale. While the Oakdale riot is an important and fascinating case study in its own right, we believe including its study here would not significantly add to the lessons learned from Atlanta.

The primary source of this chapter is the Bureau of Prison's report on the riots. Federal Bureau of Prisons, A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, and the U.S. Penitentiary, Atlanta, Georgia, February 1, 1988. Hereinafter, Report, 1988. In addition, we conducted a round of interviews in the Bureau's Central Office. The description of events are from the Report, unless noted otherwise.

HISTORY OF BOATLIFT AND ATTORNEY GENERAL'S REVIEW PROGRAM

On April 1, 1980, a group of asylum seekers crashed a bus through the gates of the Peruvian embassy in Cuba.² In an exchange of fire, a Cuban policeman was killed. Three days later, after the Cuban government removed its security force from around the embassy, 11,000 Cubans entered the tiny compound. Under the adverse publicity, the Cuban government announced that the port of Mariel would be open to anyone who wanted to leave the country. Over the next six months, 125,000 Cubans boarded small boats for the United States.³

A small portion of the exiles were mentally ill or had committed serious crimes in Cuba. The exact number was never known and depended on definition: according to one estimate, 16 percent of the Mariel refugees had spent time in Cuban jails, but their crimes ranged from minor infractions, such as petty theft or vagrancy, to politically motivated ones, such as opposition to the regime, to violent offenses, including murder.⁴ In any case, the allegation that Castro had used the flotilla to empty Cuba's jails and mental hospitals, though denied by the Cuban government, caused alarm among some U.S. policymakers.

Also worrisome to U.S. officials was that the Mariel group had, compared to previous waves of Cuban immigrants, a high proportion of young single men without relatives or other close contacts in the United States. This characteristic of the Mariel expatriates later became important when U.S. policy required a detainee to have an outside sponsor, such as a family member, before his or her release.

²Robert L. Bach, "Cubans." In Refugees in the Untied States: A Reference Handbook, ed. David W. Haines, (Westport, Ct.: Greenwood Press, 1985).

³Testimony by Michael G. Kozak (Principal Deputy Legal Advisor, U.S. Department of State). Hearing before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary, House of Representatives on Mariel Cuban Detainees: Events Preceding and Following the November 1987 Riots. One Hundredth Congress, 2nd Session. February 4, 1988. (Washington, D.C.: U.S. Government Printing Office), 7. Hereinafter Hearings, 1988.

⁴Bach, "Cubans."

The Immigration and Naturalization Service (INS) set up processing centers, first at Eglin Air Force Base, Florida, and then elsewhere: Krome, Florida; Fort Chaffee, Arkansas; Fort Indiantown Gap, Pennsylvania; and Fort McCoy, Wisconsin. By August 1981, the Attorney General (acting through the INS) had released the vast majority of the Mariel group on "immigration parole," which allowed them to live in the United States, but which could be revoked for several reasons, most often revoked by a criminal conviction.

The INS continued to detain about 1,800 Mariels. These "excludables" were moved to fourteen Bureau of Prisons (BOP) prisons, including the facilities in Talladega, Alabama, Leavenworth, Kansas, Oxford, Wisconsin, Lewisburg, Pennsylvania, McNeil Island, Washington, and Atlanta, Georgia. In each facility, the detainees were provided living quarters, recreation, and meal service separate from those for inmates sentenced in U.S. courts.

In March 1981, the Bureau relocated those Mariels not released to one prison, the U.S. Penitentiary at Atlanta. The original arrangement required a disproportionate amount of staff time to service the small pockets of segregated Mariels. Moving the detainees to one unit would have the advantages of economy of scale, as well as allow the Bureau to tailor programs to the special needs of Cuban inmates. In addition, consolidation would permit the INS to conduct its processing work more efficiently.

Immigration judges began to hold hearings for the detainees at Atlanta, anticipating that those denied admission would be returned to Cuba. As it developed, the Cuban government refused to accept them. This response raised the question of whether the government should continue to imprison those slotted for deportation and, if not, how they should be released. With the large number of cases to be handled, the Attorney General established a "Review Program" in August 1981: four two-member panels reviewed a detainee's file, interviewed him or her if the file did not support a finding of parole, and made a recommendation to the Commissioner of INS for a final decision. A detainee approved for parole would not be released until a suitable sponsor on the outside could be found.

This program was interrupted when, in December 1984, the U.S. State Department negotiated an immigration agreement with Cuba. Cuba would repatriate 2,746 detainees and, in return, the United States would issue up to 20,000 visas to Cubans. In May 1985, after only 200 detainees had been returned, Cuba suspended the agreement, following the start of Voice of America radio broadcasts to Cuba.

Meanwhile, the Atlanta penitentiary was becoming increasingly crowded. The INS continued to parole those initially detained, eventually reducing to 210 the number that had never been released, but they were more than replaced by Mariels who had violated the terms of their parole. Most of them had been convicted of a crime, served out their sentence, and were then turned over to the Bureau.

A second development contributed to a short-term crowding problem at Atlanta. In 1984, the Bureau of Prisons entered into a Consent Order ending a protracted conditions of confinement suit. (The suit had been filed by American inmates in 1979 and was joined by Mariel detainees in 1981.) While the Warden explained that the decree "was essentially a restatement of the Bureau's own internal policies,"⁵ two large blocks had to be temporarily closed for renovation. In November 1986, the Oakdale Federal Detention Center was converted to a Cuban-only facility to absorb the spillover from Atlanta.

In the first part of November 1987, representatives from the Department of State and the Cuban government met in Mexico City to negotiate a reinstatement of the 1984 repatriation agreement. The Department of State kept the negotiations secret to all but a handful in its own agency because a U.S. government leak had appeared on the front page of the New York Times during a 1986 round of negotiations and Cuba had suspended the talks. If the new round of negotiations were to succeed, a State Department spokeswoman would later explain, they had to be conducted with the "utmost discretion."⁶

⁵Statement by Warden Jack A. Hanberry, In Atlanta Federal Penitentiary, Report of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of the Committee of the Judiciary, U.S. House of Representatives, April, 1986. Hereinafter Hearings, 1986, 24.

⁶Hartford (Connecticut) Courant. "Prisons Chief Announces Investigation," November 27, 1987.

Although the Department of Justice was not the suspected source of the leak, the State Department did not inform its sister agency. A State Department official would later explain,

Now, on the question of whether you would anticipate the kind of disturbances that occurred in the prisons [at Atlanta and Oakdale in 1987], basically no. We had the experience in 1984 when we had several publicized rounds of negotiations with Cuba and ultimately reached agreement with Cuba that didn't result in any disturbances . . . The linkage . . . didn't seem to be there, just based on history.⁷

The problem with this line of reasoning was that the situation at Atlanta in 1984 and the one in 1987 were quite different. The prison was on lockdown when the treaty was announced in 1984, but was not locked down in 1987. Also, three years had passed, during which time the detainees may have grown more mistrustful of or hostile toward government officials. With the State Department operating on a "strict need-to-know basis," the BOP did not have an opportunity to explain this.⁸

In any case, a treaty was signed on the evening of November 19, 1987. The Cuban negotiators told their American counterparts that Havana would announce the treaty at noon the next day. At about 8:00 A.M. on November 20, Assistant Secretary of State Elliot Abrams called Attorney General Meese to inform him of the agreement. Bureau cf Prison Director Quinlan received a call a little after 10:00 A.M. A Miami television station broke the story by 11:00 A.M., an hour before the Department of State had scheduled its announcement. The Oakdale riot broke out hours later.

THE PRISON AND ITS DETAINEES

The U.S. Penitentiary, Atlanta, is located a few miles from downtown Atlanta and is surrounded by residential neighborhoods on three sides and a factory on the fourth. For nearly eight decades, since its opening in 1902, the prison held inmates with long federal sentences, mostly from the Southeast. The

⁷Testimony of Michael G. Kozak, Hearings, 1988.

⁸Testimony of Michael G. Kozak, Hearings, 1988, 49.

prison was scheduled to be closed in 1980 but, with the influx of the Mariels and the growth of the federal prison population, those plans were canceled. In 1981, the prison began housing primarily Cuban detainees and a small number of American sentenced inmates. On the eve of the riot, there were 1,400 Cuban detainees and 200 American inmates.⁹

Prison Compound

The prison consists of a dining room/kitchen, a hospital, a recreation building, a large prison industry building, and 11 housing units (see Figure 3-1). On the eve of the disturbance, three cellblocks housed the vast majority of Cuban detainees (A, C, and cellblock E for segregation). Most of the cells in Cellhouse A were designed for four inmates but held eight at the time of the riot.¹⁰ Detainees in Cellhouse C lived in cells of two. Another 170 Cuban detainees were housed in two dormitory units (Dormitories 1 and 2). One hundred eighty-one American sentenced inmates lived in two other dormitory units (Dormitories 3 and 4). The first floor of the Associate Warden Building (AWB) was used as an administrative segregation unit for American inmates (13 inmates); the second floor was used for detainees living in multiple occupancy rooms (92 detainees). Cellhouses B and D were closed for renovation. A massive wall enclosed the main compound. On adjacent land were staff residences, a powerhouse, a prison camp, and the Southeast Regional Office of the Bureau.

Conditions of Confinement

The history of the Atlanta penitentiary from 1981 to 1987 is a history of improvement, albeit marred by one major setback. During the first several years of their incarceration, the Cubans engaged in a level of assault, suicide, and self-mutilation never before experienced by the Bureau. The light fixtures were

⁹Report, 1988, Atlanta-7.

¹⁰Ibid., Atlanta-7, Atlanta-8.

dismantled in nearly every cell, their components fashioned into weapons or hurled at passing officers. Mattresses, sheets, and blankets were routinely destroyed.¹¹ As a result, a highly restrictive environment was imposed. Gradually, as the initial core of detainees and successive detainees assigned to Atlanta adjusted and became less aggressive, they were given more responsibility and freedom of movement.

In November 1984 a major disturbance occurred. A nine-hour riot resulted in \$1 million in property damage. The prison remained locked down for 18 months until the spring of 1986. During this period, there were numerous assaults, self-mutilations, staff and inmate injuries, and small disturbances.

In 1986, a Congressional subcommittee issued a report critical of the prison. Based on a tour of the facility, Committee Chairman Robert Kastenmeier, wrote: "the conditions under which these persons live are worse than those which exist for the most dangerous convicted felons. The conditions of confinement at Atlanta do not appear to meet minimum correctional standards."¹² While comprising only a small fraction of the federal inmate population, the Mariels accounted for a third of the assaults against staff and half of those against other inmates. The twenty percent turnover rate among the Atlanta's staff was above average for the Bureau as a whole.¹³

Then, during the year and a half leading up the 1987 riot, the facility improved dramatically. Under the administration of a new Warden, the institution's overall appearance was upgraded and new programs for inmates were introduced. The 1986 Congressional subcommittee had heard numerous complaints about the living conditions in the prison.¹⁴ In contrast, the BOP's 1987 investigation did

¹¹Atlanta Journal, "Secret Report Says Cubans' Conditions Poor," February 3, 1982.

¹²Hearings, 1986, iii.

¹³Ibid., 5.

¹⁴Ibid., 5.

not [hear] a litany of complaints concerning food, housing, medical care or other factors related to conditions of confinement. On the contrary, conditions prior to the disturbances were very good at Atlanta and at Oakdale.¹⁵

Of course, it is risky to infer that a prison's conditions have improved when comparing the assessments of two different sets of observers. Additional data, however, support the conclusion.

First, there was a sharp reduction in the number of assaults and other serious incidents in the 17-month period leading up to the riot when compared to the previous 17-month period. The number of inmates assaulted decreased from 85 to 48, the number of staff assaulted decreased from 73 to 43, and the number of homicides and suicides dropped from six to three.

Second, the turnover rate among correctional officers at the facility was reduced to 16 percent, no longer significantly above the average rate for the Bureau. Third, in October 1987 the Southeast Regional Office conducted a security audit of the prison. Several deficiencies were found but, overall, the prison did not fall below the Bureau's standards for security.

Finally, major improvements had been made in the educational, recreational, and work programs available to inmates. At the time of the riot, more than 200 detainees were taking advantage of educational programs, including courses in English as a second language, adult basic education, high school equivalency degree, and computer literacy. Under an expanded prison industries program, 870 detainees and 100 American inmates earned about \$130 per month, which could be saved, used to purchase commissary items, or sent to family. Vocational training programs were available in barbering and building trades. Recreational programs involved 700 detainees in intramural sports and an additional 300 in less strenuous exercises such as Ping-Pong and horseshoes.

¹⁵Report, 1988, Introduction-2.

Thus, the prison on the eve of the disturbance was well managed and the detainees' response to management "was more positive than it had been in several years." Based on this, the Report states that the Atlanta disturbance

did not result from issues related to the conditions of confinement which, historically, have been responsible for most mass disturbances in American prisons. Rather, the disturbance was precipitated by events over which the Bureau of Prison had no control [i.e., the signing of a repatriation agreement with Cuba].¹⁶

As further evidence for this thesis, the Report points out that no staff member was injured during the disturbances because the detainees were satisfied with "their treatment while confined."¹⁷

Thus, the Atlanta riot was neither prompted by nor conducted in a spirit of protest against prison conditions. This key finding of the Report is supported by the evidence. On the other hand, the Report's conclusion that the conditions leading up to the Atlanta riot do not share some features with those prior to "most mass disturbances in American prisons" is questionable. Two similarities are suggested by the evidence.

History of Collective Violence among Detainee Population

During the six years leading up to the 1987 riots, the Cuban detainees engaged in numerous episodes of collective protest and violence. This is important because, in general, the willingness of inmates to engage in collective violence in prison is not (in our view) a direct function of "bad" conditions. Some inmates respond to perceived poor conditions or injustices in a rebellious manner, while other inmates do not. This variation may have more to do with inmates' ideas about the use of violence, supporting protest groups on the outside, and general events in the broader world than the objective conditions in the prison. For example, inmates in the early 1970s were far more likely to resort to riotous means than those in the

¹⁶Ibid., Atlanta-80.

¹⁷Ibid., Executive Summary-i.

early 1960s; inmates in some regions of the country were more disposed to violence than those in other regions. This variation cannot be explained by differences in prison conditions alone.

Soon after their initial detainment, the Mariels in corrections facilities began what would be a sustained history of collective violence. Some detailing of these disorders will be useful in conveying their magnitude. By April 1980, there were mass escape attempts at the INS processing center at Eglin Air Force Base, Florida, and hunger strikes at Atlanta.¹⁸ In June, 1,000 Cuban detainees rioted at the INS processing center at Fort Chaffee, Arkansas. They burned five buildings and attempted to storm the front gates. This riot lasted two hours, with one detainee killed and 40 detainees and 15 state troopers injured.¹⁹

Later, in the summer of 1980, there was a major riot at the INS processing center at Fort Indiantown Gap, Pennsylvania.²⁰ The 82nd Airborne Division was flown in from Fort Bragg to control the disturbance. Demonstrations by Cubans occurred at federal prisons at Leavenworth, Oxford, and Atlanta. These were followed by a riot at the federal prison at Fort McCoy, Wisconsin, in which four staff members and 20 Cubans were injured. A disturbance occurred at the federal prison at Terre Haute, Indiana, and a second riot occurred at Fort Indiantown Gap. In November 1983, a group of about 15 detainees at Atlanta began a hunger strike to protest their continued detention. Two of them persisted for over 50 days.²¹

Collective protest and violence did not erupt again until 1984. In October of that year, 75 detainees were grouped in the recreation yard at Atlanta. They unfurled a banner with the slogan "Liberty or Death"

¹⁸We draw here, especially, on Peter L. Nacci, "The Oakdale-Atlanta Prison Disturbances: The Events, the Results," Federal Probation, (December 1988): 3-12.

¹⁹Little Rock Arkansas Gazette, "Fort Chaffee Repairs Could Cost \$8 Million, Army Officials Think." January 30, 1982.

²⁰Nacci, "Oakdale-Atlanta Disturbance," 3.

²¹Atlanta Journal, "Cuban Detainees Persist in Continuing Hunger Strike," November 18, 1983.

and waved other homemade signs calling for a prisoners' strike. Correctional officers cordoned off the protestors from the other inmates on the yard and then escorted them into a building to be searched. Some inmates scuffled with correctional officers.²²

The prison was locked down after the incident. Over the next two weeks, the lockdown was gradually lifted and activities returned to normal. On November 1, a detainee who had emerged as a protest leader was ordered into segregation. Along the way, he was allowed to retrieve some personal property from his cell in Cellhouse B. As he entered the block, the detainee pulled away from his staff escorts, leaped over the railing to the next level, and yelled for other detainees to join him. They did and, carrying pipes, advanced on correctional officers. The officers were able to avoid injury, but only by evacuating the block.

Inmates controlled the unit for the next nine hours. They burned sheets and towels, shattered windows, shouted slogans, and hung banners from windows demanding their freedom. Finally, at about 3:00 A.M., large quantities of tear gas were used to force the inmates out of the unit. The episode produced \$1 million in property damage.²³ The entire facility was locked down for the next 18 months.

Finally, in July 1985, detainees in temporary custody of the Brooklyn Correctional Facility rioted, resulting in injuries to 14 correctional officers and 12 detainees.²⁴ A month later, 65 Cuban detainees in a federal detention center in Florence, Arizona, rioted.²⁵ They held three of the prison's four cellblocks for 14 hours, destroying much of the prison.

²²Atlanta Journal, "Inmates Locked In Cells After Protest," October 15, 1984.

²³Atlanta Journal, "Cuban Inmates Escalate Protest," October 18, 1984; Atlanta Journal, "Cubans Go on Rampage at U.S. Pen," November 2, 1984; Miami Herald, "For Inmate-defendants, Riot Trial Holds Little Meaning," January 16, 1986. Report, 1988, Atlanta-5.

²⁴New York Times, "14 Guards and 12 Inmates Injured in Fight in Brooklyn," July 7, 1985.

²⁵Phoenix Arizona Republic, "'Powder Keg' Pops: Cubans Ruin Prison," August 23, 1985.

In sum, the Cuban detainees had over the years become experienced prison rioters. In this respect, the prior conditions at Atlanta in 1987 were similar, insofar as the inmates were predisposed to violence, to the conditions prior to some other major U.S. prison riots.²⁶

Breakdown of Legitimacy of Imprisoning Criteria

In a second respect, the conditions leading up to the Atlanta disturbance paralleled those before other major prison riots. Again, in general, we observe that most inmates most of the time accept as legitimate the imprisonment of their fellow inmates.²⁷ They may protest their own conviction or sentence but, at the same time, believe that the other inmates are guilty of crimes, deserve prison sentences, and ought not to be discharged en masse. In uncommon periods in history, however, these beliefs may be challenged. Once it is held that the criteria for imprisonment are arbitrary, it is a short step to the belief that rebellion is justified. This chain of reasoning became prevalent in some prisons in the early 1970s, contributing to the most serious wave of prison riots in U.S. history.²⁸ It also developed at Atlanta.

Throughout the period under consideration, there was heated debate over the government's policy toward the Cuban detainees. Some of the debate involved complex legal arguments concerning the rights of detainees. In litigation extending over a number of years, a Federal District Judge ruled time and again that detainees have limited due process rights. These rulings were just as consistently vacated by the Circuit Court of Appeals, with those reversals later upheld by the Supreme Court. The higher courts ruled that the detainees have no "liberty interests," no constitutionally protected rights. Legal experts disagreed

²⁶Bert Useem and Peter Kimball, States of Siege: U.S. Prison Riots, 1971-1986 (New York: Oxford University Press, 1989).

²⁷Useem and Kimball, States of Siege.

²⁸Ibid.; Larry Solomon, "Riots in the U.S. Jails and Prisons 1968 - 1982," National Institute of Corrections, mimeographed, n.d.

over these rulings, often acrimoniously.²⁹ Political advocacy groups tried to rally public support to release all detainees. The government defended its position, arguing both to the courts and in the public arena that it had the authority to detain indefinitely, excludable aliens who cannot be deported. It also had a duty to do so because the detainees posed a serious threat to public safety.

The practical force of this discord is illustrated by the outcome of the jury trial of two ringleaders of the 1984 riot. During the trial, several correctional officers testified that they had witnessed the defendants carrying homemade knives and exhorting their fellow prisoners to riot. The presiding federal judge, the same judge whose rulings in favor of the detainees had been overturned by the Appeals Court, later told Congress that in his opinion the defendants were guilty. Yet the jury voted to acquit. Jurors explained to both the judge and to the press that they had, in effect, pardoned the two defendants because they were "incensed that people would be incarcerated for years on end without a meaningful hearing."³⁰

It seems likely that the lessons of the trial, as well as the wider controversy, were not lost on the Atlanta detainees. Detainees seeking to justify their rebellious impulses could, if pressed, find ample expressions of sympathy in the legal establishment and broader community. If a jury of Atlanta citizens had excused the 1984 riot, detainees might have reasoned, three more years of incarceration could only increase the level of sympathy for a rebellion in the current situation. A riot would not be their fault but rather the inevitable outcome of misguided government policy.

In sum, the detainees at Atlanta had a history of intense violence and were caught up in political and historical events that gave rise to the belief in the illegitimacy of their detention. At the same time, the conditions of their confinement had been improving greatly. This unique combination, hostility toward

²⁹See, for example, Mark D. Kemple, "Legal Fictions Mask Human Suffering: The Detention of the Mariel Cubans: Constitutional, Statutory, International Law, and Human Considerations," University of Southern California Law Review 62 (1989): 1733-1780. This article illustrates the contentiousness of the debate over the status of the detainees even or rather, especially, in the legal community.

³⁰Testimony of Marvin Shoob, United States District Judge for the Northern District of Georgia, Hearings, 1988, 125; See also Miami Herald, "For Inmate-Defendants, Riot Trial Holds Little Meaning," January 16, 1986.

external authorities, little toward correctional authorities, and a willingness to resort to violence, set the stage for the detainees' reaction to the November repatriation agreement between the United States and Cuba.

PRERIOT SITUATION

At approximately 10:30 A.M. on Friday, November 20, 1987, BOP Director Quinlan called the Regional Director in charge of Atlanta to tell him that the United States and Cuba were reinstating the 1984 treaty. The treaty would permit the repatriation of 2,500 Cubans, but it was not known how many of that number were Atlanta detainees. The Regional Director called the Warden who, in turn, assembled his top advisors, including Associate Wardens, Department Heads, and Unit Managers. This began a 72-hour period in which the entire chain of command, from Director Quinlan to line staff, exchanged information and worked intensely to avoid a disturbance.

The key issue, as viewed throughout the three-day period and in postriot analyses, was whether to lock down the facility. As the Report points out, this was not a single decision made at one time but an option reassessed time and again throughout the three-day period.³¹ The decision, or decisions, were made by the Warden with the advice of his closest advisors and the concurrence of the Director and Regional Director. The Report also cautions that "hindsight is 20/20 vision."³² In fact, hindsight is not 20/20. Even with its unfair advantage, one is hard pressed to identify a course of action that, with a high degree of certainty, would have avoided the events that followed.

Decisionmakers in the situation had to weigh several competing considerations. First, prison officials felt that there was a reasonably good chance they could talk their way out of the situation.³³ Staff could

³¹Report, 1988, Atlanta-48.

³²Ibid., Atlanta-47.

³³Ibid., Atlanta-49.

rely on the positive relationships they had developed with the detainees over the years to calm fears and soothe tempers. This was the strategy taken to contain the situation from Friday afternoon until about an hour before the disturbance. On Friday afternoon, the Superintendent of Industries was told that talking to the 1,000 detainees who worked in his shop was to take precedence over production. Over the weekend of November 20–21, extra staff were called in with the instructions talk to inmates in an attempt to keep the situation calm.

The effectiveness of a talking solution depended not only on pre-existing trust, but on what could be said. Here prison officials were at a disadvantage. Based on information provided by the INS, the staff told the detainees that only 95 Atlanta detainees would be returned to Cuba. Apparently, few of the detainees believed this. If 2,500 Cubans were to be deported, it made sense to detainees that more than 95 would be from Atlanta, but how many more? In fact, 340 of the Atlanta detainees had been on the 1984 list for repatriation.³⁴ The door for speculation had been opened, not closed, by the reassurance that only a "handful" of detainees would be among those returned to Cuba.

Second, even if the figure of 95 was believed by detainees, it could still be a significant number. If 95 angry detainees (either those actually slated to be deported or others mistakenly believing themselves to be among the 95) acted in concert, they might create a snowballing effect, quickly drawing in others and expanding the disturbance geometrically. Thus, even if the large majority of detainees could be talked out of starting a disturbance, a small group might try to stir up trouble, causing many more to follow.

Third, the Warden thought that a lockdown might provoke a riot.³⁵ On the one hand, the detainees might see a lockdown as the last straw, provoking them to rebel. On the other, there was no guarantee that a lockdown would physically prevent a riot from starting. Because of limitations inherent to and problems with maintaining the prison facility, a lockdown could be only a half measure. More than 170

³⁴Nacci, "The Oakdale-Atlanta Disturbances," 3.

³⁵Report, 1988, Atlanta-48

d detainees were housed in dormitory units in which inmates could not be confined to cells. While it might be pointed out that these were the prison's lowest security risks, Oakdale's inmates (who began their riot on Saturday) were considered to be even lower, so this was no guarantee. Further, because two of the prison's four cellhouses were closed for renovation, the remaining two cellhouses were far over capacity. Finally, some of the cell doors in Cellhouse E, which held 123 of the prison's most dangerous detainees, were old, in disrepair, and potentially breachable in the event of a disturbance.³⁶ In short, the Warden believed that a lockdown could contribute to the motivation to riot without foreclosing the opportunity to do so.

Fourth, prison officials were keenly aware of the potential long-term costs of a lockdown. The lockdown imposed after the November 1984 riot took 18 months to lift, a costly period for detainees and staff alike. Much progress had been made since the lockdown had been lifted, including a host of programs and work opportunities. Prison officials were concerned that a lockdown would reverse those gains.³⁷

Finally, in meetings with his executive staff and department heads throughout the weekend, the Warden received reassuring reports.³⁸ The detainees, he was told, were not unusually hostile or uncooperative toward staff and eye contact was maintained between them. Recreation and meals throughout the weekend appeared normal and without incident. Only one inmate requested to be locked in segregation over the weekend and there was no increase in commissary purchases. Surprisingly, on Saturday night, detainees seemed indifferent to the television news of the Oakdale riot. In one unit, detainees were reportedly more agitated by the television being turned off interrupting a movie than by

³⁶Ibid., Atlanta-48.

³⁷Ibid., Atlanta-49.

³⁸Ibid., Atlanta-10 - Atlanta-13, Atlanta-49 – Atlanta-51.

the Oakdale News.³⁹ The Warden would later comment that it did not make sense to lock down the prison when "the atmosphere and attitude were so good."⁴⁰

While the reports to the Warden gave no hint of a riot, the information being collected by and disseminated among line staff and first and second level supervisors was that a riot was likely, imminent, and probably planned. During the weekend,

- a correctional officer overheard several detainees talking about taking hostages and helping their brothers in Oakdale. The officer prepared a memorandum on the conversation for the Shift Lieutenant (the senior officer in charge of the shift).⁴¹
- The outgoing mail was much heavier than normal.⁴²
- Several Spanish-speaking officers were advised by detainees not to come to work on Monday and that the factory might be burned and hostages taken; this, too, was transmitted to the lieutenant's office.⁴³
- Several detainees sent notes to the lieutenant's office warning of trouble.⁴⁴
- A correctional officer was told by an American inmate that the Cuban detainees planned to seize the factory building on Monday morning; this information was recorded on a Confidential Report Form and forwarded to the lieutenant's office.⁴⁵
- A correctional officer told his supervisor that "these people are going to go crazy and everybody should be locked back. There [is] no question those guys would rather die than go back [to Cuba]."⁴⁶

³⁹Ibid., Atlanta-12.

⁴⁰New York Times, "Behind the Prison Riot: Precautions Not Taken," December 6, 1987.

⁴¹Ibid., Atlanta-50.

⁴²Ibid., Atlanta-49.

⁴³Ibid., Atlanta-50.

⁴⁴Ibid., Atlanta-50.

⁴⁵Ibid., Atlanta-51.

⁴⁶Atlanta Journal "For 11 Days, Cuban Unrest Boiled Over Inside the Atlanta Pen," December 6, 1987.

In fact, many prison inmates were whispering warnings to correctional officers. "It was in the air," one correctional officer later explained. "We had a pretty good idea that something was going on."

Apparently much, if not all, of this worrisome information did not reach the Warden. The Report describes this as a result of an "unexplained communication problem." The Report goes on to speculate that

one possible explanation could be that the Atlanta Administration had become desensitized to detainees' threat to riot. During numerous occasions throughout the past seven years . . . Atlanta staff had received information or intelligence that the Cuban detainees were going to take over the UNICOR [Industry] Building the next day, only to have normal operations.⁴⁷

While this might explain why the signs of an impending riot were discounted, it cannot explain why the information was not transmitted to the Warden, who could then assess whether the threats were serious. Too many features of the situation, the signing of the repatriation agreement, the riot at Oakdale by inmates considered less dangerous than those at Atlanta, the sheer volume and consistency of the threats, all pointed in the same direction. Moreover, the threat to riot had not always been an idle one; 1984 had proven this.

Another explanation is needed. It may be that the Warden did not receive the warnings signs because they were filtered out of reports as they moved up the chain-of-command. Over an 18 month period, the Warden and his associates had worked hard to lift the 1984 lockdown and develop programs for the detainees. A lockdown might reverse these achievements. Subordinates may have been tempted to provide only that information which they felt the Warden and his immediate staff wished to hear. Any coloring of reports would not have been a deliberate effort to distort information but, rather, would have stemmed from a commitment to a set of ideals. Since the Warden was relying predominantly on second-hand information, he was not in position to correct this. In any case, the Warden later told BOP

⁴⁷Report, 1988, Atlanta-51.

investigators that he would have locked down the facility if he had known that a riot was brewing, but he did not.

A crucial moment occurred early Monday morning when a decision had to be made whether to open the prison for normal operation. Once the detainees were released for breakfast and work call, a lockdown would not be feasible until the evening hours.

On Sunday night, November 22, the Warden and his executive staff left the prison at about 8:00 P.M. with the understanding that the prison would begin its normal operations at 5:45 A.M. for breakfast, unless indications of serious problems surfaced that night. In fact, during the night several officers used confidential report forms to convey their alarm about several occurrences.⁴⁸ One officer reported that, in conducting the 3:00 A.M. count, he observed that over half the detainees had remained dressed. Another officer reported that a work detail of American inmates scheduled to begin their duties in the dining room at 4:30 A.M. initially refused to go to work.

Having received these and other alarming reports, the Lieutenant in charge of the midnight to the 8:00 A.M. shift was reluctant to unlock the housing units for breakfast. He phoned the Associate Warden to express his concern.⁴⁹ The Associate Warden came to the facility and purportedly gave the order to open the units for breakfast at 5:45 A.M.. In postriot interviews, however, the Associate Warden denied that he received a call from the Lieutenant, discussed the Lieutenant's concern once he arrived at the prison, or even ordered the prison to begin its normal operations. He stated that, upon arriving at the institution, he went directly to a 6:00 A.M. meeting with the Warden.⁵⁰ The Warden would later report that at this meeting there were no indications given that a disturbance was likely.⁵¹

⁴⁸Ibid., Atlanta-50.

⁴⁹Ibid., Atlanta-13.

⁵⁰Ibid., Atlanta-14.

⁵¹Ibid., Atlanta-49.

Regardless of who authorized it, the detainees were released from their cells for breakfast. The Warden met with his top staff at 6:00 A.M.. He told them that they were to circulate within the prison and attempt to reassure detainees, explaining that more information would be provided as soon as it was available. At 7:30 A.M., the Warden held over the 30 officers from the midnight shift, assigning them the task of talking to inmates.

There were new indications that a riot was likely to begin soon. At 8:30 A.M., a correctional counselor received a note stating "there is going to be a riot at 10:30 today with hostages, with people getting hurt, and Industries burning."⁵² In the kitchen, an inmate clerk told the food service administrator that he should not have come to work that day.⁵³ Another detainee told his work supervisor that the female staff should be kept out of the building that day.

About 9:00 A.M., the Warden apparently reached the conclusion that prison was on the brink of a riot. At 9:15, he ordered the evacuation of female employees from the main compound, which was completed by 9:45. In addition, 30 to 40 off-duty staff were called in to be available for deployment in a riot control squad. The riot started before more than a few had arrived and could be outfitted.

RIOT INITIATION AND EXPANSION

The riot began in the Industry building, in the dining room, and on the yard at about the same time, roughly 10:30 A.M. Emergency alarms were sounded in all three locations. Correctional officers rushed to respond, but they were unable to control the hundreds of detainees joining the rebellion.

Detainees grabbed hostages wherever they could. A group of 25 employees in the Industry building was taken hostage. They were forced into a tool cage, where they remained until smoke forced their evacuation. On the yard, hundreds of detainees chased staff, trying to subdue staff before they could

⁵²Ibid., Atlanta-53.

⁵³Ibid., Atlanta-52.

escape. These staff received some protection from officers in towers. One detainee was shot and killed as he was chasing an officer with a large knife. Five other detainees were wounded as they threatened to assault officers, temporarily debilitating but not permanently injuring the detainees. One group of detainees charged the prison's East Gate (one of the prison's two operating exits), but was stopped by warning shots from a tower.

About seven minutes into the incident, the detainees positioned a correctional officer on the yard where he could be seen by officers in the towers. He was forced to yell to the towers that hostages would be killed if the shooting continued. Officers stopped firing.⁵⁴

In the dining hall, inmates turned over tables and threw chairs and grabbed several staff as hostages. Several others were able to escape through a door leading to the main corridor, but this exit was quickly closed off, as staff in the corridor realized that they were no match for the crowd in the dining room. Most of the dining room staff, a group of 19, including a food service administrator, dashed up a staircase and locked themselves in a storage closet. They were taken hostage about an hour later, when the detainees opened the door with keys taken from an officer.

Twenty minutes into the disturbance, the riot approached its outer limits of expansion. A group of detainees passed through a sallyport to a locked grille which opened onto the main corridor. Detainees, who began to fashion machetes soon after the riot began,⁵⁵ jabbed these weapons through the grille at officers on the other side. One detainee tried to unlock it with keys taken from an officer. The officers fought back, first with riot batons and then with tear gas and the detainees retreated.

⁵⁴Atlanta Journal, "For 11 Days, Cuban Unrest Boiled Over Inside the Pen," December 6, 1987.

⁵⁵New York Times, "Prison Swept for Weapons and Traps," December, 6 1987; Chicago Tribune, "Cuban Rioters Turned into Efficient Jailers," December 16, 1987.

Officials retained control of the main corridor, Cellhouse A, and the Administration Building. Everything else inside the perimeter wall was in the detainees' hands. Cellhouse E and the hospital were the exceptions; for a time they were in limbo.

Sixteen staff members were trapped in Cellhouse E, the segregation unit. Staff maintained control within the building, but rioters in the yard while unable to enter the unit, prevented staff from escaping. Three times detainees on the yard approached Cellhouse E, threatening to kill hostages unless permitted entrance. Officers in the tower told the detainees that they would use lethal force if the rioters tried to enter, which discouraged them from trying.

Another 26 staff were trapped in the hospital, including physicians, medical assistants, correctional staff, several contract employees, and about a dozen detainees who worked as orderlies. Whether, or when, the staff in the hospital became hostages later became a matter of dispute. For the first several days, the Command Center did not include the hospital staff in its list of hostages. In postriot interviews, some staff stated that they considered themselves to be the hostages of the orderlies from the outset and expressed frustration at not being considered hostages, even though they were not free to leave. On the other hand, staff outnumbered the orderlies more than two to one and maintained control of the key to the hospital's door. In any case, throughout the eleven days, staff continued to operate the hospital as a medical facility. Only detainees needing treatment were admitted. The pharmacy was not looted and all medications were dispensed by a pharmacist under a doctor's orders. In essence, the building was held hostage but staff inside could continue to provide medical treatment unimpeded.

STATE OF SIEGE

The detainees controlled the prison from midday Monday, November 23, until early Friday afternoon, December 4. This eleven-day period can be divided into three phases. In the first, Monday afternoon through the evening of Thanksgiving, Thursday (November 23-26), detainees and officials

negotiated agreements to end the disturbance, only to have the agreements collapse. In the second phase, from Friday through the following Thursday (November 27-December 3), government negotiators took a "harder" position in their negotiations. This stance yielded an effective settlement on Thursday afternoon, December 3. The remainder of Thursday and early morning Friday, December 4, the third phase, was taken up by putting the final touches on the agreement and arranging a surrender.

Phase I: Monday Through Thanksgiving Thursday (November 23-26)

The Regional Director arrived at the prison within ten minutes of the onset of the riot and immediately contacted the Director. Other prison officials began to collect information about the hostages' condition and location. From everything they could learn, the hostages were unhurt. Damage to the physical plant however, mounted. Fires were started at about 11:00 A.M. and burned until late evening. Several fire companies responded with equipment and later a National Guard helicopter dropped water using forest fire buckets, all to no avail. The Industry building, a warehouse, and the recreation center were destroyed.

At 5:30 P.M., the Director, Regional Director, the Warden, and FBI concluded that the sixteen BOP employees trapped in Cellhouse E could be safely rescued. An FBI SWAT team threw rope ladders over the compound's wall and positioned themselves to provide cover for the escaping employees.

A plan to rescue hospital staff was considered both in Atlanta and in Washington, reconsidered throughout the eleven days of siege, and each time rejected as too risky. First, unlike the isolated Cellhouse E, the hospital was wedged between two cellhouses near the front of the compound, an area where detainees congregated. It was feared that, if force had to be used, the detainees would retaliate against the other hostages. Further, there was concern that if a rescue mission were carried out, the element of surprise would have been compromised. Television crews were broadcasting live pictures of the prison's perimeter. Throughout the siege, detainees (and hostages) paid nearly constant attention to

this coverage. Finally, the hospital was maintaining its integrity as a medical facility, serving the needs of those inside the compound. This lessened the necessity (perhaps even desirability) of a rescue effort.

Negotiations Start

Negotiations began at about 1:00 P.M. A BOP lieutenant contacted several detainees over the radio, one of whom claimed that he had authority to negotiate for the detainees. He and three other detainees were permitted to pass through the dining room door and entered an office off the main corridor. About an hour later, trained FBI negotiators joined the lieutenant.

At the outset of negotiations, officials were optimistic that the disturbance could be settled by day's end, but soon other detainees, in groups or individually, contacted officials by telephone.⁵⁶ The Warden commented the next day in a news conference,

Last night, quite frankly, I thought we had agreement and this would be settled by 7:45. We found out quickly that as soon as we had agreement and it was brought back to them they had a new leader taking over and we had a new set of demands.⁵⁷

The Warden explained that he had been in contact with what seemed to be twelve different sets of leaders, each claiming to represent the detainees. The demands made and emphasis placed on different parts of them varied from one spokesman to the next. The demands included: the immediate release of all detainees; a meeting with Attorney General Edwin Meese, the Congressman whose district includes the prison, and a Legal Aid lawyer who had worked on the detainees' behalf; the right to remain in the United States and to become citizens; a supply of food and water;⁵⁸ a personal guarantee from the Warden that

⁵⁶Roger A. Bell, Frederick J. Lanceley, Theodore B. Feldmann, Timothy H. Worley, Dwayne Fuselier, Clinton Van Zandt, , et al., 1990. "Hostage Negotiations and Mental Health: Experiences from the Atlanta Prison Riot," 3, 2 American Journal of Preventive Psychiatry and Neurology, (Fall, 1991):8-11.

⁵⁷New Orleans The Times-Picayune, "The Atlanta Riot," November 25, 1987.

⁵⁸Atlanta Journal, "Army Advisers Dispatched to Pen from Fort Bragg," November 26, 1987.

they would not be returned to Cuba; total amnesty; and a guarantee that correctional officers would not retaliate against detainees.⁵⁹

The initial response consisted of bringing to bear those resources immediately available. When negotiations Monday night failed to produce a settlement, officials began to plan for the possibility of protracted incident. For example, the Warden and his executive staff stayed at the prison most of the first night but, by day 2, they needed relief. As the Report points out, riot planning had not anticipated a disturbance of this magnitude or duration.

Overall Management of Crisis

If, for no other reasons than the number of hostages involved and the resources required for resolution, this was no ordinary prison riot. Neither was the response to it. U.S. Attorney General Edwin Meese personally directed the overall strategy, canceling a long-planned trip to Europe.⁶⁰ He chaired daily meetings of all top Department of Justice officials. He ordered into use the Justice Command Center, a round-the-clock facility opened in 1986 for the management of crisis situations and equipped with state-of-the-art communication technology. In the negotiation process, all written agreements required a word-by-word approval from the Attorney General. In addition, each of the Department of Justice components involved, the Bureau of Prisons, the FBI, the U.S. Marshals Service, and the INS/Border Patrol, established its own round-the-clock command post.

At Atlanta, the Bureau of Prisons and the FBI were the lead agencies, establishing local command centers in adjacent offices in the penitentiary's Administration Building. The Southeast Regional Director assumed overall control of the operation at Atlanta. Regarding the crucial issue of whether an assault would be made, it was agreed that decision would rest with the Bureau of Prisons, after consulting with

⁵⁹New York Times, "Talks with Cubans at a 'Standstill' at Atlanta Jail," November 25, 1987.

⁶⁰Testimony of Thomas Boyd, Acting Assistant Attorney General, Hearings, 1988.

the Attorney General. Once a decision to use force was made, the FBI would take charge of the operation.

Continuity in the command post at Atlanta was maintained by bringing in Regional Directors from the North Central and Western Regions and Wardens from two other federal prisons. Once there, tandem teams of a regional director and a Warden rotated duties in the prison's command center.

Federal negotiators were divided into two teams, each assigned to rotating 12-hour shifts.⁶¹ To maintain continuity, each team wrote a summary of events that occurred on its shift, including a synopsis of conversation with detainees, identification of detainee leaders and negotiators, comments on their psychological profiles, and recommendations. In addition, a log and tapes were made of the negotiations, and a "critical incident board" on the wall of the Command Center provided a quick overview of transpiring events. A psychological consultant, who had trained with the FBI, served as a member of the negotiating team. He observed both the hostage takers and the government negotiators, watching for in the latter signs of stress, fatigue, and over-involvement.⁶²

Resources Mobilized: Personnel and Material

Arriving from the outside were 406 BOP staff members, dispatched from 42 prisons, the Central Office, Regional Offices, and the Staff Training Academy. Within one hour, 50 FBI agents were at the facility. By the riot's end, 623 agents had been deployed.⁶³ Adding to this were hundreds of agents from the U.S. Marshall's office, the INS, and Border Patrol. The Pentagon sent 100 specialists in hostage rescue to provide advice.

⁶¹Bell, et al., "Hostage Negotiations."

⁶²Ibid. 7.

⁶³Report, 1988, Atlanta-57.

As might be expected, the deployment of over 1,000 enforcement officials did not, in all cases, proceed like clockwork. To begin with, there were delays in summoning some off-duty BOP personnel because the telephone numbers on file were incorrect. While prior hotel arrangements had been made for arriving personnel, some were not informed. Once at the facility, some staff did not know where to report. As the incident progressed, a centralized post was established for coordinating the deployment of temporary personnel, this solved most of the logistical problems. On Wednesday, November 25, the Bureau's Atlanta Command Center began to issue an information sheet to keep each shift current.

There were also an initial shortage of equipment needed to respond to the riot, especially communication equipment. During the takeover, numerous staff radios were taken from hostages, leaving officials with no secure channels. Prison officials initially were forced to rely on telephones and runners to coordinate their operation. These problems were resolved with the support of the FBI and Department of Defense. Further, over the course of the eleven days, a vast array of equipment was assembled, from armored personnel carriers and helicopters, to emergency crash saws and sledge hammers, to automatic weapons and body armor.⁶⁴

Services for Hostage Families

Soon after the riot started, family members of the hostages began to gather in front of the prison. Around midnight on Tuesday, November 24, a discussion in the Washington BOP command post led to a decision to establish a special team to assist the hostages' families. This was the first time the Bureau (and perhaps any other corrections agency) had ever undertaken such a project. Reflecting the importance given to the project, a Warden from another federal prison was flown to Atlanta to organize the effort. The Hostage Family Services Center took advantage of facilities of the nearby Regional Office. Later in the incident, trailers and tents were added. Open 24 hours a day, the Center provided the families with

⁶⁴Ibid., Atlanta-59.

medical, psychological, and pastoral services, sleeping accommodations, hot meals, child care, and briefings. At its peak, the staff included fifteen psychologists and psychiatrists, eleven chaplains, and ten support staff.

Again, snags developed. Initially, the chaplains assigned to contact the families had many incorrect phone numbers, delaying notification. During the first several days, regularly scheduled briefings were held, but they became less frequent as the incident wore on and less new information was available. A decision was made that only confirmed information would be passed to the hostage families; with speculation and rumors flowing from many sources, some family members came to believe that prison officials were withholding information.⁶⁵ Some psychologists and chaplains were more suited to the work that needed to be done than others.⁶⁶ The mention of these snags, though, should not obscure the program's overall success.

Handling the Media

Within a day of the takeover, three hundred reporters, photographers, and television camera crew persons crowded the residential and business properties across the two-lane street in front of the penitentiary. One local television station put its camera on the roof of an auto repair shop. Next door, CNN set up two tents in the parking lot.⁶⁷ The media presented three problems to prison officials.

First, television broadcasts transmitted from the front of the prison gave detainees information, sometimes false information, that they would not otherwise have received. As already noted, media coverage was one consideration in the decision not to rescue the hospital staff. Later in the week, a local

⁶⁵Ibid., Atlanta-69.

⁶⁶Ibid., Atlanta-71.

⁶⁷Atlanta Journal, "Prison Uprising Transforms Street Into 'Mini-City,'" November 28, 1987.

reporter mistook a routine change of shift for a tactical assault and broadcast that one was underway.⁶⁸ Detainees bound the hostages and threatened them with knives. Several anxious hours followed. Had an assault had become necessary, the detainees might have learned of it in advance. Prison officials did not know if they had the authority to restrict the media from access to strategic but public areas.

Second, as the days wore on, the media intruded into the privacy of hostage family members. To protect the families, the media were prohibited from entering the Family Services Center, but even this was less than foolproof. One reporter, posing as a hostage's wife, entered the Center feigning crying and distress.⁶⁹ Another reporter offered to allow a hostage's wife hear a tape of a recorded message from her husband in exchange for an interview. Many of the hostage families became incensed over the media's intrusiveness.

Third, the massive media coverage strained the ability of the Bureau's local public information officer. At the BOP's request, a Department of Justice spokesperson and the Deputy Director for Public Affairs went to Atlanta to take a leadership role with the media. They, according to the Report, did a very good job. On the other hand, the Report suggests that the Bureau should consider whether to enhance its ability to provide information to the public.⁷⁰

Negotiations Continue

As of Tuesday morning, the detainees held 102 hostages. (This figure includes the hospital staff, but not the Cellhouse E hostages, who had by then been released.) Prison officials provided the detainees with an instant camera and film and they sent pictures of all of the hostages but two. From time to time

⁶⁸Report, 1988, Atlanta-73.

⁶⁹Ibid., Atlanta-70.

⁷⁰Ibid., Atlanta-75.

over the next ten days, detainees released hostages, mostly for medical reasons or as gestures of good will. Eighty-nine hostages were held for the duration of the riot.

Almost without exception, the hostages received reasonably good care. They were not physically abused, were given three meals a day and opportunities to shower, given reading material, and allowed to keep their watches, billfolds, and other personal property. The majority of detainees protected the hostages from abuse by radical or unstable members. Late in the week, detainees turned over to authorities an extremely dangerous American inmate because they feared he would kill a hostage. On the other hand, the hostages were repeatedly told that they would die if the government tried to rescue them. To the hostages, the threats seemed credible.⁷¹

On Tuesday, the government established its overall negotiation strategy. Officials were convinced that an armed assault would result in the deaths of many, if not most, of the hostages. They were being held in a number of locations behind fortified barricades. No quick rescue would be possible. Given this, on Tuesday afternoon, Director Quinlan held a news conference in which he said that no assault would be made as long as the hostages were not hurt. "The safety of the hostages is paramount," he stated, adding, "my patience is endless."⁷² The hostages would later report that this improved their treatment and calmed the detainees.⁷³

On the other hand, prison officials sought to keep the pressure on detainees. Water to the compound was cut off and there was no heat.⁷⁴ Helicopter flights over the prison were meant to prevent the detainees from coming to believe that they could remain comfortably in control.

⁷¹Ibid., Atlanta-65.

⁷²New York Times, "Military Hostage Specialist Sent to Help F.B.I. at Atlanta Prison," November 26, 1987.

⁷³Report, 1988, Atlanta-24.

⁷⁴Atlanta Journal, "As Talks Remain Deadlocked, Feds Shut Off water and Heat," November 29, 1987.

Negotiations were on-again off-again Tuesday, November 24, through Thursday, November 26, Thanksgiving Day. When prison officials began to feel they were making progress, the terms of negotiation would shift. By Thursday, Thanksgiving evening, negotiations appeared to be seriously stalled.

At the start of the day, Attorney General Meese sent a message to hostage families, telling them, "The safety of your loved ones is our paramount goal."⁷⁵ A few hours later, the Attorney General and Director Quinlan made conference calls to family members.

The involvement of third party volunteers was important to Thursday's negotiations and to the ultimate resolution of the riot. Selection of the volunteers was planned carefully. In general, they had to agree that they would neither serve as advocates for the detainees nor add items to the negotiations. Some offers of assistance could not be accepted⁷⁶ and those that were changed over time.

Shortly after 4:00 P.M., three prominent Cuban-Americans were escorted into the prison to assist with the negotiations. Two of the three were well known in the Cuban community for having spent decades in Cuban prisons. One was a well-known poet; another was the chairman of the Cuban-American National Foundation, the leading public affairs organization for Cuban-Americans. Initially, it appeared that their assistance would bear fruit. At about 6:00 P.M., detainee negotiators agreed to release 50 hostages in return for a press conference. An Atlanta television news team was escorted into the prison. At 9:30 P.M., an FBI spokesman told the press that he was "cautiously optimistic" that some hostages would be freed and that a fragile agreement had been reached.⁷⁷

⁷⁵New York Times, "Behind the Prison Riots," December 6, 1987.

⁷⁶For example, from the first day on, the Congressman who represented the prison's district repeatedly volunteered to assist in the negotiations and detainees repeatedly requested his involvement. (Letter by Congressman John L. Lewis. Hearings, 1988, 8-9; also, New York Times, "Outside the Prison, Sobbing Wives," November 24, 1987. The decision was made in Washington not to take advantage of the offer. Hearings, 1988, 9.)

⁷⁷New York Times, "Behind the Prison Riots," December 6, 1987.

At the appointed time, the detainees' negotiators brought with them three hostages, explaining that the three hostages were all that they could produce. The government negotiators objected, but tried to extend the negotiations and secure the release of the three by offering a limited news conference in exchange for them. The detainees abruptly left the negotiations, taking the hostages with them.

Phase II: Friday Through Thursday Afternoon (November 27-December 3)

Following the Thanksgiving negotiations, prison officials and government negotiators rethought their strategy. Thus far, as a matter of negotiating strategy, officials had avoided telling the detainees that their central demand, no deportations to Cuba, would not be met. The concern was that the detainees would retaliate against their hostages. With the Thursday agreement failing to resolve the situation, the government began to shift its strategy to a more hard-line approach.

At 10:20 P.M. on Friday, the detainees presented government negotiators with a list of seven demands. In a preamble, the detainees explained they had "been unfairly and arbitrarily incarcerated by the Immigration and Naturalization Service for over seven years of suffering at Atlanta prison."⁷⁸ They thus felt "compelled to do what we have started here." The demands, paraphrased, were:⁷⁹

- (1) the suspension of all treaties between Cuba and the United States that concern Mariels;
- (2) a ban on deportation of Mariels to Cuba;
- (3) the immediate release of all detainees who were not serving criminal sentences or who are not under criminal investigation, [but in an apparent contradiction,] a detainee would be released when he proved that he has family members or some other sponsor to return to;
- (4) the government would, within six months, find halfway houses for those detainees without family members or sponsors on the outside;

⁷⁸"Document of Disclosure and Requirements," Reprinted in Hearings 1988, 177.

⁷⁹Ibid., 177-178.

- (5) detainees would be given Constitutional protection, which includes the right to speedy decisions and hearings by impartial courts;
- (6) mentally ill detainees would be sent to hospitals for treatment;
- (7) a guarantee of no physical reprisals against the detainees nor punishment for participation in the riot.

Further, the detainees asked that an agreement be signed in front of live television cameras, whereupon the hostages would be released.⁸⁰ The detainees also warned that they were prepared to die "before we give up our hopes and demands for deserved freedom and liberty." They also stated that no other hostages "under any circumstances" would be released, except for medical reasons.⁸¹

The government's response did not come until Sunday evening because the focus of Washington's efforts at that point was the Oakdale situation, which was nearing resolution. It was thought that if Oakdale's detainees would agree to end their riot, Atlanta's would soon follow. While the Oakdale riot ended Sunday afternoon, it would take another four days to resolve the situation at Atlanta. (The Atlanta disturbance began two days after Oakdale's.)

Sunday, November 29, at Atlanta had an auspicious beginning. About 1:00 P.M., the detainees released four hostages as a gesture of good faith. All four reported that they and the c'her hostages had been treated well and had been protected from the more dangerous detainees. In response to the release, the government gave the detainees their mail, which had been accumulating since the start of the disturbance. The water system was turned on.

At about 6:30 P.M., Sunday, negotiations resumed between FBI negotiators and three detainees. Also in attendance were the three Cuban-exile advisors. Government negotiators explained the terms of

⁸⁰Ibid., 179.

⁸¹Ibid., 179.

the agreement that ended the siege at Oakdale. In responding to the seven demands, the government stood fast on some points and remained flexible on others.

On the first two points raised by the detainees, government negotiators stated that it would not reverse its position that some detainees would be deported to Cuba nor would it abrogate its treaty with Cuba. The negotiators pointed out that a cancellation of the treaty between the two countries would prevent further migration from Cuba to the United States.

On the third, fourth, and fifth points, the BOP negotiations offered a middle ground. Using the Oakdale agreement as a framework, the government was willing to provide each detainee a "full, fair, and equitable"⁸² hearing to determine whether he could be released. These would be administrative hearings, however, and detainees would not be extended formal protection under the Constitution. Consensus was reached on the sixth point. Detainees with a medical need or mental illness would be moved to a medical or psychiatric facility.

Finally, on the issue of amnesty, the government was unsure where to draw the line. The instructions to the government negotiators were to promise the detainees that there would be no "unlawful physical reprisals against any of the detainees." Anticipating that this might not be enough to appease the detainees, the negotiators were authorized to add that they would be prosecuted only for "incidents of physical violence or major misconduct." It was not specified what was meant by physical violence or major misconduct. Since this did not meet what the government had promised the Oakdale detainees, no criminal liability for damage to the prison that occurred during the riot, there was room for further negotiation.

The negotiation session ended at 8:00 P.M. with two unresolved issues. First, the detainees were under the impression that, if they held out long enough, the Attorney General might reverse himself on

⁸²Hearings, 1988. "Response to 7 'Requirements' From Atlanta Detainees," 180.

their primary demand, no deportations. This hope was expressed by detainees in negotiations as late as Wednesday, December 2.

A second obstacle had to do with the terms of the promise that detainees would receive "fair" hearings. Actually, from a legal standpoint, the broadly worded pledge of case-by-case review did not go beyond existing procedures. What the detainees wanted was some sort of guarantee that the process would be more favorable and expeditious.

Breakthrough in Negotiations

A turning point occurred on Thursday, December 3, during an emotionally taut two-and-a-half-hour negotiation session. Eight detainees met with four government negotiators and the first of the two unresolved issues was resolved. One of the FBI negotiators told the detainees in no uncertain terms that their primary demand would not be met because it was unequivocally nonnegotiable. Adding to the emotional force of the moment, he said, "You cannot and will not bring the U.S. government to its knees"⁸³ and stated that the detainees, not the government, would have to change their position if a peaceful solution was to be achieved. Further, the negotiator urged the detainees to concentrate on those issues that could be negotiated, rather than continue to wage a lost battle over the demand for no deportations.

Apparently, the strategy worked. The feared retaliation against the hostages did not materialize. The no-deportation issue faded, allowing the detainees and government negotiators to tackle the second obstacle.

On Monday, November 30, the three Cuban-American leaders brought in to assist the BOP negotiators returned home. They and government officials agreed that the detainees had lost confidence in them and that they could no longer play a useful role. There was no shortage of volunteers to take their

⁸³Atlanta Journal, "Despair, Anger, Joy: Pen Talks Ran Gamut, Top FBI Agent Recalls," December 8, 1987.

place. On their own initiative, an 18-member delegation of Miami dignitaries, including the city's mayor, had flown to Atlanta to offer their assistance. Several went so far as to say that they would exchange themselves for hostages. Instead, the government decided to draw on the services of Bishop Agustin Roman (Auxiliary Bishop of Miami) and an Atlanta Legal Aid attorney. The Cuban-born Bishop Roman had helped resolve the Oakdale disturbance,⁸⁴ a fact known to the Atlanta detainees through the media coverage.

The Atlanta attorney had represented the detainees in their conditions suit against the penitentiary and many of them individually concerning their immigration status. On Tuesday and Wednesday, December 1 and 2, the attorney met with the detainees and was allowed to answer legal questions that they raised. From these meetings, the attorney wrote a memo to the Attorney General asking for clarification of the government's offer. This began a search for a middle ground acceptable to both sides. The Atlanta attorney asked pointed questions about the Attorney General's offer but also emphasized zones of agreement. He reported that the inmates found "acceptable" the Attorney General's response on retaliation but sought clarification on whether participation in the riot, in itself, would be punishable. He asked the Department of Justice to clarify what it meant by a "full, fair, and equitable" hearing and how such hearings would go beyond those previously provided. On this matter, he had a suggestion: allow himself and Bishop Roman to be involved designing a new hearing process. He added, "I need some commitment on the process or at a minimum to be able to tell the detainees I have some input into the process."⁸⁵

⁸⁴On Sunday morning, November 29, a video tape was played to the Oakdale detainees (on televisions placed at the perimeter fence) showing the Bishop asking them to release the hostages and end the incident peacefully. Later in the afternoon, the Bishop was driven around the compound in an open truck. He then addressed the detainees, telling them that a proposed agreement was fair, that he wanted them to give up their weapons, and that they should release their hostages. The detainees began to surrender 10 minutes later. Report, 1988, Oakdale-40; Clinton Van Zandt and G. Dwayne Fuselier, "Nine Days of Crisis Negotiations: The Oakdale Siege," Corrections Today (July, 1989): 20, 22.

⁸⁵Hearings, 1988, "Gary Leshaw's Request for Clarification from DOJ," 182.

On the crucial demand of no deportations, the memo seemed to accept that the government would not yield to the detainees' demand but, at the same time, sought to soften the impact of this stance. The attorney suggested that before a detainee was deported to Cuba, he or she should be allowed to apply to emigrate to another country. He explained that such a provision would not challenge the right of the government to deport the detainees to Cuba, but it would make the government's position "more palatable" to the detainees.

The Attorney General's response accepted each of the suggestions and clarified uncertainties where asked. There would be no prosecutions for participation in the riot or destruction of government property. Prosecution would be reserved to "assaultive violence against persons or major misconducts." Detainees would be given the opportunity to apply for emigration to a third country before deportation to Cuba. Finally, to ensure that hearings were full, fair, and equitable, a new review process would be developed by a panel appointed by the Attorney General. Both the Atlanta attorney and Bishop Roman would have input into the development of that process.

Phase III: Thursday Evening and Early Friday Morning, December 3 and 4

While Bishop Roman had offered to help several days earlier, it was decided that his assistance would be most useful when an agreement was being finalized rather than in the negotiation process itself. He would be the guarantor to the detainees that the agreement reached was fair.

On Thursday, December 3, the detainees told government negotiators that they were ready to sign the seven-point agreement. The detainees said they recognized that the agreement did not have a provision disallowing deportations to Cuba.⁸⁶ The signing would wait, however, until Bishop Roman could be present. He arrived at the penitentiary by helicopter at 9:45 P.M.

⁸⁶Report, 1988, Atlanta-41.

An obstacle emerged at the last moment. At about 11:00 P.M., the detainees insisted that the Attorney General sign the agreement and that more witnesses observe the signing. At 12:00 A.M., the Associate Attorney General talked to a detainee negotiator over the phone from Washington, assuring him that the Regional Director had authority to sign for the government. About the same time, officials escorted into the prison three of the eight observers that the detainees had requested to witness the signing. One was a Cuban-exile leader; two others were active in detainee advocacy groups. At 1:00 A.M., the agreement was signed by the Regional Director and detainee representatives and witnessed by Bishop Roman and the three other observers. The signing was broadcast live over CNN.

Ten minutes later, the first hostages began to walk out of the facility. By 1:30 A.M., all of the hostages had been released and accounted for. Over the next 24 hours, detainees were searched, had their property boxed, and were then placed on buses for transportation to other facilities.

At 6:00 P.M., December 4, Director Quinlan and Attorney General Meese toured the facility and met with some of the hostages.

AFTERMATH

The Atlanta riot was unmatched in U.S. prison riot history in the number of hostages held. The event did not quickly fade from public attention. Congress held hearings, newspapers ran editorials, and politicians offered their commentary. The most far-reaching response was from the Bureau itself.

A primary target of those offering criticism was the decision by the State Department to give the Department of Justice short notice of the signing of the immigration treaty between the United States and Cuba. Some chided the BOP for not taking more forceful measures to avert a riot at Atlanta, especially

after the riot began at Oakdale.⁸⁷ Mostly, however, the Bureau and other agencies involved in the resolution won the highest praise for their professional handling of the riots.⁸⁸

One point of controversy was whether the government had gone too far in its concessions to the detainees. The Congressman who represents Oakdale, Louisiana, told his colleagues in hearings on the riots that,

In my personal opinion, the concessions made to the detainees went too far . . . There is no place for these terrorists in America. What exactly is the difference between giving in to the demands of a foreign terrorist and capitulating to the edict of angry detainee?⁸⁹

The Attorney General saw it differently: "I don't think we yielded to the demands of hostage takers. I don't think we violated any of our principles."⁹⁰

LESSONS LEARNED

As a means to learn from the riots at Atlanta and Oakdale, the Bureau commissioned an indepth investigation. Two study groups were assembled, one for each of the riots, with members drawn from the Bureau of Prisons, the Public Health Service, and the Immigration and Naturalization Service. Each group was chaired by the Warden of a major BOP facility. Assisting these efforts was a four-member team from the Bureau's Office of Research and Evaluation. In addition, an oversight committee was appointed comprised of senior management personnel from the Central Office and the National Institute of Corrections.

⁸⁷For example, Testimony by Representative John Lewis, Hearings, 1988, 8-9.

⁸⁸For example, comments by Representative Robert W. Kastenmeier, Hearings, 1988, 1-2.

⁸⁹Testimony by Representative Clyde C. Holloway, Hearings, 1988, 67.

⁹⁰Quoted in Criminal Justice Newsletter, "Justice Department to Review Its Handling of Riots by Cubans," 18, No. 24 (December 15, 1987).

In interviewing two hundred BOP staff members, the investigative teams asked what lessons they had learned from the riots and for their recommendations. From this, the researchers set forth 107 recommendations. They range from minor (but often important) policy changes, such as mandating that emergency keys be placed in a secure area, to recommendations with far-reaching consequences, such as proposed changes in the architectural design of new prisons. Several recommendations sought to incorporate into the Bureau's plans and procedures a number of the ad hoc arrangements that were developed at Atlanta and Oakdale. Examples include mandating that a family services center be established at the site of any future disturbance and arranging for agreements of cooperation between the Bureau and the FBI, Department of Defense, and other federal agencies. Other recommendations mandated additional study; one called for legal research into the options for controlling media access to public property adjacent to a prison experiencing a disturbance.

While all of the recommendations merit attention, space does not permit discussion of them here. However, two general sets of recommendations bear directly on issues raised in this work. One group concerns the delineation of authority at the incident site. At Atlanta, both the Warden and the Regional Director were at the prison within twelve minutes of the onset of the riot. Both were capable of taking charge of the situation at the local level. In this instance, the Regional Director was given the authority.

One recommendation concerning chain of command was to formalize the delegation of authority such that in the event of a major disturbance, the next higher level of authority above the Warden, usually a Regional Director, will assume control. On one hand, Regional Directors know well the institutions within their jurisdiction. Often crucial in a riot is the ability of the individual in charge to assess the situation, to identify rapidly and accurately the viable strategies for resolution, and to weigh the corresponding costs and benefits of those strategies. A Regional Director, by having indepth knowledge of the prisons in his or her jurisdiction, has an advantage in doing this over an official without a detailed knowledge of the local situation.

On the other hand, the Report explains, a Regional Director would "have the advantage of detachment from the institution and, based on his position, should be able to exert authority over operations."⁹¹ "Detachment from the institution" can mean both a greater degree of objectivity about the situation and the ability to act independently of the constraints that may emerge in day-to-day administration. "Authority over operations" refers to the principle of maintaining unity of command, the concept that members of an organization are ultimately accountable to one individual or office. This may become problematic if personnel and agencies from outside the prison or Bureau are needed to resolve the disturbance, a situation in which the broader scope of the Regional Director's authority is an especially important asset. While one individual may be said to be in command, it is almost always (as at Atlanta) a team effort. A Regional Director is likely to be in a stronger position to assemble and hold the team together.

Related recommendations in the Report specified personnel to take charge of a host of tasks. These included designating senior-level officials to coordinate security, provide services to hostage families, procure equipment, and take charge of the disturbance's last stages, including the final sweep of the facility. Experienced staff members would be assigned to handle the media and public information, disburse money and issue equipment, coordinate the assignment of staff, maintain payroll, attendance, and other related administrative matters, operate a food service for staff, coordinate manpower, equipment, and supplies from other agencies, and to accompany the officer in charge in order to take notes.

A second important set of recommendations concerns the Bureau's reliance on the resources of other agencies. As the Report points out, it is unrealistic to expect the BOP to acquire the resources and develop the expertise needed to handle disturbances of Atlanta's magnitude unassisted by other federal agencies.⁹² Within limits and to be cost-effective, the Bureau should rely on the resources of other

⁹¹Report, 1988, Recommendations-1.

⁹²Ibid., Executive Summary-X, Atlanta-85.

agencies. Problems arise when reliance on outside agencies hinders the Bureau's ability to develop its own expertise to handle disturbances and its unity of response and command.

One example of the former is in the area of hostage negotiations. At Atlanta, the FBI assumed the chief role in the negotiations. While it is acknowledged that the FBI did an excellent job, still

[t]here are . . . enough differences between the types of hostage situations in which the FBI routinely becomes involved, and the peculiar characteristics of negotiations in correctional settings, to warrant the development of additional specialized expertise within the Bureau of Prisons.⁹³

Thus, one recommendation was to develop a program to train BOP staff members as hostage negotiators.

Because of excellent cooperation among the agencies at Atlanta and Oakdale, no friction developed between them that could be described as a product of disunity of response. However, senior level officials stated that they would prefer, in responding to a riot or other emergency, to command their own organization rather than an amalgam of their own and others. When responding agencies are combined, those in command must focus some portion of their attention on ensuring unity of command. Were the responding agencies already functioning as a unified operation, rather than brought together by circumstances, all attention could be focused on the situation at hand.

IMPLEMENTATION

After the Report was issued in February 1988, the various divisions and offices within the Bureau were directed to review the particular recommendations that directly affected their unit. They were to evaluate the recommendations, determine the cost of implementing them, and suggest a course of action. These appraisals were then sent to the Bureau's Executive Staff.

In four meetings held between May 1988 and September 1989, the Bureau's Executive Staff approved 103 of the 107 recommendations. The staff deferred decisions on two recommendations and

⁹³Ibid., Atlanta-54.

disapproved two others. The two disapproved were relatively minor. (One recommended that press releases be made in both English and foreign languages, where appropriate. The other recommended a study of feasibility of adding security to high-mast lights.)⁹⁴ A target date of 1995 was set to complete the implementation.

On March 1, 1990, the Office of Emergency Preparedness (OEP) opened. Its initial responsibility was to oversee the implementation of the approved recommendations. OEP developed a procedure to track the extent to which each recommendation had been implemented. In part, this involved sending a questionnaire to all BOP facilities, asking whether the recommendations relevant to their facility had been put into practice. The results and other data were issued in a report which served as a baseline for future quarterly updates on the implementation of the recommendations.

The findings revealed difficulties inherent in implementing a complex and wide range of recommendations. Overall, much progress had been made. For example, a policy statement on hostage situation management had been written and approved. The policy described in broad strokes the underlying philosophy of the management of hostage situations as well as specified delegations of duties and specific procedures to be followed. The statement was explicitly based on the Atlanta/Oakdale recommendations.

However, implementation of some recommendations did not proceed so smoothly. For example, an October 1990 report states that only 40 percent of the institutions had put into practice the recommendation for assembly of an emergency kit, with log books, blank purchase requests, and other items.⁹⁵ Only six percent of the institutions had developed plans to dispose of medication in an

⁹⁴Federal Bureau of Prisons, U.S. Department of Justice, Final Report Concerning Recommendations from the Atlanta/Oakdale Disturbances. (Washington, D.C.: Federal Bureau of Prisons, U.S. Department of Justice) n.d., 4.

⁹⁵Office of Emergency Preparedness, "Status Report Atlanta/Oakdale Recommendations." October 29, 1990. It should be noted, however, that the Bureau operates many low and minimum security facilities, for which the recommendations would not be appropriate.

emergency, as had been mandated. In a later update, issued in February 1991, the percentage of facilities with emergency kits had risen to 52 percent and the number with medicine disposal plans had increased to 17 percent.⁹⁶

The Office of Emergency Preparedness also sought to implement the recommendations through training and onsite evaluations of emergency preparedness. The former included developing lesson plans for the training of captains and lieutenants in emergency preparedness. OEP staff also observed training exercises and mock emergency drills at institutions and at national training seminars that drew from institutions around the country. Based on the personal contact involved in those activities, OEP staff offered advice, collected new ideas on emergency preparedness, and fostered greater familiarity between staff in the institutions and the Central Office. While in the field, OEP members checked that the institution's emergency equipment and disturbance control procedures met standards.

Finally, the OEP sought to create new emergency response capabilities within the Bureau. This included the development of a helicopter deterrence system and the creation of an information system to track equipment and supplies. The OEP also sought to develop a program for Hostage Negotiation Teams (HNTs). In writing a plan for this, it was noted that Bureau's SORT (tactical) teams had traditionally been given the resources, training, and status to develop their teams. A similar level of support and opportunity to work out a distinctive identity had to be provided to the HNTs. A new cadre would be created within the Bureau, one committed to developing its own expertise and values.

The process began in January 1988 when five Bureau psychologists were commissioned to restructure the Hostage Negotiation program. As a result of this effort, a training program for negotiators is now held twice a year for 32 staff members in institutions. The course operates on a pass or fail basis, with those succeeding being certified as able to assist in any hostage situation. Ultimately, each institution will have a Hostage Negotiation Team of at least five trained members. At least twice a year, training

⁹⁶Office of Emergency Preparedness, "Update Report Atlanta/Oakdale Recommendations." February 13, 1991

exercises will be conducted that integrate the activities of the Command Center, Hostage Negotiation Teams, and SORT. These exercises allow each component to become more familiar with the others, integrating them into a unified organization capable of responding to emergencies. Wardens have come to feel comfortable that they have the capability at hand to negotiate hostage situations or to use force when it's deemed necessary.

Chapter 4

Mack Alford Correctional Institution

May 13-May 15, 1988

The May 1988 riot at Mack Alford Correctional Center (MACC) did not take prison officials by surprise on the day of the disturbance. During a six-hour period before the riot started, black and white inmates milled in crowds, expressing antagonism toward each other and toward authorities. Aware of the dangers in this, prison officials took measured steps to defuse the situation. Still, late in the evening a correctional officer was taken hostage, marking the start of the riot. Prison officials also took reasoned and timely steps to prevent the riot from expanding. But expand it did. Over a two-hour period, inmates were able to seize seven more hostages and take over two-thirds of the prison.¹

7200 One of the difficulties in resolving the disturbance is that the riot was barely *about* something aside from a demand that some of riot participants not be transferred to a maximum security facility, a demand which the riot itself all but precluded. With substantive issues not an integral part of the disturbance, inmates on-and-off again refused to talk to prison officials. Prison officials achieved a negotiated settlement after 63 hours. None of the hostages sustained serious physical injury although they experienced a terrifying ordeal.

¹A note on sources. In recounting these events, we rely primarily on two sources of information. First, the Department conducted its own thorough and detailed investigation of the riot. The Department provide their report to us, as well as the material on which the report was based. This included transcripts of interviews of or written reports by 31 inmates and 104 correctional officers and corrections officials involved in resolving the disturbance.

Second, in March 1991, we conducted a round of interviews with senior officials in the central office in Oklahoma City, including with the Director and his executive staff. We also made a site visit to the prison to interview correctional officers and other officials.

THE PRISON AND ITS PRISONERS

Mack Alford Correctional Center is a medium security prison 150 driving miles south and east of Department of Corrections headquarters in Oklahoma City. Opened in the early 1930s, the facility was first used as a satellite to the Oklahoma State Penitentiary, 35 miles to the north. Over the next three decades the facility's mission changed several times: a hospital for patients with venereal disease, a German prisoner-of-war camp, and a training school for juvenile delinquents. In 1968 the prison's current towers and perimeter fence were constructed and the prison was again made an annex to the Penitentiary. In 1973 the facility became a separate prison. In March 1986, its name was changed from Stringtown Correctional Center to its current one in honor of Mack Alford, who had served as warden for 24 years.

In the few months before the disturbance, the prison's population increased from 530 to 670 inmates, 130 inmates over the prison's rated capacity. Sixty percent of the inmates were white, 29 percent black, and 10 percent Native American, Hispanic, or other.

Interior fences divided the prison into three sections (see Figure 4-1). On the northern most portion were ten nonresidential buildings, including a gym, chapel, canteen, three vocational training buildings, and the old administration building. The shift commander was stationed in the latter.

Just below this section, the "North Compound" consisted of inmate and staff dining halls and two dormitory-style housing units. On the day of the disturbance the West Building and East Building dormitories housed 158 and 172 inmates, respectively. The West Building also had a six-cell restrictive housing unit (RHU) for protective custody inmates and others requiring temporary detention.

In the "South Compound" were two more housing units: New Building (177 inmates) and South Building (165 inmates). These buildings had individual cells with solid steel doors. Although more secure than the open-air dormitory units on the North Compound, South Compound buildings were conspicuously flimsy in the eyes of many correctional officers. The cell walls were constructed not of reinforced concrete, but were made from plaster. The most serious problem was that an inmate could poke

a hole in the wall and conceal contraband in the wall's interior. Over the years, the walls had been patched many times, making detection of hidden material nearly impossible. Although the cells had been designed for one inmate, most cells housed two. South Building had, in addition, a five-cell detention unit (DU) for inmates serving time for disciplinary infractions.

Passage from one compound to the next occurred through the North Yard and the South Yard gates. These were kept open during the day and locked at 10:00 P.M., when the yards were closed. Four towers were situated on each side of the prison. The administration building, which included the warden's office, was on the east side of the prison outside the perimeter fence.

By all accounts, warden Mack Alford exercised his long tenure in a highly autocratic rule in the old-warden tradition. He demanded great personal loyalty and usually got it. Prison staff were shocked by his unexpected death (from a heart attack) while breaking up a fight on the yard in 1986.

In September 1987, the prison was converted to a unit management system. According to prison officials, this improved the morale among staff and inmates.² Still, some officers continued to favor the old regime to the new one. One officer, for example, stated: "Mack Alford did take time out to walk around and see how everybody was doing, praise you on your job. . . I haven't seen our new warden enough to even tell you anything about him. . . [H]e never communicated with us very much." A senior level corrections officer went so far as to describe the morale among corrections officers' just before the disturbance as "the lowest I've ever seen."

Inmates voiced two types of complaints in interviews made available to us. First, some criticized the prison's services, reserving the sharpest complaints for the food (poorly prepared) and the laundry services (laundry returned unclean or wet, or lost). Prison officials gave legitimacy to both of these

²Some corrections officers, however, complained that the unit management system had undercut their authority. In their view, case managers were far too lenient toward inmates and failed to back up their authority. One officer commented, "if you [have] no way of disciplining these guys, sooner or later something is going to happen, 'cause they're going to get away with it."

complaints and were working to remedy the problems.³ Still, many inmates described the prison in evenhanded terms, and it would be hard to argue that the hardships experienced at Mack Alford were out of the ordinary for U.S. prisons. One inmates went so far as to describe the prison as the "best medium institution in the state." This inmate had nothing but compliments for the food, the absence of restrictions in moving around the compound, and even the laundry service (although he admitted to paying a couple of packs of cigarettes to an inmate each week to get his laundry pressed.)

A second type of complaint was the allegation made by some inmates that Muslim inmates received favored treatment. For example, the disturbance occurred during the Muslim Feast of Ramadan during which Muslims were allowed to eat before dawn and after sunset. Non-Muslim inmates charged that the Muslim inmates were being allowed to cook special food.⁴

The lines of authority in the prison administration ran from the Warden to the Deputy Warden and, below him, the Major. Responsibility for supervising correctional officers branched in two directions. Unit managers, who reported to the Deputy Warden, supervised all correctional officers, counselors, and case managers assigned to their unit, except night-shift officers (midnight to 8:00 A.M.). Shift commanders were Captains and reported to the Major. They supervised night-shift officers and all other officers not under the purview of unit managers, including those responsible for all aspects of security, transportation, and communication.

³For example, a new food service supervisor was hired. A major problem with the laundry was the 40-year old equipment. A week before the riot, new equipment had been ordered.

⁴Typical is a comment by one of the inmates active in the riot: "Whatever them f__king Muslims wanted, they got. The Warden and Major let 'em have whatever they wanted. And they was running us in the ground." Some correctional officers also reported that, in their judgment, Muslim inmates were given undue privileges. One senior level officer stated: "They get special treatment in respect to their religion. They take their religion and use it to benefit them. They get to cook whatever meals they want."

In reporting these *perceptions*, we are not suggesting that they are (or are not) valid. Our purpose is to identify the context in which the riot emerged to better understand the dynamics of its resolution and thus these perceptions played a role. In an interview conducted by the Department, the Food Superintendent discredited the complaint that Muslim inmates received superior food to the rest of the population. They were served the same food as the rest of the population but were allowed to prepare the food to ensure that no pork was used.

INITIATION: INMATE MOBILIZATION AND COUNTERMOBILIZATION

On the morning of May 13, 1988, in the New Building, two black inmates allegedly broke into the rooms of two white inmates and stole items purchased from the commissary. The burglary was witnessed by a white inmate, a cell house orderly, who did not report it. The victims discovered that their property was missing when they returned to their rooms around noon. News of the theft spread.

Two white inmates (not the theft victims) took it upon themselves to launch an investigation. They asked the orderly to name the thieves. When he denied any knowledge of the incident, they accused him of covering up for the thieves and threatened to kill him unless he informed about the theft. He still refused. Regardless, the two white inmates thought they knew who had done it: two black inmates who previously had been suspected of stealing from other inmates. One of the two was a Muslim. Later in the afternoon, the two white inmates asked an inmate, who was the informal leader of a group of Black Muslim inmates, what he knew. The inmate leader said he would look into it.

About 6:00 P.M. the first signs of trouble became visible to prison officials. A New Building officer observed a group of 20 black inmates gathering in front of his unit, most of them Muslims. On a nearby picnic table was a cache of commissary items (e.g., cigarettes, a case of soda). At the same time, groups of white inmates were milling inside New Building and just outside South Building. The officer reported these developments to the Captain on duty, the shift commander for the 4:00 P.M. to midnight shift. The Captain walked to New Building around 6:10, accompanied by a sergeant, to see for himself. He asked the Muslim leader what his group was doing. The inmate replied that they were just passing time.

While this conversation was taking place, the orderly walked to the captain's office to ask that he be placed in protective custody because of death threats against him. The Captain was called back to his office to handle this. The orderly was shown pictures of the two black inmates. He confirmed the earlier suspicions. The Captain called the New Building officer to explain the situation as he now understood it.

Following the Captain's instruction, the New Building officer called the Muslim leader into his unit to ask him again what was going on. This time his story was different. His group was there to "pay a debt" owed by some younger inmates, presumably the two thieves. The commissary items on the picnic table were to replace the stolen ones. The Muslim leader asked the officer if he would feel more comfortable if he broke up his group. The officer replied that he would. The group dispersed and the commissary items were returned but the tension remained.

Although the return of the stolen items might seem to have resolved the problem, from the point of view of (some) white inmates, the scales of justice had not yet been balanced. A white inmate later told investigators,

Yeah, they got their stuff back. But [we were] still gonna run them off the yard for the simple fact that they stole. . . . We don't tolerate thieves in the penitentiary.

As soon as the group of black inmates left, about 25 white inmates gathered in the same area. Their attention seemed to be focused on the section of New Building in which two alleged thieves were known to be. Every so often, a white inmate from the group walked into the building and looked around to see who was there. The New Building officer reported these developments to the captain's office. The officer was told to make a list of those involved. He identified three inmates as agitators. As it would develop, two of the three would initiate the riot and, over the next two days, lead it.

Around 7:00 P.M. the New Building officer went to the room of one of the two black inmates under suspicion. The inmate was obviously very frightened. The officer told him to stay out of sight and advised him to request protective custody status. The inmate responded that he would die before accepting protective custody status. He added that if he were assaulted he would make sure to hurt some of his assailants before they reached him.

Forty-five minutes later, the Deputy Warden stopped by the prison, returning from a day in Oklahoma City at a training seminar. As the duty officer, he was responsible for all major decisions.

Over the phone the Captain apprised him of the events of the day. They agreed that it would be best if the two black inmates could be removed from the unrestricted inmate population. However, none of the inmates in the prison's 11 detention cells could be released to the general population and there was no other secure area available. The Deputy Warden concluded that, now Friday, they would have to wait until Monday. He instructed the Captain to monitor the situation closely and then went home.

A few minutes after this conversation the New Building officer called the captain's office. He explained to the sergeant who answered the phone that he felt that the situation was getting worse and might not pass. Several inmates had warned him that there would be "major trouble" unless the two black inmates were removed from the yard. The sergeant told the officer that the Deputy Warden had decided that the transfer would have to wait until after the weekend.

At 8:00 P.M. 15 Black Muslim inmates left New Building to eat a late evening Feast of Ramadan meal. The group included the two suspected thieves. One of the two was a Muslim but the other was not and he had never before participated in Muslim activities. As they left, the group of white inmates outside of New Building yelled catcalls at them. After the meal was over at 9:00 P.M., the Muslim inmates told the two alleged thieves that they were taking them to the captain's office and that they should request protective custody status. Both refused because, they claimed, they had not done anything wrong. The two inmates then did not return to New Building but went instead to East Building in the North Compound.

When the Muslim leader returned to New Building, he called a correctional officer into his room. He told the officer that his group felt that the two inmates had been wrong to steal from other inmates and that the Muslims would no longer protect them. He did say, however, that the two inmates would be killed if not taken off the yard. This conversation was reported to the Captain. Meanwhile, small groups of black and white inmates were again forming outside New Building.

Around 10:00 P.M. the two suspected thieves returned to New Building, each carrying a golf putter. (There was a miniature golf course on the North Compound.) The New Building officer followed them into the building and took the golf clubs. Meanwhile, the small groups of black and white inmates had increased to a crowd of 300 inmates, now mostly white with some black inmates off to the side. The two suspected thieves went to the unit's door. The crowd taunted the two inmates inside. The two yelled back, promising to "take a few of" them with them if they were attacked. The New Building officer told the two inmates to move back from the door. They complied, heading to the back of the building, but along the way each grabbed a broom and snapped it to make a club. Alarmed by the growing tension, the New Building officer radioed the Captain's office for help. Accompanied by five officers, the Captain went to New Building and found the two black inmates huddled in a room. He ordered them to drop their clubs, which they did and moved into a different room. The Captain posted two officers outside the room. He then called the Deputy Warden at home to explain that there was trouble at New Building and to ask permission to call in the Emergency Squad. The Deputy Warden gave the authorization and left for the prison. The Major was also called at home and immediately left for the prison. (MACC's Emergency Squad consisted of ten officers under the command of the Major. They were trained in a range of emergency situations, including hostage situations.)

The Captain went outside where the crowd had grown larger and more unruly. Its mood was "ugly," as characterized by one officer. Estimates of its size varied from two-thirds to 90 percent of the prison's 670 inmate population. The Captain ordered the assembled inmates to return to their units but no one would move. He then called his office to have the count bell sounded, about 15 minutes before its regular time. Only a few moved. The Captain then began to write down inmates' names, making it clear that those who remained would face disciplinary action; this cleared the area.

By 10:30 the incident appeared to be over. In New Building a count was completed and the inmates seemed to have settled down for the evening. Given these circumstances, the Captain decided that the

Emergency Squad would be put on alert but not called in. Arriving about the same time, the Major and Deputy Warden met in the Old Administration Building. They discussed the situation and concluded that, even though the worst seemed to be over, the problem inmates would be removed from the prison that evening. From the Captain, the Major learned the names of the two alleged thieves and the three white inmates who seemed to have been the instigators of the disturbance.

A little after 11:00 P.M., the Deputy Warden called the Department's Duty Officer and received permission to transfer the five inmates. He also talked to the shift captain of the Oklahoma State Penitentiary (OSP) and its warden, who agreed to take the inmates. Officers brought the two black inmates to the administration building and they were driven to the Penitentiary without incident.

More precautions were planned for the transfer of the three white inmates. It was decided that their transfer would wait until just after the midnight shift arrived when, for a short time, two shifts would be available in the event of trouble. At 11:45 the Major briefed both the on-duty Captain (responsible for the "swing-shift") and the on-coming Captain (responsible for the midnight shift) on the procedures that would be followed. They were to use a "low profile" plan. Each inmate would be brought to a van by only two to three officers. A larger group of officers, the Major felt, might itself arouse hostility. If an inmate did resist, the officers were to back off and report to the Major. Also, the inmates would be taken out in the reverse order of the threat they posed. Removing the least threatening inmates first, the Major believed, would take some of the "fight" out of those whose turn would come next.

The inmate identified as posing the greatest threat lived in New Building, followed by an inmate in West Building, and the inmate judged least dangerous lived in East Building. Two officers found the East Building inmate in the bathroom and told him to pack his belongings. The inmate walked to his bed but then bolted. He ran down a flight of stairs, out of the building, and across the yard to join his friend in the West Building, the second inmate slated to be transferred. One East Building officer chased him, while the other stayed to watch the unit.

Inside the building, a West Building officer joined the chase and was the first to discover the two inmates in a back wing on the second floor. The officer approached the two inmates. With 50 inmates looking on from their beds, one of the two inmates told the officer that they had no quarrel with him and he should not get involved. He also told the officer that they were not going to the Penitentiary for something they did not do. Then one of the inmates pulled a knife from under his shirt. The officer was pushed or fell to the floor. The knife was quickly at his throat. One inmate said to the other, "we need to get some coffee and cigarettes cause this is gonna take awhile." The time was 11:50 P.M..

RESPONSE AND EXPANSION: OTHER HOSTAGES, MORE TERRITORY

Two inmates now held one hostage but the incident was still far short of a full-fledged riot. That distance would soon be covered.

Notified that an inmate had fled to the West Building, the Captain immediately went to the building. Once there, he was told that an officer had been taken hostage. Accompanied by a lieutenant, the Captain went to the section where the two inmates were holding their hostage. The knife was still at the hostage's throat, his head pulled back. The two inmates told the Captain that he, but not the lieutenant, could stay in the area. When the lieutenant did not move an inmate yelled "We're going to kill this motherf__ker if you don't leave!" He returned to the lobby. A few moments later, the Major entered the section. One of the hostage takers yelled "Come on down here, motherf__ker, you're the one we really want." The Major immediately left for the Captain's office. As he was passing through the lobby, the Major told the officers present that the Captain should call him as soon as he could. One of the inmates stated to the Captain that he was not going to the Penitentiary over those "motherf__king, thieving Muslims." He also told the Captain, who is black, "all you niggers are alike anyway." The Captain, stunned by the racial insult, had no immediate response. The inmate then ordered the Captain to leave the section because he had "no answers." Finally, one of the inmates said that the only one they would talk to was another

captain, an 18-year veteran who enjoyed a reputation for fairness among inmates. One of the two inmates had served as his clerk for several years. The Captain said he would try to get him. He left section at 12:15 A.M..

Meanwhile, in the captain's office, the Major briefed the Deputy Warden. The Deputy Warden ordered the Emergency Squad called in and then notified the Warden and the Department's Duty Officer of the hostage situation. He also called the prison's three designated hostage negotiators and instructed them to report to the prison.

The Major instructed an officer to start a log of events. He also instructed four officers to drive a van to the south side of the prison to remove, through a rear exit of New Building, the third inmate slated for transfer to Oklahoma State Penitentiary. Finally, the Deputy Warden and the Major together instructed the captain of the midnight shift to deploy his officers throughout the remaining buildings. This would, they explained, help contain the incident to one building. After deploying his officers, the Captain of the midnight shift walked to the West Building to assist the onduty Captain.

The onduty Captain returned to the lobby, where he called the old administration building, according to the earlier instructions. The Deputy Warden told the Captain that the two inmates were not to be allowed to leave the West Building, but just at that moment, the two inmates took their hostage and walked out the front door. One inmate told the hostage, "You stop for anything, I'll kill you."

They headed toward East Building. One inmate held the hostage by his arm, the second held him by the back of his collar pressing a knife to the back of his neck. As they were crossing the yard, an inmate from East Building ran out, produced a long knife, and said that he was joining them. As they entered the building, one of the hostage takers yelled for all correctional officers to get out of the building. The three officers present left through a rear door. It was now 12:40 in the morning.

The two inmates who seized the hostage continued to advance the disturbance and would, for the remainder of the disturbance, act as its unchallenged leaders. The inmate who joined them in the open

yard would be the third in command. For the moment, they acted on two immediate goals. One was to secure their hostage. They took him to the second floor, made him change clothes into inmate whites, and then put him first on a mattress and then on a chair. An inmate tied a hangman's knot using electric cord and looped it around the hostage's neck. As the hostage was being stripped of his uniform, one of leaders discovered his keys. The inmate kept them, along with the hostage's walkie-talkie taken earlier.

The other goal was to fortify the building and, to the extent possible, organize the other inmates for resistance. The leaders told those inmates willing to join them, about five inmates, to barricade the doors and cover the windows with blankets. Chairs and locker boxes were piled in front of entrances. These efforts at organization notwithstanding, there was general pandemonium. Some inmates destroyed property and broke windows. One group broke into the case manager's office and trashed and lit fires in it. Several inmates yelled to West Building inmates to come over and several did.

The onduty Captain had remained on the phone with the Deputy Warden, reporting the events as he saw them occur. Once the disturbance was fully inside the West Building, the Deputy Warden issued six orders designed to limit the scope of the disturbance. First, over the phone, the Deputy Warden told the Captain to secure the doors in the West Building in the event that rioting inmates tried to re-enter that building.

Second, he instructed an officer to take a key from the emergency key box to open an auxiliary door on the west side of the West Building. If inmates were able to break into the West Building, the officers would have an escape route from the building, one that would put them in a small enclosed yard. From there they could be taken to the Old Administration Building without exposing them to inmates who might be elsewhere on the yard.

Third, the Deputy Warden over the phone instructed South Building officers to double check that the South Yard gate was locked and not to open it. He told two other officers in his presence to check that the North Yard gate was locked.

Fourth, officers were directed over their walkie-talkies to maintain radio silence because it was known that the rioters had seized a radio from their hostage. (Confirming their concerns, one inmate was listening in on the order to maintain radio silence. He said that radio silence was a good idea in case the inmates wanted to talk.)

Fifth, the Deputy Warden wanted to determine exactly where and how many officers were in the compound. The two officers who had checked the North Yard gate were assigned this task. They reported back that there were three officers in South Building, four in New Building, and seven in West Building. The three who had evacuated East Building were standing in the North Compound yard.

Finally, the Deputy Warden instructed the three East Building officers to come to the Captain's office for redeployment along with the two other officers. Three of them were sent to perimeter posts and two were directed to the unstaffed South Tower. All of the officers were equipped with rifles.

As we shall see, these six orders met limited success.

Around 12:20, one of the prison's trained negotiators arrived and was prepared by the Deputy Warden to initiate negotiations. Unlike West Building, East Building had no direct phone line to the Captain's office, so communication with the inmates had to take place over the walkie-talkie. The conversation, begun at about 12:45, lasted only a few minutes. The inmate leader told the negotiator that they would kill their hostage if prison officers tried to enter the building. He also told him that, unless the phone lines to the outside (which had been cut off) were reconnected, the hostage would be killed. They then said that any further discussion would have to wait until the off-duty captain they had earlier demanded arrived. However, it was soon discovered that the Captain was on vacation and could not be located immediately.

About 1:00 A.M. the two inmate leaders began to discuss what to do next. One reportedly said to the other, "We started this, now what's our demands gonna be... We gotta have something [to demand]."

The other inmate responded, "damn it, the only thing I want is I'm not going to the walls [OSP]." The two inmates did agree, however, that they needed more hostages. This would be their next task.

Fifteen minutes later the two inmates leaders, a dozen other inmates, and the hostage stepped out of East Building. The hostage was put in front in the belief that a sniper might shoot the first person out. They headed toward the South Yard Gate. The gate, of course, was locked. Efforts to pry it open failed. An inmate asked the hostage if any of his keys would open the gate. He replied that the key to the gate was always kept on the south side. The inmates yelled to the South Compound officers that, if they did not open the gate, they would cut off the hostage's head. The officers did not respond.

At this point, one of the inmate leaders decided that they had been in an open area too long and were vulnerable to sniper fire from the South Tower.⁵ He directed the group to head toward West Building to see if more hostages could be taken there. The hostage was brought with them, a knife still to his throat. This movement was reported to the Deputy Warden. He called the Warden and explained that the situation was getting out of control. The Deputy Warden obtained permission to send the Emergency Squad, which the Major was then assembling, onto the yard. The Deputy Warden called the Captain inside West Building to warn him that the inmates were heading toward the main entrance. He also told him to hold on; armed assistance was coming, and a key to a side entrance was being brought.

Inside the unit there was debate over what to do. About a dozen inmates had stayed in the lobby to side with the officers. Many of the inmates were considered "heavies" and said that they would not allow the hostage takers to destroy their property and living quarters. One of them urged the Captain to open the front door and "we'll take care of them." Several of the inmates began to shape weapons for the anticipated fight. The Captain decided otherwise and ordered a large metal filing cabinet to be shoved

⁵In a postriot interview, the hostage argued that sniper fire at this point would have ended the incident. In his view, if the two inmate leaders had been shot, the remaining inmates would have scattered. This speculative point is based on the assumption that the shots would have hit their targets.

in front of the door. All of the officers, assisted by several inmates, braced themselves against the barricade.

Meanwhile, an officer brought the emergency key to the far side of the building. It would not work. Apparently, because the key was for emergencies only, the unused key would no longer operate the well-worn lock. The Deputy called the North Tower to see if another key was available. None could be found.

The rioting inmates tried to force open the door. At one point, the door opened about a foot, enough for an inmate to stick his arm through and swing a knife widely. He slashed an inmate in the shoulder but the officers and inmates inside held against the intruders.

For the moment, the rioting inmates were stymied: the officers and inmates inside West Building had repelled their attack; a locked gate had prevented them from entering South Yard; and fire was beginning to consume East Building so they could not return there. They had only one hostage and were in a vulnerable position on the yard.

Then one of the inmate leaders remembered that he had the hostage's keys. He asked the hostage if any of the keys would open another West Building door. The inmate pressed the knife against his neck, telling the officer he would be killed if he lied. The officer replied that one of the keys would open a fire escape at the south end of the building. The key worked and nine inmates entered West Building, leaving several inmates outside to guard the hostage.

The entrance brought them into the six-cell restrictive inmate housing. They released most of these inmates. Two gates separated the rioting inmates from the officers in West Building. One previously had been opened by officers during the early stages of the disturbance and not relocked. A second was secured by a hasp and padlock. It was kicked open.

The officers, still occupied with securing the front entrance, were taken by surprise. One inmate rushed the on-duty Captain, trying to stab him with a knife. The Captain ducked and dodged, thinking he might be able to disarm the inmate but two inmates tackled him from behind. The Captain of the

midnight shift ordered the other officers not to resist. "Do what they want," he said, "because they have arms and we are unarmed." The inmates now had seven hostages, including two Captains. Back in the Captain's office, the Deputy Warden realized that more hostages had been taken when an unidentified inmate answered the West Building phone.

The Deputy Warden was concerned that more hostages might be taken. On the North Compound a large crowd of inmates was grouping between the East and West Buildings. If this crowd stormed the Old Administration Building, the Deputy Warden felt, they might be able to seize it. As a precaution, he ordered medical personnel to leave the building and take certain files with them. The North Tower officer was instructed to protect this group.

As a second precaution, the Deputy Warden called the officers in the South Compound. He told them to double check that the gate was locked. They did and reported that it was. He then told them that they were to stay inside the building and out of sight. If the hostage takers came to the gate, the officers were not to communicate with them in any way.

The inmates left the West Building heading, again, for the South Gate but now with seven hostages rather than one. A sergeant in the South Building somehow missed (or disregarded) the Deputy's instructions and walked to the gate. The inmates told him that they would kill their hostages unless he opened the gate. He refused. The inmates then forced the Captain of the midnight shift to "order" the sergeant to open the gate. The sergeant again refused. In the sergeant's words, the order was from the Captain of the midnight shift, not *his* Captain. The sergeant then asked the Captain of his shift, "[Captain's Name], do you want me to unlock this gate." He replied, "[Sergeant's name] open the gate." He did and was taken hostage.

About the same time, other inmates were entering the South Compound through a broken window in the south side of the mess hall. Whether this occurred just before or just after the gate was opened cannot be determined with any degree of certainty. An officer stationed in the South Tower stated that

eight to ten inmates had already entered the yard through the window before the gate was opened. In his view, "they was coming around anyway." (The implication is that the unlocking of the South Gate did not surrender South Compound since it was already in inmate hands, an implication we discuss below.) In any case, there were two streams of inmates heading into the South Compound.

The Deputy Warden called the South Building; an inmate answered, so he knew inmates had taken over that building. He then called New Building to tell those officers to go to the fence underneath the South Tower. Another officer from South Building managed to join them. (About hour later, the group would be evacuated over the fence using fire ladders.)

It was 1:40 in the morning, Saturday, May 14th. Inmates controlled two-thirds of the prison. They established their base in South Building. The hostages were moved to the building's Detention Unit.

PRISON UNDER SIEGE: DAY ONE

The next 24 hours were a standoff, one intensely frustrating to corrections officials. Inmates issued demands, corrections officials believed they met those demands, but then inmates balked at the last moment. Meanwhile, the hostages were alternately well-treated and terrorized.

The next period runs from the early morning hours of Saturday to daybreak Sunday, described in blocks of activities rather than a continuous chronology.

Inmates in South Compound

The group of inmates who forced open the South Gate left it unlocked as they passed through it heading toward the South Building. This allowed more North Compound inmates to enter the South Compound. The crowd grew to about 300 inmates, one officer estimated. A portion of the inmates just roamed the yard and others engaged in acts of vandalism. Inside South Building and New Building inmates smashed windows, broke doors off their hinges, and turned desks over. Some inmates burglarized

other inmates' cells. Others broke into the case manager's office, took case files out of the cabinets, and set them on fire. Several inmates used weight bars to knock holes in South Building's interior walls and knock out exterior windows so they could watch for assault teams. One inmate would later report that he had been raped by three inmates. Several fires were started in South Building but were quickly extinguished by inmates. Later in the morning, a fire in New Building was allowed to burn.

After the initial rampage, most of the inmates began to move to the North Compound to distance themselves from the riot and avoid identification as riot participants. This included some of the inmates who had been most active in destroying state property. Around 3:30 A.M. one of the two inmate leaders yelled "last call," meaning that the South Yard gate would be locked and not reopened for inmates to leave. Sixty-nine inmates stayed in the South Compound.

Hostage Treatment and Release

One of the two inmate leaders gave the keys to the Detention Unit to the third inmate who had met them between the East and West Buildings and put him in charge of the hostages. Over the next two days, the hostages were treated relatively well while in the cells. Inmates supplied them with food, drink, and cigarettes to the extent these items were available. A fan was turned on. The hostages held the longest were allowed to take showers. On several occasions, however, inmates outside the leadership group wandered into the unit and threatened the hostages.

Much less kindness, and sometimes deliberate cruelty, was shown in the yard. On Saturday afternoon, two inmates brought an officer to a picnic table in front of South Building. They held his hand on the table, told him they were going to cut off a finger, and made to scream as a knife was slammed on to the table inches from his hand. An inmate poured hot sauce on the hostage's hand to feign blood. No demand was made. (The sniper spotter in the South Tower saw the event for what it was and withheld fire.)

On other occasions terror was used for specific goals. For example, earlier in the morning of the same day inmates spotted officers with shotguns stationed on the North Yard. The two inmate leaders and two other inmates brought the swing-shift Captain on to the yard and forced him to kneel. Three inmates put knives against him. A fourth yelled that if the guns were not removed from the yard the Captain's head would be cut off. The officers were withdrawn and the Captain was returned to his cell.

From early in the disturbance and over the next two days, inmates were at pains to make an assault by the government more difficult and costly. Access route to the Detention Unit, which led through an office for officers, was barricaded. The hallway inside the Detention Unit was piled with debris, requiring one to walk sideways to pass through it. All of the hostages were dressed in inmate whites (except for the swing-shift Captain who was permitted to wear his uniform). From time to time, the group in charge of the hostages would move a hostage to another part of South Building or to the New Building. If an assault were made, all of the hostages would not be in one place.

Finally, inmates told the hostages that they would be killed if an assault were made. The officers felt the threat was credible.

During the first 24-hour period five of the eight hostages were released. The first was the first correctional officer taken hostage. While still in the West Building, one of the two inmate leaders had promised the hostage that he would be released if they could get more hostages. About 1:40 A.M. the hostage was allowed to pass through the South Gate. He walked to the North Gate, was spotted by an officer and released, and then taken to the infirmary.

The second to be released, about 20 minutes later, was the Captain of the midnight shift. He was released for medical reasons, a badly sprained back.

A third hostage was released about 4:30 A.M., also for medical reasons. The prison's medical administrator approached one of the inmate leaders at the fence. He told him that one of the hostages might die under the stress because he had a heart condition. The inmate leader at first refused to let him

go, but was persuaded by an inmate who said they could be charged with murder if the officer died. Two more hostages would be released during the first day's negotiations.

Command and Control

Command was exercised at two administrative levels: at the prison and at the Central Office in Oklahoma City.

At the Prison

From the beginning of the racial confrontation early Friday afternoon until the early morning hours on Saturday, command at the prison changed hands twice. The shift Captain was in charge of handling the initial racial confrontation. His decisions were made in consultation with the Deputy Warden when he returned from Oklahoma City. The Deputy Warden was the duty officer and, as such, was responsible for any major decisions, such as the one to wait to transfer the disruptive inmates until after the weekend.

As the incident crossed the line from confrontation to open rebellion, the Deputy Warden and Major were both called to the prison. The Deputy Warden assumed overall responsibility for guiding the response. The Major, as commander of the prison's emergency team, directed tactical efforts. The Captain, of course, relinquished his authority once taken hostage.

A second change in responsibility occurred when the Warden arrived around midnight. He set up a command post in his office in the administration building. For the next two and a half days, he would direct the riot response.

Once the Warden was in charge, the Deputy Warden assumed two other responsibilities. One was to ensure that the nonparticipating inmates were supervised, fed, and housed. A second was to provide emergency response personnel food, housing and other types of logistic support. For example, early

Saturday morning the Deputy Warden explained the prison layout to the firemen and told them where they could safely go. The Major continued to direct the tactical effort.

At the Central Office

The Deputy Director opened an Emergency Command Center at the central office in Oklahoma City at 12:35 A.M. and the Director arrived about an hour later. To understand the role that the Central Office would play in the resolution, some background information is needed on their approach to the management of crises. It has two distinctive features: involvement of external groups and management through task forces.

Managing the External Environment. During riots and other crises, corrections directors and their staff must respond to the department's external constituencies, often including the governor, state legislators, board of overseers, and heads of other state agencies. One approach is to notify these groups of the crisis situation but to keep them at arms length until the event is resolved. The Oklahoma Director and his staff take a different approach.

In their view, not only should external groups be notified early in the process and kept updated (a checklist is kept of everyone to be contacted), but they should be involved in the resolution to the fullest extent possible. For example, the Director of the State Police may be asked to be present in the Command Center. The participation in some cases may go only as far as asking that an individual be ready to help. Thus, the Director might call a legislative leader and say "by the way, I may have to ask for your help," whether any specific assistance is needed from him or her at that time.

The rationale behind this policy is twofold. First, incorporating agency heads into the command post can help ensure coordination of the operation. State Police officers at a disturbance site, for example, will be more responsive to the directives of the Central Office when they know their agency head is part

of the decisionmaking process. The Director commented, "They're not going to do anything [inappropriate] if their boss is sitting right here in my office. . . I want to keep the high cards in my office, knowing that there will some lower cards . . . at the institution."

Second, because a prison riot may be a major news story, noncorrections political leaders may be asked about it. No political leader, the Director explained, wants to sound uninformed when asked about an event considered within his or her purview. Keeping political leaders abreast of events assists them in their efforts which, in turn, engenders good will toward the Department.

Task Force Committees. An approach which encourages outside involvement can result in too many people participating in the operation, potentially impairing the decisionmaking process. In part to meet this problem, command in the central office operates through several committees. Each one meets in a different room, with a sign posted outside with the committee's name and the names of those persons permitted in the room. The doors are kept locked because, as the Director explained, "if you leave the door open, people wander in and first thing you know they they're sitting over there and they have an opinion."

Chaired by the Director, the Operations Task Force is the key decisionmaking group. The Logistics Committee ensures that the emergency response efforts are adequately staffed and have the necessary, vehicles, housing, and equipment.

A third task group, the Intelligence Committee, had not been formally established at the time of the MACC riot. In this instance, it operated as a subgroup within the Operations Task Force. (As a result of the MACC disturbance, the Intelligence Committee was formally established.) The Intelligence group assembles and evaluates information that can assist with the resolution. For example, the committee may develop profiles of inmate hostage takers based on information from both the Department's records and

from records that might exist in other states. Information flows (via runners) from the Logistics and Intelligence committees to the Operations Task force.

Relationship between the Central Office and Prison. As envisioned by the Director, the role of the Central Office in an emergency is to assist, not direct, the efforts of the Warden (or other official in charge). This assistance involves creating a supportive and noninterfering political environment, collecting and collating information, and arranging for logistic support. Further, the Operations Task force serves as part think tank, part sounding board for the Warden. In the riot under study, the Warden was in almost constant contact with the Central Office. He discussed his strategy and the Task force offered its own suggestions.

Finally, the central office will send to the prison site senior level personnel whose role is to assist the Warden. The Department has two Deputy Directors for Institutions. During this disturbance both were sent the first night to the prison as was the Department's Inspector General. All three arrived at the prison from Oklahoma City about 3:50 A.M. on Saturday morning and were briefed by the Warden. The two Deputy Directors and Inspector General would then play different roles in assisting the Warden.

One of the Deputy Directors directly assisted the Warden, spending most of his time either with the Warden or in an adjacent office. The Warden often turned to him to discuss strategy; when the Warden needed relief, the Deputy Director took charge. This Deputy Director also served as a liaison with the Central Office.

The Inspector General and the other Deputy Director were stationed for most of the disturbance in the compound, serving as the Warden's eyes and ears. Between 4:30 A.M. and 6:00 A.M., they surveyed the conditions on the North Compound. After this, their roles diverged. The Inspector General became directly involved in the negotiations with the inmates.

The second Deputy Director spent much of his time on the yard as, in a sense, a forward command observer. He was in nearly constant communication with the Warden. He was first located in the foyer of the West Building. Later, a phone line was strung from the Warden's office to a spot on the North Yard that gave the forward observer a clearer view of the events on the South Compound. Through these open lines, the Deputy Director would provide the Warden with up-to-the-minute information on events on the compound. Also, negotiators would report to the Deputy Director who would then relay developments back to the Warden. The Warden's directives to personnel on the yard also passed through the Deputy Director.

For many of the decisionmakers, the disturbance would become a marathon of sleeplessness. The Warden, for example, remained at the prison from late Friday night until the resolution Monday morning, catnapping no more than a hour at a time.

Tactical Mobilization and Control of Inmates

Around 1:40 A.M. the Warden called the Major into his office. He told the Major that it would be his task to assemble and arm the emergency personnel who had arrived at the prison and then use the assembled force to take back as much of the compound as he could, removing as many inmates as possible. The forces available were ten members of the MACC emergency squad, eight from the OSP emergency squad, and six State Highway Patrolmen. Each was armed with a shotgun and ten rounds of buckshot.

At 1:50 A.M. the Major entered through the North Compound Gate and immediately ordered inmates to lie on the ground. Most did. Each inmate was handcuffed and searched and then removed through the North Gate on to a ball field where he was told to sit. It took about an hour to clear the North Yard of most of the 500 inmates. Mopping up of the North Compound began around 3:15 A.M.. The Major and six members of the State Highway Patrol entered the West Building to see if any inmates remained. There

were three. Around 4:00 A.M. an OSP emergency squad checked the East Building and found five inmates hiding in a bathroom. They were moved to the ball field.

Around 4:10 A.M. the Major, assisted by case managers and records personnel, instructed several officers to go to the ball field and record the name and number of every inmate. After this was done, the officers used the count sheet to identify names and numbers of the inmates left in the South Compound.

At about 6:30 A.M. two prison buses arrived and 80 inmates were taken to another medium security prison (Oklahoma State Reformatory at Granite.) Beginning at 8:30 A.M. and over the next several hours, 12 vans were used to ferry 370 inmates to the Oklahoma State Penitentiary. About 100 inmates were left at the prison and they were moved to the prison's gymnasium.

While the North Yard was cleared without serious incident, establishing a perimeter to contain the inmates on the South Compound proved far more problematic. Whenever armed officers approached the South Compound fence, inmates would bring a hostage from the South Building to the yard and threaten to kill him unless the officers retreated.

This occurred for the first time around 3:00 A.M. Saturday morning, when two inmate leaders spotted a group of officers approaching the South Compound fence. The two inmates brought the hostage to the fence. The inmates told the officers to move back. They refused. The inmate holding a knife to the hostage's back moved it to his throat. He said "I'll kill this one." The hostage Captain yelled "Ya'll go back. They're not going to hurt us." The Major ordered the squad to retreat and the hostage was returned to the South Building.

Around 2:00 P.M. the same afternoon, a half-dozen emergency squad members began to enter the South Dining hall, watching closely for inmate reaction. The inmates did not overtly react. More moved in until, by dark, all 45 of the emergency squad members on duty were assembled there. An emergency squad command post was set up in the West Building. Over the next two days, a minimum of 20 emergency squad members were kept on duty in the West Building at all times.

Over the two-day disturbance emergency personnel from ten prisons and agencies participated in the riot response effort. The first group of officers to arrive at the prison (from MACC, OSP, and the State Highway Patrol) were later supplemented by, and relieved by, officers from John Lilley Correctional Center, Ouachita Correctional Center, Lexington Assessment and Reception Center, Joseph Harp Correctional Center, Howard C. McCleod Correctional Center, and the Atoka County Sheriff's Department.

Negotiations

Once in the South Compound, the riot leaders refused to speak with any prison official present, insisting that they would only talk to the captain they had requested earlier and who (at this time) still could not be found. To initiate negotiations, or at least find out what the inmates wanted, prison officials recruited two inmates from the ball field.

Both were seasoned and respected inmates and one was known to be a friend of one of the inmate leaders. The two inmates said they would try to convince the rioting inmates to give up. The two inmates were taken to the South Gate where they talked to the riot leaders through the fence. One of the inmate leaders restated his position that he would wait for the Captain to begin negotiations. In the judgment of one prison official, the two inmate "negotiators" were helpful because they "could go up to the fence and talk to them without them going crazy thinking we were about to come through the fence." Finally, one of the inmates convinced a riot leader to speak with two department officials. This meeting took place about 4:30 A.M..

Representing the Department were a trained hostage negotiator on the staff of OSP (a case manager under normal circumstances) and the Inspector General from the Central Office. The inmates demanded to meet with a member of the American Civil Liberties Union, a state senator, a county deputy, and the wardens of two other state prisons. They also stated that they wanted to be transferred to a federal prison

and have the transfer made in the presence of a U.S. Marshall.⁶ The discussion continued for about an hour until an inmate leader accused the two officials of lying to him. The inmate leaders then insisted that they would only talk to the particular captain requested.

Meanwhile, a little after 5:00 A.M., the off-duty Captain was contacted. He arrived an hour later. He was a bit groggy (he had been drinking that night) but soon regained his composure. He was briefed by the Warden and two department officials. They instructed him to negotiate through the fence and not to enter the South Compound itself.

Ignoring these instructions, the Captain asked the inmates at the South Yard Gate to open it and he went into the yard. Some of the inmates began to argue that he should be taken hostage. The inmate leader who had been the Captain's clerk responded, "no you guys, you can't have him. I worked for this man four years, and I gave him my word he could come in here." He also told him he would kill them if they tried. The Captain continued to talk to the inmates for about 30 minutes. The inmates told him that if the prison was rushed, they would kill the hostages. They also told him that about 15 to 20 inmates wanted to be taken by a federal employee to a county jail and eventually to a federal prison. The Captain left the yard to confer with the Warden and then returned to the yard. A few minutes later, about 7:40 A.M., a hostage was released as a show of good faith.

The Department contacted the Federal Correctional Institution in El Reno, Oklahoma, to ask if they would take the inmates. They said they would, on a temporary basis, and dispatched a bus staffed with correctional officers to pick them up. With the federal prisons now involved, agents from the U.S. Marshals Service and the Federal Bureau of Investigation were sent to the prison, both arriving around

⁶In postriot interviews, the inmate leaders offered two reasons for the request to be transferred to a federal prison. First, they stated that they feared they would be beaten if transferred to the Penitentiary. Second, "We were trying to get completely out of the DOC system. To go to El Reno, the Federal joint, where you could be treated like a man... They don't let the nigs run everything up there in the Fed joint."

noon. At about 2:00 P.M. the Captain returned to the South Compound Gate accompanied by the two federal agents.

When the inmate leader recognized the two federal agents as such, he released another hostage. The inmate leader told the Captain that 30 inmates wanted to be transferred to a federal prison. The Captain responded that their demand would be granted, that a federal bus was on its way to pick them up, and that they should make a firm list of those who wanted to go. Also, the inmates were reassured that the federal agents would remain to monitor the inmates' safety.

Then, unexpectedly, one of the two inmate leaders quietly unlocked the South Gate. He grabbed the FBI agent and began to pull him into the compound. The agent pulled away. The inmate quickly relocked the gate.

About 6:30 P.M. the federal bus arrived and the Warden arranged to have it driven to a point on the North Compound where inmates could observe it from the South Building. One of the two inmate leaders brought the hostage Captain from the Detention Unit to the fence. The Captain negotiator for the administration told the inmate leaders that their demands had been met and explained to them the procedures that would be followed for boarding the buses. An inmate leader responded that they could take the bus and "stick it." The inmates returned to the South Building, taking their hostages with them.

About an hour later the inmate leader returned to the fence with another demand: they wanted the media to be present when they boarded the buses. Only this, they stated, would ensure that they would not be harmed. If this demand was not met, the deal was off. The Warden refused. His decision was based on the principle that the media's presence in a hostage situation encourages prisoners to take hostages in the future. Moreover, the Warden felt that the inmates had been given adequate safeguards. Finally, the media's presence would have violated his own written directive that hostage takers are not to be given access to the media.⁷

⁷Field Memorandum, MACC-0501070-02, "Hostage Situation," issued by Warden Ted Wallman, June 2, 1987.

The Warden was willing to offer a compromise. In the presence of the two federal agents, the Department would videotape the transfer. The inmates were not persuaded.

Negotiations stalemated, inmates issued a new demand. They wanted cokes and ice cream. If these were not produced in a half hour, by 6:45 P.M., they would cut off a hostage's finger. The Central office ordered the message sent to the inmates, "If you harm the hostages in any way, we're coming in."

The inmates' next actions were even more ominous. Four inmates brought a hostage to the yard. One inmate held a knife to his throat, while another inmate combed his hair, tucked his shirt in, and gave him a "last cigarette." As the deadline approached, an inmate asked the hostage if he had a last request. (Keeping his wit about him, he said coke and ice cream sounded good to him.) The hostage, was returned to his cell ten minutes later. Inmates again stated they wanted cokes and ice cream and, in addition, coffee, cigarettes, and milk. If these were not produced by dark, they would "send a finger out." For both deadlines the assault teams were readied, as were snipers stationed in the second floor of the south end of the West Dorm. The deadline went past without incident.

Prison officials believed that, perhaps, it was only the inmate leaders who wanted to continue the disturbance and that the majority might surrender if given the opportunity. At 9:00 P.M. the Inspector General announced the bus departure plans. Twenty minutes later one inmate jumped over the South Compound fence to surrender but no others followed.

Around 10:00 P.M. the inmates again demanded to talk to the media. Officials rejected the demand. The Captain told the inmate leaders that, if they did not board the federal prison bus, it would return to its home base. Around 11:00 inmates began to throw rocks at emergency lights on the North Compound and at the few officials there. This forced an evacuation of the compound, except for the Deputy Director, who used a chair to protect himself from the barrage.

At 1:00 A.M., the Warden directed the Captain to tell the inmates they had one last opportunity to board the bus before its return. At 1:30 A.M. it departed. The first round of negotiations had not produced a settlement. Further developments would have to wait for Sunday morning.

Fire Control

Fires were a serious problem throughout the disturbance. The fire inmates set in East Building at the start of the riot continued to burn. Eventually it consumed the building's entire roof.

The fire department arrived at the prison at 2:00 A.M.. The fire chief was unwilling to enter the North Compound unless protection was provided. At this point no officers could be spared so the first fire control efforts were limited to shooting water onto buildings from outside the perimeter fence. At 3:00 A.M. four officers with shotguns were assigned to protect the fire fighters and two fire engines were brought into the yard. Prison officials told the rioting inmates that the presence of these officers and firemen was "not a negotiable matter." They did not object.

Around 6:30 A.M., fire began to burn out of control in New Building. The inmates allowed the firemen to push two fire hoses through the fence into the South Compound. Several inmates volunteered to extinguish the fire, which they did by 8:00 A.M..

Prison under Siege: Day Two

Over Saturday night, 27 inmates surrendered either by climbing the fence or going through the broken window in the South Dining Hall. This left 60 inmates in the South Compound by dawn of the second full day of the disturbance, Sunday, May 15. During this day prison officials became increasingly pessimistic that a peaceful resolution could be achieved. By early evening, there was a sense that something new had to be tried. As we shall see, that something was the presence of three state legislators.

There were several reasons for the growing pessimism. First, there was the letdown of the previous day's negotiations. From the point of view of prison officials, the key inmate demands had been met, but the inmates balked at the last moment. Officials had told the inmates that the federal bus present Saturday was *it* and would not be brought back. And they meant it.

Second, in the first conversation of the day at 7:20 A.M., one of the inmate leaders told the negotiating Captain that there would be no discussions that day. They had plenty of food and water, they said, and were willing to hold out several days to get their demands. Also, officials sensed that inmates were coming to enjoy the event, especially the notoriety they were getting in the media. (The riot was being covered by both local and national media.) They seemed to have little incentive to end the disturbance.

Third, there was evidence that white supremacist inmates became dangerously assertive. Around noon, "White Power" was painted on a picnic table and a sign with the same message was hung on South Building. (Another sign, "DOC has not met our demands and has lied to you," was also displayed.) Officials were especially concerned about the hostage Captain who, they feared, might be injured or killed because he was black. Securing his release became the Warden's first priority. (In fact, late Saturday night, the Captain had a close call. An inmate with a knife told the Captain that he was going to kill him. The two inmate leaders happened to have come along. They told the threatening inmate to back off or they would kill him. He did.)

Fourth, fatigue was setting in among prison officials in ranks both high and low. Fresh tactical teams had been brought in but now they, too, were getting tired. The strain on the MACC staff was great. For example, an officer who had been stationed in the South Tower had worked an 18-hour shift, gone home for two hours of sleep, and then returned to duty. Prison and Central Office officials were becoming concerned that errors of judgment might be made. One Central Office official commented,

You could see our patience was starting to get a little thin. At the time we sent the buses back, we had been at this for 22 hours. They were tired and we were tired.

Finally, prison officials had not seen two of the three hostages since midafternoon Saturday. They were becoming increasingly worried about their safety. There was some thought that the hostages might already be dead. In this context, prison officials proceeded with negotiations and plans for tactical operations.

Tactical Efforts and Assault Plans

Plans for an assault, if it became necessary, were discussed in the Warden's office early Sunday morning. An incident in New Building nearly precipitated one. At 6:00 A.M. prison officials cut a hole in the fence behind New Building, allowing them to move a 15-person emergency squad into the building. The idea was to apprehend any inmate who might wander in. When an inmate walked in, officers would grab him from behind, put a hand over his mouth, cuff and gag him, and then take him out the hole in the fence. Over the next three hours, eight inmates were apprehended. Around 9:00 A.M., an inmate entered the building but managed to escape. He told an inmate leader what had happened. The inmate leader sent another inmate to investigate. As he entered New Building, he was immediately confronted by the emergency squad and ordered to halt. He continued to advance toward officers, pulling a knife from his waistband. An officer fired a shotgun round at the inmate but missed.⁸ The inmate ran out of the building yelling that officers were in it.

Meanwhile, the two inmate leaders were talking to the negotiating Captain at the fence, having brought with them the hostage Captain. When they heard the shotgun blast, the inmates put knives to both sides of the hostage's neck. The negotiating Captain, himself unaware of what the blast meant, was able to convince the two inmates that it was an aerosol can exploding in a fire. Still, one of the inmate said that if New Building was not vacated in five minutes, they would bring a hostage into the yard with a rope

⁸In the interviews made available to us, it is not explained how an officer discharging a shotgun could miss an inmate who was advancing on him at point blank range. It may have been that the officer was trying to disable the inmate, and his shot was wider of the mark than intended.

around his neck and execute him. The two inmates returned the hostage Captain to his cell and the emergency squad was withdrawn from New Building. (Later in the day, inmates set fire to New Building and, unlike the previous day, refused to cooperate in putting it out. The fire burned out of control most of the afternoon.)

As these events were unfolding, the Warden called a meeting in his office to review tactical plans. Emergency squad leaders were present from the Highway Patrol, OCC, OSP, and MACC. They went over blueprints of buildings and discussed possible entry points. Shots were to be fired only if an officer was injured. A shot would be the signal to begin an assault, but it did not occur.

Around 2:00 P.M. the Warden held a meeting in his office to plan a tactical assault. The plan was to assign each emergency team to a tactical task. The MACC squad would be responsible for retaking the South Building because of the officers' familiarity with the building, especially its detention unit in which the hostages were being held. The Highway Patrol would retake New Building. Officers from OSP would be split, half backing up the MACC squad and half backing up the Highway Patrol. Emergency squad members from two other prisons (Joseph Harp Correctional Center and Ouachita Correctional Center) would secure the yard and handle inmates as they came out of the building. After the meeting, the Major gathered all of the commanders of the emergency squads, gave them maps of the prison marked with the location of the hostages, and instructed them about the division of duties.

As it developed, these plans proved unnecessary.

Negotiations

The Captain continued in his role as the prime negotiator, meeting with the inmates from early in the morning and on and off throughout the day. Little progress was made until early evening.

At 7:30 P.M. inmates issued a new set of demands. Friday night, officials had turned off the electricity to the South Building; inmates now were demanding that it be turned on. They also demanded

a particular American Civil Liberties Union attorney, a federal bus, 50 cokes and 50 ice creams, five cartons of cigarettes, and media coverage. If the cokes, ice cream, and cigarettes were provided immediately, and their other demands were agreed to, they would release the hostage Captain.

As these negotiations were taking place, three state legislators, who represented nearby districts, arrived at the prison. Prison officials were hesitant to accept their offer of assistance, if for no other reason than it would be inconsistent with standard operating procedures in corrections. The overriding consideration was the belief that the legislators might provide a new angle, one that could break through the impasse. Their role, as prison officials envisioned it, was more as observers than negotiators, reassuring the inmates that they would not be mistreated. To the extent that they would become involved in actual negotiations, the legislators would focus on issues of how a surrender might be arranged.

The Deputy Warden briefed the legislators, making sure that they would not agree to something that might pose a security problem either in the release process or in the future. The Deputy Director discussed the importance of periodically reporting to him the status of the talks so he could report events as they were unfolding to the Warden.

At 8:00 P.M. the Captain along with two other prison officials returned to the South Yard to make a counterproposal. The inmates would be given ice cream and coke in exchange for the release of the hostage Captain. After his release, three state legislators would talk with them. The electricity also would be turned on. On the previous day's stumbling block, whether the media would be allowed to cover the surrender, prison officials compromised. They would allow television technical crews in the yard but not reporters. The crews would be kept far enough away from the inmates that they could not be interviewed.

At 10:00 P.M. the lights were turned on and the inmates received their cokes, ice cream, and cigarettes. The Captain was released unharmed. He was taken first to the infirmary and then to the Warden's office for debriefing.

Ten minutes after the Captain's release, inmates walked to the fence to negotiate. One hostage was brought to the gate and the second was shown from a window in the South Building. This reassured prison officials that both were uninjured. The three state representatives approached the gate, accompanied by a major from the Highway Patrol. The negotiating Captain also was there.

An inmate leader told the legislators that, if prison officials did not use force that night, they would surrender in the morning. They also advised the Captain that they would move the hostages around that night, post sentries on the roof of South Building, and patrol the perimeter. Prison officials told the inmates that they would accept no more property damage that night. Negotiations ended at midnight.

Surrender Ritual

On Monday morning there were 50 inmates left on the yard. At 8:30 A.M. two media crews were allowed into the North Compound, each monitored by two officers. The Warden instructed all emergency squads to move off the compound and away from windows or otherwise out of sight.

At 8:40 A.M. the three state legislators, the negotiating Captain, and the Major from the Highway Patrol were in position to observe the surrender. A bus arrived at 9:00 A.M. Forty-five minutes later six inmates began talking with the legislators at the fence. The legislators were told that all 50 inmates wanted to come out but some did not want to exit with the core group of hostage takers.

One final glitch. While the legislators were still talking to the inmates at the gate, eight heavily armed troopers moved in behind them. The inmates apparently believed that an assault was starting. A group ran back to the South Building. One of the hostages was grabbed by the hair and pulled out of the building with a knife to his throat. Several inmates began to argue with several other inmates over whether the hostage should be killed right then and who would get to do it. Inmates finally realized they were responding to a false alarm.

At 10:00 A.M. four inmates brought a hostage to the gate opened by one of the inmate leaders. He was released and walked out by himself. Three inmates followed him out in order to surrender. Twenty minutes later, the last hostage was released. Soon after, the inmate leaders and other inmates left the yard. Nine inmates who were considered to be the most active in the riot were put on a bus by themselves and taken to Lexington Correctional Center. Emergency squad personnel brought the 41 remaining inmates out of the compound one at a time, stripped searched them, fed them sandwiches and cold drinks, and cuffed them. They were then placed on vans for transportation to the Penitentiary.

The yard was secured at 11:50 A.M.. There had been reports during the course of the incident, including one from the South Tower of a body on the floor of South Building. A search of the compound showed the reports to be false. Rumors had also circulated that an inmate had buried a handgun near South Building. Metal detectors were brought in to search for the alleged gun but none was found.

Aftermath

The physical damage done by the riot put new demands on the department. Until reconstruction could be completed, MACC was forced to reduce its population to 300, thereby crowding the other already overcrowded state prisons. Two hundred inmates were placed, on a temporary basis, in a cell house at the Oklahoma State Penitentiary which, six years earlier, had been closed for permanent use by a federal court. Nine inmates spent one night at the Lexington Correctional Center and were transferred to the Penitentiary the next day; this was the outcome the inmates ostensibly started the riot to avoid happening.

Although always difficult to gauge, employee morale appears to have improved as a result of the disturbance. "The morale in the department," the Director commented, "is probably better now than [before the disturbance], not because of the results, but because people worked together to resolve the crisis."⁹

⁹"A Conversation with Gary Maynard (OK) about the Hostage Situation at Stringtown," Newsletter of the Association of State Correctional Administrators, June, 1988, p. 5.

Two other factors may have contributed to improved morale. One was the approach the Department took toward employees involved in the disturbance, especially the hostages. The Director took the position that for those employees who may have made mistakes, perhaps serious mistakes, their experience of the riot ordeal was punishment enough. "It's like a battlefield," the Director commented, "a guy gets shot . . . they don't issue [him] a reprimand because he failed to clean his weapon." More positively, the Department presented the hostages before the state legislature where, in a moving ceremony, they were given a standing ovation.

Another factor that may have increased morale was that employees were involved in developing the plans to reconstruct the prison. This had never been done before. The participants included line correction officers, case managers, and maintenance workers. A delegation of employees visited several Ohio prisons to view different architectural designs. The Director commented, "What they got down there is what they designed. They feel like . . . they own it."

LESSONS LEARNED AND POLICIES CHANGED

From the point of view of the Department, the disturbances was instructive along several lines.

Too Few Disciplinary Cells

There was consensus among those interviewed that the prison's 11 disciplinary cells were too few to meet the needs of a prison of 660 inmates. One consequence of this shortage, a senior level prison official explained, was that the detention unit had a waiting list of 100 inmates and an inmate would seldom serve more than ten days. A second consequence was that, with the cells always filled to capacity, prison officials were constrained in their choices of response to disruptive inmates.

On the day of the disturbance, this proved costly. One officer commented, "If you had just got those [two] blacks off the yard, I don't believe it would have ever happened." Of course the two alleged thieves

could have been moved to another prison, as they were later in the evening. Nonetheless, the shortage of detention cells forced prison officials into making a hard decision. With the unfair advantage of hindsight, we can see that the initial decision to wait until Monday was a mistake.

When the post-riot reconstruction is complete, the prison will have 54 isolation cells.

Keys

The failure of the key to open an emergency exit in West Building contributed to the seizure of six hostages. A MACC policy states that "A duplicate key will be kept for each lock and will not be routinely used. . . Weekly survey will be made to check for obsolete or broken keys and locks." A duplicate key was available but it had not been tested.

After the disturbance, the practice was changed to conform to the written policy. Also, the department sent several employees to locksmith school.

Security level

Some officials stated that, despite its rating as a medium security prison, MACC was inadequate to the task. One MACC official commented, "The only thing that distinguished this design from a minimum is the fence." A Central Office official was equally blunt: "It was a minimum-security institution with a medium-security fence around it."

One aspect of this low level of security was the absence of internal security fences. This contributed to both the preriot mobilization by inmates and the expansion of the disturbance once the first hostage was taken. After the disturbance, additional fencing was constructed inside the prison to limit inmate movement to and from housing units.

Unlocking the South Yard Gate

Nothing done by prison officials before, during, or after the riot stirred more controversy than the unlocking of the South Yard Gate by a Sergeant. This occurred, the reader will recall, when the Captain "ordered" him to do so. In postriot interviews, some corrections officers stated that this was a courageous act, in which the sergeant sacrificed his own safety to save the lives of others. Others saw it as a violation of security procedures which contributed to the expansion of the riot. While it is not our task to pass judgment one way or another, the incident merits further discussion.

In considering the sergeant's actions there are four interrelated issues. One concerns the sergeant's decision to go to the gate in the first place. Arguably, if no officer had gone to the gate, the hostage takers could not have issued their ultimatum. This was the basis of the Deputy Warden's order. The record is unclear on why his order was not followed.

A second issue concerns whether the Sergeant obeyed an order of a prison official under duress. Department policy on this is clear: a prison official taken hostage exercises no authority.¹⁰ The Department's interview of the Sergeant suggests, but only suggests, that he unlocked the gate in response to the order to do so. The Sergeant seemed to react differently to an order issued by the Captain who supervised his shift from an order issued by a Captain on another shift. The Sergeant reacted as though the former was binding but the latter was not. Policy requires that no such distinction be made.

Our own interviews suggests a possible reason for the Sergeant's compliance to an order which he should have treated as void: the Captain seems to enjoy the deep respect of his officers, including this particular Sergeant. It may have been that the written policy (and the training to back it up) was insufficient to neutralize this sentiment which, under normal circumstances, serves the organization so well.

¹⁰A MACC policy, dated June 1987, stated "Commands considered as being issued by any person held hostage will be considered as being issued while under duress and, irrespective of their position, shall be disregarded." (MACC Policy on "Hostage Situations", Exhibit 198 in Official Report.)

A third issue is, independent of whether the gate was opened in response to an order, should it have been opened? According to a senior level prison official, the department does not have a policy that states that an internal gate should never be opened under threat of force.

Thus, the question involves a substantive judgment of the costs and benefits of opening the gate. Here the Sergeant may (or may not) have been on firmer ground. The known costs of opening the gate were that the Sergeant was taken hostage and the inmates were given access to the South Compound. This must be weighed against the possible cost of not opening the gate: The inmates might have made good on their threats to kill officers. Further, inmates were entering the South Compound through a window in the mess hall. Arguably, they already had access to the South Compound regardless of the Sergeant's actions. On the other hand, far fewer inmates may have gone to the South Compound if they had to crawl through a window. The opening of the gate may have permitted the critical mass of inmates needed to hold the Compound for two days.

A final point concerns whether the prison should have had a policy that no interior gate would be opened that might allow a riot to expand. One Central Office official advocated this. He observed that inmates did not demand to pass through an exterior gate because they knew officials would not consider it. He believes that had an equally firm policy been in place regarding the movement of hostages within the prison, inmates would not have tried it. In general, he commented, "we left too much decisionmaking . . . [to] that point in time."

Treatment of Hostages after Their Release

After a 1985 disturbance at the Oklahoma State Penitentiary, the Department established teams to assist staff and their families in dealing with the stress and trauma of the aftermath of a disturbance. (Inmates were also able to request such assistance.) At Mack Alford, these teams went to work literally as smoke was still rising from the ruins. The teams were composed of staff psychologists, case managers,

and senior staff. Counselling was voluntary but strongly encouraged, even for those who professed they were experiencing no ill aftereffects.

Still, some of the hostages complained about the treatment they received immediately after their release. They reported that prison officials seemed indifferent to their ordeal. Apparently, several were merely told to go home. A hostage released early the first night stated that the senior level prison official who greeted him seemed especially brusque. He was allowed to go back on duty that night and no official made a point of checking on him. Around dawn he requested medical treatment for muscle strains he had received while being held a hostage.

Both central office and MACC officials conceded that their efforts along these lines needed to be improved. A standing committee was established in the Central Office to coordinate these efforts.

On the other hand, all of the hostages returned to work after the riot and (as of this writing over three years later) are still working in the Department. Perhaps the overall morale of the Department overcame any deficiency that may have existed along these lines.

Treatment of Hostages' Families

A number of hostages complained that their families had been treated poorly. One hostage described how his family members were put in an uncomfortably small room, not given access to phones and, most troublesome, were not kept informed. From time to time they could see the movement of emergency squads which raised their anxiety. Apparently, one wife finally complained loudly to the warden's secretary and, only after this, were the families provided better information. Another hostage reported that no one called his wife to tell her that he had been take hostage. She found out only when a friend called.

Department officials agreed they had not handled this aspect well. The Director commented that this is "critical in the short and long-run for both the hostage and the family." The Department procedure was changed to actively encourage families to come to the institution in hostage situations and provide

them with improved facilities. Also, department policy was changed to encourage the Warden to meet with hostages' families and provide them with updates.

Procedure to Remove Inmates from Compound

Several MACC officers stated that the initial hostage taking could have been avoided by sending more officers to make the arrest. On the other hand, there was a logic behind the use of a small number of officers. The MACC official who developed the plan stated that sending out a larger group ran the risk of provoking inmate hostility.

The disagreement aside, it would be hard to argue that the officer who chased the inmate in the West Building did not make an error of judgment. One corrections officer with no back up was no match for two inmates with a knife. At a minimum, the officer seems to have violated the Deputy Warden's instructions. He explained, "My instructions were that . . . if an inmate showed any hostility whatsoever. . . that they were to back off and report to me. Then we would get whatever we needed to get him." On the other hand, this particular officer was not part of the delegation assigned to arrest the inmates. Perhaps he was not made aware of the dangers inherent in the situation or the order requiring additional assistance in the event that an inmate resisted.

Record Keeping in the Command Post

Each participant in the Central Office command post kept a log of his or her activities. The Director commented that the pace of events were such that he did not always have time to record his decisions. The log suffered as a result. To remedy the problem, secretaries are assigned to each committee to help keep a log and most conversations are tape recorded.

Media Relations

The Department's public information officer (PIO) remained at department headquarters in Oklahoma City to handle media relations there, while the institution's PIO handled the press at the prison. Over the two days, about 50 press personnel converged at the prison. The strains were great on the MACC PIO. "As I look back," the Director commented, "we should have gone ahead and moved my Public Information Officer down there to assist the institution's Public Information Officer."

Concession of Media Presence

One of the hostages criticized the decision made Saturday not to allow media coverage of the surrender. He pointed out that prison officials did agree to the demand on Sunday, which paved the way for his release Monday morning.

The Warden commented that, had he realized the inmates would agree to media observation without media interviews, the incident might have ended earlier. Perhaps the existence of a written policy that no media coverage would be allowed in hostage situations, without making additional distinctions, may have slowed the process of achieving a workable compromise.

Relief for Personnel

One Central Office official commented that the operation did not provide adequate relief either for those in command or for those in the compound, including negotiators and tactical forces. Officers who were friends with the hostages, he explained, would not voluntarily go home. He recommends that policy be tightened to require relief.

Who Should Negotiate

As noted at the outset, this disturbance was unusual in that the parties used as "negotiators" included, at one point, two inmates and, at another point, three state legislators. Prison officials justified their involvement as a pragmatic adaptation to unusual circumstances. With the successful resolution, there was little sentiment that the riot would have ended sooner or more safely had these parties not been used.

Officials, however, felt that another lesson had been learned. The reader will recall that the hostages takers, while still in the West Building, stated that they would only talk to a certain off-duty Captain. The Captain present replied that an effort would be made to bring him to the prison. After the Captain was taken hostage, prison officials did not try to reverse this commitment. Acceding to the inmate demand of talking to a particular official could have been costly had circumstances differed.

First, not much could develop until the off-duty Captain arrived at the prison. Prison officials were fortunate that the Captain was not out of town and could recover quickly from the alcohol he had drank that evening.

Second, most observers agreed that the Captain performed well in his role as negotiator, even though he had no training as a negotiator. In this regard, prison officials were also fortuitous: inmates could have demanded an official less capable of performing the role of negotiator. By agreeing to try to find the off-duty Captain, officials were, in effect, putting the decision of who would negotiate for the state in the hands of inmates.

Third, according to the Director, the original plan had been for the Captain to initiate negotiations and then to have trained negotiators take charge. He went on to explain that this was not realistic. Once negotiations began, changing negotiators itself might have become a major issue, deflecting attention from steps needed to end the riot. Further, the Captain developed rapport with the inmates; changing negotiators would have wasted it.

The lesson, then, seems to be that prison officials should be counseled against promising inmates that they can talk to an official of their choice, at least until officials can determine if he or she is physically and mentally available and whether his or her presence is in the state's interest.

Management of Food in Bargaining

On Saturday afternoon, food was placed in front of the gate, which officials planned to use as a bargaining chip. An inmate opened the gate, walked through it holding a knife to a hostage's throat, picked up the food, and returned. The lesson learned, a Central Office official explained, was that they should keep the item being bargained in hand until the exchange is made.

Chapter 5

Coxsackie Correctional Facility

August 1 - 2, 1988

**THE RIOT AND HOSTAGE SITUATION OF THE SPECIAL HOUSING UNIT
AT NEW YORK STATE'S COXSACKIE CORRECTIONAL FACILITY**

For approximately fourteen hours during August 1 and 2, 1988, 32 inmates took control of the Special Housing Unit (SHU) and held the five officers hostage. One officer was released after ten hours and the remaining four were released when the inmates gave up the insurrection. Staff from the facility and the central office established communications with the inmates almost immediately after the SHU was overtaken and remained in contact with an inmate leader throughout most of the incident.

The inmate leader demanded to make a telephone call to his stepfather and wanted assurances that none of the inmates would be harmed if they surrendered. On several occasions it appeared that agreement had been reached to release the officers, but one or more inmates within the SHU were able to thwart the agreement before it could be consummated. Finally they were assured that they would not be harmed and, the telephone call having been completed, they released the hostages and peacefully exited the SHU and surrendered to the staff.

The officers who were held hostage were beaten and traumatized. One inmate was sexually assaulted. Prior to surrendering, the inmates destroyed as much of the equipment and security fixtures within the SHU as they possibly could, rendering it inoperable for several weeks. Twenty-three of the 32 inmates were referred for prosecution. Seventeen were prosecuted and all seventeen were convicted, receiving additional sentences ranging in length from two to twenty years. The takeover of the Special Housing Unit also resulted in the reexamination of procedures and operations in the Special Housing Unit.

CONDITIONS AT THE COXSACKIE CORRECTIONAL FACILITY

PRIOR TO THE INCIDENT

The Coxsackie Correctional Facility is located in Greene County, 30 miles south of Albany and 120 miles north of New York City, just off the New York State Thruway. Opened in 1935, it has a designed capacity of 961 inmates, with 832 cells, a 15-bed infirmary, and three dormitories with a total capacity of 114.¹ The institution is designated for maximum custody inmates and approximately 95 percent of the inmate population is maximum custody, with the remainder being medium custody awaiting transfer to a medium security facility. On average, inmates spend slightly less than three years at the facility prior to transfer or release.

Coxsackie, which was operating at 100 percent of its capacity at the time of the incident on Monday, August 1, 1988, has a population primarily ranging in age from 18 to 25, generally a younger and more aggressive type of inmate likely to be classified as maximum custody. Programs at the facility emphasize education and vocational training and include industry jobs for 65 inmates who work in one of three manufacturing shops. The facility is managed by 535 employees, of whom approximately 350 are security staff, 100 are in administrative or support roles, and 85 are in program positions.

Within the fenced perimeter there are 30 buildings, most of which are connected by an enclosed corridor which forms the perimeter of a large internal courtyard.

THE RIOT

Design and Operation of the Special Housing Unit

The Special Housing Unit is a single-level building remote from the rest of the facility, but attached to it by a corridor running off one of the facility's main corridors. At each end of the 100 foot-long SHU

¹Factual information regarding the facility, including capacity, population, and programming information, is taken from a report prepared for a standards compliance audit of the institution, which was conducted on February 5-7, 1990, by the American Correctional Association.

corridor there is a single solid steel door with a small glass viewing panel. Each door is manually opened with a different security key. The building itself has four wings running off a centrally located control room. One wing (the North Wing) contains offices. The end of that wing opens out into the SHU corridor.

The inmates are in single cells on each of the other three wings. The cells are located on two of the three walls of each wing and open out into a small center area of the wing. The capacity of the unit is 32 inmates. The East Wing contains 8 cells, while the South Wing and the West Wing each contain 12 cells.

Separating each of the three housing wings and the administrative wing from the control center itself are steel barred grills that run from floor to ceiling which serve to form a nine foot wide walk-way area between the control center and the barred fronts leading to each wing. Sliding barred grill doors are operated from a console by an officer assigned to the control center who monitors entrance to and exit from each wing.

A security door off the East Wing leads to a small fenced exercise area for use by inmates confined on the East Wing. The West Wing has an identical arrangement for inmates on that wing. Inmates from the South Wing use one or both of these two exercise yards.

Inmates are fed in their cells on trays prepared by correctional officers in the SHU from food that has been transported in bulk from the facility's kitchen. Inmates are given the opportunity to exercise for one hour each day.

Profile of the Inmates in the SHU

Criminal Conviction: The 32 inmates confined in the SHU were serving sentences for Robbery (18), Burglary (3), Murder (3), Assault (2), and one each for Arson, CSCS, Manslaughter & Robbery, Robbery

& Sexual Abuse, Sexual Abuse, and Weapon Possession. Table 1 lists the most serious crimes for which each inmate was convicted and other information that was available.

TABLE 1
CRIMINAL CONVICTION AND SENTENCE LENGTH OF COXSACKIE SHU INMATES

CRIMINAL CONVICTION	SENTENCE LENGTH	
	MINIMUM	MAXIMUM
Arson	6	18
Assault	1.5	4.5
Assault-CPW	5	15
Burglary	5	15
Burglary	1	3
Burglary	2	6
CSCS	3	6
Manslaughter & Robbery	8	24
Murder	25	Life
Murder	25	Life
Murder	15	Life
Robbery	6	12
Robbery	0	4
Robbery	2.5	5
Robbery	4.5	9
Robbery	1	3
Robbery	2	6
Robbery	2.5	5
Robbery	8	16
Robbery	5	15
Robbery	1.3	4
Robbery	3	9
Robbery	1	4
Robbery	3	9
Robbery	2	6
Robbery	3	9
Robbery	1	3
Robbery	4	8
Robbery	6	12
Robbery & Sexual Abuse	2	6
Sexual Abuse	1.5	3
Weapon Possession	1.5	3
Average	4.9	8.4

Sentence Length: Their minimum sentences ranged in length from 0 to 25 years and averaged 4.9 years. Their maximum sentences ranged in length from 3 to 24 years, with three others serving Life, as their maximum sentence. Excluding the three Lifers, the average maximum sentence was 8.4 years.

Age: The inmates ranged in age from 17 to 28 years old. Their average age was 21.2 years. Table 2. lists the age of each inmate along with other information about the reason for their placement in the SHU, the time they had spent there, and the time they were likely to spend there.

Reason for Placement in SHU: The inmates had been placed in the Special Housing Unit for a number of rule violations. They included Assault on a Staff Member (17), Assault on another Inmate (9), Attempted Escape (2), Refusing a Direct Order (1), Assault/Threats (1), Weapon Possession (1), and Fighting with another Inmate (1).

SHU Term: The inmates were serving a term in disciplinary segregation that ranged in length from a maximum of 3 months to 2 years. The average maximum term was 11.3 months. On average, the inmates had served 2.8 months (28.6 percent) of their SHU term. The range of time served was from a low of 9 days to a high of 285 days. On average, the inmates had a maximum of 9.1 months remaining to serve on their SHU term. The range of time left to serve on their SHU term was from a low of 21 days to a high of 22 months.

TABLE 2
PROFILE OF INMATES IN COXSACKIE SPECIAL HOUSING UNIT ON AUGUST 1, 1988

REASON PLACED IN SHU	AGE	DATE IN SHU	DAYS IN SHU	MONTHS IN SHU	SHU TERM IN MONTHS	MONTHS LEFT SERVE IN SHU	PERCENT	
							OF TIME SERVED	CRIMINAL CHARGES
Refusing direct order	22	5/7/88	86	2.9	18	15.1	15.9%	No
Assault on inmate	17	4/11/88	112	3.7	6	2.3	62.2	No
Assault on staff	20	4/3/88	120	4.0	18	14.0	22.2	No
Assault on staff	23	6/11/88	51	1.7	10	8.3	17.0	Yes
Assault on staff	24	5/19/88	74	2.5	10	7.5	24.7	Yes
Assault on staff	21	4/14/88	109	3.6	6	2.4	60.6	Yes
Assault on staff	21	2/24/88	159	5.3	6	0.7	88.3	Yes
Assault on staff	21	5/12/88	81	2.7	13	10.3	20.8	Yes
Assault on staff	22	7/13/88	19	0.6	16	15.4	4.0	Yes
Assault on inmate	21	5/16/88	77	2.6	6	3.4	42.8	Yes
Assault on staff	20	7/16/88	16	0.5	18	17.5	3.0	No
Assault on staff	23	7/4/88	28	0.9	3	2.1	31.1	Yes
Assault on staff	21	6/27/88	35	1.2	3	1.8	38.9	Yes
Assault on inmate	19	7/7/88	25	0.8	9	8.2	9.3	No
Assault on staff	21	7/2/88	30	1.0	5	4.0	20.0	Yes
Assault/Threats	20	10/21/87	285	9.5	12	2.5	79.2	Yes
Assault on staff	21	5/12/88	81	2.7	14	11.3	19.3	Yes
Attempted escape	17	6/10/88	52	1.7	12	10.3	14.4	Yes
Assault on staff	19	7/8/88	24	0.8	12	11.2	6.7	No
Assault on staff	18	6/14/88	48	1.6	14	12.4	11.4	Yes
Assault on staff	26	6/2/88	60	2.0	24	22.0	8.3	Yes
Assault on inmate	24	2/25/88	158	5.3	18	12.7	29.3	Yes
Assault on staff	28	7/9/88	23	0.8	12	11.2	6.4	No
Assault on inmate	21	7/23/88	9	0.3	17	16.7	1.8	Yes
Assault on inmate	18	2/25/88	158	5.3	8	2.7	65.8	Yes
Assault on inmate	18	5/18/88	75	2.5	12	9.5	20.8	No
Assault on inmate	23	2/2/88	181	6.0	8	2.0	75.4	Yes
Weapon possession	22	12/12/87	233	7.8	15	7.2	51.8	Yes
Fighting with inmate	24	5/23/88	70	2.3	18	15.7	13.0	Yes
Assault on inmate	18	5/30/88	63	2.1	16	13.9	13.1	Yes
Attempted escape	17	6/10/88	52	1.7	12	10.3	14.4	No
Assault on staff	27	6/3/88	59	2.0	8	6.0	24.6	Yes
Average	21.2	5/10/88	82.9	2.8	11.8	9.1	28.6	Yes = 23
Minimum	17	10/21/87	9	0.3	3	0.7	1.8	No = 9
Minimum	28	7/23/88	285	9.5	24	22.0	88.3	

SHU Staffing

The Special Housing Unit is staffed with a sergeant and three correctional officers during the day shift. In addition, two other officers are assigned to the SHU to supervise the inmates during their outdoor recreation period. For several months prior to the incident, the sergeant position had not been filled and as a consequence another sergeant with responsibilities elsewhere in the facility would come to the SHU sometime during the day shift, usually in the afternoon.

None of the five officers who were assigned to the SHU on August 1, 1988, were regularly assigned to the SHU. All five were relief officers, whose assignments changed each day as they filled in for officers who were on their regular days off, on vacation, or on sick leave. While each had worked in the SHU as a relief officer at least once in the past, none were as familiar with the procedures and operations as those officers who worked there on a regular basis. On average, the five officers had 5.6 years of experience as a correctional officer. The officer with the longest tenure had 11.4 years of experience, while the officer with the least seniority had been an officer for 2.6 years.

CHRONOLOGICAL ACCOUNT OF THE INCIDENT

Onset

The incident at the Coxsackie Correctional Facility began in the Special Housing Unit (SHU) on Thursday, August 1, 1988. At about 8:50 a.m. the four officers working in the SHU were joined by a fifth officer to assist in the movement of inmates to and from the two SHU exercise yards. According to written procedure, one inmate is called out for recreation at a time, backing out of his cell, hands on head, to be frisked and then escorted to the yard. This process involves three officers: one at the cell, one to escort the inmate through two interior doors to the yard, and one at the chain-link gate that opens onto

the yard. Each inmate faces and holds the fence at the far end of the yard until the inmates are outside; then the gate is closed and the recreation period starts. The process is reversed at the end of the session.²

At approximately 9:30 a.m. seven inmates from the East Wing began their one-hour exercise period in the East Yard. (The West Wing inmates began their exercise period shortly thereafter.) While they were in the yard, nothing unusual in their conduct or demeanor was noted, nor was anything unusually noted in the West Yard.³ At approximately 10:30 a.m. the inmates in the East Yard had completed their exercise period and were about to be returned individually to their respective cells in the East Wing. The officer who was observing the East Yard from his position between the outside door of the SHU building and the gate to the fenced exercise yard, unlocked and opened the SHU door which led to a small vestibule area within the SHU. The door which separated the vestibule from the East Wing Tier was controlled by an officer in the control room. He unlocked that door to allow the two officers to move off the tier into the vestibule to observe and better supervise the movement of the inmates back into the building.

The inmates faced and held the exercise yard fence with hands up against the fence at the point furthest from the exercise yard gate through which they would pass to return to their cells within the SHU. One officer swung open the cyclone-fence gate, and the other called for the first inmate to come forward to go inside the SHU building. The first inmate walked toward the gate with his hands in his pockets,

²The New York State Commission of Correction (COC) is an agency within the Executive Branch that is independent of the Department of Correctional Services (DOCS). It oversees the operation of all state correctional institutions and local jails. Supported by its staff, the three person COC monitors compliance with state statutes and investigates unusual incidents. In keeping with this mandate, staff members were on-site as observers continuously from noon on August 1 to several days after the incident had ended. The COC issued a report in January, 1989, entitled *Investigation of Incident at Coxsackie Correctional Facility Special Housing Unit August 1, 1988*, which contained its findings and recommendations. This process is outlined on page 14.

³Staff from the Department of Correctional Services (DOCS) and from the Coxsackie facility prepared a series of internal reports on specific aspects of the incident. An Unusual Incident Report was prepared by Coxsackie staff in keeping with DOCS reporting requirements and forwarded to the Assistant Commissioner in Albany. In addition, summary reports were prepared by Central Office staff for the Deputy Commissioner dated August 7, 1988, and for the Commissioner dated August 28, 1988. This information is on page 7 of the Report to the Commissioner, 8/28/88. Chronological information is culled from these reports.

according to procedure. When he was about three feet from the officer standing by the open gate, he took his hands out of his pockets and punched the officer in the face. The officer fell, losing his grip on the gate, but activating his personal alarm as he fell. The second officer, who witnessed the assault, signaled for help from a third officer who was on the east tier of the SHU. As the officer, who was on the tier, approached the yard entrance, he collided with the officer who was closest to the officer who had been assaulted as he was pushed back inside the SHU by three inmates who had bolted from the exercise yard.

The officer in the centrally located control room in the SHU could see the inmates assaulting the officers, and began to close the sliding barred gate that separated the area immediately adjacent to the control room from the east tier housing unit. Simultaneous, he activated an alarm located on the control room console which sounded in the institution's main control room. While the alarm did sound in the main control room, the gate did not slide shut because the three inmates were able to exert enough counter force to prevent it from closing.

The Facility's Initial Response

Responding to the alarm, a sergeant and five officers arrived at 10:36 a.m. at the solid steel entrance door to the SHU, but without the key to open it. Looking through the small clear security glazing panel in the door, the sergeant could see three inmates moving toward the housing areas from the area in front of the control room. He radioed for more assistance and for the keys to the SHU door. Two of the three inmates came to the SHU entrance door and shouted through it that they had control of the unit and would kill any staff who tried to enter.

SHU Staff Response

Meanwhile, the four remaining inmates in the exercise yard were locked in by the officer who had originally been assaulted but who had now regained consciousness. He then went inside the SHU and

headed for the control room. On the east tier he encountered an inmate running into the east tier housing unit with a baton in his hand. The officer engaged the inmate in a baton fight until they were separated by the security gate, which was electronically closed by the control room officer. The officer was on the tier, where he was safe temporarily, while the inmate stood outside the control room demanding that the control room officer open the security gate to the tier.

The control room officer proceeded to collect all the keys in his possession while the inmate outside the control room began striking the control room security glazing with the baton, breaking the glass on the second impact. The control room officer decided to exit the control room through an emergency hatch in the ceiling and was climbing the ladder to the escape hatch when he noticed the master control key was still in its slot in the security console. He got off the ladder and turned the key to the "off" position in order to remove it, but discovered that the key was attached to the console by a chain that prevented him from removing it. As he was attempting to remove the key, the inmate kicked out the remaining glass and climbed into the control room. He threatened the officer with the baton and forced him to lie face down on the floor. The inmate opened the control room door with the key and allowed another inmate into the control room. He then opened all of the SHU cell doors. The control room officer was brought to the entrance door and forced to lie down again.

Further Facility Response

The sergeant had observed the takeover of the control room through his vantage point at the window in the SHU door and could see the inmates remove the officer from the control room. He also saw two officers off the North Wing corridor - one officer in the SHU office and one in the kitchen area.

At 10:37 a captain arrived at the SHU door and saw the officer lying on the floor. He ordered the sergeant not to enter the SHU, although the keys had arrived from the facility's arsenal. The key was put

in the lock and held to prevent inmates from opening the door from the other side. The captain then went to confer with the Superintendent.

Completion of the Takeover

While these events were transpiring, another officer was observing and supervising the West Yard exercise period. At approximately 10:40, he became aware that something was wrong within the SHU building when the inmates on the west side of the unit, who had been released from their cells, began making considerable noise. He went to the door that led back into the SHU building and could see inmates carrying sticks and batons. He triggered his personal alarm and then went to the officer's station, an old telephone booth, between the SHU door and the West Yard fence gate.

Simultaneously, the inmates discovered the officer hiding in the SHU office. Several inmates attacked him and began destroying the contents of the office. The officer was beaten and then taken into the North Wing corridor, where he was forced to lie on the floor next to the officer who had tried to secure the control room. The two officers were threatened with beatings and sexual assault by inmates wielding sticks and batons (While beaten, the officers were not sexually assaulted during the incident). Their personal possessions were taken from them and they were brought into the SHU property room off the North Wing Corridor, where one had his wrists bound with shoelaces and the other had his left wrist handcuffed to his left ankle.

The officer hiding in the unit's food tray preparation room was also discovered and attacked by two inmates who forced him into the property room, removed his boots, and tied his hands behind him with shoelaces. (He later reported seeing one of the inmate leaders wearing his boots.)

During this time the officer from the West Yard who had gone to the telephone booth was attacked by inmates coming out of the West Wing of the SHU to the West Yard. The booth was overturned and the officer made to kneel with his head against the wall. He was then taken into the property room and

his hands were also tied with shoelaces. The officer who had the baton fight with the inmate had sought safety in the vestibule between the door off the East Wing tier and the door leading to the East Yard. However, since the inmates now had control of the gates and locking mechanisms, they were able to subdue that officer and take him to the property room, where he was handcuffed.

Organizing the Response

By 10:50 a Deputy Superintendent was at the SHU entry door, being briefed by the Captain. At that time he engaged in conversation some of the inmates on the other side of the door. While talking to the apparent inmate leader, the Deputy Superintendent could see one of the officers being threatened with a knife at his throat. The officer was then surrounded and beaten by about ten inmates and finally returned to the property room.

Instructions were given to have all other inmates throughout the rest of the facility return to their housing units, which they did without incident. They were secured in their cells or dormitories and with two exceptions remained there without incident. From the time they were secured until the time they were released after the disturbance had ended, the only unusual events were two small fires which were reported in C and D Blocks at about 1:40 p.m. In the process of extinguishing the fires, one officer and one sergeant inhaled a substantial amount of smoke and were treated for smoke inhalation.

Simultaneously, the Superintendent was on the telephone notifying the Deputy Commissioner at the Central Office in Albany as to what had occurred. The Deputy Commissioner notified the Crisis Intervention Unit Director, who, along with the Assistant Commissioner with responsibility for overseeing the facility, left by automobile for the facility as an immediate response. The Albany based Correctional Emergency Response Team (CERT) was activated.

An open line between a forward observer (in the facility's barbershop because of its close proximity to the SHU) and the facility's command post was established (this position later became the Crisis

Intervention Unit (CIU) Command Post). The facility's command post then set up an open line with the Central Office's Emergency Operations Center in Albany at 11:00 a.m. Five minutes later both the Coxsackie Facility's Correctional Emergency Response Team (CERT) and the Eastern Correctional Facility CERT unit were activated. The Eastern Correctional Facility is located in Napanoch, approximately 50 miles from Coxsackie. The CIU Director arrived at the institution at about 11:10; by that time, inmates and staff were communicating via telephone as well as through the SHU entrance door.

Hostage Lives Threatened

The inmates were not making demands, but were making threats against the officers in the SHU. One inmate, the apparent leader, began to demand access to an outside telephone. The electricity was turned off to the SHU at 11:22 a.m., which prompted the inmates to further threaten the officers' lives. A threat was received at 11:38 a.m. that "you get a body" if the electricity is not turned back on. At 11:45 a.m. the Superintendent ordered the electricity turned on. However, there is some confusion as to when the lights were actually turned back on. At 11:59 a.m., the Central Office was told that the lights in the unit were off and were never turned on. One minute later, at exactly noon, the Central Office log indicates that the inmates were upset that the lights were off. In any event, the power was restored not later than 12:20 p.m.. Four of the five hostages had been positively identified by the Deputy Superintendent, although their condition was not certain. The fifth hostage was identified by 12:07 p.m.

Further Responses by the Facility and the Department

The open line established between the Central Office's Emergency Operations Center and the Coxsackie facility command post was manned by a second Deputy Superintendent. Counselors from Coxsackie began pulling the records (file folders) on all of the inmates currently confined in the SHU.

Fifteen correctional officers, armed with shotguns loaded with bird shot, were dispatched and stationed around the facility's perimeter. Three armed officers were also placed on the SHU's roof.

Throughout this period, Crisis Intervention Unit team members and the Deputy Superintendent were speaking with several of the inmates, and it was becoming clear that one of the main instigators was emerging as a leader. Demands were crystallizing around two main points. First, the apparent leader was demanding an outside telephone so that he could call his stepfather. Second, the inmates were demanding written assurance that no reprisals would occur, guaranteed by a Central Office representative.

The Commissioner and Deputy Commissioner for Operations arrived at Coxsackie from Albany by automobile at 12:12 p.m. State Troopers and a Greene County deputy sheriff had established roadblocks at the intersection of the public road and the facility road leading to the main entrance of the institution, as well as on the major roadways providing access to the prison. A State Police Medi-Vac vehicle was also on standby alert status at the facility.

The CERT unit's availability and response time was being assessed by central office and facility staff. By 12:50 p.m., a second Eastern CERT unit was en route to Coxsackie. The CIU Command Center was established in the Deputy Superintendent's office at 12:45. Information about the hostages was assembled by 1:05 p.m. and the Director of Shock Development, who is a clinical psychologist, was sent to the facility at 1:13 to talk with the families of the hostages.

Contacts with the Inmates

Staff had been observing and listening to the inmates since approximately 10:40 a.m. Threats and demands from the inmates were restated in terms of negotiable issues as quickly as possible and negotiations with the inmates continued throughout the afternoon and evening. They broke down briefly at 12:20 p.m., but by 12:35 p.m. a Spanish-speaking CIU team member was en route to speak with the inmates, relieving the Spanish-speaking Deputy Superintendent who had been carrying on negotiations.

The inmates were demanding that the lights be turned on, as well making other demands concerning their safety and access to an outside telephone.

The inmates in the SHU had access to the institution's internal telephones and began to make calls to staff throughout the facility. They also forced the hostages to try to contact the Superintendent through calls to other staff in the facility. One of those calls from a hostage was received by the facility's telephone operator at 1:20 p.m. The hostage told her that he was the only uninjured hostage, that he needed to talk to the Superintendent, and that he wanted a call back from someone in authority. A short time later a telephone call from one of the inmates was received in the Family Services Room. The inmate stated that three officers and three inmates in the SHU had been injured.

Meanwhile, several inmates were yelling through the SHU windows to the staff that had formed a perimeter around the unit that all of the hostages had been hit in the head. A few minutes later some of these same staff members heard an inmate pounding on the south yard door seemingly wanting to get out of the SHU.

While these contacts from inmates were being initiated, the CIU staff were being briefed on the backgrounds of all of the rioting inmates by the head of the facility's Forensic Unit. Following that briefing, the CIU Director relayed the information to the staff in the CIU Command Post at approximately 1:50 p.m. By that time, the SHU inmates had set a deadline of 3:00 p.m. for the outside telephone call, stating that they would "throw out a body" if their demand was not met.

At 2:02 p.m., a hostage tried to call the Arsenal, but the Commissioner ordered that the staff there end the conversation. The Commissioner issued orders at 2:15 p.m. that from that time on the only communication with the inmates would be through the Crisis Intervention Unit.

Rumors and unconfirmed information began to filter in more quickly. The captain reported that officers in the SHU yards had heard inmates saying that one hostage had been stabbed in the ribs, two had head injuries, and one had a broken arm. The inmates continued to yell out the windows and began

to shout that they wanted to see the Chaplain (who at that time, unknown to the inmates, was in the Command Post.)

Just after these reports were received, a telephone line was established between the staff located just outside the SHU door and the CIU Advance Area Command Post in the Barber Shop. The intention was to pass that one telephone into the SHU to establish one single link between the inmates and the Command Post. However, the inmates refused to take the telephone into the SHU.

Discussions and Negotiations

CIU members were collecting more information about the SHU inmates through interviews with the regular SHU officers, who had reported to the institution, and with two sergeants who were more familiar with the SHU inmates. Identities of the leaders were beginning to emerge, and an officer began sorting grievances filed by SHU inmates over the previous three months. A list of ten inmates in the unit with the most violent histories was also developed.

At 2:50 p.m., the CIU hostage negotiators requested that the injured officers be released. The inmates replied that a nurse would have to be sent in. During this exchange the negotiator who was at the SHU entrance door talking with the inmates, who demanded a three-minute telephone call. The negotiator asked the inmates what they would give up in return, and one of the inmates responded that they would return to their cells and lock up.

At 3:35 p.m. the Assistant Commissioner called for from Albany to represent the Central Office in negotiations arrived, was briefed on events, and went to the SHU entrance door, making his first attempt at communication with the inmates at 3:45 p.m. The CIU Director simultaneously decided to establish a dedicated line between his staff and the inmates in the unit by using the Gymnasium office telephone. By that point, negotiations were taking place face-to-face through the door, and the gym line was ultimately used only once. At 4:01 p.m., the CIU Director assigned a member to take charge of the

Command Post and gave other assignments to other members. Upon receiving a report at 4:05 p.m. from a CIU hostage negotiator that the inmates were not talking to either the Assistant Commissioner nor to the Deputy Superintendent who had been negotiating since the beginning of the incident, the CIU Director directed the member in charge of the Command Post to call the inmates and persuade them to go to the door to talk to the Assistant Commissioner. From that point on, although conversations were put on hold several times by the inmates while they argued among themselves, the negotiations consisted mainly of calming the inmates and repeating reassurances that they would not be harmed if they gave up.

As the discussions with the inmates were proceeding a helicopter from a local television station began to circle the facility. The Assistant Commissioner told the inmates, "You wanted to speak with someone from Albany. We want to get this over with and get the hurt people out." One inmate replied that they did not want to be hurt. At 4:12 p.m., arguments among the inmates were overheard, and at 4:15 p.m., one inmate told the Assistant Commissioner that no one was in a life-threatening situation. He brought two of the hostages within sight of the Assistant Commissioner and reiterated his demands for a telephone call to his stepfather. The Assistant Commissioner stated that the phone call would be given after the release of the hostages. CIU members searched the inmate's records and were able to determine the telephone number of the inmate's stepfather, just in case it was needed. At the conclusion of this exchange, the news media helicopter left the area above the facility.

Condition of the Hostages

At 4:20 p.m. the Assistant Commissioner was able to see three of the five hostages through the small glass window in the steel security entry door to the SHU. Each hostage nodded to him to signal that he was all right, although the Assistant Commissioner could see that they had sustained head injuries and numerous bruises from being beaten. They were bleeding as well.

By 4:27 p.m. the families of the hostages had been notified, and the Mental Hygiene Office had established a debriefing and triage area for the officers once they were released. Debriefing staff and staff members close to the hostages were placed on standby, in accordance with the Department's practice of having both a debriefer and at least one staff member familiar with the hostage to greet him or her upon release.

Negotiations Continue

The Commissioner, Deputy Commissioner, Assistant Commissioner, and CIU Director formulated a plan in which they would allow the inmate leader to telephone his stepfather, but, once the connection was made they would cut the connection and reconnect it in exchange for the release of the hostages. Investigation of the stepfather's background and relationship with his stepson was underway, and two investigators were dispatched to his home to monitor his end of the call. By 4:45 p.m. the stepfather was on the telephone with the staff in the Command Post and had agreed to the plan. The Assistant Commissioner told the inmate that his stepfather had been located and that he would get him on the phone; the inmate then demanded a written guarantee against reprisals. The Assistant Commissioner reassured the inmates that officers would not assault the area.

At 5:09 p.m., the CIU Director informed the Commissioner that the Assistant Commissioner was still trying to negotiate the phone call issue with the inmates, who were resisting the idea. Talks also centered around the fact that two of the five hostages had not been seen at the SHU door since the beginning of the incident and the staff was concerned as to their condition. At 5:14 p.m., the CIU negotiator asked the inmates to see one of the two officers. When the inmates brought him within sight and sound of the negotiator, the negotiator asked the officer if he was all right, but the officer did not reply.

A letter promising that there would be no reprisals was prepared and in the Assistant Commissioner's hands at the SHU at 5:58 p.m. The Commissioner was informed at 6:00 p.m. that the inmates had told the Assistant Commissioner and the CIU negotiator that they should come back in twenty minutes to resume negotiations because the inmates were busy eating and feeding the officers. At that point, the officer was brought back to the window. When the Assistant Commissioner asked him if he was all right, he indicated that he was.

It became apparent to the CIU Director that the delay might have been arranged by the inmates so that they could listen on a radio in the SHU to the 6:00 newscast accounts of the disturbance before they entered into any final agreements. The inmate negotiator promised again at 6:15 that if he could speak to his stepfather on the phone and have a written guarantee against reprisals, he and the other SHU inmates would return to their cells and release the hostages. Agreement was reached but the inmates who were talking with the Assistant Commissioner put the agreement "on hold" for twenty minutes while they went back to talk further with the other inmates in the SHU. When the inmate representatives left, the CIU Director and Assistant Commissioner also left the area to talk privately, leaving a CIU negotiator in place in case the inmates returned.

At 6:30, a sergeant and seven officers went to the SHU roof to establish a listening post from which they hoped to be able to hear what was being said within the SHU. In the process of moving around on the roof, the staff made enough noise for the inmates within the SHU to know that someone was on the roof of the one story building. They became agitated and at 6:40 told the staff negotiators that they could hear officers trying to come through the roof. The negotiators attempted to reassure them that there was no one there, but the inmates refused to speak further with the negotiators. At 6:45 p.m. there were three CERT members and a correctional officer on the roof and they were able to overhear the inmates arguing among themselves.

Agreement Reached

The Assistant Commissioner told the inmate negotiator that the letter he wanted had arrived; the inmate told him to read it aloud, which he did. The Assistant Commissioner then told the inmates to bring the five officers forward so they could be seen. The inmate said that they would be brought out one at a time. The Assistant Commissioner stated that he wanted to see all five at once. At 7:02 p.m., a Spanish-speaking negotiator reiterated this request to an Hispanic inmate and agreement was reached that the inmates would exchange the five hostages for the telephone call.

Agreement Undone

At 7:05 p.m., the officers on the roof overheard the inmates arguing about the terms of the agreement. One inmate in particular was opposed to the agreement and was successful in gaining enough support from the other inmates in the SHU to prevent its adoption by all the inmates. The inmates believed that once they released the hostages they would be shot by the prison staff. As a result, the agreement that was found to be satisfactory to the inmate representatives was not acceptable to the majority of the inmates.

Negotiations Resume

At 7:20 p.m., the CIU Director reported that he believed that the inmate who had been doing most of the negotiating might be losing his influence over the other inmates. The negotiators were trying to convince the inmates that they would not be harmed if they released the hostages. They were also pressing the inmates to let them see the one hostage that they had not seen. The inmates consented and at 7:37 p.m., the CIU negotiator reported that he had seen and spoken to each of the five hostages. Their families were notified at 7:45 p.m. and the Superintendent spoke with the families at 7:55 p.m.

At 7:50 p.m. the inmates requested a stretcher to carry one of the hostages out of the SHU. The stretcher arrived within a few minutes, but the inmate negotiator demanded his telephone call before the officer would be released. He was told that all the hostages would have to be released. At 8:10, the inmates also requested that the telephone that had been brought to the SHU door for use by the inmates in communicating with the staff negotiators be removed because they thought that their conversations were being recorded via the telephone. Negotiators worked around the issue, leaving the phone in place, and used it to communicate with the CIU Director.

One Hostage Released

Following instructions given to them by the CIU negotiator, at 8:17 p.m. the inmates released one hostage. Although he had been beaten and had his wedding ring taken from him, he stated that he was the least injured of the hostages. He was able to provide the staff with considerable information on the condition of the other hostages and on how the inmates had barricaded and fortified the SHU. It was learned that the inmates had chained shut the west end door of the SHU and had also barricaded the control room, making a tactical assault extremely difficult. Further, he reported that the inmates had been assaulting each other throughout the incident. He was taken to the Albany Medical Center, but was not admitted because his injuries were not severe enough to warrant hospitalization.

Another Hostage Beaten

At 8:37 p.m. one of the remaining hostages was brought into view of the negotiators at the SHU door. While he was being held with a razor at his throat, several inmates began to beat him. The CIU Director told the CIU negotiator to inform the inmates that they were working on putting through the telephone call; simultaneously, the Spanish-speaking CIU member was telling the same thing to a Hispanic inmate.

The Telephone Call

At 8:45 p.m., the inmates were told that the telephone connection was about to be made and to stand by one of the SHU telephones. At 8:50 p.m. the inmates shut off the SHU lights. Telephone contact between the inmate demanding the telephone call and his stepfather was made at 8:51 p.m. The inmate told his stepfather to bring media and family members to the facility. At 8:53 p.m., the CIU Director instructed the CIU negotiator to tell the inmate that his time was up and to end the call, which he did.

Negotiations Continue

At 9:05 p.m. the inmates said that when they heard verification of the agreement on the news, they would release the hostages; negotiators succeeded in steering the inmates away from the issue and the concession was not granted. Negotiations continued and at 9:28 p.m. the inmates requested a stretcher for an injured inmate. At 9:38 p.m. the negotiators expected that two injured inmates would be released, followed by the officers. However, no one was released and the talks continued. The Assistant Commissioner went back to the SHU door at 10:07 p.m. to reassure inmates that they would not be harmed and to reiterate the contents of the letter.

At 10:22 p.m. two screams were heard over the hostage phone. The inmates were saying that they wanted to wait until morning before releasing hostages. The Assistant Commissioner, who was talking to the inmates, asked why the release would be delayed, but did not get an answer. At 10:41 p.m. the inmates in the SHU were quieter and were listening to music on the radio.

At 10:49 p.m. the CIU negotiator asked the inmate negotiator to come to the SHU door, but the inmate did not respond. At 11:00 p.m. the inmates returned to the SHU door and talked about waiting until 6:00 a.m. to release the hostages and about being transferred to another facility. They also requested that a video camera and a chaplain be brought to the SHU.

The Chaplain arrived at the SHU door within a minute. He asked the inmate negotiator why they wanted to wait until morning, and the inmate stated that they were scared of what might happen to them when they released the hostages. The video camera was in place by 11:07 p.m.; the inmates then requested a media camera. By that point it became clear to the CIU members and other negotiators that only one inmate was opposed to ending the situation and that he had been the disruptive force that had thwarted concluding earlier agreements.

The negotiations continued and at 11:21 p.m. the inmates requested that two stretchers be brought to the door. At 11:48 p.m. they indicated that they wanted to surrender and that they would come out together with their hands on their heads. At 11:59 p.m. the inmates began removing the barricade they had constructed in the North Wing corridor in preparation for exiting through the SHU door. The inmates repeated their request for a media camera; negotiators informed them that the video camera already in place was the only camera available.

At 12:02 a.m. the inmates announced that they would be ready to surrender in fifteen minutes. Shortly thereafter, a considerable amount of noise was heard from within the SHU as the inmates began destroying everything they could find in the SHU. Later, it was discovered that they had demolished the control room so as to render the unit inoperable and make it necessary for the staff to transfer them to other institutions.

At 12:30 a.m. the inmates began leaving the SHU. Two inmates and one officer were brought out on stretchers. Everyone else walked out and by 12:42 a.m. the unit was empty and the Command Center at the Central Office in Albany was notified that the incident was over.

THE IMMEDIATE AFTERMATH

Immediately following the release of the hostages and the surrender of all inmates in the SHU, the Department put into action a series of steps and measures to meet the needs of staff, the requirements of

inmates, the operational concerns of the Coxsackie facility, and the obligations of the Department. Those steps and measures involved interviewing staff and inmates, conducting medical examinations of staff and inmates, determining the causes of the incident, assisting law enforcement agencies and the New York State Commission of Correction in their investigation of the incident, transferring the inmates to other facilities, and bringing the facility back to routine operation.⁴

Staff

The four officers who were released when the inmates surrendered were given a preliminary medical screening by medical staff at the facility. All four were then taken to the Albany Medical Center where they were given additional examinations and treatment as required. Their injuries, while serious, did not result in a life-threatening condition for any of them.

Debriefing of the CIU team members began after the hostages were released at approximately 1:00 a.m. Report writing by supervisory staff also began at this time.

Inmates

Two inmates were taken to an outside hospital for examination and treatment. One of those inmates, who had been a male prostitute prior to imprisonment, had been raped by several other inmates. The remaining inmates were taken to the facility's gymnasium where they were kept 20 feet from each other, instructed not to talk to anyone, and each assigned to and observed by an individual officer. When the inmates were placed throughout the gym, they were initially assigned to individual Coxsackie officers. As they were relieved, they were replaced with officers from two other state prisons.

Each inmate was examined by a member of the medical staff to determine if he had sustained any injuries. Each inmate was also interviewed by a member of the Department's Inspector General Staff, the

⁴Op. cit. New York State Commission of Correction Report.

State Police's Bureau of Criminal Investigation, and the state's Commission of Correction.⁵ From these interviews a considerable amount of information was gathered about the events that transpired within the SHU and where keys and weapons been hidden prior to the inmates' surrender.

Each inmate's file was reviewed as part of the process of determining to which facility he would be transferred. Classification and Movement staff assessed the availability of space within SHU's in other facilities. Based on the results of interviews conducted, determinations were also made as to which inmates should be separated from one another and transferred to different facilities. By 4:00 a.m. vans from the facilities to which the inmates were going to be transferred were on their way to Coxsackie to pickup their respective inmates in small numbers. The transfer process began at about 5:00 a.m. and continued throughout the morning.

Institution

During the incident, the Coxsackie CERT unit, as well as two CERT units from the Eastern Correctional Facility at Napanoch and the Albany CERT, were deployed with additional staff from Coxsackie to various duties throughout the facility. In addition, state and local law enforcement agencies controlled access to the facility grounds, allowing only authorized personnel to enter the grounds. Fire and medical support teams had also been called in to lend support if needed. DOCS staff had been assigned to duties throughout the facility and along its fenced perimeter in keeping with their training for such situations and their knowledge of the facility and its inmates.

At the conclusion of the takeover of the SHU, staff focused on operating the remainder of the facility without incident and returning to normal operations and routine activities as quickly as practically possible. The inmates who had been fed their evening meal in their cells or dormitories remained in their housing units on August 2, while facility and central office staff, law enforcement agency representatives, and COC

⁵Op. cit. New York State DOCS internal reports.

staff concentrated on completing their investigations. During that day, an assessment of the damages done to the SHU was begun and the job of cleaning up the SHU got underway. The open line between the Coxsackie facility and the Central Office Emergency Operations Center was closed at 2:58 p.m. on August 2.

On the following day, a search for weapons hidden in the facility was launched and the task of searching every inmate and every cell was begun. By the end of the day, half of the inmates, along with their personal property, had been searched. During the day the facility was relatively calm, but during the evening several fires were set by some of the inmates confined in the housing units that had not yet been searched by staff. Some of the fire companies and state police were still at the facility when the fires broke out. The CERT teams that were not already on duty at the facility were called from the DOCS Training Academy in Albany where they were stationed. Extinguishing the fires was made more difficult by the inmates who continued to throw items from their cells at the officers. The fires were eventually extinguished with fire hoses and extinguishers and by midnight the facility was calm.

On August 4, the search of the inmates that had not been searched the previous day was begun and completed. The inmates who had been searched the preceding day were permitted to go to the dining hall to eat, and did so without incident. The entire facility ran without incident throughout the day and evening. Several inmates who had been identified while they were disrupting the facility the night before were transferred to other DOCS facilities. At midnight the CERT teams from Albany and Eastern were released from their assignments and returned to their respective facilities and regular duties.

CONSEQUENCES OF THE DISTURBANCE

Inmates

As a result of the investigation by the Inspector General's Office in the DOCS and by the State Police, twenty-three inmates were referred for prosecution of crimes committed during the disturbance.

Seventeen were prosecuted and all were convicted, receiving additional sentences ranging in length from two to fifteen years.

Staff

When four of the five hostages were interviewed, more than two years after the incident at occurred, they still expressed strong feelings about the incident.

Predisposing Conditions

Assessment of the incident brought to light several predisposing conditions, none of which can be described as causes per se of the incident. Rather, they were conditions that existed for some time prior to the incident and may have contributed to the nature and extent of the incident.

Conditions within the Special Housing Unit

Several months prior to the disturbance, the sergeant in charge of the Special Housing Unit (SHU) was suspended for reasons unrelated to SHU operations. No one was assigned to fill that vacant position. However, another sergeant was assigned those responsibilities in addition to his regular duties. As a result, a supervisor had not been permanently assigned to the SHU during the day shift for several months. The sergeant who had been assigned this additional responsibility did visit the SHU daily, but only briefly and, it would appear, usually during the latter part of the shift. On the day of the incident, it was verified that the Sergeant had not been in the SHU.

While there is no evidence substantiating a claim by the inmates in the SHU that staff had altered their food, interviews with staff did reveal that at least some staff had led some inmates to believe that their food had been tampered with. This belief may have given cause for some of the inmates to retaliate against the regularly assigned SHU officers.

Review of 189 grievances filed by inmates confined in the SHU for nine months prior to the incident revealed that 28 alleged harassment by staff. Thirteen of these grievances were appealed by three inmates to the New York State Commission of Correction (the state agency that oversees the operation of state and local facilities), which found nothing to substantiate those claims. In the nine months prior to the incident, ten unusual incident reports were generated from the SHU; three involved use of force by correctional officers. At the same time, according to comments made by both inmates (contained in post-incident reports) and staff (from post-incident interviews), it does appear that a considerable amount of ill will had developed between staff and inmates in the unit, and that the inmates felt harassment and verbal abuse by at least some of the staff who were regularly assigned to SHU had reached a point where a "get-back" was contemplated against those officers.

The SHU control room, located in the center of the unit, contained glazing that could be breached. In two other institutions with similarly constructed SHU's, the control room glazing which had been thought to be "secure" had been broken by inmates. Funds had been requested by the Department to replace the "non-secure" glass in all similarly constructed SHU's. At the time of the incident, funds to correct the deficiencies had not been approved.

Senior Management Turnover

While not identified as a predisposing or a precipitating condition, it should be noted that the Superintendent had been assigned to the institution in early July, the month prior to the incident, and the Deputy Superintendent for Programs was in his second week at the facility. On the day of the incident, the Deputy Superintendent for Security was away and the Captain was the Acting Deputy for Security. The First Deputy Superintendent was also absent from the facility on that day. To what degree the change in management staff at the facility and the absence of two senior staff contributed to the outbreak and the decision not to attempt to re-take the unit when it was first known to be in trouble is difficult to establish.

To the extent that it might have resulted in less frequent direct oversight of the operations of the SHU, it could have played a significant role.

In hindsight, it is probably correct to assume that a decline in systematic monitoring of unit security procedures may have contributed to a deterioration in the SHU security practices that were in force on August 1, 1988. Over time, SHU operating procedures designed to ensure the security of staff and inmates had been altered by staff for convenience's sake. For example, security gates and doors within the unit were left open when written procedure indicated they should have been kept closed and locked. In addition, officers and supervisors were apparently unaware that some security gates could be kept from closing by exerting a minimal amount of pressure against them.

The cleaning of the unit was performed by inmates assigned to the SHU. As it turned out, the inmate who emerged as the nominal leader in the takeover of the SHU had been a porter in the SHU for some time prior to the incident. While out of his cell, he had been able to learn how the doors were opened, observe staff movement and practices, and assess where and how the security controls were situated. In addition, this particular inmate had been placed in the SHU for assaulting another inmate. He was also the cousin of two brothers confined in the SHU, both of whom were to play an active role in the takeover of the unit.

Officers' Attitudes

After the incident, officers, particularly those that were regularly assigned to the SHU, commented that they believed that inmates were being released from SHU more rapidly than their behavior prior to being placed in SHU and while in SHU warranted. They stated that inmates would appeal to the First Deputy Superintendent for release and that it would frequently be granted. They felt their authority was being undercut and that the inmate knew that they could gain their release without adhering to the SHU rules.

The officers' claims appear to be supported in part, but also contradicted in part by the facts. It was true that the facility and the SHU were constantly operating at capacity, and that there was pressure on the administrators to place in the SHU only those inmates who absolutely had to be confined there. Thirty-two special housing cells for a maximum custody population of more than 900 inmates was in fact placing a strain on the facility. However, it was not true that inmates' appeals to the First Deputy Superintendent were resulting in large numbers of releases from the SHU. A review of the records after the incident by COC staff revealed that during the preceding 12 months 62 requests for various forms of relief were received by the First Deputy Superintendent from 19 of the 32 inmates who were in the SHU on August 1. Of the 62 requests, 55 were denied. Twenty of the 62 requests were specifically seeking a reduction in the amount time to be served in the SHU. Only two of those 20 requests were approved.

Thus, based on the requests made by the inmates who were still in the SHU on August 1, only 10 percent of them resulted in a reduction in the amount of time served. What is not known, however, is the number of requests received from all inmates who had been in the SHU for the prior 12 months, and how many of them resulted in a reduction in time and/or out right release from the SHU. Thus, the officers' perception may have been accurate, or it may not have been. In any event, staff appear to have been acting as if the perception was the reality.

Precipitating Conditions within the Facility

The facility as a whole was also, in the words of one officer, "a half-step off" its regular stride on August 1 because of a change in institutional policy that was put into effect on that day. However, the change affected only inmates in the general population, not those confined in the SHU. Rather than returning to their housing units for count after finishing the noon meal in the dining room, the inmates were to go directly from the mess hall to their work or program assignment. The new policy and practice was initiated in order to increase the amount of time for inmates to participate in programs and work

assignments. It is important to note that this policy change did not affect the SHU's operations; however, the SHU inmates were aware that the change was taking place and that it had slightly altered the routine of the rest of the institution.

Within the SHU

The inmates in the SHU at the time of the incident were young and had exhibited violent behavior. The oldest inmate was 26. The vast majority had been placed in the SHU because of assaults on staff or other inmates, while a few had attempted escape or had been found in possession of a weapon. Senior Department staff concluded that the youthfulness and proclivity toward violence of the inmates as a group was itself a precipitating factor. In a group of young and especially aggressive people, they concluded that the "feeding frenzy" aspect of group behavior heightened excitement and drove events further out of control than particular individuals may have desired.

On the morning of the incident, August 1, 1988, none of the five officers regularly assigned to the SHU were on duty. All five of the officers on the 7:00 a.m. to 3:00 p.m. shift in the SHU that morning were facility relief officers who worked a variety of different posts each day. While they had periodically worked in the unit in the past, they were not as familiar with written policy and operational procedures as the regular SHU officers. Moreover, during interviews conducted with staff members, it was learned that post orders were not always available nor updated to reflect what was expected on that post, including SHU posts. The facility was in the process of writing and updating post orders at the time of the incident, but the task had just begun. As a consequence, relief officers learned their duties by asking and observing regular staff at those posts. When the relief officers were shown the procedure for manning the SHU, they may have been taught how to perform certain procedures in a "convenient" manner rather than by strict policy and procedure.

LESSONS LEARNED

New York's emergency response system has been shaped by experience; CERT deployment processes, Crisis Intervention Unit utilization, and most importantly communications systems have evolved in response to many incidents. To a great extent, the Coxsackie disturbance was handled according to protocols already in place on a Departmental level. Lessons learned were of an illustrative variety; Coxsackie is an example, according to post-incident interviews, for recruits to see what happens when procedures are slightly relaxed for the sake of convenience and at the expense of security. The incident served to prove that wire-reinforced plate glass is simply not secure enough for use in a control console, a fact of which the Department was already aware and had sought to address, though the funds requested for replacement were not approved. Coxsackie further provided a valuable, positive lesson that perseverance and consistency in negotiations are a successful tool for the resolution of disturbances.

Staffing

Changes in procedure stemming directly from the Coxsackie situation are, to a large extent, most visible in the daily operation of the SHU. A sergeant is present at all times and more care is taken when assigning officers to work in the SHU, particularly in the assignment of relief officers to ensure that experienced officers who are familiar with proper procedures are always on duty. During the month prior to the incident, 89 officers had worked in the SHU. The large number of different staff may have contributed to a lack of continuity and consistency in the application of rules and policy in the operation of the SHU, resulting in relaxing security.

Security Grills and Gates

Only one of the security gates that provides access to a wing is opened at any one time; the doors leading to the vestibule area which in turn lead to the outside door to the yard are operated in the same

fashion as an interlock. When inmates are brought onto the tier, they are cuffed and chained, and only one inmate is out on the tier at a time. These procedures make it far less likely that any inmate will be able to get into a position to block the closing of the gates that separate the wings from the control center.

The procedure for allowing inmates onto the yard for exercise has been altered. Rather than seven inmates on an SHU yard at one time, only five are allowed. Although the inmates no longer hold the fence at the back of the yard during the movement process, they are required to stand at the back of the yard, giving officers time to react should the inmates try to rush them. Fights between inmates on the yard are now investigated by the sergeant only after he has secured everything inside the unit; prior to the incident, all staff would go to the yard to break up problems.

Console Master Key

The control center officer was unable to remove the master key from the control panel because it had been fastened to the console with a chain. Once in the control center, the inmates were then able to unlock and open all the cells within the SHU. The key is no longer chained to the console and can be used to make the console inoperative. It can be taken by the control center officer if and when evacuation of the control center is required.

The report of the investigation into the incident noted that the exercise yard gate at which the first officer was assaulted swung into the yard, meaning that the officer had to extend himself and his arm and hand in order to maintain control of the gate. That configuration made it difficult, if not impossible, to pull the gate closed should an inmate brace himself against the gate, forcing it to open further. Although the swing direction of the gate was not changed, the procedure during which it is used has been changed as a result of the incident. Three officers are now stationed in close physical proximity to the inmate as he passes through the gate, which is always either closed or set to lock as soon as it is shut.

Access to Emergency Keys

Heightened supervision and hardening of security are also evident in policies developed as a result of the Coxsackie incident. The availability of the emergency keys to the SHU, an issue during the incident when they had to be retrieved from the arsenal, has been addressed by changing the policy and procedure to permit these emergency keys to be kept in a secure area much closer to the SHU, thereby reducing significantly the time it takes to bring the keys to the SHU entrance door.

Key control policy in the SHU has also been tightened; one officer carries a yard key, while the sergeant holds the other key.

Use of SHU Inmates as Workers

Inmate porters (workers) who were confined in the SHU had been assigned to clean up the wings outside their cells. This practice has been eliminated in the aftermath of the hostage situation. The inmate who appeared to be the leader had been a porter in the unit, and it was thought, able to observe the locking and control room procedures and to make plans accordingly.

Control Room Security Glazing

The glazing that had been breached with relative ease has been replaced with much more resistant security glazing and with interwoven steel to prevent future breaches into the control room.

SUMMARY AND CONCLUSIONS

While it was found that there were a number of security and procedural shortcomings in the operation of the facility and the SHU that may have contributed to the seriousness of the incident, it is also apparent that the facility's and the Department's response to the incident resulted in a successful

outcome with no loss of life, limited harm to staff, and contained disruption of operations and destruction of property.

In hindsight, the facility's initial response to the incident might be criticized by some as not being swift and forceful enough. It might be argued that had the SHU emergency keys been available sooner, or if the officers who were available at the SHU door when the keys arrived had entered the SHU, they might have been able to subdue the inmates who were loose before the remainder had been released from their cells. On the other hand, by securing the door to the SHU as they did, the staff did prevent the disturbance from spreading beyond the SHU. Their action did therefore contain the disturbance and, while the officers who were held hostage were beaten, none sustained life-threatening injuries, and all the inmates who were eventually prosecuted were convicted.

In addition to containing the disturbance, the facility staff was also successful in their efforts to return all the general population inmates to their cells and dormitories without incident and to maintain control there while the incident in the SHU was being resolved.

Over the decade prior to the incident at Coxsackie, the Department had developed a systematic response to incidents in the field. That system had been well honed and improved through practice in real situations. At the time of the incident at Coxsackie, there about 45,000 inmates confined in 40 prisons across the state. Major incidents had occurred at other institutions and valuable lessons had been learned from the resolution of those events. Approximately 600 unusual incidents are reported each month to the Central Office's Communications Control Center. They vary in degree of seriousness and are classified into nineteen types of incidents. Those 7,200 unusual incident reports result in the activation of the Central Office Emergency Operations Center about thirteen times a year.

The Role of the Commissioner

Orchestrating and leading the responses was the Commissioner, who was appointed in 1979 and has served without interruption since that time. While he had never worked in corrections prior to his appointment, by 1988 Commissioner Thomas Coughlin, by virtue of his seniority and experience, had accumulated as much if not more experience in the successful resolution of disturbances than anyone else in the Department. Surrounded by experienced senior staff, a solid team had been put into place to deal with any eventualities.

The Commissioner's role was to direct the response and to remain behind the scenes in the facility's command post, usually located in the Superintendent's office. While the Commissioner was directing the response to the incident, it was the Superintendent's responsibility to maintain the rest of the facility in as quiet an orderly a manner as possible. The Commissioner would be on site, as close to the situation as possible, in order to assess the situation first hand. Part of the logic behind the Commissioner taking such an active role was that since the Commissioner would be held responsible for the outcome, the logical conclusion was that he should also make the decisions. That decision-making would not be made in vacuum. He would rely on the input from a large number of staff in the process of making those decisions.

The Commissioner also served as a communicator to other officials outside the Department of Correctional Services. He kept both the Governor and other key state criminal justice officials informed of the situation. The information that was disseminated to the media was handled by the Department's Public Information Officer. The Commissioner's role was also to provide support to staff both during and after the incident.

Chapter 6

Idaho State Correctional Institution Riot

September 28, 1988

The Idaho State Correctional Institution (ISCI) is located approximately seven miles south of Boise, where the Department of Corrections' central office is located. ISCI was planned in the early 1960's and designed in 1964, but not completed until 1973. At the time of this disturbance on September 28, 1988, ISCI was flanked on one side by the minimum-security South Idaho Correctional Institution (SICI) and on the other by the construction site of a new prison, the Idaho Maximum Security Institution (IMSI).

While ISCI had been designed as a medium security facility for 375 inmates, it housed Idaho's highest custody level inmates, as it was the state's highest security prison. As a result, it contained not only medium custody inmates but close custody inmates, inmates in administrative segregation and detention status, and those awaiting execution. The institution also served as the reception facility for all male prisoners sentenced to the Department.

Similar to other institutions of its age, the institution was designed using an open campus layout with free-standing buildings on a large compound. The perimeter of the institution consists of two fences and five towers interspersed around that perimeter. A sixth other tower was located in the middle of the four main housing units. Each of the four housing units is one story high and is designed in the form of a "T" with a central control room and three wings running off the control room.

Prior Disturbances

Prior to the disturbance on September 25, 1988 the institution had experienced several serious disruptions. A major riot occurred in 1980 when the entire institution was lost for a brief period of time

before being retaken. Significant disturbances on a lesser scale occurred in the mid-1980's. In 1986, inmates seized control and destroyed much of housing Unit 8, which served as the administrative segregation and death row unit. During the disturbance, inmates gained access to the interior of the cell block and to all the other locked cells, due to the fact that the unit's interior cell walls and cell fronts were constructed with unreinforced cinder block which the inmates were able to knock out.

As a result of that disturbance, steel plating was installed throughout Unit 8 to prevent inmates from breaking out of their cells and, in the event of a disturbance, to prevent inmates from breaking into other cells. Even though the three remaining housing units were also constructed using unreinforced cinderblocks, funds were not available to renovate them. Administrators had, however, secured funds to construct a more secure facility to handle the state's close and maximum custody inmates. Once the new Maximum Security Unit was opened, ISCI could be used to house medium custody inmates more in keeping with the original design and construction materials employed. Still, in the short run, staff were very much aware of the physical limitations of the facility.

The experience gained from these earlier disturbances led prison officials to commit substantial efforts toward planning for any future emergencies. For example, a response plan was developed that required, in the event of a reported disturbance, all inmates to freeze where they stood. Once officials identified the problem area, inmates not involved in the disturbance would be moved to a location away from that area, where they would be secured. This procedure would prevent inmates not involved in the initial disturbance from joining it. The procedure was routinely practiced.

Immediately Prior To The Disturbance

During the period leading up to the disturbance, there had been no changes in the institution's mission nor significant policy changes that might affect the operation of the facility. There were approximately 500 inmates confined at the facility. This number was accommodated by double-celling

some of the single cells, but not those in Unit 9, where the disturbance occurred, and not in Unit 8, the restricted housing unit. In both of those housing units, there were 78 cells, each occupied by one inmate.

The facility's staff of 225 was headed by a warden who had been appointed three months prior to the disturbance. The two deputy wardens had considerably more experience at the institution, but the captain's position had been vacant for several months.

It was obvious to all that the inmates knew that the new maximum security facility was being constructed and that it would open some time during the following year. From the discussions that occurred among staff, it seems reasonable to conclude, as staff recounted later, that the inmates realized that the higher custody inmates would be moved to the new maximum security facility. Those inmates included all of the inmates in Unit 8, which served as the Administrative Segregation and Death Row unit, as well as the close custody inmates who were assigned to Unit 9, the housing unit in which the disturbance occurred.

Predisposing Conditions

There appear to have been no predisposing conditions that led to the disturbance. Once the disturbance started, there were conditions that accelerated its spread within the unit. Some of those factors included (1) the lack of appropriate construction materials, including the cell walls, security doors within the unit, and the unit's control room glazing; (2) construction/renovation materials had been left inside the unit and not properly secured to prevent access to them by the inmates; and (3) the use of heavy, unsecured furniture in the day rooms that could be lifted and transformed into weapons to break down doors and windows.

While the institution had experienced a series of disturbances over the preceding eight years, there is no data to support a conclusion that those incidents predisposed the inmates in Unit 9 to riot. On the

other hand, many of the inmates who were confined in Unit 9 had been at the institution when one or more of these earlier disturbances occurred.

Precipitating Factors

Two factors precipitated the disturbance in Unit 9. First, just prior to the beginning of the disturbance, staff removed one inmate from the unit and placed him in Unit 8, the Segregation Unit. In and of itself, the event is not significant. What was significant was that several other inmates were out of their cells at the time the inmate was removed. Had the officers placed all the other inmates in their cells before removing the inmate, or waited approximately one hour, when all inmates would return to their cells to be counted, the disturbance might not have erupted, or if there had been a protest over the removal of the one inmate, it would have begun with all the inmates locked in their cells.

Second, from both the written reports and discussions with staff, it was clear that several of the inmates on C-Tier of the unit had been drinking a home-made alcohol drink ("squawkie"). Under the influence of alcohol, the inmates were beginning to behave in a boisterous manner that they might not have had they not been drinking. Further, had the staff been more vigilant in their observation of the inmates and more thorough in their routine searches of the unit, they might have discovered the drink before it was consumed.

While there was some speculation that the incident might have been started by several inmates on one wing who were intent on murdering an inmate confined on another wing, no evidence was found to support that conclusion. While one inmate was murdered during the disturbance, it appears to have been a consequence of the disturbance rather than a cause of the disturbance, in that the incident provided an opportunity for the murder to be committed.

Even though the inmates in Unit 9 knew that it was very likely that some, if not all of them, would be transferred to the new maximum security prison, no evidence was uncovered to link the initiation of

the disturbance to inmates' foreknowledge of eventually being confined in a unit where their movement would be more limited and controlled.

Summary Of The Unit 9 Incident

Physical Design of the Unit

Housing Unit 9 is a one-story "T-shaped" building with three wings running off three sides of a centrally located control room. There are a total of 78 cells, equally divided among the three wings, which are labeled A-Tier, B-Tier, and C-Tier. A-Tier and B-Tier form the sides of the "T," while C-Tier forms the base of the "T." The control room is situated at the top of the "T" between A and B tiers.

On each tier, half of the 26 cells are arranged along the outside wall and half along a narrow central corridor. At the far end of each tier is an outside security door for use in exiting or entering the tier in the event of an emergency. At the other end of each tier is a door that leads into a day room for use by the 26 inmates on that tier. Inmates may only use the dayrooms immediately adjacent to their assigned tiers. Beyond the door that leads to the dayroom is a security door, the "E" door, that leads into a vestibule that surrounds the control room and which leads to the main door out of the unit and onto the institution compound.

From the centrally located control room, staff can look through the vestibule directly into the three dayrooms, but cannot see into the tiers themselves because the "E" doors have only very small amounts of glazing and because the doors are normally kept closed and locked.

Staffing

During times when the inmates are permitted out of their cells, three correctional officers are assigned to the unit. One officer is posted in the control room, while the other two officers supervise the

inmates who are watching television, engaging in other dayroom activities, or showering on each of the tiers.

Inmates

The 78 inmates in Unit 9 were classified as close custody. They were supervised more closely than the medium custody inmates at the facility, but their movements were not as restricted as those inmates who were confined to Unit 8, the Segregation Unit. It was reported by staff that many of the inmates had been in the institution for a number of years, were serving long sentences, and had presented management problems to the administrators and staff at the facility, although records were not available to verify those reports.

The Incident

The incident began at approximately 2:40 p.m. on Sunday afternoon, September 28, 1988, when there were approximately 20 correctional officers on duty at the facility. Prior to the time the incident broke out in Unit 9, there had been no unusual events during the day. Both the institution logs and the reflections of staff also indicated that there had been no unusual events at the institution in the days prior to the disturbance.

At approximately 2:00 p.m. the close custody inmates assigned to Unit 9, who did not require administrative segregation, but who might have been in administrative segregation earlier, were watching television in each of the three day rooms or in their cells. Officers suspected that some of the inmates on C tier were drinking a "home-made" alcoholic drink and began to investigate. They found one inmate drinking and reported it to the institution's central control room. They were instructed to request assistance from another unit officer to remove that inmate to Unit 8, the detention unit. The officers responded and performed the removal.

Several other inmates on C tier, who had also been drinking, began to take exception to the removal of the inmate and started to be disruptive. Sensing that they were about to have a problem in the unit, the officers instructed the inmates on all three tiers and in the three day rooms to return to their cells to be locked up. The inmates on A tier and B tier complied, but ten or twelve of those on C tier did not.

The inmates on C tier who refused to lock up began to destroy the day room and break out the glass windows that opened up into the vestibule area in front of the control room in the center of the unit. The three officers secured the lock boxes on A tier and B tier, locking those inmates into their cells, retreated into the control room, and prepared to evacuate the control room through a roof hatchway. Before evacuating, one officer wrote down the names of the inmates who were destroying the day room and attempting to get through it to the control room, noting as best he could what each was doing at that time.

In the C tier dayroom, inmates lifted a large, unsecured table and used it to begin breaking open the "E" door. The officers realized that they were about to lose the unit and hastily went up the ladder and out the hatchway onto the roof of the unit. The officer in tower 3, which observes that hatchway, had been notified that they were evacuating the unit and was prepared to cover their exit should anyone else try to come up that hatchway. The officers climbed to the roof and remained there for some time until a ladder was brought to the building to permit them to climb down.

Approximately fifteen seconds after officers evacuated the control room, the inmates were able to break into the control room itself. The inmates were aided in their ability to break through the barriers by using the table from the day room. They used it as a battering ram and were able to knock through the unreinforced block walls as well as through the glass itself.

While the inmates had control of the unit itself, they were unable to break into the lock boxes and therefore were not able to open those cells that had been secured by the officers before they left the unit. However, as time passed, the inmates were able to break through the cinder block walls, which then provided them access to both the B tier corridor and the A tier corridor. Once onto those corridors, using

other implements (including a standpipe being installed in the unit for fire protection), they began breaking into cells from the corridor by breaking the block walls of the cells. Two hours later, two inmates were able to enter the cell of an inmate on B tier in this manner and kill him.

The Response

Once the severity of the trouble in Unit 9 had been realized, the alarm was sounded throughout the institution. The lieutenant on duty that afternoon determined that it was best to move the inmates who were in the dining hall and gym or at other activities back to their housing units, with the exception of those inmates who were assigned to Unit 11, the unit immediately adjacent to Unit 9. It was decided that it was best to leave those inmates secured in the gymnasium rather than attempt to move them back to the unit, which would have entailed moving them immediately in front of Unit 9.

During the remainder of the disturbance and its resolution, the inmates in the other units remained quiet and created no problems for the staff. As the events were unfolding, the institution's control room notified the duty officer, who was the Deputy Warden for Security. He arrived at the institution a few minutes prior to the time the officers evacuated the housing unit. A deputy warden from the adjacent institution who was at that institution responded immediately to the ISCI alarm by coming to the ISCI sallyport.

The institution's emergency response plan was put into operation, but it is unclear as to the order in which individuals were notified, the exact time they were notified, and their actual arrival time at the institution. Institution CERT team members were telephoned and told to report to the institution. The Warden arrived between 3:45 and 3:50 p.m. with other staff arriving both before and after his arrival.

As the Department's policy requires, not only were Department of Correction staff called but the Idaho State Police, Boise City Police, and the Ada County Sheriff's office were called to respond. Other staff, who were not notified directly by the ISCI control room, responded after they had heard of the

incident via news media reports carried on the local radio station. The news media in Boise monitored the radio channels of the institution and, becoming aware of the events that were transpiring, communicated them to the public.

At approximately 4:00 p.m. the Director of the Department arrived at the institution and immediately took charge of the response. The Director had been with the Department for more than five years, and his mode of operation was to assume command of all such incidents. The newly appointed Warden, along with all other staff, took supporting roles to that of the Director. While a command center had been established in the Deputy Warden for Security's office, per the response plan, the command center actually moved throughout the administration building depending on where the Director was situated. Similarly, when the Director left the administration building with a considerable number of staff and proceeded to the yard near Unit 9, the command center, in effect, also moved to that location.

The institution's fire unit, which had been alerted, arrived and was awaiting orders outside the institution's perimeter should they be needed. Inmates began breaking windows on A tier, but no attempt was made to break out of the unit. Staff were assigned to reinforce the institution's perimeter in the vicinity of Unit 9. In the area immediately around Unit 9, a sixteen-person team consisting of armed institution staff, City Police, and Deputy Sheriffs were deployed to ensure that the disturbance was contained to Unit 9.

Several inmates called out to the surrounding staff from the unit windows. The Deputy Warden engaged one of the inmates in a brief conversation in which the only demand was that they "wanted free movement through the yard." The inmate attempted to lure the Deputy Warden closer, hoping that other inmates out of sight of the Deputy Warden could throw something at him. Shortly thereafter, the staff surrounding the unit heard noises coming from the area of cell 48 on B tier that appeared to indicate that inmates were attempting to break into the cell of another inmate who was pleading with them to leave him alone.

Staff outside the inmate's cell approached close enough to the window to see through it and to hear cries for help from the inmate as the two other inmates gained access to the cell and began stabbing him. By radio, an officer requested permission to fire his shotgun to try to stop the assault, but permission was denied because a clear shot was not thought possible. From the outside looking into the cell, it was felt that the officer could not see clearly enough to distinguish the assailants from the inmate being attacked.

Shortly thereafter, the noise in that area was no longer heard. Other inmates were overheard talking about blocking the entrances to the Unit. Thirty minutes later, at approximately, 6:15 p.m. the CERT team moved to the Yard and two officers were posted on the roof of Unit 11, one with a rifle and one with a 12 gauge shotgun with birdshot loads. A county paramedic unit entered the compound through the rear gate and was deployed behind Unit 7, awaiting further instructions.

The Warden ordered that the water within the unit be turned off. A few minutes later, large amounts of smoke were observed coming from the unit from fires started by the inmates. The institution's fire unit moved to the front of Unit 9 and began shooting streams of water through the broken windows in A tier in an attempt to put out the fires.

The State Police's SWAT team, Probation & Parole SWAT team, along with the Director, Warden, and other staff moved from the Administration Building to the Yard. The Director ordered that the Boise Fire Department be notified and requested to respond to the institution. After initially indicating that they would not respond, the Fire Department agreed to respond and nearly 25 minutes after the request for assistance was made, three fire trucks arrived.

An assault team consisting of ISCI personnel, State Police, ADA County Deputy Sheriffs, and Boise City Police was assembled adjacent to Unit 9. The plan was to first evacuate those inmates who were non-participants. Led by the ISCI CERT team members, the officers opened the security door (which was not barricaded) at the end of B Tier and started to enter the unit, but found the smoke too thick to allow safe entry. With the door open, no inmates exited and it was decided to lock the B tier security door and

try to enter through the security door at the end of C tier, where there was little smoke. Using a bullhorn the Lieutenant in charge of the ISCI CERT team called into the inmates on C tier to come out with their hands over their heads. The security door was unlocked and opened and the inmates began quietly filing out through the door, where they were taken into custody with handcuffs or flexcuffs placed on them by the team members. The officers then entered the tier and verified that all inmates had been removed from the tier.

The officers inside the unit proceeded to move into the center of the Unit in the area near the control room. Fires were still burning in the Unit office, Supply Room, and the A tier day room. These fires were extinguished with the help of a fire hose. The officers were then able to move toward B tier. The officers were able to pry open the lock box in which the cell door controls were located. The locking mechanism was operable, and they used it to open the cell doors to remove the inmates. They were removed from their cells and moved out of the unit through the open security door at the end of the tier. During this process, it was confirmed that one inmate had been killed in his cell. The area was secured as a crime scene and the county investigators began their investigation of the inmate's death.

The officers then turned to A tier, where they found considerable water on the floor as a result of the fire unit's efforts to extinguish the fires. The lock box had been extensively damaged by the inmates, rendering it inoperable. The electricity was turned off and the officers opened each cell manually, removing the inmates through the B tier security door.

The inmates who had been removed from the unit were ordered to remove all their clothing and to sit quietly in the small exercise yard behind the unit. They remained there while the unit fires were being extinguished and until provision was made to escort them to the secured fenced exercise areas behind Unit 8, the Segregation Unit. Those inmates who were believed to have been involved in instigating the disturbance, as well as those who were thought to be responsible for the inmates death, were separated and confined within Unit 8. Those inmates who were confined in the fenced exercise areas were given

blankets and their handcuffs were removed. Shortly thereafter, they were escorted to Unit 7 for confinement.

Members of the State Police who had been providing perimeter security support were released from their assignments and the State Police SWAT team, which had been on the yard, returned to the Administration Building.

With the institution secured, the Director met with members of the news media in the Administration Building and answered their questions. The press wanted to tour Unit 9 that night. In response to this request, one representative from the media was taken on a tour.

Based on the evidence gathered in the aftermath of the incident, 30 disciplinary reports were written; eleven inmates were prosecuted for their roles in the disturbance and five were found guilty of those charges. One of the inmates who killed the inmate during the disturbance was given a life sentence.

Lessons Learned

The incident at ISCI served to illustrate several important lessons.

The precipitating factor of the removal of the inmate to disciplinary segregation shows the risks of performing unpopular procedures when other inmates are not secured. Had the officers waited the short time before count, when all inmates would have been locked in their cells, to perform the move, the reaction of the other inmates would have been contained. Routine actions on the part of staff can become major triggering points for trouble when the circumstances surrounding it permit problems to arise.

Additionally, the effect of alcohol on otherwise relatively well-behaved inmates cannot be exaggerated. Close inspection of housing areas and searches of inmates on the part of staff in order to prevent the making and consumption of alcoholic beverages is essential.

As in other incidents examined in this study, renovation and construction work was underway in the housing unit when the incident took place. While improvements in health and life safety accouterments

are essential, it is equally essential to secure all equipment and construction materials when inmates have access to an area under construction. Whenever possible, work of this type should be completed before inmates are allowed access. The standpipe used as a battering ram by the inmates was being installed to increase fire protection; however, it had not been secured to the wall and was easily removed.

Furniture can also be used as weapons and as implements with which to damage, as was the case with the heavy table taken from the C tier dayroom and used as a battering ram on the "E" door and on the Unit 9 control room. Furniture, especially that used in higher-security settings, must be secured to the floor and should not be heavy enough to be used in the manner of a battering ram.

All of these factors help to illustrate the larger problem of housing inmates in facilities that were not designed or constructed to handle their security requirements. The hollow block construction of the walls of the unit and the cells within it allowed the rioting inmates access to areas of the unit that had originally been secured. The relative ease with which the inmates broke into the unit control room also points out the inherent problem with mismatched inmate security requirements and physical plant limitations.

In terms of institutional response to the incident, the Idaho situation presents several excellent examples of staff conduct, as well as some illustrations of areas in which improvements can be made.

The actions of the Unit 9 officers in writing down the names of the inmates participating in the initial rioting was a great help in the later prosecution of the rioters. While documentation should never take priority over designated emergency actions or personal safety, its value in post-riot investigations and eventual disciplinary actions is great.

Isolation and containment of a disturbance is feasible, as shown in this example. The rest of ISCI remained under control during the course of the Unit 9 riot. The decision to lock down the uninvolved inmate population, as dictated by past experience in the 1980 and 1986 riots, proved important to the

maintenance of control. Some staff attributed part of the successful containment to inmates realizing that staff can control an incident, and thereby choosing not to get involved.

The dedication of the corrections staff in Idaho is demonstrated by the high response of off-duty personnel who heard about the incident via the media. However, problems with this arise when personnel without specific assignments try to become involved. A list of individuals to be notified to respond and their telephone numbers must be kept by the institution, with space to indicate that they have been called, the time of the call, and the outcome of the call.

The list, as well as other components of emergency response, should be part of the institution's emergency plan, which must be followed. While the ISCI incident was successfully resolved, there were some lessons to be learned from the overall method of response. First, a permanent command center was never established. When the Director arrived and took control, the command center location was wherever he happened to be. A fixed command post is important to successful emergency response for several reasons. First, communications to and from a fixed location are much more organized, and information can be more efficiently utilized. For example, staff with information about particular involved areas should be immediately debriefed and the information used in decision-making. This is difficult to accomplish via radio while moving around. Orders originating from one specific location can be followed with a minimum of confusion. When the lead decision-maker is moving around, the staff required to accomplish his or her direction tends to move along, creating unnecessary confusion. The coordination of resources from outside the Department, if necessary, is also more easily accomplished in a set location than a mobile one.

Once the emergency plan exists, however, all staff must be trained in it and must be committed to following it. While a plan did exist at the time of this disturbance, deviations from it occurred on a large enough scale to blur the roles of some staff and create confusion. The role of the Director and the role of the Warden should be delineated. In this incident, the Director arrived on-scene and assumed command

of the situation. While the Warden was new to the institution, it was felt that the Director's arrival and command may have allowed staff to stop thinking and let him decide what they should do. Additionally, some staff whose emergency duties included giving orders (i.e. the SWAT team commander) felt a conflict in giving orders to upper-level Department staff. The emergency plan should delineate the duties and responsibilities of each staff member, and that extends to the roles of the Director and the Warden. Whether the Director assumes command of the situation or takes a more "background" position, the emergency plan should make this clear so that all staff are familiar and comfortable with their roles.

Emergency equipment and training in its use are imperative to good emergency response. Staff were unfamiliar with the firefighting equipment used during this disturbance, which became problematic, for example, when the amount of smoke dictated the use of air packs. In addition, only trained personnel should use firefighting equipment. During this incident, untrained staff were directed by individuals familiar with the equipment as those individuals were going about their other duties.

Coordination of response between the Department, the State Police, and the county forces was exemplary during this disturbance. Some confusion did arise over firefighting response, with one firefighting agency initially indicating that they would not respond because the incident was out of their jurisdiction. While they did respond, there was a delay. Agreements must be reached and maintained with not only outside law enforcement agencies, but also with other emergency response agencies, such as firefighting agencies, state emergency management bureaus (if applicable), and others from whom it may be necessary to secure manpower, equipment, or emergency supplies.

Questions concerning the use of force arose during this incident, not only over the decision not to fire into the cell of the murdered inmate, but also over a warning shot fired by a tower officer to gain control of inmates who were not obeying orders. The decision not to fire into the cell has been determined to have been sound, based on the threat to innocent people and the lack of a clear shot. While the warning shot was not authorized, it was noted that it may have been a factor in keeping control of

inmates who were beginning to get rowdy. Emergency plans must contain a clear use of force policy, with which all staff must be familiar. While it is impossible to forecast all possible riot situations, it is possible to create a policy flexible enough to address most and to adapt to all. The deterrent value of the noise of a warning shot has been seen in other examples in this study; conversely, staff cannot be allowed to fire a shot whenever inmates get loud. A policy must be developed with which the agency is comfortable and in which its staff must be trained.

Overall, it is not enough to merely have an emergency plan. Once it exists, it must be disseminated to all staff members, and it must be followed during events that require it. The resolution of the Idaho disturbance was successful, even though there were deviations from the plan. However, following a viable emergency plan can reduce or eliminate many of the problems that did arise.

Chapter 7

Pennsylvania State Correctional Institution at Camp Hill

October 25, 26, 27, 1989

THE TWO-DAY RIOT AT PENNSYLVANIA'S STATE CORRECTIONAL INSTITUTION (AND DIAGNOSTIC AND CLASSIFICATION CENTER) AT CAMP HILL

Corrections in Pennsylvania reached a turning point with the violent and protracted riot and hostage situation at Camp Hill that began and ended twice from October 25 to October 27 of 1989. Prison administrators struggled to regain control of a situation during which 18 staff members were taken hostage, 123 employees and inmates were injured, 15 of the prison's 31 buildings were damaged or destroyed including the loss of nearly one thousand inmate bed spaces, and nearly 1,200 inmates were transferred to other Pennsylvania or federal institutions. In the aftermath of the destruction, the Governor appointed an independent commission to investigate the disturbances after which the Department as well as the institution changed administrations and all systems, especially emergency ones, were revisited and reworked.¹

ABOUT THE STATE'S CORRECTIONAL INSTITUTION AT CAMP HILL

Camp Hill is located on 800 acres of land in rural Central Pennsylvania, across the Susquehanna River from Harrisburg. It opened in 1941 as a minimum security facility called White Hill Pennsylvania

¹In November of 1989, Pennsylvania's Governor Robert P. Casey appointed Arlin M. Adams, retired U. S. Circuit Court of Appeals judge to chair an independent commission charged with investigating the October 25 and 26 disturbances at the State Correctional Institution at Camp Hill, Pennsylvania. Other members included former Governor George M. Leader and former Speaker of the House of Representatives K. Leroy Irvis. The commission produced a report referred to as the Adams Commissions Report which made approximately 30 recommendations in its final report released in late December.

Industrial School, with a capacity to house 1,400 juvenile and youthful offenders. In 1975 it was converted into an adult correctional facility for medium and minimum security inmates. Currently it also serves as a reception center, diagnosing, classifying, and assigning to appropriate institutions sentenced inmates who are newly assigned to the Pennsylvania Department of Corrections. In 1984, the State began adding modular unit bed space to accommodate rapidly increasing numbers, raising the capacity to 1,826. Even with the additions, at the time of the riot (October 25, 26, 27, 1989) the count was hovering around 2,600.

The prison is spread over fifty-two acres encompassed within a perimeter fence that consists of a double fence enhanced with razor ribbon and equipped with an electronic sensor system. About twenty yards to the right of the front gate and outside the fenced perimeter is the institution's administration building, and about 100 yards to the left of the front gate is the state corrections department's Central Office. At the time of the riot(s) there were six cell blocks for general population inmates on one end of the institution's physical plant and four cell blocks on the opposite end of the plant for newly admitted inmates to be processed and classified for placement in Pennsylvania's various correctional institutions. Between these two cell-block clusters were program and service buildings, a control center, and in two areas among these edifices were modular dormitories housing general population inmates. Fenced off in a separate area were the prison's industrial shops. (See figure 7.1.)

The inmate living areas were built according to an "outside cell block" design, that is, two tiers (galleries) of cells were built along the outside walls of a long building with a corridor running through the middle and down the length of the block. At the time of the riot each cell was doubled. Every two cells shared a plumbing chase (for toilets and sinks) which faced the corridor of the cell block. Barred, sliding cell doors were controlled by locking mechanisms. These mechanisms (which extend the length of the tiers) open, close, and lock individual doors, groups, or tiers of doors. They are operated from the front of the galleries when a locked box is opened by an officer and selected levers are moved.

SETTING FOR THE RIOTS THAT TOOK PLACE AT CAMP HILL ON
OCTOBER 25 - 27, 1989.

Conditions Relating To The Institution's Capability To Respond To A Riot

Level of Department of Corrections Functioning²

According to Joe Lehman, who was appointed Commissioner of Corrections on April, 1990, "One of the first things that became clear to me was that, in a political sense, the Department of Corrections was operating as though it were powerless to act. It was still operating as if it were an internally operating Bureau of Correction with no role in influencing the external environment, rather than the cabinet-level department it was made in 1984. For example, the Commissioner never appeared on Capitol Hill unless specifically requested. There did not appear to be a capacity (or avenue) to influence legislative opinion or policy in response to clear trends in overcrowding. Although previous commissioners had talked to media about overcrowding, solutions did not appear in the form of legislative proposals. Problems were not being communicated to and addressed by the legislature and the Governor's office. The Camp Hill riots therefore came as a shock to almost everyone in state government."

"The organization had been continually in transition. Over the past twenty years, Pennsylvania had experienced six different corrections commissioners who had served, on average, slightly more than three years each. That situation did not foster strong leadership. Neither did the organization of the department provide a basis for clear leadership or direction. There were fourteen rather autonomous institutions whose attitude probably would have been, 'the less we hear from Harrisburg, the better off we are.' Some institutions operated very well in terms of standards and standards compliance. The majority complied with ACA standards."

²From a speech written by Joe Lehman and presented to the Association of State Correctional Administrators in November of 1990 in Scottsdale, Arizona, during the Association's annual training program.

"The dichotomy between custody and program permeated the entire organization -- Central Office deputies and institutional superintendents came primarily from a treatment orientation. Operationally, that translated into distrust of the custody staff by Department of Corrections management staff. Management did not believe in its capacity to control staff. The notion was, for instance, 'If we create more RHU (Restricted Housing Unit) space to lock down unruly inmates, they'll use it in lieu of dealing more effectively with inmates.' It was clearly we against they. Adding to management's sense of powerlessness over staff was the fact that the Governor's Office of Administration dominated labor relations, negotiating while the Department of Corrections stood aside. For example, definitions of sergeants' roles was negotiated away with the Department of Corrections essentially acquiescing to the Office of Administration's position."

Crowding and Its Complications

There was an ongoing increase in crowding and adaptation to crowding; 2,600 inmates at the time of the riot occupied permanent bed space (ten cell blocks) originally designed for 1,400 and eight modular units providing temporary spaces for 412 . The institution's inmate count represented occupancy that was 45 percent over capacity; however, food, medical, and housing service capability had not been increased, and the institution's programming capability, albeit comprehensive, had not been increased to keep inmates occupied and to alleviate the management stress of a crowded facility. The Adams Commission found that, at the time of the riot, approximately one-third of the population was idle.³ According to several accounts, some 200 of these idle inmates were parole violators who were particularly unhappy because they could not be assigned to programs until they were classified and their cases were heard before a very slowly proceeding Parole Board.

³*The Final Report of the Governor's Commission to Investigate Disturbances at Camp Hill Correctional Institution*, December 21, 1989, p. 9.

Continual accommodation of worsening circumstances for both staff and inmates does not promote stability and predictably lowers management's ability to control the direction and flow of operations in an institution. This situation is frustrating for staff, especially when the institution is understaffed, requiring many to work overtime, and at Camp Hill the staffing situation was further complicated by the fact that the correctional officers' union bidding system resulted in a complement of junior, inexperienced officers on the less preferred second shift when there was still much inmate activity to manage before a day's end.⁴

Physical Plant Inadequacies

Juvenile Population Design. Operational complications should be expected when a jurisdiction houses adult inmates of a variety of classifications in an institution built almost fifty years ago for juveniles and youthful offenders. The original walls of the cells consisted of ceramic tile affixed over hollow block, easily penetrable by a heavy blow. Neither the walls nor ceilings were reinforced with steel rod or mesh to prevent escape or entry into a neighbor prisoner's cell. Reinforcing such construction is costly and time consuming and renders a cell block inoperable during the period of renovation. The state needed the use of all the cells all the time to respond to crowding; consequently, at the time of the riot, the cell blocks at Camp Hill had not been "hardened" for use by maximum and medium classified inmates. Given motivation, inmates could crash through their cell walls for whatever purposes they desired.

Cell Locking Mechanisms. The locking mechanisms were breachable. Many needed repairs. Covers over the mechanisms were not installed with security screws. On the occasion that officers might not be patrolling or listening for a period of time, inmates would be able to remove the covers and disengage their cell door locks and those of others down their galleries. The implications for this predicament during

⁴Ibid. p. 10.

a riot are that officers would not be able to prevent a riot from spreading by containing inmates in their cells, nor could they secure subdued rioters in their cells.

Open Campus-type Layout. There were few internal fences to establish controlled activity areas and to limit movement. During recreation, inmates could congregate in large numbers sometimes exceeding one thousand. In a riotous situation, perpetrators would be able to move in large numbers over large areas of the institution, with access to many facilities and sensitive areas. Containment by the administration was therefore much more difficult than it would have been had there been smaller fenced areas in which to isolate a potential disturbance.

Deteriorating Facilities. As is true in most old institutions, maintenance crews were constantly repairing the Camp Hill physical plant; one major project followed another. Because of the prevalence of this activity, security had become slack with regard to securing maintenance vehicles and maintenance equipment. At the time of the riot, vehicles had been left on the compound as had maintenance equipment that included torches as well as many other tools that could be used violently and destructively. Additionally, maintenance workers and tradesmen carried security-sensitive keys inside the compound as they went about their work.

Emergency Preparedness

Emergency preparedness plans existed only on paper. Important matters such as the appropriate types of riot emergency weaponry and ammunition to be used inside the prison perimeter were not delineated. No standardized departmental Correctional Emergency Response Team (CERT) training or equipment had been established. Appropriate inventories of tower equipment and post orders and officer training on when and where to shoot were inadequate.

16

At the time of the riot, it had been an historical practice that the Pennsylvania State Police would take over the resolution of a prison riot or disturbance. The working relationship between Corrections and the State Police did not include clear cut divisions of authority; for example, that Corrections would be in command of efforts to handle emergencies and resolve disturbances, with the State Police functioning in an assistance role. There were no clear-cut plans for the role of the Pennsylvania Emergency Management Agency (PEMA) during emergencies.

Precipitating conditions:

Internal Problems at the Top and Their "Trickle-Down" Effects

Top-level management at Camp Hill was not without internal problems; the two Deputy Superintendents were perceived as rivals, each competing for the Superintendent's approval for his accomplishments and selectively informing him about the operation of the institution. It was widely known among staff that they differed, that they violated the downward chain of command, and that they were seeking power as a first priority. Staff down the line followed suit, differing along custody versus treatment themes, and violating communications and supervisory procedures.

An Isolated Superintendent

Insulation of the Superintendent from critical information caused a breakdown of communications at Camp Hill. The Superintendent, although perceived as a progressive correctional administrator, was rarely seen on the yard, making him seem remote from daily operations. Staff communication and important information stopped its upward movement through the ranks at the level of Deputy rather than progressing through to the Superintendent, although downward communication was frequent. This situation served to aggravate the "us against them" perceptions of staff and management. Additional labor relations problems resulted from a management decision to remove staff from the towers, traditionally

considered choice posts; and the manner in which the decision was implemented angered an already disheartened staff.

Growing Perception Among Staff That Management Was Lax on Inmate Discipline

Because of the increasing demand for disciplinary confinement space, management allowed inmates to serve shorter sentences in disciplinary confinement than prescribed in the inmate disciplinary rules and regulations. Staff perceived this practice of early release from segregation as permissive and non-supportive; thus, staff wrote fewer disciplinary reports to deal with maladaptive behavior. Many staff also have reported that they had been concerned about the increasing power among an inmate Muslim group called the Fruit of Islam whom staff perceived as troublemakers who had garnered support from the administration because of their Muslim chaplain's success in presenting their cause.

Poor Implementation of Changes in Policy

Policies on visiting and sick line had recently been changed to accommodate increasing numbers of inmates, causing an uproar among the inmates. One ruling stopped visiting families from bringing food baskets into the institution on family day visits; another reduced sick call from five days a week to twice weekly to manage the overwhelming demand on health services staff. Each of the competing Deputies developed one of the policies, but both policies were implemented simultaneously. While the policies themselves may have been troublesome, the sudden manner in which they were implemented lacked consideration for the management of change, a complicated process if change agents expect success.

Departmental approval of the visiting policy had been properly secured; however, the Department had not been consulted about the exception to its statewide directive concerning sick call and had not issued approval for the exception. Immediately following the sick call policy's implementation on a 90-day trial basis, it was reviewed because of the high level of protest, and it was decided that

Departmental approval of the exception should be sought. This process was just underway when the riot began.⁵

Neither inmates nor line staff had been advised of the changes nor given an opportunity to discuss or grieve possible changes before they were implemented. Discussion of the changes was therefore handled by a powerful inmate group (Fruit of Islam) who apparently engaged in aggravating rather than mitigating influences. According to Commissioner Lehman, "The administration apparently did not clearly define the security rationale behind the food basket ruling nor was it made clear that the sick line change was on a temporary trial basis. Again, the problem was not only the changes but the process of change that created misunderstanding and over-reaction."⁶

A Planned Riot?

Rumors as well as statements that there was reason to believe that inmates had been planning a riot were investigated carefully after the riot, including claims that some officers had been warned that they should not come to work at particular times, but the Adams Report did not conclude that the riot had been planned and timed.⁷ It is widely agreed that a major disturbance at the state's institution in Huntingdon had provoked a reaction by inmates at Camp Hill.

⁵While not appearing in written reports, this fact was corroborated by several staff members interviewed by researchers on September 24-25, 1991.

⁶Op. cit. Lehman speech.

⁷Op. cit. Adams Commission Report, p. 2.

CHRONOLOGICAL ACCOUNT OF THE EVENTS OF THE RIOTS

RIOT NUMBER ONE

Triggering Incident

The riot began at about 2:45 p.m. on October 25, 1989, while inmates were being brought from the recreation yard (Main Stockade Field) into cell block Groups II and III. Inmates had to pass through E Gate, which separated Group II (E, F, and G cell blocks) and Group III (H, J, and K cell blocks) and their accompanying support buildings from the rest of the institution. On the way into the Group II and III compound, the E Gate Officer asked an inmate for a pass after which the inmate struck him at the E Gate House. A sergeant, a tradesman, and another officer proceeded through E Gate after the assailant, but were attacked by some of the large group of inmates who were filing into Group II and Group III compound by way of E Gate. According to the sergeant, an order was shouted to move the inmates still on the yard back into the cell blocks and to lock them down. A number of inmates proceeded into their respective cell blocks to be locked down. According to the Adams Commission report, the Commissioner saw the event from the Central Office Administration Building which overlooks the Group II and III cell blocks from outside the perimeter, and notified the Camp Hill Superintendent.⁸

Call for Assistance and Initial Response

The E Gate officer and Food Services personnel called the Control Center. Lock down was ordered for the rest of the institution. An emergency alert was sounded and, after Group I on the other side of the institution was locked down, all available manpower from Group I and elsewhere was ordered to E Gate to aid officers on the yard who were being chased and beaten by inmates. Administrative staff at Control notified the State Police and also requested municipal police (Cumberland County) to come and surround the perimeter fence to control the inmates and to prevent escapes.

⁸Ibid., p. 14.

Officer reinforcements from other parts of the institution began to arrive at E Gate, some of whom were assaulted by inmates in the vicinity. Officers on the other side of E Gate in the Group II and III block compound continued to attempt to move the inmates toward their blocks, but many refused. "Approximately 150-200 inmates remained in front of the Food Services building with Correctional Officers ordering them to disperse and return to the cell blocks."⁹ Officers injured in the cell block area were retrieved through E gate, which was then locked. Medical staff who had responded treated the injured.

Control Lost in E Block, then F, G, H, J, and K Blocks

E Block inmates (largely parole violators) began to tear pieces off the structures in the cell blocks (beds, benches, boards, metal objects etc.). E Block inmates were ordered into their cells. When officers opened the door to E Block to lock down additional inmates, they overpowered the officers, took their keys, left E Block armed with makeshift weapons, and opened doors to other blocks, broadening considerably the number of inmates and officers involved and in jeopardy. Officers in F, G, H, J, and K Blocks were overpowered and robbed, and inmates took control, although some officers eluded immediate capture by locking themselves in the rooms where the locking mechanisms were located, called the "switch boxes." "The inmates, once in control of the [six] cell blocks were able to take eight (8) Correctional Officers hostage. The Correctional Officers who were locked in the 'switch boxes' were literally dragged out through holes smashed in the walls of the 'switch boxes.' Once taken hostage, the Correctional Officers were handcuffed, beaten, and held in the front of H Block by inmates."¹⁰ An officer from the

⁹"Report of Extraordinary Occurrence, Commonwealth of Pennsylvania", 2C, SCI-Camp Hill, October 25-26, 1989, p. 1.

¹⁰Ibid., p. 2.

Highway Tower fired a warning shot at 3:05 when he saw an officer who had been dragged from K Block being beaten. The inmates who were beating the officer scattered.¹¹

Loss of E Gate and Consequent Spread of the Riot

Since E Gate was locked, thereby preventing inmates from Group II and III blocks from gaining access to the rest of the institution, inmates milled about in the compound without any apparent leadership for twenty to thirty minutes. By 3:12 p.m., a large number of inmates were visible at E Gate, apparently intent on breaching the gate and gaining access to the rest of the institution. "At about 3:15 p.m., almost a half hour after the initial disturbance, a contingent of about a dozen unarmed corrections officers arrived at E Gate. There were at least three vehicles nearby which officers neither removed from the area nor used as a means to barricade E Gate. These officers remained near E Gate for almost 10 minutes until approximately 3:21 p.m....."¹²

Inmates attempted to smash their way through the gate with boards and other debris. A fire extinguisher was used by the inmates to keep the officers at bay while they tried to break the gate's lock. Officers retreated and an order was given to three officers to go to the armory, get weapons, and return to E Gate to reinforce the area. However, an inmate produced a key, probably taken from a tradesman assaulted at the beginning of the disturbance, and unlocked the pedestrian gate (E Gate) before the weapons arrived. The officers present at E Gate then retreated to the Control Center. The officers dispatched to the armory returned with shotguns, but because E Gate had already been breached, they were re-deployed to the Main Gate, Rear Gate, and Highway Tower.

¹¹Op. cit. Adams Commission Report, p. 42.

¹²Ibid., p. 15.

Loss of Service and Program Areas and Consequent Looting and Destruction

Simultaneously with the E Gate episode, inmates had proceeded to take control of the kitchen, dining room, gymnasium, and dispensary annex. The food service instructors in the Kitchen had locked the doors when they saw problems on the yard; six staff and roughly 30 inmates were in the building at the time. They secured the area, and one instructor and 20 inmates escaped through a door adjacent to the loading dock. The remaining staff and inmates locked themselves in a basement storage room, while perpetrators gained access to the building by kicking out an air conditioner that had been installed in the food services manager's office. Coolers in the basement near the barricaded staff and inmates were looted. An inmate tried to break into the room to attack the officers, but was talked out of it by another inmate loyal to his supervisor.¹³

Once E Gate had been taken by the inmates, other service and program areas were immediately accessible to them. They first directed their energies at the Commissary. An inmate hot-wired a maintenance vehicle that was inside the prison perimeter because of ongoing maintenance work and drove through the doors of the Commissary. A crowd of inmates rushed in, looted the building, assaulted an officer, and set the structure on fire. One officer locked himself in a bathroom with two inmates and much later was rescued through a door linking the Commissary and Education Building.

The looting and subsequent burning of the Commissary occupied the inmates' interest for 5 to 10 minutes and thereby forestalled the destruction of the Education Building; although inmates initially attempted to break into the Education Building, they were diverted by Commissary looting. About 200 cooperative inmates were in the Education Building; the doors had been locked by an officer when he heard the calls for help from E Gate over the radio.

¹³These and other chronological events for which there are no citations have been put in sequence according to time and content based on a number of staff interviews conducted by researchers on September 24-25, 1991.

Attempts to Breach Fences with Maintenance Vehicle

The inmate driving the maintenance vehicle turned his attention to the fence that separated Groups II and III from the modular units and the rest of the institution. Once that gate was broken, inmates were able to break into Modular Unit 1 and take another hostage. The inmate driver continued on past the Main Stockade Recreation Yard, trying to breach the perimeter fences. The first fence was punctured, but the vehicle became hung up on the concrete footing of the second fence and could not move further.

Arrival of the Pennsylvania State Police

The Pennsylvania State Police began arriving on the scene at 3:26 p.m., and were fully assembled by 3:40 p.m., about an hour after the disturbance had begun. Local police arrived at the same time to station themselves around the perimeter, and the East, South, and West Towers were manned. The Pennsylvania Emergency Management Agency (PEMA) was notified at 3:48 p.m. by the Cumberland County Office of Emergency Preparedness. Off-duty Camp Hill Correctional Emergency Response Team (CERT) members were also arriving, and a captain was dispatched to the Rear Gate to organize them. "In addition, local fire companies were called in to fight fires in the Commissary and Education Building as well as to provide additional lighting. In all, approximately 300 police officers and over 100 fire and ambulance personnel responded to the institution."¹⁴

A State Police captain was also present at the Rear Gate and was in contact with the State Police's Command Post, which had been set up in one of the Deputy Superintendents' offices. The Rear Gate at that time was the scene of an argument between Department of Corrections staff and the State Police about the use of bird shot versus 00-gauge buckshot in the State Police shotguns. Only bird shot was allowed to go into the institution in emergency situations, according to the Commissioner. After some

¹⁴Op. cit. "Report of Extraordinary Occurrence....," p. 2.

consideration, the Commissioner permitted the State Police to carry buckshot.¹⁵ The time required for the disagreement over ammunition constituted a 15-20 minute delay that allowed the events that follow to take place before the execution of a plan to regain the institution could begin.

Destruction, Continued

Another maintenance truck was hot-wired and used to break the fence separating Correctional Industries from the rest of the complex. At the furniture factory, twelve inmates and four staff were inside at the time; the inmates, not wanting to participate in the riot, obtained riot sticks for the staff members and then locked themselves in the dry kiln room. Rioting inmates firebombed the Correctional Industries office.

Meanwhile, inmates entered the maintenance area. They took tools from a maintenance truck that had been parked in the area. Eight officers and 19 inmates in the Maintenance building locked themselves into the Electric Shop; while a group of rioting inmates were attempting to get in to attack the officers, they retreated to the Powerhouse through a tunnel.

Modular Unit 1 was attacked and the officer there taken hostage; he was brought to the gym to be held by the approximately 30 inmates there; they turned him over to the three staff members present. The officers broke their keys off in the locks to prevent the rioters from gaining access and escaped by removing the grille from an air vent and standing on the roof.

Hostages Displayed and Beaten

From approximately 3:45 - 4:15, inmates brought hostages out to the Group II and III yard, displayed and beat them in sight of corrections staff and state police; inmates also assaulted each other

¹⁵Op. cit. Adams Commission Report, p. 17.

during this time period. Over the course of the afternoon, 8 hostages were taken and 31 were trapped in buildings, some of which were burning.

Assault to Regain Institution

At approximately 4:30 p.m., Camp Hill's Correctional Emergency Response Team (CERT) and the Pennsylvania State Police entered the institution via the Rear Gate. Their first planned priority was to evacuate the inmates from the modular units to cover their backs, then to proceed to the vicinity of E Gate. After regaining control of E Gate, the State Police commander and a corrections captain were to return to the Command Post for further orders. Officers placed cooperative modular unit inmates in the Stockade yard. Female employees in the Education Building left the building under escort at roughly 5:00 p.m.; when smoke from the burning Commissary began to enter the Education Building, officers brought the roughly 200 inmates to the first floor of the Education Building and moved them outside to Yard 1.

The inmates at E Gate retreated through the gate and formed a barricade because they could see the Department of Corrections and State Police forces approaching from the gym road at about 5:00 p.m.. A standoff ensued at this time and lasted until the hostages were released at about 7:30 p.m., with inmates throwing rocks, masonry, food, and weapons over the fence and talking and threatening over stolen institutional radios.

Negotiations with Inmates by Deputy Superintendent

The Deputy Superintendent for Treatment overheard a radio transmission and made contact with an inmate who demanded to see the Superintendent, the Commissioner, and the Governor. The Deputy negotiated with the inmate for about an hour, obtaining the release of hostages who were injured. Although against Departmental policy stating that administrators should not negotiate, the Deputy elected to remove himself from the decision-making process and continue speaking with the inmates himself rather

than turn the process over to trained negotiators. The Superintendent was persuaded to give his approval. The inmates finally demanded a face-to-face meeting, to which the Deputy agreed.

At approximately 6:45 p.m. the Deputy and several other staff members met the six inmate negotiators at a table set up in front of the Education Building. Demands were rather confused, but centered on concerns about the family day and sick line policies. Additionally, there were complaints about access to law library, showering procedures, and lack of out-of-cell time. During the dialogue, it became clear that the inmate negotiators did not have control of the other rioters. Hostages were being threatened and beaten in the yard even as talks were going on, and one of the negotiators was sent back to try to control the situation.

Simultaneously, inmates on the other side of the institution were being locked down in Group I cell blocks. Windows were broken and the C Block basement was firebombed by some of these inmates. Corrections staff and State Police moved about 150 inmates from the Group I yard to the end of the field and secured them.

Negotiations were concluded when the Deputy for Treatment promised "that a meeting with the Superintendent would be held the next day at 1:00 p.m. to discuss their concerns, and that the Superintendent would issue a press release to that effect."¹⁶ The chief inmate negotiator went to the area of Groups II and III and spoke with inmates there for roughly 45 minutes, and then returned to E Gate and spoke with staff, informing them that the inmates would release the hostages and return to their cells to be locked down.

Release of Hostages and Return of Inmates to Their Cells

The hostages were then released and the inmates began returning to cells at about 7:15 p.m. They were placed in whatever cells in E, F, G, H, J, and K Blocks seemed to be the most usable at the time;

¹⁶Ibid., p. 19.

other inmates who had been on the yard areas were returned to the Modular Units. A Pennsylvania State Police helicopter flew over the yard where inmates had "camped" and told them to return to their cells.

Staff on the roof of the Gymnasium were rescued by a fire truck extension ladder at about 8:00 p.m. The staff and inmates who had barricaded themselves inside the furniture complex were rescued at about 10:00 p.m. by the State Police.

Unsuccessful Attempts to Secure the Institution

The institutional Emergency Squad (CERT), beginning at approximately 10:00 p.m., went through E Gate, began to sweep the yard, entering the cell blocks and securing inmates into cells as they saw them. As many as four or five inmates at a time were placed in a cell. A head count was ordered and attempted four to five times, but none of the totals were correct and count never cleared. An identity check was not ordered, nor was an immediate shakedown. Radios, keys, tools, knives, and razors were missing and the hallways were covered with debris and weapons.

The institution was declared under control at 10:30 p.m., while there were approximately 500-700 inmates on the Main Stockade Yard and Yard 1. Local news stations covered the Superintendent's statements that the situation was under control and the facility was secured on the 11:00 p.m. news report; inmates watched this report on televisions in cells. Inmates who were in relatively remote areas such as the Powerhouse and the Greenhouse were returned to their cells at about 11:55 p.m., and food was distributed between 3:00 a.m. and 4:00 a.m.

During the night the decision was made to conduct a facility-wide shakedown beginning Friday, October 27, or Saturday, October 28. The delay was intended to allow staff to calm down; they had been forced to watch their co-workers being assaulted by inmates during the entire incident.¹⁷

¹⁷Op. cit. "Report of Extraordinary Occurrence...," p. 4

Decision for State Police to Exit

Between 1:00 and 3:00 a.m., the Superintendent, Deputy for Operations, Deputy for Treatment, Major of the Guard, and a Pennsylvania State Police ranking officer discussed the need for continuing State Police reinforcement of facility security. The Superintendent, Deputies, and Major asserted that the institution was under control; the Superintendent and Deputy for Operations agreed that only a small number of the 260 State Police officers that had responded were now needed. It was decided that a contingent of 25 officers would be sufficient. The Deputy Superintendent for Operations requested that the officers be stationed in the cell blocks, but State Police officials would not allow it, feeling that the officers could be trapped there. Later in the morning, the troopers moved to the staff training area at the Manor House, outside the perimeter. It was further decided by the Superintendent and the Deputy for Operations that the remaining State Police could be dismissed at midnight on Thursday, October 26.¹⁸

Staff Assessment of the Riot Aftermath

Counselors and psychologists went through the blocks at about 3:00 a.m.; they noticed that the State Police had pulled out. Corrections officers were staying at the fronts of the blocks with flashlights because 1) lights had been broken, leaving the cell houses dark, and 2) the covers of the locking panels had been removed during the disturbance, enabling inmates to reach out and release the locking mechanism latches of their cells. Inmates were seen out of their cells throughout the night.

During the morning hours of Thursday, October 26, a damage assessment was conducted and the inmates were fed in their cells. Maintenance personnel began to repair the damaged inner perimeter fence while the State Police photographed and videotaped the damage. For investigative purposes, they left weapons, tools, and other contraband where they had dropped. The riot had resulted in injuries to 36 staff,

¹⁸Op. cit. Adams Commission Report, pp. 24-25.

1 State Trooper, 1 Firefighter and 7 inmates. There were 8 hostage victims.¹⁹ Thirty-one staff had been trapped in various parts of the institution. The commissary, furniture factory office complex, E Gate House, equipment shed and the dispensary for Group II were destroyed by fire.

The Superintendent issued a memo, which was faxed to all other institutions and the Central Office, stating that the facility was secure and the situation was under control, although damage had been severe, count had not cleared, keys, radios, and tools were known to be missing, and no shakedown had been conducted nor would be started until the following morning.

Superintendent's Rushed Meeting with the Inmates on October 26, 1:00 p.m.

The promised meeting between inmate leaders (all Fruit of Islam members) and the Superintendent took place at 1:00 p.m. During a search of the inmate negotiators, one was found to be carrying a screwdriver. After it was removed he was allowed to enter the meeting with the Superintendent. The session was cut short at 2:00 p.m. so that the Superintendent and his staff could get to the Central Office building to take a telephone conference call from the Governor scheduled for 2:30. While the inmate negotiators were being returned to their blocks, staff overheard comments such as, "something is going to happen tonight," and "it's not over yet."

Disarray on the October 26 Second Shift - "It 's Not Over Yet"

At 2:00 p.m., the 2 to 10 p.m. shift reported for duty. The normal complement for the institution was approximately 64 correctional officers for the entire institution, 24 of which were assigned to Groups II and III. Only 15 of the Group II and III officers assigned to duty arrived due to injuries incurred during the night before. Approximately eight other officers were either called in to work overtime or were held over from the 6:00 - 2:00 p.m. shift. When the officers arrived at their posts, they discovered that the

¹⁹Op. cit. "Report of Extraordinary Occurrence....," p. 5.

State Police were gone. The weapons, tools and debris left lying throughout the corridors and tiers had not been removed. Calls were placed to the administration by officers, stating that there were no lights in the cell blocks and that the locking mechanisms were being compromised, so that inmates were able to reach into exposed devices above their cells and release themselves and others. Upper echelon staff (who claim that they did not get the communication) did not attend to the locking problems. Maintenance staff left the institution at 3:30 p.m., the end of their shift, without having received orders to repair the locking mechanisms and clean up the weapons and debris. Officers were told by the duty lieutenant not to go down the tiers, to call him if inmates got out of their cells, and to lock the blocks and report to E Gate if the situation got out of control.

Throughout the afternoon, inmates in the Restricted Housing Unit (located in the Group I area) set small fires. The Deputy for Operations and a Captain went to the Restrictive Housing Unit to assess the situation, and it was declared under control at 6:10 p.m. The Deputy for Operations, however, notified the State Police contingent in the Manor House that tension was high in the facility.²⁰ Several staff members observed the Muslim chaplain (a community Imam under contract for services) passing notes between cell blocks during the afternoon.

At 6:00 p.m., the Superintendent conducted an interview carried by local news stations. During this interview, he made several remarks to the effect that the institution was secure and that the inmates' demands would not be met. When the newscast ended, an audible roar went up inside the facility.

RIOT NUMBER TWO

October 26, 7:00 p.m. - Groups II and III Lost - Officers Fled or Captured

The Deputy for Operations and a Captain went to Groups II and III at about 7:00 and were speaking to the duty lieutenant and a sergeant when they received a radio transmission that inmates were out of

²⁰Ibid., p. 5.

their cells in E Block. The lieutenant and sergeant went to E Block to assist with the situation; while they were there, a call came in from the J Block officers that inmates were out. The lieutenant and sergeant went to J Block, and the E Block officers called again. At that point, inmates simultaneously poured out of their cells in large numbers. The Deputy and the Captain went to the Control Center, and the Lieutenant issued a radio call to officers in the blocks to lock the first doors of the blocks and get out through E Gate.²¹ F, G, and J Blocks had no door keys; the sergeant locked F and G Blocks with his key and the H Block officer locked J Block. All but two officers left the blocks just before the inmates took control; the two remaining officers locked themselves inside K block and inmates overpowered them.²²

When the officers reached the Control Center, they notified the officers in the modular units via radio; however, inmates quickly gained control. Inmates aided some of the modular unit officers by dressing them in inmate clothing and taking them to the Control Center; those inside the Control Center let the roughly ten inmates and the officers inside, searched the inmates for weapons and handcuffed them. The staff inside the Control Center chained the wooden doors shut; two officers secured the doors of the Officers Dining Room with shackles.

The Deputy Superintendent summoned the State Police for help. PEMA was notified of the second situation by the Cumberland County Office for Emergency Preparedness at 7:21 p.m.; their role during the second night would be the coordinators of relief arrangements between local police and the 875 State Police officers who arrived at the institution. Personnel from other DOC facilities were called in to assist by the Central Office Emergency Management Team after it was activated.

²¹Ibid., p. 6.

²²Ibid., p. 6.

A Rampage Begins

Inmates from the cell blocks in Groups II and III came through E Gate, which had been destroyed during the rioting the day before. They attacked the modular units, assaulting both staff and other inmates, and set them on fire.

Control Center Attacked and C Block Freed

Inmates were able to gain access to the Control Center by kicking out an air conditioner in a Deputy Superintendent's office; window bars had been cut to install the unit. The Deputy Superintendent for Operations, his administrative officer, a Major, three Captains, the Director of Treatment, the Counselor Supervisor, corrections officers, counselors, an unarmed State Police corporal, and roughly 15 inmates were in the building at the time because it had been used as the Command Post for the institution. The building was set afire, and the smoke forced evacuation to the second floor Treatment Area through an 18" x 24" key pass window. Eventually, due to the fire, it was necessary to move to the roof of the building.²³

Inmates knocked out windows of C Block in Group I behind the Control Center, freeing inmates there and destroying the structure. Some C Block inmates were able to break out of their cells by breaking through cell walls; 13 cell side walls in D Block, the Restricted Housing Unit, were broken through.²⁴ Access to the rooftops of the Group I buildings was gained by the inmates, who attempted to break in to the Control Center and set fires to offices. Between 7:25 and 7:30 p.m. staff fired warning shots at inmates rushing the Main Gate. They scattered at the sound of the shots.²⁵

²³Ibid., p. 6.

²⁴Ibid., p. 7.

²⁵Op. cit., Adams Commission Report, p. 43.

State Police Bypass Administration to Launch Second Assault

The State Police received radio transmissions from one of their people trapped in the Control Center. A contingent of State Police arrived shortly at the institutions and sought permission to enter the institution to effect a rescue. During this time, the Commissioner of Corrections and the institution Superintendent were in the gate house. A discussion ensued between the Commissioner, the Superintendent, and the commanding officer of the State Police concerning authorization to enter the compound. The Commissioner and the Superintendent left the gate house after this discussion without giving authorization for the State Police to enter the institution. A gate sergeant at that point used his own key to open the Main Gate and allow access to the State Police. About 25 State Police and corrections officers cleared an area from the Main Gate to the Control Center. More inmates had appeared and headed in the direction of the Control Center between 7:35 and 7:40, and a municipal police officer with an automatic weapon fired warning shots into the ground, scaring them off.²⁶ Using belts that had been tied together, rescuers passed a shotgun and a handgun to the staff trapped in the Control Center.

Throughout this period, inmates were constructing barricades to Groups II and III at E Gate, using wood from the Carpentry Shop. They attempted to gain access to the Kitchen Tower, but armed State Police and staff drove them away. Other inmates were becoming frightened and surrendered; they were secured at the Main Gate.

State Police and corrections officers formed a skirmish line from the Main Gate to the Control Center and drove the inmates back toward Groups II and III. A ladder was brought in from a fire truck and the approximately 50 persons trapped on the Control Center roof kicked out another air conditioner, came down the ladder, and left the institution via the Main Gate.²⁷ Inmates threw rocks, masonry, and other debris at the officers; other inmates, on the roofs of Groups II and III structures, threw firebombs.

²⁶Ibid., p. 37.

²⁷Ibid., p. 32.

"After leaving the Main Gatehouse, the Commissioner set up a Command Post in the Department administration building overlooking the yard between Groups I and II. ...Hundreds of Pennsylvania State Police arrived during the next several hours. Eventually, over 875 State Police Officers were at the scene. Municipal police arrived and encircled the perimeter. Firefighters and emergency medical teams were stationed outside the perimeter."²⁸

Tenuous Negotiations

Radios stolen during the riot's first night were still in the possession of inmates; transmissions from an inmate threatening the hostages were overheard. A staff member spoke with the inmates over the radio for at least half an hour, during which time they gave the staff member the names of four hostages. The staff member gave the information to the Command Center, and Pennsylvania State Police negotiators and staff met inmates, one of whom was the previous day's chief negotiator, at the perimeter fence near K Block and initiated a dialogue. Talks between the two inmates in K Block and State Police negotiators were continued throughout the night by means of a telephone with a long cord thrown over the perimeter fence. The Deputy Superintendent for Treatment, who had negotiated with inmates the day before, was present as a forward observer. Two of the hostages were released.

As negotiations were being conducted, inmates had set fires throughout the compound, using gasoline from the industries shops as an accelerant. The gate between the Gymnasium and the Commissary was barricaded with combustible material; debris and construction equipment soaked in gasoline were stacked at the gate.

The inmates' major demand was a meeting with the Governor and/or the Commissioner; they also requested that Amnesty International representatives be brought into the institution. The Commissioner stated that he would meet with inmates only upon release of all hostages and the restoration of order to

²⁸Ibid., p. 33.

the institution. Talks finally broke down at approximately 4:00 a.m. on Friday, October 27, at which time a plan to retake the institution was formulated.

Assault To Retake the Institution the Second Time

At about 5:45 a.m. on Friday, October 27, the plan of action to retake the institution formulated by the State Police was put into effect "to tighten the perimeter and pressure inmates to resume negotiations."²⁹ Three columns of State Police officers were formed, and one was stationed in a line facing E Gate. These officers began screaming and shouting to draw the inmates' attention away from the other two columns, who entered the institution via the Gym Road and the back door of Food Services II at about 6:00. A fire in the Kitchen had to be put out before these officers could begin their advance, and a truck was used to smash through the Gym Road gate.

The officers began their assault from these two points, forming a pincer shape, and when they entered the area of Groups II and III, inmates began throwing rocks and debris. The chief inmate negotiator stated that he had killed one hostage and would kill the other if the State Police did not retreat, and then the telephone line went dead. By 6:15, when a water cannon was used to destroy the barricade inmates had built at E Gate, the confrontation between inmates hurling objects and officers escalated to the point where State Police officers fired several warning shots, wounding four inmates.³⁰ The other inmates fled into E, F, G, H, J, and K Blocks.

Arrangements for Inmate Surrender

The Deputy Superintendent for Treatment had stationed himself in the Highway Tower (located over the yard of Groups II and III and directly between the DOC administration building and the perimeter

²⁹Op. cit., "Report of Extraordinary Occurrence....," p. 8.

³⁰Ibid., p. 8.

fence) and saw inmates beginning to hang white sheets and towels out of cell windows at 7:44 a.m., indicating that at least some inmates wished to surrender. A decision was made to announce that inmates wishing to surrender should go to the yard area and lie face down on the ground. After some difficulty with locating public address equipment that would provide sufficient volume, the announcement was made over a State Police cruiser's public-address system.³¹

Inmates began leaving E Block, and the other blocks followed suit thereafter. Each block was given instructions for surrendering and was then entered by the armed officers. Hostages were released, most wearing inmate clothing, and the injured were taken for treatment. Inmates were frisked, handcuffed, and placed on the Main Stockade Field as each block was evacuated. The last hostage was released at about 9:00 a.m. from K Block, the last block entered. State Police and institution staff made a sweep of the blocks to ensure that all hostages had been released, and the institution was declared under control at 10:00 a.m.

Aftermath of the Second Riot

The second riot produced thirty-four staff and thirty-two inmate injuries and five officer hostage victims. Institutional business office staff and counselors were given lists of the injured and fielded telephone calls from inquiring families (These staff members fielded and made in excess of 10,000 telephone calls from and to inmate families between October 27 and November 15, 1989). When inmate transfers to other facilities began, a list of names and new locations was drawn up and counselors began notifying families on Monday, October 30. Seven press briefings were conducted during the first day of the riot, and nine were held during the second. This, however, did not keep the media from broadcasting some erroneous information; at one point a local station broadcast a request that local residents with guns report to the institution.

³¹Op. cit., Adams Commission Report, p. 36.

Inmates remained handcuffed on the yard under armed State Police supervision while a determination was made as to which blocks could be used for housing. Only four blocks were found to be usable. Arrangements were made to house inmates in other institutions in the department and others in federal prisons. After all property and potential weapons had been removed, placement of inmates into E Block began on Sunday, October 29. A decision was made that all property and debris in all six cell blocks would be removed and disposed of; everything was piled in the middle of the tier and moved to dump trucks for disposal. Once the four usable blocks were cleared, inmates were again placed three and four to a cell; they were shackled together and remained handcuffed. Some inmates were clad only in underwear; some had no clothing at all. They did not have mattresses, pillows, or blankets, and none had showers. Each cell was secured with two separate chains and padlocks; the last inmates were brought in just after midnight on the morning of Tuesday, October 31.³²

PROTRACTED AFTERMATH OF THE TWO RIOTS

For several months most of the institution was on lock down status. Inmates were fed in their cells and were exercised in small groups in handcuffs and restraints. State Police occupied cell houses and retained weapons there for surveillance and control. Emergency Response Teams from several other Pennsylvania institutions were stationed at Camp Hill for a week at a time on an alternating basis, and provided assistance with inmate recreation and shower schedules. A special complement of twenty-five State Police kept a presence with perimeter patrols twenty-four hours a day, but after a few days, police and their firearms were removed from inside the institution. The complement continued a presence outside the institution with perimeter patrols until January of 1991. An additional fifteen State Police investigators worked at Camp Hill for weeks as they prepared for prosecution of some 157 inmates involved in the riots.

³²Op. cit., staff interviews, September 24-25, 1991.

Damage Done - Physical and Personal

There were serious injuries to inmates and staff but no deaths. According to the institution's incident report, "A total of 24 staff were taken hostage, with over 100 staff members being physically injured. As a result of the disturbance, upwards of 123 staff, 70 correctional officers are off on disability. This number has fluctuated somewhat with some staff returning to work and others being placed on disability for stress related causes."³³ Approximately 50 staff did not return to work for weeks and some for months because of physical or psychological problems that were direct results of the riot.

Millions of dollars worth of damage was done. The institution's physical plant suffered the destruction of large functional areas, including hundreds of bedspaces destroyed when the modular buildings were burned. The official report listed the physical plant damages to include "eight (8) modular units, 10 cell blocks, Control Complex, Education Building, Auditorium, Gym, Food Services II, Dispensary II, Furniture Factory, Greenhouse, Commissary, Staff Training Room, Food Services I, E Gate House, Barber Shop, and all maintenance shops. Damages have been assessed at well over \$15 million, and total cost of the two riots including overtime for both PSP (Pennsylvania State Police) and Correctional personnel could top out at \$40-\$50 million."³⁴

The riots were a statewide embarrassment to the Department of Corrections. Resentment grew and intensified toward top DOC administrators and the entire Department lost its positive self-image. There was also much negative national publicity that put pressure on the state to take significant action.

An Elaborate Investigation with Significant Consequences

The Governor appointed a Blue Ribbon Committee to investigate the riots and the findings were published in what is now known as the Adams Commission Report. The commission determined that a

³³Op. cit., "Report of Extraordinary Occurrence....," p. 9.

³⁴Ibid., p. 9.

riot had been in the offing and was sparked by the confrontation between an officer and an inmate. The report concluded that staff "had information indicating growing unrest among inmates,"³⁵ and that management had failed to address inmate concerns. It cited a lack of programs, inmate idleness and overcrowding as factors contributing to inmate unrest. The Adams Report further concluded that the second night of the riots could have been prevented "if appropriate action had been taken by supervisory personnel and management"³⁶ on October 26, and cited as examples of poor management decisions the failure to conduct a cell search, to assure that cell doors were secured and to retain adequate state police personnel.

The Commissioner of Corrections, the Superintendent of Camp Hill, and Deputy Superintendent for Operations were terminated. The other Deputy Superintendent was transferred and the Major of the Guard retired. In other words, the leadership of the Department and Camp Hill were casualties of the riots.

LESSONS LEARNED FROM CAMP HILL'S RIOT RESOLUTION MISTAKES

Within two days after the riots Governor Casey appointed the Commission to Investigate Disturbances at Camp Hill, naming Arlin M. Adams as Chairman. Even before the Adams Commission performed its investigation and made its report, however, Pennsylvania staff have stated that they knew basically what their problems were and what kinds of mistakes had been made during the disturbances. The Adams Commission Report pointed out security errors, management difficulties, and communications problems, many of which the Department had identified as well. Department of Corrections staff in Central Office and at Camp Hill have agreed that the cost was great, but that valuable lessons were learned. Some are listed below.

³⁵Op. cit., Adams Commission Report, Executive Summary, p. 1.

³⁶Ibid., p. 2.

1. Staff was reluctant to act promptly and appropriately at E Gate when inmates attempted to breach it. Staff on duty at the time of the riot were not prepared with a working knowledge of what resources they could use and what kind of force was permissible and appropriate when the events unfolded as they did. Consequently, there was no show of force during the triggering event at E Gate to stop the disturbance or to prevent movement through E Gate that would allow the riot to spread.

Being prepared for a prompt and appropriate response for as many emergency scenarios as possible is of critical importance, especially for those that require the use of deadly force.

2. Staff opened the front door to a cell block in Groups II and III that had not been secured within, consequently losing the block to hostile inmates and aggravating the riot.

Opening a cell block that contains hostile inmates that are not locked down is dangerous. Under hostile conditions, when inmates are contained in a housing unit, the priority is to secure those inmates in their cells before breaching the containment door. Inmates on the outside should have been contained in Group II and III yard until they could be accommodated securely in the cell houses.

3. Tower officers were ineffective. On the occasion when they did fire their weapons, the noise from the warning shots deterred rioting inmates, but there was very little firing and consequently no show of force from the tower overlooking the riot area. Neither were towers equipped with any arms other than birdshot so that, had there been a need to shoot to stop or shoot to kill, there would have been no capability.

Towers should be equipped with both rifles and shotguns that provide capabilities to prevent escapes and to stop criminal activity occurring within the observation area.

4. There was a confused use of the Command Post concept--one was set up by Camp Hill staff in the control room inside the perimeter and one in the Administration Building was directed by the State Police. In fact, the taking of the institution's Control Center on October 26 was made even more harrowing because so much of the institution's upper-echelon staff was inside and subsequently trapped. Had the Command Post been outside the perimeter, the taking of the Control Center, while significant, would not have been so very nearly disastrous.

A Control Center, and especially one that is located inside the institution and on the grounds is not an appropriate place for a Command Post. A Command Post should ideally be located outside the perimeter but equipped with all communications equipment to assure that decision-makers are fully apprised of conditions and circumstance so that good judgments can be made.

5. Before the State Police entered the institution, there was an argument between Camp Hill staff and the State Police concerning the type of ammunition to be used, causing delay in executing the plan and possibly allowing the melee to develop further than it might have if the 15-20 minute argument had not taken place.

Decisions between agencies about what procedures and equipment will be used under a variety of scenarios should be made in preparation for potential riots so that discussions such as this one would not be necessary.

6. Central Office was not prepared to activate a Command Post that would have provided support and direction for the institution.

When there are provisions for a Command Post to be activated at the Central Office level in the event of a disturbance for the purposes of providing support and direction to a troubled institution, activation of the Post should occur without fail to maintain the confidence of the institutions in the Central Office that it follows through with its designated role in times of crisis. There are also many duties that can be assumed at that level that can free the institution administration to be more effective in dealing with a disturbance.

7. The Department had trained negotiators who were not used to deal with the hostage situation; the Deputy Superintendent for Treatment decided to handle negotiations directly and was not corrected by higher authority.

When any staff assume responsibilities that conflict with the Department's security procedures, those responsibilities should be removed by the superior and if the superior has allowed the violation, he/she should be corrected by his/her superior, and so on.

8. Inmates who had just rioted the institution were held in a physical plant that was not safe because of the presence of weapons throughout the cell blocks and the absence of sufficient numbers of work-ready staff; neither was it secure because it was crippled with breached locking mechanisms and insufficient light to allow full observation of all cells. In addition, 4-5 inmates were packed in cells, and staff had no way of assuring that trouble-makers were not housed together or that predatory inmates were not housed with potential victims.

Post-riot procedures must be followed regardless of how tired staff are. Under emergency conditions, reinforcements can be called in from other institutions and agencies, arrangements can be made for transfer of as many inmates as necessary so that all inmates housed in the institution are housed securely in quarters that have been thoroughly shaken down, that are in working order, that are securely locked and that are sufficiently staffed.

9. Once the mistake was made not to shake down the institution and proceed with all remedies required to operate a safe and secure institution, a further mistake was made in deciding to dismiss the State Police who were needed for their numbers and their representation of force to prevent further uprising under crippled circumstances.

If there are no options other than operating a crippled institution, it must be made temporarily safe by adding sufficient numbers of staff until enough can be done to restore safety and security.

10. According to the Superintendent, he did not know that the locking mechanisms were not working. Without that information, he was not in the position to make a good decision about the security of the cell blocks. Communications regarding security were apparently disjointed before, during, and after the riot, all of which contributed to the situation at hand and to come.

Security information must be transmitted all the way to the person who can make a decision that will restore full security to the institution. If that communication fails, it should be repeated. There is little that can be done when security information communications fail since they are so critical to safety in a prison environment. Beyond that, however, it is important that decision-makers participate in inspections after riotous situations. There is no substitute for seeing firsthand the mess and destruction over which one has to preside during recovery.

11. Management underestimated the amount of immediate repair, staff, work and money that would be required to operate the institution safely and behaved as though the institution would return to normal simply by staff proceeding to go about business routinely. Those assumptions were unfounded and set the stage for the second riot.

If there is no damage assessment other than security of cell houses and perimeter (but cell houses must be the priority), that assessment must be made as quickly as possible and priorities set to bring the cell blocks and perimeter into working, secure order.

12. After the first riot, the decision was made to leave weapons and debris for photographing for evidence so that prosecutions would be successful.

Prosecutorial evidence is of no use if it can be used immediately to perpetrate further crimes and jeopardize lives. The priority is always security and safety, and evidentiary concerns must come second. It is better to have a weapon-free environment in which to house inmates than it is to have a successful prosecution.

13. The Superintendent allowed external pressure to interrupt the commitment made to the inmates to work things out at 1:00 p.m. on the day after the first riot. He cut the meeting short without resolution. The effect was an incitement of already hostile inmates who probably inferred that the phone call was more important to the Superintendent than the safety of the crippled institution.

Even high level officials (including a governor) are amenable to reasonable requests to re-schedule a conference or phone call when they are given the opportunity to know what the consequences might be to the institution if more important commitments are not kept. In situations such as this riot, first things must come first.

14. The Superintendent did not anticipate a predictable inmate reaction to his public television statement. He was in no position to say that the institution was under control or that he would honor none of their demands while they were operating the locks in their cell blocks. He was probably not aware of their watching presence while he was speaking over the media.

It is wise to assume that when a statement is televised, inmates will see, hear and interpret those statements and behave accordingly within their ability to act. Additionally, the Public Information Officer should be the one to conduct news briefings during extremely volatile situations, thereby insulating the decision-maker from pressure to respond immediately to security-sensitive questions and removing the opportunity for news consumers to attach strong sentiments to the decision-maker's style of statement delivery.

15. On the day after the riot, the second shift was half-staffed. No officers were held over and no reinforcements were called in to work. Most of the staff that did come to work had suffered through the previous night's riot and were in poor condition to work at their best. Staff that did work faced cell blocks full of debris, broken locks and poor lighting.

Regularly, and especially when an institution is in a state of emergency, a shift should not be operated unless critical positions are occupied. Regardless of who must be called to fill the void, the calls must be made. Further, officers present under such circumstances should not be allowed to leave the institution until a full complement can be called in. (In this case, even a full complement should have been supplemented with a cadre of State Police to secure the crippled physical plant.)

16. The Control Room was not a secure area. Rioting inmates were able to break into windows by removing air conditioners that had been installed by cutting through security bars, and around which security welds had not been made. In effect, Camp Hill's Command Post was overtaken.

Buildings that are required to be secure must be modified so that no sacrifice of security occurs.

17. On the second night after the second riot had begun and the Control Center had been taken, arguments about the kinds of weapons to be used to launch an attack to rescue trapped staff and inmates were still taking place between the Commissioner and the State Police. In the absence of a clear prior agreement, this argument and the resulting delay could have meant the loss of fifty lives.

There must be a clear agreement between agencies about what procedures are to be followed, and orders concerning those procedures must come from the person designated according to the plan to be in command.

INITIATIVES TAKEN TO REMEDY PREDISPOSING AND PRECIPITATING CONDITIONS

Immediate Remedies

Immediate security measures were taken to remedy some of the security weaknesses highlighted during the riots. The yard was zoned and the zones were cordoned off to allow controlled movement. Locking mechanisms on gates, in the cell houses, and in other areas were repaired. An additional 100 officers were hired to provide sufficient manpower at all times and to improve inmate supervision. Radios were equipped with low and high bands to allow the capability of switching frequencies to prevent use of the system by inmates if a radio should fall into their hands during a disturbance. Security was enhanced by removing all unattended institutional vehicles from institutional grounds. The system and physical provisions for maintaining security over tools and keys was studied and modified. Investigations were completed and 157 inmates were prosecuted for crimes committed during the riots.

New Leadership

A new Commissioner, Joseph Lehman, from the state of Washington, was hired to oversee the Department of Corrections. He focused not only on Camp Hill but also on the underlying issues surfacing at Camp Hill that were present throughout the prison system. He launched a massive effort to remedy those system-wide issues. As he addressed Camp Hill administration, issues he simultaneously reorganized the department to enable work to be done efficiently. He made changes in the upper management of Camp Hill. He revised communication lines and authority at Camp Hill so that a clear chain of command

was established. He gave statewide responsibility for security to a Security Specialist brought in from the field.

Plans were made and gradual construction was begun to "harden" the structure in the cell blocks commensurate with the security level of the inmates who are housed. Plans were laid to deal with Camp Hill crowding (as well as statewide crowding). Further plans were made to change the mission of the Camp Hill institution to the reception and diagnosis of incoming inmates exclusively, in keeping with the strengths of the Camp Hill program, its physical plant, and its location.

Emergency Preparedness

The Commissioner requested that the National Institute of Corrections provide funds for an outside consultant to conduct Emergency Preparedness Assessment and Training. The assessment was done and priorities were set to implement recommendations. An emergency preparedness system was formulated to provide for a whole array of provisions not limited to but including CERT teams and revised emergency plans that are rehearsed, appropriate weaponry and procedures for its use on towers and in the institution in cases of emergency, and a Central Office Command Post.

Relationships with Other Agencies and the Media

Relationships with other agencies have been delineated more clearly. There are now understandings with the Governor and the media about how emergency situations will be handled in the future. At this writing, agreements with other state agencies that have played significant roles in emergencies (the State Police and PEMA) have been revised and executed based on the experience gained from the Camp Hill incident.

Other Systemic Initiatives that Will Assure Improved Operations and Security

At this writing, the Commissioner has two other priority initiatives for not only Camp Hill but for the entire system. The policy and procedure process and importance of the implementation and enforcement of procedures has been established, and the unit management system is being introduced for gradual implementation.

There is still much to be done at Camp Hill and throughout the Pennsylvania system to deal with the issues that are critical to the prevention and/or management of emergency situations, but the system has come a long way since the Camp Hill riots.

Chapter 8

Arizona's State Prison Complex - Cimarron Unit

February 14, And 15, 1991

THE HOURLONG DISTURBANCE AT ARIZONA'S STATE PRISON COMPLEX AT TUCSON--CIMARRON UNIT

This one hour disturbance by inmates at Cimarron Unit of the Arizona State Prison Complex at Tucson on June 21, 1990 involved no hostages, negotiations nor even demands. The disturbance resembled a giant brawl which, in fact, is how it started. When prison officials intervened, inmates began to advance on them. Force had to be used to end the disturbance.

About the Cimarron Unit

The Arizona State Prison at Tucson is located on South Wilmot Road on Tucson's east side. Comprised of four separate units that were constructed and phased into operation from 1978 to 1986, the prison complex houses about 2400 inmates, including about 800 in the Cimarron Unit and 1,600 others divided among the medium-security Rincon and Santa Rita units and the minimum security Echo Unit. Each of the medium security units is surrounded by two 12-foot fences topped with razor ribbon wire, and the entire complex, except for the Echo Unit, a minimum security unit, is surrounded by a 14-foot fence.

A Warden administers the entire complex, and each unit is administered by a Deputy Warden. A number of support services are shared to achieve organizational and cost efficiency. Relevant to this study is the Tactical Support Unit (TSU) that serves the entire complex in crises and whose members come from the four units.

The 23 million-dollar Level 4 medium security Cimarron Unit was completed in the summer of 1986. Designed for 744 men, it houses "heavy medium" security level inmates, 390 each in north and south divisions of the unit that are separated by a fence with a gate. On the day of the disturbance, Cimarron was about 60 over capacity. North and South sides are served by common administration and service staffs and buildings situated between them. North yard has two cell houses (Buildings 1 and 2) and South yard has two (Buildings 3 and 4). (See figure 8.1.)

Predisposing Conditions for the Disturbance

History of Violence at Cimarron Before the Disturbance. The disturbance on June 21, 1990 was not the first Cimarron upheaval, nor was it the only incident involving racial conflict. The worst incident in the Cimarron Unit's history came soon after its opening and was not racially motivated. In December of 1986, nearly 100 inmates rioted as corrections officers tried to lock up an inmate who refused to give up a contraband orange. The riot caused \$800,000 in damage to the new institution. Inmates broke windows in the cell block, the hallway and the control room where correctional officers were stationed. The officers withdrew and inmates remained in control for more than four hours. After the riot, twelve inmates were indicted on numerous charges, including attempted first-degree murder and arson.¹

The racial/ethnic practice of "sticking with one's own kind," to include segregating in dining areas, recreations yards, and other congregating areas is not uncommon in prison and was the case at Cimarron as well as other Arizona prisons where there has been a long history of racial/ethnic gangs. Racial problems in the unit date back to September of 1987, when 16 black and white inmates got into a brawl over a gambling debt. Three were treated for cuts and bruises.² About 80 inmates were involved in a

¹Healy, Eric, Volante, Enric, and Henshaw, Donine S. "Guards Gunfire Injures 15 Inmates in Big Brawl," Arizona Daily Star, Friday, June 22, 1990.

²Ibid.

disturbance in July of 1989 that began when a black inmate and white inmate fought over exercise equipment in a recreation yard.³ In March of 1990, 108 black inmates in the Cimarron unit signed a petition to the U.S. Justice Department alleging 'unfair treatment' and 'arbitrary and capricious harassment and verbal abuse' of black prisoners.⁴

Cimarron had also suffered some racial tension among staff. In April of 1990, white Cimarron staff members were disciplined for inappropriate behavior toward black officers. What apparently had begun as racial joking among correctional officers during the previous fall (1989) had escalated into inappropriate insults and name-calling. As a result of an investigation called by the department, two officers had been fired, one demoted, and about ten others had received disciplinary letters,⁵ among whom had been an officer who figured prominently in the June 21, 1990 disturbance.⁶ He had been disciplined for racial slurs, carrying a white sheet in his car, and connections to the Ku Klux Klan.⁷ Two black officers had filed claims against the department for alleged racial harassment, demanding five million dollars. According to many staff interviews, and the Warden, however, the ill will among these particular officers had no apparent connection to any racial animosities among the prisoners.⁸

On June 13, 1990, just a week before the June 21 disturbance, two Hispanic prisoners beat a black inmate with a weight lifting bar, possibly causing further hard feelings among these two ethnic groups in

³"Buckshot Injures 15 in Inmate Uprising," (AP), Scottsdale Daily Progress, Friday, June 22, 1990

⁴Negri, Sam, and Ralles, Dee. "Prison-Riot Probe to Focus on Guard's Shooting at Inmates," Arizona Republic, Saturday, June 23, 1990.

⁵Huff, Dan. "Prison Officials Clean Up, Investigate Causes of Racially Divided Fight." Arizona Daily Star, Saturday, June 23, 1990.

⁶Pena, Stella. "Prison Brawl Injures 24 Men." Tucson Citizen, Friday, June 22, 1990.

⁷McCloy, Mike. "Report: Guard Justified in Shooting at Inmates," Phoenix Gazette, Saturday, August 11, 1990.

⁸Op. cit., Huff, "Prison Officials Clean Up..."

the unit. Later five blacks were assigned to other prison units because they allegedly advocated reprisals for the incident.⁹

Inmates Housed at Cimarron. Arizona's classification system had designated Cimarron to house inmates meeting medium security criteria. Inmates assigned there were serving various prison terms from one year to triple life. The cell blocks at Cimarron were perceived by the system as being of relatively hard construction compared to other medium security units in the system and capable of housing more difficult to manage medium custody inmates. Because of this perception, the agency's classification system had begun using Cimarron to house inmates that couldn't be managed in other institutions if the Special Management Unit at Florence was full. As a consequence, Cimarron was housing a number of the system's heavy gang members.¹⁰

Condition of Institutional Grounds. The institution had not yet been landscaped. There was little grass, and what existed was around the administration building. Rocks of all sizes and shapes and building and maintenance debris on the yards had not been cleared away and their presence was a security hazard.

The Agency's Preparedness for Disturbances

Because of the infestation of violent prison gangs over a period of decades, and because of the extremely violent nature of some Arizona inmates, the Arizona Department of Corrections has experienced

⁹Ibid.

¹⁰Interview with Deputy Warden Hallahan, February 15, 1991. This and other interviews cited throughout the narrative were conducted by project staff with Department and institutional employees in Tucson from February 13 through 17, 1991. Chronological information concerning the riot, while not cited individually, is also taken from these interviews.

a number of violent incidents over a long period of time and has developed a planned repertoire of strategies to deal with violent incidents.

The Department has emergency preparedness policy and procedures that address directly the handling of disturbances. Every institution/complex has detailed procedures for handling disturbances specific to its circumstances. Since it is considered of utmost importance to respond immediately in appropriate numbers to such incidents, every institution/complex has a Tactical Support Unit trained to perform appropriate duties related to disturbances, with designated backup TSUs from other institutions (270 specially trained officers can be on site within 6 hours). The plan even provides for Department of Public Safety backup, but they are not the first line of defense.¹¹

Institutional officers are trained to be clear on what is appropriate to do during a disturbance. In the event weapons are needed there is a mini-armory (actually a locked box) in the control room that contains, among other items, a shotgun, a gas gun, and a rifle, with respective types of ammunition specified for particular types of situations. This rapid deployment kit can be called upon for use under specific limitations.¹²

Again, as a result of many such experiences, the Department makes thorough use of its Intelligence and Investigations Unit both centrally and locally to find and preserve evidence, to debrief staff and inmates and identify perpetrators for prosecution, and to recommend needed changes in procedures that would improve future prevention, preparation, and management of such situations.

¹¹Interview with Arizona Department of Corrections Director Sam Lewis, Feb. 1991

¹²Arizona Department of Corrections Policy No. 301.21, "Use of Force; Firearms, Chemical Agents and Other Weapons." Effective November 12, 1987.

The Events of the Riot

A Dispute Between Two Individuals. The hourlong Cimarron disturbance began on Thursday, June 21, 1990 at 5:02 p.m. Interviews conducted after the disturbance disclosed that a day or two earlier there had been an argument over a Bic cigarette lighter between a black and Hispanic inmate about which staff had been unaware. Apparently the black inmate had gotten the best of the Hispanic, bruising his nose, tarnishing his macho image among his fellow inmates, and consequently embarrassing him to the point that he felt he had to retaliate publicly. At 5:02 PM during the evening meal in the dining hall on the north side of Cimarron, the last group of some 120 inmates from the North side's Building #1 were being served under the supervision of two correctional officers. At the beverage counter, the besmirched Hispanic inmate resumed the earlier argument with the black inmate, grabbing a wooden mop handle wringer and swinging at him. Apparently by mistake, another black inmate took the force of the blow.

A Free-for-all in the North Dining Hall. As soon as the assault in the chow hall was made on a black by an Hispanic, sides were taken along racial/ethnic lines and several inmates began throwing food, trays and utensils at each other. A fistfight ensued wherein inmates of white origin ("Anglos") joined together with inmates of Hispanic descent against inmates of black origin. The incident had escalated from a difference between two individuals to a free-for-all between large groups of racially aligned inmates.

Attempts to Control and Contain Fail. The two officers present in the mess hall tried to break up the fighting, but were unsuccessful. The more experienced officer (Officer A) called over the radio for backup, after which he removed the other newly-hired and inexperienced officer (Officer B) from the dining hall. Officer A and the officer who had brought the last group of inmates to the dining area (Officer C) secured the dining hall door to contain the situation and remained outside temporarily. The

shift commander, a lieutenant, responded to their call for backup within a minute's time. He and Officer A entered the dining hall where another officer (Officer D) had responded to the problem and was trying to break up the ruckus. As the lieutenant and Officer A entered the dining hall, inmates overpowered them at the doors and poured out onto the rocky North recreation yard, leaving behind a garbage-strewn dining room and damaged coffee dispensers. 100 to 120 inmates divided themselves into two opposing groups - the blacks against the Anglos and Hispanics.¹³

Spread of the Brawl to a Rock Throwing Spree on the North Yard. Once out on the 150 x 150 yard piece of land¹⁴ between the dining hall and the housing units, inmates armed themselves with rocks, two-by-four pieces of lumber, and mop handles from the exit door of the north side dining room. Stone throwing began. Officers ordered inmates to return to their housing units and cells to no avail. Staff concluded at this point that the disturbance was racially motivated, and there were racial threats yelled back and forth between the black group and the aligned Hispanic and white groups. Other inmates on the yard joined in, taking sides. The lieutenant and officers from the dining hall and elsewhere on the yard tried to split the groups, with blacks on one side and Hispanics and whites on the other. Just when they thought they were about to accomplish a separation, the inmates resumed fighting. (This situation repeated itself two or three times.) The lieutenant called a "CODE POSITIVE," which signifies to everyone at the institution that all inmates are to go immediately to their cells to lock down. The inmates did not comply with the signal/command.¹⁵

¹³Arizona Department of Corrections Criminal Investigation Bureau Supplemental Report, July 27, 1990, pp. 7-8.

¹⁴Investigative Report, Department of Corrections Riot/Incident, Cimarron North Prison Complex, by Arizona Department of Public Safety, Paul K. Nixon, August 1, 1990, p. 5

¹⁵Ibid., p. 5.

Weapons Are Ordered for Use and Inmates from South Yard Become Involved. The shift commander (lieutenant), ranking official on duty, authorized the use of weapons to control the disturbance when he called for a gas gun, a shotgun, and activation of the complex Tactical Support Unit (TSU). Officer A and another North side officer (Officer E) went to fetch the munitions from the Cimarron Tower (control room) located in the Administration Building (Building #6). On the way to the armory, Officer A reportedly saw 50 - 100 inmates from the South yard rushing the short/sally gate, common to both yards, to get into the North yard action. A female officer (Officer F) was attempting to secure this gate but was having difficulty. Shortly thereafter the inmates overpowered her and pinned her briefly against the wall. She suffered an injured knee. Approximately 100-150 south side inmates were able to get through the gate to the North yard to join in the disturbance. By this time, some 400 of Cimarron's 800 inmates were involved.

Officer E obtained from the armory a 37 millimeter gas grenade gun (with both short and long range shells.) Officer A checked out a load bearing vest (which stores shotgun and gas shells) and a 12 gauge shotgun loaded with 7 1/2 birdshot as well as a box of shells. (Officer A made the decision about what kind of shells to use. He could have used Peters round [with rubber balls] or 00 buckshot.)¹⁶ On the way back onto the yard, Officer A gave a portion of the box of shells to Officer C so that he could stick with him and supply shells as needed. Officer C put them in his pocket to keep the inmates from getting them.¹⁷

First Warning Shot is Fired. Officer E and Officer A emerged from Building #5 (where they had obtained weapons from the control room mini-armory) onto a grassy area in front of the building, where Officer A fired a warning shot into the air to stop approaching white and Mexican inmates. The Anglos

¹⁶Ibid., p. 5.

¹⁷Ibid., p. 5.

and Hispanics responded by dispersing. Officer C didn't stay with Officer A as planned, because he was diverted to assist Officer F get the sally gate between the north and south yards locked to contain the disturbance on the northern half of Cimarron.¹⁸

Videotaping Begins as Guns Go Onto the Yard. At about this point, a sergeant came onto the yard with a hand-held color video camera to record the events of the disturbance, per Arizona Corrections policy¹⁹. A stationary camera above the Cimarron control center was activated, as well as another stationary video camera approximately one-half to three-quarters of a mile away (referred to as "eye in the sky").²⁰

Officers E and A proceeded to join the lieutenant and sergeant out further on the North yard (50 to 60 yards in front of Bldgs. 1 and 2). On the way, Officer A, who said an inmate seemed to be advancing toward him, leveled his gun at the inmate, who then retreated.²¹

Inmates Turn Aggression on Staff. At about this point, the inmates began to perceive that their respective factions were not the threat, but the officers with the guns. In particular, the blacks decided to give up on fighting the other inmates and apparently turned their aggression toward the staff. Black inmates turned on [Officer A] and the other officers and began hurling stones gathered from the yard at them. The warden of the complex at that time said that there were perhaps 10 or 15 blacks who began to advance on the officers, throwing rocks.²²

¹⁸Ibid., p. 6.

¹⁹Op. cit., Arizona Department of Corrections Policy No. 301.21

²⁰Op. cit., Investigative Report, Arizona Department of Public Safety, p. 3.

²¹Ibid., p. 6.

²²Scotta, K. J. "Cimarron Unit Quiet After Lockdown." Tucson Citizen, Saturday, June 23, 1990.

Other officers from adjoining units in the complex began arriving to assist with the crisis, bringing the number of officers to about thirty, positioning themselves between the two groups on the concrete recreation area between the two factions of unruly inmates.

Use of Gas Fails to Subdue Inmates. A second warning shot was fired by Officer A, this time from his position on the concrete recreation field, and when the inmates again did not respond, Officer E fired a canister of tear gas over their heads, but the gas was caught by the wind and went over the housing units.²³ According to the warden, " ... the inmates continued to advance on guards, throwing rocks and shouting obscenities, prompting the lieutenant to order the discharge of another canister of tear gas aimed at the inmates' feet."²⁴ Apparently the wind dissipated the effects of the two containers of tear gas, and the free-for-all continued. The birdshot warning and gas had little or no effect in quelling the disturbance and did not intimidate the hostile black group. Hispanics and whites, however, began moving toward their housing units.

Inmates Prevented from Obtaining Tools. An officer injured his ankle when a white inmate tried to break down a gate leading to a tool crib in the southeast corner of the yard. Two other officers apprehended the inmate, but didn't cuff him because 20-30 inmates threatened them. They secured the tool crib but let the perpetrator go to avoid more struggle, since they were outnumbered and unarmed. (The tool crib is in a maintenance area just east of the dining hall and is enclosed by two fences. [See diagram of the institutional grounds.] It contained shovels, pickaxes and many other tools that could be used as weapons.)²⁵

²³Op. cit., Investigative Report, Arizona Department of Public Safety, p. 6.

²⁴Op. cit., Scotta, "Cimarron Unit Quiet..."

²⁵Op. cit., Investigative Report, Arizona Department of Public Safety, p. 6.

Weapon-bearing Officers Threatened. The crowd of blacks hurled threats toward the lieutenant, sergeant, and Officers A and E to the effect that they would rush them, take their guns, and kill them. The lieutenant feared that he and other staff might be surrounded, and quickly pulled staff back when he saw that they couldn't control the situation.²⁶ According to the warden, "Some of the inmates [40 black inmates] started coming up alongside of us [the officers] and in order to stop any encircling moves on the guards that might possibly lead to the inmates taking weapons from the guards, the shotguns were fired at the inmates' feet [two more blasts]."²⁷

Firing of Birdshot into the Advancing Inmate Crowd. The two to three shots fired into the crowd of black inmates came from a distance of about 40 yards, aimed toward the inmates' lower extremities.²⁸ Director Sam Lewis recounted that Officer A told officials "he aimed low and fired the first round. He then prepared to fire again and 'tried to bring it back to the same place, but because of the dust, the officer doesn't know exactly where he fired.'"²⁹ During the investigation, Officer A said that after the second shot, the gun jammed and he had to wait for the third shot.³⁰ The warden stated that three shots (birdshot, consisting of small lead pellets) were fired at the concrete yard in front of the prisoners, as policy dictates.³¹

²⁶Op. cit., Pena, "Prison Brawl Injures 24 Men..."

²⁷Op. cit., Scotta, "Cimarron Unit Quiet..."

²⁸Op. cit., Investigative Report, Arizona Department of Public Safety, p. 7.

²⁹Op. cit., Pena, "Prison Brawl Injures 24 Men..."

³⁰Op. cit., Investigative Report, Arizona Department of Public Safety, p. 7.

³¹"Prison Riot Injures 21 Inmates, Six Guards at Tucson Facility," (AP), Casa Grande Dispatch, Friday, June 22, 1990.

Gradual Subsiding of Incident. The violence was subdued, but the rock throwing continued until back-up Arizona Department of Corrections security staff arrived. Meanwhile, A held the muzzle of his gun in firing position to deter any further advancement by the inmates. "It was approximately 40 minutes after the shooting that the situation was under control."³² The Tactical Squad Unit came onto the yard with an additional two shotguns and two 37 millimeter gas guns, along with other riot equipment.³³ Officers A and E were relieved of their weapons.³⁴

Injuries to Inmates and Staff. Fifteen inmates were hit by the birdshot and two other inmates were hurt, for a total of 17 inmate injuries. According to one newspaper report, "nine inmates, including one who took a significant amount of birdshot... were taken to three Tucson hospitals, and four were hospitalized overnight. [St. Mary's Hospital, University Medical Center, and Tucson Medical Center.]... Most inmates were hit by pellets in the legs, groin and buttocks, a pattern indicative of bouncing off a hard surface. The most seriously injured inmate took pellets in a tight pattern on his body, possibly indicating that one shot went directly toward him." This inmate was airlifted to medical care at a hospital where he underwent chest surgery.^{35*} "Other inmates arrived (at Tucson hospitals) by ambulance.... One was hit in the ankle with a rock and another suffered a cut lip and broken teeth."³⁶

Six officers were hurt - "shoulders, sprained ankles or knees and one injured back...."³⁷ Several sought private medical attention. None were treated at the prison infirmary. "One [officer] suffered a

³²Op. cit., Investigative Report, Arizona Department of Public Safety, p. 8.

³³Ibid., p. 8.

³⁴Ibid., p. 9.

³⁵Op. cit., "Prison Riot Injures 21..."

³⁶Op. cit., Healy, Volante, and Henshaw, "Guards' Gunfire..."

³⁷Op. cit., "Prison Riot Injures 21..."

knee injury as she tried to close a metal wire gate separating prison yards; another suffered an ankle injury as he successfully kept prisoners from entering a storage area containing shovels, hoes and rakes. The rest were hit by stones.³⁸

Cimarron's Correctional Medical Assistants were called immediately to come to the scene and perform triage and provide or obtain appropriate medical care for the injured; Air Vac and ambulance services were purchased to provide airlift for three inmates and ground transportation for other inmates who needed outside medical help not available at the institution.

Locking Down the Institution. When the dust cleared, corrections officers were able to control the situation, searching and locking in their cells all of the inmates on the south side of the Cimarron unit, and slowly locking down those on the north side also. The entire prison was placed under lockdown so that staff members who were assisting at Cimarron from the three other units could resume their duties in their respective units to keep their activities going.

Procedures Activated During the Following 72 hours

The warden characterized the event as "a minor disturbance in terms of length of time."³⁹ The damage incurred was insignificant - not over \$500 worth of repair - but the same complicated procedures and analysis were required in the aftermath of the disturbance as would have been required of a much larger event.

³⁸Op. cit., Huff, "Prison Officials Clean Up..."

³⁹Op. cit., Healy, Volante, and Henshaw, "Guards' Gunfire..."

⁴⁰ A log was kept of all steps taken to remedy the situation and to take care of the aftermath. Logs were also kept of all phone calls. Notifications were made, including the attorney general. A Significant Incident Report was composed and put into the system.⁴¹

The scene of the incident was preserved according to law enforcement regulations. Order having been restored and lockdown of all inmates accomplished, the Warden ordered the prison's Tactical Support Unit, specially trained to handle riots, to assist with the aftermath. Count was taken. Call-outs were checked. All incoming and outgoing movement was cancelled. Inmates involved in the disturbance were identified. An institutional shakedown produced no evidence of a build-up of weaponry that might indicate that the event had been planned. The detention unit was cleared to replace the population with the perpetrators of the incident, who were brought to the detention unit by bus.⁴²

Director Sam Lewis and some of his staff flew from Phoenix that evening to review the situation. A complete investigation was launched. An interrogation of all inmates involved in the disturbance was conducted by the Inspections and Investigations Unit. Six two-man teams of DOC investigators also interviewed 30 or more staff members involved in containing the riot. The interviews would be used to re-construct the sequence of events, to discipline persons as appropriate, and for prosecution of those who had committed crimes.⁴³

The long process of debriefing, interviewing of staff and inmates, and report writing continued for almost twenty-four hours. Fifteen investigators had interviewed 338 inmates by 3:00 p.m. the next day.

⁴⁰Staff interviews, Warden Crist, February, 1991.

⁴¹Ibid.

⁴²Ibid., Warden Crist.

⁴³Ibid, Inspections and Investigations unit staff.

In addition to routine staff interviews, 3-4 staff involved had psychological interviews by a policy psychologist. All officers involved were required to write up their versions of the events.⁴⁴

Officers involved in the disturbance were reassigned to the complex security complement until the investigation could be completed, rendering them, in effect, on leave from the unit. Among the items of the investigation were checks of documentation and consistency, certification of officers who had fired shots, and inventories of shells and weapons in the armory from which weaponry had been drawn.⁴⁵

Since the food service area required cleaning and repair, and since the whole institution was on lockdown, bag lunches were prepared and distributed in the housing units.⁴⁶

The media were provided for in the Rincon unit away from the action. On June 22, the press was walked through the disturbance on site so that they would understand fully the events as they occurred in that environment. A telephone line was set up for family inquiries. Officials gave the telephone number to the press to be published, thereby giving access by families to an institutional Correctional Program Officer assigned to give out information concerning family members. By 9:00 am on June 24, there had been 218 calls, the number eventually reaching 350. Families of inmates who had been injured or who were involved in the disturbance were notified by the prison.⁴⁷

To step up communications with inmates about the disturbance, to reduce racial tensions, and to control rumor, corrections staff talked with inmates in small groups. Newsletters were distributed to inmates to tell the story and to outline the detailed steps that would be used in re-opening the institution (food, commissary, showers, visits, recreation, mail, attorney visits). An annual Juneteenth celebration normally observed at the prison on June 23 was cancelled (Juneteenth commemorates the period in which

⁴⁴Ibid., Warden Crist.

⁴⁵Ibid.

⁴⁶Ibid.

⁴⁷Ibid.

rural black slaves received word of the Emancipation Proclamation throughout the southern and western states). Restrictions on visitation were established and continued through the weekend. Planned Fourth of July events were cancelled.⁴⁸

Lockdown continued through the weekend of June 23 and 24.⁴⁹ Normalization of operations and activities was reached by July 6.⁵⁰

Remedial Actions Taken

As a direct result of this incident several specific remedial and preventive measures were taken.

- Manual locking on the gate cordoning off the North and South Cimarron units was converted to electronic locking to prevent any future situations in which an officer would have to struggle to secure the gate.
- Loose weights on the yard were taken away and replaced with a Universal weight training machine.
- Mass movement to and from chow as well as to and from any activity were curtailed. Movement size was reduced. Previously, to prevent opportunities for aligned groups to become involved in free-for-all situations, 120 inmates went to the Dining Room for meals and crossed another 120 inmates entering as they exited.
- Numbers of inmates in the yard for recreation were reduced to prevent such situations.
- A tower overlooking the yard which had not been manned prior to the incident was manned to improve observation and control.
- The institution's tool crib was moved to prevent access by inmates.
- The practice of securing cell blocks that are not out to chow was instituted to reduce the number of inmates out on the yard at a given time.

⁴⁸Ibid.

⁴⁹Op. cit., Huff, "Prison Officials Clean Up..."

⁵⁰Ibid.

- In order to prevent access to rocks by inmates who might wish to throw them at others, the prison is slowly reducing the number of rocks that crop up naturally in the yards. A program is underway to blacktop some areas and, using sewage water recycled on prison property, to grow grass in others. Nothing can completely eliminate the stone problem, according to officials.
- It was decided that video camera operators in the future will be persons uninvolved in making decisions whose responsibilities will be limited to recording the event to document how it is handled and to identify perpetrators.

Investigation by the Department of Public Safety

Director of Corrections Sam Lewis ordered an investigation to be conducted by the Arizona Department of Public Safety. Declared Lewis, "I view this as not a minor incident. This was a serious incident. We're not taking it lightly."⁵¹ Later, upon reflection, he stated that he had called the investigation because of racial problems that he had been aware of at the unit and because an Anglo officer shot black inmates in the riot. ("Some staff members have been disciplined over racial slurs." "Two black officers have filed claims against the Department."⁵²)

The fact that shots were fired was enough to warrant an investigation. A DPS administrative investigator was called in to conduct a joint investigation with corrections. The investigators were instructed to:

- Determine if the shooting of the prison inmates was justified;
- Determine if the ordering of the weapons into the prison yard was justified and complied with policy and procedures; and
- Determine if the shooting was a racially motivated incident between the DOC staff and the black inmates housed in the Cimarron Unit.

Investigators reviewed videotapes, interviewed witnesses, including 300 inmates, and studied departmental policy.

⁵¹Op. cit., Pena, "Prison Brawl Injures 24..."

⁵²Op. cit., Huff, "Prison Officials Clean Up..."

Policy issues that were investigated were:

- Policy 36.3.5.8 provides a rapid deployment kit in the armory to contain 12 gauge and 37mm shotguns. It provides for the use of a qualified marksman with a shotgun to provide cover for the operator of the 37mm weapon during loading and unloading of gas cartridges.
- Policy provides that officers assigned to cover "safe zones" shall discharge their weapons only as a defense against approaching inmates and shall aim no higher than the belt line.
- Policy states that deadly aim may be taken whenever a clear and present danger exists to the life/safety of another staff member or inmates are in immediate jeopardy.
- Policy provides that officers who fire weapons must be currently certified on weapons qualifications.
- Policy provides that a supervisor or other entrusted official of the prison may use physical force for the preservation of peace to maintain order or discipline or to prevent the commission of any felony or misdemeanor.

The investigation found that the officers' actions were "entirely within Department of Corrections policy."

The disturbance was found not to be racially motivated

Chapter 9

The Federal Correctional Institution, Talladega, Alabama

August 21 to August, 30, 1991

In settling the 1987 Atlanta and Oakdale riots, Bureau of Prison (BOP) officials had pursued a strategy of "endless patience," aiming to negotiate a peaceful resolution without concern for time. The Talladega riot by Cuban detainees four years later demonstrates its limits. Ten days into the disturbance, officials concluded that time was no longer on their side. The prospects for a negotiated settlement appeared to be dim, hostility among detainee factions threatened the safety of the hostages, and the health of some of the hostages was increasingly at risk. A carefully planned and rehearsed assault, maximizing the element of surprise, ended the incident without serious injuries to the hostages or to the detainees.¹

THE PERIOD BETWEEN THE ATLANTA/OAKDALE AND THE TALLADEGA INCIDENTS

In the first half of the 1980s, the Bureau of Prisons had consolidated the Cuban detainee population in one facility, the Atlanta penitentiary, with the overflow going to Oakdale. After the November 1987 disturbances, the detainees were dispersed among BOP's more secure facilities. Gradually, the detainees were reconsolidated, this time in a half-dozen specialized units around the country. One unit served as the reception and classification center (United States Penitentiary [USP]-Terre Haute, Indiana), two operated as general management units (USPs at Leavenworth, Kansas, and Lompoc, California), one

¹Note on sources: This chapter is based primarily on two sources. One is a round of interviews we conducted at the Talladega facility on December 22 and 23, 1991. Hereinafter "Interview." A second is the Bureau of Prisons' report on the disturbance: United States Department of Justice, Federal Bureau of Prisons, A Report to the Attorney General: Hostage Situation, Federal Correctional Institution, August 21-30, 1991 (Washington, D.C.: Federal Bureau of Prisons, November 8, 1991). Hereinafter, Report, 1991. All information on the events at Talladega not otherwise cited is from the Report.

housed detainees requiring intensive supervision (USP-Lewisburg, Pennsylvania), and two held detainees requiring psychiatric treatment (Medical Center, Springfield, Missouri) and drug treatment (Federal Correctional Institution [FCI]-Englewood, Colorado).²

Meanwhile, the accord that ended the 1987 disturbances provided that the government would establish a new set of procedures for reviewing the status of Cubans facing deportation. Under the new procedures, detainees were guaranteed advance notification of a hearing, permitted counsel, and could appeal an adverse decision to several independent factfinding review boards. If a detainee felt that the administrative process had been unfair, he or she could file a petition in the U.S. District Court.³ Airflights to repatriate excludable detainees, which had been suspended in May 1985, were resumed in December 1988. By August 21, 1991, 458 detainees had been returned to Cuba on those flights.

In July 1988, a unit at FCI-Talladega, Alabama, was converted to high security to serve as a final holding point for detainees being deported. Detainees were transferred to Talladega only after they had exhausted all appeals and their return to Cuba was a near certainty. However, from time to time, the repatriation process was interrupted. For example, during the week prior to the events under study, a flight to Cuba for 51 detainees was canceled by the Cuban government (the Pan American games were being held in Havana).⁴ Flights were planned for August 22, August 27, and September 6.⁵ On the morning of the disturbance (August 21, 1991), 67 detainees were within two weeks of deportation.

²Report, 1991, 4.

³Ibid., 4.

⁴Ibid., 7.

⁵Ibid., 7.

FEDERAL CORRECTIONAL INSTITUTION, TALLADEGA

FCI Talladega is situated in central Alabama. It opened in 1979 primarily as a medium-security prison, with a minimum-security prison camp outside the perimeter. The medium custody inmates were housed in five adjacent buildings, each designated by a Greek letter. In 1988, the Alpha Unit was upgraded to maximum security to house Cuban detainees.

On the day of the disturbance, there were 845 medium custody inmates in the institution and 165 minimum-custody inmates in the prison camp. Alpha Unit's 100 cells held 119 Cuban detainees and 18 U.S. citizens serving sentences.⁶ The latter population segment was an overflow from the institution's segregation unit.⁷ Alpha Unit was operating about 17 percent above its design capacity of 117.⁸ Thirty-one of the Cuban detainees had been at Atlanta or Oakdale during the 1987 disturbances.⁹

In upgrading Alpha Unit's security level, the Bureau of Prisons operated on the principle that the detainees had to be denied all opportunity for violence. Many had had histories of criminal violence. At the time of the riot, 71 percent of the detainees had been previously imprisoned for serious offenses, such as murder, rape, arson, or a significant drug offense. Forty percent had been disciplined while in the BOP's custody for at least one of five defined most serious infractions (murder, attempted murder, assault, attempted escape, or major contraband violation).¹⁰ Most, fearing reimprisonment in Cuba, were desperate to avoid deportation.¹¹

⁶Ibid., pp. 5-6.

⁷Ibid., p. 7.

⁸Ibid., p. 5,

⁹Ibid., 7.

¹⁰Richard Phillips, "Special Report: Crisis in Talladega." Corrections Today 53 (December 1991):132.

¹¹Ibid., 7.

Accordingly, steel plates were installed on the cell walls. Personal property allowed in cells was limited to toiletries, nonperishable food, legal documents, and educational material. Bedding and other materials in the cells were fire resistant and detainees were not allowed matches. Television sets were placed in each cell. Detainees remained in their cells around the clock except for medical treatment, three showers per week, and seven hours of recreation per week.

Since deportation flights were sometimes canceled by the Cuban government on short notice, recreation and other services were provided to detainees even the day before a scheduled flight. The number of staff in Alpha Unit was kept at a higher level than at typical BOP high security units.¹² Under a Unit Manager were a Lieutenant, 37 Correctional Officers spread over three shifts, two Correctional Counselors, a Case Manager, an Education Specialist, a Unit Secretary, and a Physician's Assistant.¹³ The Immigration and Naturalization Service (INS) also assigned four staff to the unit.

At the time of the incident, Alpha Unit was divided into four sections: two living areas (A Wing and B Wing), an administrative area between them, and a recreation area (see Figure 9-1). The two wings consisted of 50 cells on two floors, arranged in two semicircles facing a dayroom space. The administrative area contained offices for staff and other operational needs. These offices opened into both a corridor connecting the two wings and into the day space. From the main compound, three entrances led to the unit--one to each of the wings and one to the administrative area. A sallyport (a small antechamber with steel grilles at both ends) had been constructed at the three entrances.

The recreation yard was an area about 100 feet long and 44 feet deep, located 25 feet to the rear of the building. The area was divided into five miniyards, each enclosed on four sides and above by chain link fence. Three to five detainees at a time exercised in each miniyard.

¹²Ibid., 7.

¹³Ibid., 7.

Detainees were moved to and from the recreation yard under tight security. One detainee was moved to the yard at a time, accompanied by two officers. His hands were handcuffed from behind before his cell door was opened and a hand-held metal detector was passed over him before he exited a door at the rear of the housing unit. The walkway leading to the yard was enclosed by chain link fence. Once a detainee was inside the yard, a 4-foot deadbolt was moved across the gate and secured by a padlock. Only then were a detainee's restraints removed.

Once a group of detainees was secured in their miniyards, one officer remained outside to supervise. The officer's time was divided between moving from one recreation unit to the next (lighting cigarettes, providing water) and sitting at a point where he could observe the detainees. The walkway between the rear of the building and the recreation yard curved past an electrical transformer that serviced the building. The transformer obscured the line of sight between the rear door of the building and the position at which the officer would normally sit. Thus, to walk out the rear door and not immediately see the officer on duty was no reason for alarm.

TAKEOVER

On the morning of Wednesday, August 21, 1991, 23 detainees were in the five recreation yards.¹⁴ At around 10:00 A.M., the supervising officer moved a water container from just outside yard 4 to just outside yard 5.¹⁵ Just then, the three detainees in yard 5 removed the locking bar from the gate. BOP investigators were later unable to determine how this was done (the physical evidence was destroyed in the riot). In any case, the detainees opened the gate, grabbed the officer, and put a prison-made knife to

¹⁴The number of detainees on the yard is an estimate made by staff after the riot. The record of this was destroyed in the disturbance. Ibid., 8.

¹⁵Ibid., 8.

his neck.¹⁶ The officer tried to use his radio to call for help but was stopped. One of the detainees exchanged his detainee clothes with the officer's uniform.

The detainee in the officer's uniform and a second detainee then went to the spot where the officer sat to observe the yard, the area obscured from view from the housing unit by the transformer.¹⁷ The third detainee remained in the yard holding down the officer.

Meanwhile, inside the block, the Case Manager was in charge. The Unit Manager was off-duty. A non-Cuban inmate orderly approached the Case Manager and told him that there was a Cuban on the yard dressed in an officer's uniform.¹⁸ The Case Manager initially discounted this as unbelievable.¹⁹ Still, he felt it necessary to check for himself and he asked an officer to accompany him to the rear door. Looking through the door's window, the Case Manager observed nothing unusual, but the transformer obscured some of his vision.

The door leading from the building to the exercise area was locked by a deadbolt requiring a key. The Case Manager indicated to an officer who had the key that he wanted the door unlocked. The officer responded and unlocked the door, permitting the Case Manager and officer to exit. The door was not relocked. The Case Manager took a few steps down the walkway toward the exercise yard while the accompanying officer remained on the apron just outside the door.

Suddenly, the detainee dressed in the uniform sprang from his hiding place. The officer, still on the apron, yelled, "Hey, that's [detainee's name]" and spun around to enter the unit.²⁰ The Case Manager also turned around and ran back into the unit. The two detainees chased after the Case Manager, one

¹⁶Interview.

¹⁷Report, 1991, 9.

¹⁸Interview.

¹⁹Interview.

²⁰Interview.

armed with a knife and the other with the 4-foot bolt taken from the locking mechanism. The Case Manager was able to get inside the building before the detainees reached the door, but it could not be secured shut. A pneumatic device closed the door at its own pace. Also, the door opened out and there was a handle on the outside of the door but none on the inside. Once the door reached its frame, only the edging around the panes of the door's window could be used to pull on the door. With the leverage in their favor, the detainees swung open the door and then entered the unit. One of detainees yelled, "Everyone get down on the ground. I'm the sonabitch running the place now."²¹

In the A wing were the Case Manager, four officers, and an INS staff member. One of the detainees yelled, "if you hit the body alarm, I'm going to kill you,"²² but several officers equipped with them did. To make sure the emergency message got through, the Case Manager dialed an emergency number on the telephone.²³

At this point, the Case Manager began to tussle with one of the detainees. The two fell to the floor. Somehow the detainee obtained a sharpened mopstick which, apparently, had been hidden inside the unit in advance.²⁴ The detainee won the advantage and told the Case Manager that he was going to kill him.²⁵ Just then, an INS officer grabbed the mopstick from the detainee, allowing the Case Manager to get up. He and the INS officer, weapon in hand, ran into an administrative office. The door of this office did not lock from the inside, but they barricaded it with a filing cabinet. The four officers on A wing

²¹Interview.

²²Interview.

²³Interview.

²⁴Interview.

²⁵Interview.

decided that their best course was to lock themselves in an administrative office until assistance arrived.²⁶

They entered a hearing room and locked the door.

Meanwhile, the third detainee involved in the initial takeover was unlocking the other detainees in the exercise yards with the keys taken from the officer. They began to enter the building. The secretary to Alpha Unit, hearing the commotion, entered the wing from administrative offices. She mistook the detainee in an officer's uniform for an officer and was quickly taken hostage.²⁷ An INS officer also entered the unit and was taken hostage. Detainees took these two hostages into the recreation yard and handcuffed them from behind.

With their growing numbers from the yard, the detainees were able to take hostages all those in the wing. Several of the ten to 15 detainees present approached the office in which the Case Manager and the INS officer were hiding. They told the two, "Open the door or we're going to drag your * * * out."²⁸ The two decided that resistance would be futile, moved the filing cabinet, and were taken hostage. The weapon was taken from the INS officer.

The detainees then forced the Case Manager and INS officer to sit in chairs to which their hands were handcuffed. The Case Manager was kicked several times and hit in the head from behind with a mopstick.²⁹ He passed in and out of consciousness, finding it difficult to breathe. He later reported that he thought he would soon be dead.³⁰ (As it turned out, he suffered no lasting injuries.) A little later, he and the INS officers were moved to a vacant cell.

²⁶Interview.

²⁷Interview.

²⁸Interview.

²⁹Report, 1991, 9.

³⁰Interview.

Meanwhile, other detainees were attempting to break into the office in which the four officers had barricaded themselves. Initially, the detainees could not identify the keys to the office among those they had seized. They smashed the window in the door, but its bars prevented access. Finally, a detainee discovered the correct key and opened the door. Outnumbered, the officers surrendered without resistance.

Another INS employees and a B-wing officer entered A-wing to assist, both were taken hostage.³¹ In the incident's first 15 minutes, the detainees had taken 11 hostages, three of whom were female.

Initial Response

Responding to the alarms, the Acting Captain and several lieutenants entered the B-side of the unit and began to walk through the corridor to the A-side. Part way down, they saw the detainee wearing the officer's uniform standing in the doorway that opened into A-side. The detainee shouted at them not to go any further and began to wave the sharpened mopstick at them.³² A second detainee, holding a knife and several padlocks tied together, stood behind the first detainee.

The Captain issued an order for staff to obtain riot control equipment from the control center in the belief that riot could be contained to the A-wing. The Captain also ordered a lieutenant to report the situation to the Acting Warden, who had been monitoring events from the administration building. The Acting Warden, after having been briefed, decided to evacuate the building to prevent the taking of additional hostages.³³ He sent the lieutenant back to the unit with the order.

Before he arrived, a confrontation occurred between the detainee in uniform and staff in the corridor linking the A and B sides. The detainee repeated his warning to staff not to enter A-side. As he did this, another detainee grabbed a fire extinguisher from the wall and wielded it in a threatening manner. Two

³¹Interview.

³²Interview.

³³Report, 1991, 10.

lieutenants then rushed toward the door which, if closed, would limit the disturbance to the unit's A-side. As they were trying to close the door, the detainee in uniform began to strike one of the lieutenants with the mopstick. The two lieutenants were forced to retreat.

The lieutenant returned to the building carrying the Acting Warden's order to evacuate the building. It was issued and, by 10:20 A.M., the detainees were in control of all of Alpha Unit.

Counterriot Mobilization: The Prison and the System

Prison officials had, by 10:25 A.M., locked the remainder of the prison. The prison's Special Operations Response Team (SORT) was deployed around the building.³⁴ The Warden arrived a few minutes later and assumed control. BOP employees, assisted by the Talladega Police Department, began patrols around the prison's perimeter.

The Central Office, the BOP Southeast Regional Office in Atlanta, and the FBI were notified. The Regional Director arrived at 2:30 P.M. to assume local command of the crisis. Over the next ten days, he would remain the senior BOP official in charge on-site, and would discuss important decisions with the Director. Also that afternoon, BOP staff arrived from USP Atlanta, the Regional Office, and FCI, Marianna, Florida. Over the next several days, additional resources were mobilized. A second Regional Director joined the first, and three Wardens were brought to assist Talladega's Warden. Halfway through the crisis, two BOP Assistant Directors from the Central Office joined the management team assembled at Talladega.

Two hours after the riot started, the Assistant Director for Correctional Programs activated a command center at the Central Office in Washington. The command center staff would come to include, from the Bureau, two Assistant Directors, a representative from the Office of Emergency Preparedness, a recorder, and a representative of the intelligence staff. Also present would be personnel from the FBI,

³⁴Interview; also, Phillips, "Crisis in Talladega," 128.

U.S. Marshals Service, and INS. One of the key tasks of the Center was to coordinate the efforts of the various agencies involved. The Acting Attorney General, William Barr, approved all major decisions and was in frequent contact with the Directors of the BOP and FBI. The BOP staff members provided regular briefings to the staff of Congressional committees with oversight responsibility for the Bureau.

In the first stages of the riot, six SORT teams, each with 12 to 15 members, were sent to Talladega from other prisons.³⁵ Six more were added later. The FBI sent 184 agents and other specialized personnel.³⁶ These included the agency's Hostage Rescue Team (HRT) and the Special Weapons and Tactics Teams (SWAT) from Atlanta and Birmingham. (The HRT, established in 1982 in response to concern over terrorism and hijackings, has 50 members assigned to the unit.³⁷ Their only duty is to train for responding to such incidents. Members of the Bureau's SWAT teams, which are based in major cities, are given other investigative assignments.³⁸)

In addition, 12 U.S. Marshals and nine INS employees were sent to the site.³⁹ Dozens of BOP staff members from nearby facilities were brought to the prison to help maintain the operation of the rest of the prison.⁴⁰

Meanwhile, the Talladega facility staff began working 12-hour shifts. They acquired equipment and constructed temporary facilities, such as showers, quarters for negotiators, and shakedown rooms. A few days into the disturbance, they helped prepare a housing unit to be used to practice an assault, should one become necessary.

³⁵Ibid., 127.

³⁶Ibid., 127.

³⁷New York Times, "FBI Rescue Team's Baptism of Fire," August 31, 1991.

³⁸Ibid.

³⁹Phillips, "Crisis in Talladega," 127.

⁴⁰Report, 1991, 30; Phillips, "Crisis in Talladega," 127.

At Talladega, the Warden's office was converted into the prime command area, an executive assistant's office was used as the communication room, and the business office was set up as the local FBI command center. The hostage negotiators operated from a room in the same building on the first floor.

One of the immediate concerns in the Central Office was that the Talladega disturbance would prompt riots in other prisons. All BOP facilities were informed that they should watch closely for signs of unrest, especially among Cuban detainees, and take preventive measures when necessary. The Bureau also contacted INS facilities and 31 state and local facilities which held sizable numbers of detainees.⁴¹

The families of the hostages were notified and a center was arranged for them at the prison's training center. During the first evening, the Director of the Federal Bureau of Prisons spoke over telephone to the families of the hostages and later sent a videotaped message. Over the ten days, the families were briefed regularly by senior members of the prison staff, as often as once every two hours. Psychologists and chaplains were available for counselling. Materials were developed for the families that helped explain, for example, what to expect when the hostages were released and how to manage children's stress. The family center operated with a staff of 30 at its height.⁴² Some family members stayed at the prison nearly around the clock until the hostages were released.

Negotiations Begin and Hostages Wait

When the disturbance began, a Counselor assigned to Alpha Unit was at a warehouse just outside the perimeter.⁴³ Over his radio, he heard that a disturbance had begun, entered the compound, and walked to the sallyport that enters the administrative area of Alpha Unit. The detainee who had been the

⁴¹Report, 1991, 11.

⁴²Ibid., 32.

⁴³Interview.

prime mover of the disturbance was standing there and the two began to talk.⁴⁴ The detainee leader told the Counselor that no hostage would be harmed so long as no effort was made to rescue them. He also explained that they wanted a cancellation of the deportation scheduled for the next day and, eventually, the release of all Talladega detainees to society. Finally, the detainee explained that they were going to release the Case Manager because of his injuries. After some discussion, he was released.

Throughout the afternoon and evening, the inmates insisted that they would speak only with this particular Counselor, apparently because of their high regard for him. Some of the conversation between the Counselor and detainees took place at the Alpha Unit sallyport but most occurred over officers' radios captured by the detainees. The radio conversation was initially chaotic. Five or six radios were being used simultaneously by different detainees and, to avoid identification, detainees called themselves by numbers (e.g., "This is number three.").⁴⁵ A physician's assistant, who had worked in the unit, listened to the conversations and helped the Counselor identify voices. Later in the day, the Counselor told the detainees that they had to limit the conversation to one radio. Eventually, one of the detainees rounded up the additional radios, making conversation more manageable.

In the first hours of the disturbance, prison officials had allowed the detainees to make telephone calls to the outside. Many contacted family and friends. Others called the Cable News Network (CNN), and the Atlanta-based legal aid attorney who had been involved in the settlement of the 1987 riot. Efforts to contact the Washington Post and officials at the United Nations were not successful. On Wednesday evening, a BOP spokesman explained to the press that "We kept the phone lines open because the inmates

⁴⁴Interview.

⁴⁵Interview.

have threatened the hostages' lives if we don't."⁴⁶ (The outside lines were disconnected the next day, Thursday, at 1:00 P.M.)⁴⁷

Also in the first hours of the disturbance, prison officials began to construct a temporary fence around Alpha Unit.⁴⁸ A tractor was brought in to dig post holes. The detainees responded that they would kill a hostage unless the construction stopped and it was.⁴⁹

There was little food in the unit, mostly small amounts of commissary items stored in cells. In the late afternoon, detainees and prison officials agreed to exchange three hostages for sandwiches. The sandwiches, the inmates insisted, had to be commercially produced and in sealed envelopes to ensure that they would not be "laced with drugs."⁵⁰ Prison officials arranged to have 150 sandwiches brought to the prison, but the detainees decided against the exchange after they arrived.

Over the ten-day period, the hostages were not physically abused. They were allowed to shower and wash their clothes. Female hostages were fed small rations of cereal and candy; male hostages received less. The detainees did not separate the hostages to make an assault more difficult, as had been done at Atlanta and Oakdale.⁵¹ Instead, the hostages were kept, most of the time, in one room. The Warden would later comment that the detainees "acted like they were totally secure."⁵²

⁴⁶New York Times, "Cuban Inmates Seize Prison Wing," August 22, 1991.

⁴⁷Report, 1991, 12.

⁴⁸Interview; Phillips, "Crisis in Talladega," 128.

⁴⁹Interview.

⁵⁰Interview.

⁵¹As noted above, 31 of the Talladega detainees were at Oakdale or Atlanta during the 1987 disturbances. It is not known (to us) how many of the active participants in the Talladega riot had also been active in the riot at Atlanta or Oakdale.

⁵²Interview.

Still, the detainees made it clear that they were prepared to kill the hostages if an assault were made. Several days into the disturbance, the detainees required the hostages to place their identification cards in a pillow case.⁵³ One was drawn and its owner was told that he would be the first to die if an assault were made. During the course of the disturbance, several of the hostages wrote letters to their families in the event of their death.⁵⁴

Late in the first evening, the Counselor began to prepare the detainees for his departure from the institution. He told the detainees that he had been there all day, was exhausted, and was going home.⁵⁵ About 11:00 P.M., the Counselor left the prison and, after this, did not resume duties as a negotiator. Two trained negotiators from the prison staff and an FBI special agent from Birmingham took over as negotiators.⁵⁶ In subsequent days, they were joined by other specially trained BOP and FBI negotiators, forming the negotiating team that lasted through the ten days of the disturbance. They developed a strong rapport among themselves, dubbing their group the "brain trust."⁵⁷ They worked in shifts to have 24-hour coverage.

NINE MORE DAYS

The subsequent nine days can be divided into four periods: (a) a day and a half during which prison officials worked intensely to develop a resolution strategy and organize resources but detainees more or less refused to talk to prison officials; (b) four days of stalemated talks; (c) two days in which negotiations

⁵³Report, 1991, 17, 31.

⁵⁴Interview.

⁵⁵Interview.

⁵⁶Interview.

⁵⁷Interview.

had promise but then deteriorated; and (d) a day during which an assault was decided upon and carried out.

The First Two Days: Thursday, August 22 - Friday, August 23

Throughout the disturbance, those in command at Talladega worked intensely gathering and assessing information, developing contingency plans, and assembling resources. This effort continued nearly around the clock, often with the only lull in activity occurring between 3:00 A.M. and 4:00 A.M..

There was little change in the situation during the first night. A direct phone line to the detainees was activated the first day.⁵⁸ Most of the contact over the next several days took place over this line.

On Thursday, the first full day of the riot, there was little progress toward a resolution. The strategy taken by officials was the one developed at Atlanta and Oakdale. Asked about the possibility of using force to retake the unit, a BOP spokesman echoed the strategy of endless patience, "There is no need to go in. We have patience."⁵⁹

The detainees appeared to remain disorganized. Fist-fights among them were frequent. Several leadership groups emerged, but they were fleeting. None of the detainees would take responsibility for conversation that might lead to a resolution. From time to time one detainee or another raised substantive issues, which included demands to speak with "an authority higher than BOP," a commitment not to use tear gas, and the provision of food.⁶⁰ These conversations lacked continuity, as demands made by one detainee were not raised by the next.

An exception was the issue of medical treatment for the hostages and detainees, which figured prominently in the early discussions and would remain important throughout the ten days. The detainees

⁵⁸Interview.

⁵⁹New York Times, "1987 Cuban Riots Taught Both Sides," August 27, 1991.

⁶⁰Report, 1991, 12.

were told that one hostage had hypertension, one detainee was diabetic, and another detainee suffered from epilepsy. While none of these conditions were immediately life-threatening, it was explained, they all required medical attention. Late Thursday afternoon an agreement was reached that allowed medical staff to provide medication to three hostages, and in return, three detainees were given medication. Officials then permitted the detainees to call the Atlanta attorney. The detainees later asked for a second call to the attorney, but that request was denied.

Also on Thursday, detainees twice brought female hostages into the fenced recreation area, apparently to gauge the level of staff readiness or just to see what would happen. On the first occasion, 25 detainees entered the yard with the hostage and began to tamper with the fence. BOP SORT teams closed in and the detainees retreated. In the second occurrence, seven detainees entered the yard and had their hostage yell to staff that the detainees should be allowed to contact CNN and "international authorities."⁶¹

Meanwhile, at the prison entrance, media representatives began to assemble, eventually reaching about 50 in number (the coup in the Soviet Union had just occurred, diverting some of the press's attention away from the incident). A problem arose when prison officials discovered that media personnel equipped with scanning receivers were able to listen to some of the conversation between detainees and prison officials.⁶² The Warden explained to reporters that they were hearing only one side of the conversation, missing the response of the prison negotiators, who often asked the detainee to continue the conversation over a secure telephone line. The Warden cautioned the reporters that the "possibility of misinterpretation could seriously detract from our efforts to resolve this peacefully."⁶³ Prison officials

⁶¹Ibid., 13.

⁶²Ibid., 15.

⁶³New York Times, "No Progress Seen in Siege at Prison," August 25, 1991.

jammed the channels to prevent further monitoring.⁶⁴ By the next day, press found the conversation on their scanners inaudible.⁶⁵

The prison was quiet overnight. On Friday morning, contact with the detainees continued to be intermittent, with no significant conversation taking place or progress being made. By midday Friday, prison officials felt that something had to be done to engage the detainees' attention.⁶⁶

An Intransigent Posture: Friday Afternoon, August 23 until Tuesday Afternoon, August 27, 1991

At 2:20 P.M., prison officials moved a large barbecue grill to an area near the entrance of the Alpha Unit, nominally to cook a meal for the general population inmates. The real purpose was to stimulate conversation with the detainees.⁶⁷ The detainees did not recognize the barbecue as such. To them it appeared to be some sort of tactical weapon, perhaps a huge bomb to breach the entrance or a remotely operated minitank.⁶⁸ The detainees told prison officials that they wanted the device removed immediately.⁶⁹ Several of the hostages, themselves confused about the grill's purpose, yelled the same thing. The detainees threatened two hostages with weapons and some of the hostages felt they might be killed on the spot.⁷⁰

Prison officials pulled the grill back five feet from the entrance. One purpose in doing this was to ease the tension. In addition, one of the detainees demanding the grill's removal was considered, by BOP

⁶⁴Report, 1991, 15.

⁶⁵New York Times, "1987 Cuban Riots Taught Both Sides," August 27, 1991.

⁶⁶Interview.

⁶⁷Interview.

⁶⁸Interview.

⁶⁹Interview.

⁷⁰Interview.

officials, as someone who might play a constructive role in the negotiations. Officials believed that if he could be seen by other detainees as gaining concessions, he would gain stature among fellow detainees. In any case, the tension did ease and the detainees and prison officials began to talk. The conversation lasted until 4:00 A.M. the next morning, Saturday, August 24. Tangible progress was achieved in only one area: The detainees agreed to allow medical staff to examine six of the ten hostages.

On Saturday morning, medical staff examined the six hostages. These (and subsequent) medical examinations were cursory. They were conducted through the entryway grille and physical contact was not allowed. Five of the hostages showed no signs of ill health. The condition of the hostage with hypertension was worrisome, but still not immediately life-threatening. Medical staff were also concerned about the diabetic detainee. He had thus far suffered no ill effects, but his condition could suddenly turn for the worse in the absence of food and medical observation. The medical staff and negotiators tried to convince the detainees that these medical conditions warranted the release of the hostage and the diabetic detainee. The detainees refused. Medical staff returned to the unit in the evening, but this time the detainees would not let them examine either the hostages or detainees.

At about 1:40 P.M. the next day, Sunday, August 25, detainees sent out a bottle with two notes. One, purportedly from a hostage, reported that the hostages and detainees were tiring and getting weak. It asked for food and medication and urged the government to "get going" on negotiations.⁷¹ A note from detainees requested a number of medications and listed several detainees wanting to be seen by medical staff. In response to a later telephone request made by a hostage, a transparent bag containing hygienic items, but not the requested medicine, was hung on the entryway grille. The detainees did not retrieve it.

At about 2:30 A.M., on Monday, August 26, the detainees called prison officials to renew their request for medications. They were told that no medications would be provided unless detainees removed

⁷¹Report, 1991, 17.

the blankets they had placed over the unit's windows. (Auxiliary lighting had been set up around the building.) The detainees refused and made a point of keeping the lights turned off inside the unit to further reduce visibility.

At about 8:45 A.M., medical staff approached the sallyport. The detainees told them they would stop medicating the hypertensive hostage unless all of the medication they requested was provided. Later that day, they threw the bag with hygienic items away from the building. BOP staff retrieved the bag and returned it to the grille door. Officials told the detainees that afternoon that the hostage with hypertension needed treatment by a doctor and that his health was of great concern to them.

In the early evening, medical staff again approached the unit. The detainees reciprocated by removing the blankets from the windows. The detainees allowed the staff to examine a number of detainees, but no hostages were brought forward. Midmorning on Tuesday, August 27, the detainees said that they would allow the hypertensive hostage to be examined. At the arranged time, however, the hostage was not brought forward, with no explanation given.

Beyond these exchanges over medical treatment, conversations between detainees and the government were minimal. There was little discussion of any substantive issues that might lead to resolution. This situation began to change on Tuesday afternoon.

Serious Negotiations Begin: Tuesday Afternoon, August 27 through Thursday Afternoon, August 29

During Tuesday morning and early afternoon, the detainees began to prepare for the disturbance's first formal face-to-face negotiation. Up to that point, the detainees had shown little interest in negotiations. On Tuesday, they appeared far more deliberate, clearing the sallyport of debris and moving a table to an area about five feet in front of it. They requested a face-to-face negotiation session which began around 2:00 P.M. The four detainee negotiators remained behind the grille. Three FBI and two BOP negotiators were seated at the table. Twenty feet to their rear were two BOP SORT teams.

The detainees stated that they did not want to be repatriated to Cuba. They explained, however, they would give their written demands only to individuals of their choosing, not to BOP negotiators, whom they did not trust. The detainees named a reporter from El Nuevo Herald (a Spanish-language newspaper affiliated with the Miami Herald), a reporter for CNN, and the Atlanta-based attorney. The detainees also complained about having little food, but vowed that they would not surrender for food or in the face of threatened force.

The government negotiators argued for the release of at least three hostages, in particular the hostage with hypertension. They insisted that, at a minimum, medical staff should be allowed to examine the hypertensive hostage. The detainees denied all of these requests. The conversation lasted about 15 minutes.

The day ended with a minor skirmish. About 6:00 P.M., 20 to 30 detainees climbed on to the roof of Alpha Unit. They displayed banners reading: "Please media, justice or death"; "We haven't had food for a week. The hostages are dying due to lack of food"; and "We love you, pray please."⁷² Several detainees began to hook up a fire hose, apparently to use against staff. Officers approached the building to turn off the water to the unit. Detainees on the roof threw pieces of concrete and other debris at them. BOP SORT teams countered with stinger grenades, nonlethal devices that expel 180 rubber pellets in a 50 foot spread. This drove all but about a dozen detainees from the roof, with whom the staff then began to talk. They left the roof about 10:30 P.M., in exchange for which staff turned the water back on. The SORTs did not, however, pull back to their original position, but rather used the incident as an opportunity to tighten the perimeter around Alpha Unit.

These events took on importance elsewhere. Media cameras were restricted to an area far removed from Alpha Unit. Even so, on a hill several hundred yards away, media were able to use powerful camera

⁷²Report, 1991, 21.

lenses and binoculars to observe some of the events on the compound.⁷³ They included the rooftop skirmish, which was videotaped.

That evening, detainees at MCI Marianna watched the broadcast of those events. According to staff reports, the detainees were visibly angered when they saw the government use force in response to the detainees' actions. The next morning, Wednesday, August 28, 62 detainees at Marianna were placed in detention as a precaution against possible retaliatory or sympathetic action.

At the Metropolitan Correctional Center, Miami, staff defeated a plan by two detainees to take a female correctional officer hostage. The inmates had been able to breach the security of their cell door and had weapons. BOP investigators later found no evidence directly link these events to the ones at Talladega, and their occurrence at the same time may or may not have been coincidence.⁷⁴

On the same morning, Wednesday, August 28, prison officials at Talladega brought the El Nuevo Herald reporter to the prison after she agreed to abide by the conditions established by prison officials. She was taken to an area about 20 yards in front of Alpha Unit. Over a bullhorn, the reporter told the detainees that she would discuss with them their situation and report on it. She explained that she would be allowed to remain at the prison one hour, during which time the detainees had to release all hostages in need of medical treatment. If this were done, she would be able to return to the unit to discuss the detainees' situation with them.

About 45 minutes into the deadline, a group of detainees brought one of the female BOP hostages to the grille on a stretcher. The detainees allowed medical staff to examine her but would not release her. At this point, additional detainees began to crowd into the area near the grille door, asking for medical attention. They became disorderly, which forced the medical staff to leave. The one-hour deadline passed with no hostage released. The reporter was escorted from the prison.

⁷³New York Times, "Hostages Hungry, Inmates' Sign Says," August 28, 1991.

⁷⁴Report, 1991, 22.

For the rest of the afternoon there was little activity. At about 2:45 P.M., a hostage talked to staff by phone, reporting that the hostage who had earlier been brought to entrance on a stretcher was still "doing poorly."⁷⁵ Three hours later, at about 5:45 P.M., the detainees said that they would release one of the female hostages if the El Nuevo Herald reporter was brought back to the unit. When she returned to the unit, the detainees stated that they also wanted to speak with a CNN reporter. The El Nuevo Herald reporter was again escorted from the prison.

A half hour later, the detainees told officials that they would release a hostage if the reporter was returned. She was brought to the area in front of the unit and the detainees released the Unit Secretary at 6:30 P.M.. In fact, she had feigned her illness to secure her release. She was given a medical examination and then reunited with her family. Soon after this, she provided BOP officials with crucial information about the location of the hostages and other details of the situation within the housing unit. Later that evening, she talked to the families of other hostages.

With the hostage released, the reporter (accompanied by a photographer) approached the entryway. The detainees gave her a two-page typewritten document with five demands. In paraphrased form, they were:

- The United Nations immediately pass a resolution condemning the deportation of Mariel Cuban refugees as a violation of United Nations convention and protocol on the status of refugees. The resolution would also call for the abrogation of the 1984 deportation agreement between Cuba and the United States. The U.S. government must agree to abide by this resolution and make this agreement public.
- The immediate release of all Mariel Cubans at Talladega directly to their families, sponsors, or representatives of the Cuban community in Miami or another city.
- The U.S. Congress immediately pass a law that would prohibit the U.S. government from repatriating any Talladega detainee and order their immediate release.
- Two representatives from the International Red Cross be brought immediately to the prison to provide medical attention to the detainees and hostages.

⁷⁵Ibid., 23.

- The immediate creation of a Commission that would negotiate with the Department of Justice and INS on behalf of the detainees under conditions established by the detainees. Members of the Commission would include the U.N. Commissioner for Refugees, a U.S. Congressman, a U.S. District Judge, Coretta Scott King, the Atlanta legal aid attorney, the El Nuevo Herald reporter, and a reporter from CNN.

The document's final, underscored line was "JUSTICE, FREEDOM, or DEATH."⁷⁶

Government officials were disappointed.⁷⁷ The government was unwilling to offer anything that would come close to the five demands. In particular, the government was committed to the position that the detainees would be returned to Cuba. There appeared to be little ground on which to build a compromise.

The overall situation can be summarized by comparing it to the one at Atlanta. At Atlanta, the detainees had, on one hand, achieved a strong tactical position. The physical layout of the prison and the dispersal of the 100 hostages made a quick tactical strike difficult, if not impossible. In the event of an assault, detainees would have an opportunity fulfil their pledge to harm or kill at least some of the hostages. On the other hand, there were issues around which negotiations could take place and both sides were willing to make concessions. In the end, the rioting Atlanta detainees gained the government's commitment to a new review process and a promise not to prosecute them for involvement in the disturbance per se. The government, not necessarily opposed to a new review process, won the release of the hostages unharmed.

The Talladega situation was different. Each of the detainees' demands exceeded anything the government could accept. From the government's perspective, deportation was a closed matter. To allow it as a negotiating point would undercut the review process,⁷⁸ which had become crucial to the

⁷⁶Ibid., Appendix C

⁷⁷Interview.

⁷⁸Phillips, "Crisis in Talladega," 129.

government's handling of a decade-long criminal justice and diplomatic problem.⁷⁹ At Atlanta, in contrast, demands to improve the review process implicitly affirmed (rather than denied) the legitimacy of the review process.

Also, at Talladega the government was concerned that to accede to the detainees' demands might inspire detainees in other BOP facilities to rebel to gain the same concession.⁸⁰

At the same time, the Talladega detainees were confident that the government would not launch an assault. They kept the detainees in one room, allowing the government a tactical advantage they did not have at Atlanta.

Later that evening, Cuban detainees in USP Terre Haute created a minor disturbance, flooding a portion of their housing unit. Fifty-seven detainees were placed in detention as a preventive measure.

The Assault: Thursday, August 29 through Friday, August 30

On Thursday morning, staff provided Alpha Unit a meal of rice, ground meat, bread, and coffee. The purpose was to nourish the hostages, some of whom appeared to be growing ill after a week of meager rations. In return, the detainees allowed medical staff to examine all of the remaining nine hostages at the entry grille. During the examinations, several of the hostages used hand signals to communicate that the situation inside the unit was deteriorating and that now, more than ever, they feared for their lives.⁸¹ The hostage with hypertension had a markedly elevated blood pressure reading. His medication was increased.

Through the morning, negotiators for the detainees and the government continued to talk over the telephone, mainly about the provision of food. The detainees asserted that the government had reneged

⁷⁹Ibid., 129.

⁸⁰Ibid., 129.

⁸¹New York Times, "U.S. Agents Storm Prison in Alabama, Freeing 9 Hostages," August 31, 1991.

on a promise for additional food. Government negotiators stated that this was not the case. Around noon, the detainees requested a face-to-face negotiation session for 1:30 P.M. Government negotiators agreed.

Before the sessions took place, the BOP and FBI on-site commanders discussed whether the strategy of negotiation should be abandoned in favor of a tactical assault. Several factors pointed in that direction. First, negotiations had achieved little headway. The government was unwilling to grant the detainees' primary demand, that they be released, and the other demands provided little, if anything, over which bargaining could take place.⁸²

Second, hostilities among the detainee factions were flaring up. For example, at about the same time as the negotiation request, detainees held a meeting among themselves. From what staff could observe, the meeting turned into a hostile confrontation. Officials feared that those detainees who had been safeguarding the hostages would lose their grip on the situation. Third, the health of the hostages, especially the officer with hypertension, was of growing concern.

Fourth, a tactical rescue looked feasible. The tactical forces were as ready as they could be. A Talladega housing unit similar in construction to the Alpha Unit had been used for practice runs. This had been possible by surrounding the unit with plastic sheets and conducting the practices at night, when floodlights aimed at Alpha Unit obscured visibility to the detainees.⁸³ Practice runs allowed for continual refinement of the assault plan and familiarization with the floor plan of the unit.

Fifth, officials were concerned that an unscheduled emergency assault might become necessary.⁸⁴ Maximizing the element of surprise would give the government a crucial edge. This would be while most detainees were asleep.

⁸²Report, 1991, iii, 25; Phillips, "Crisis in Talladega," 131.

⁸³Interview.

⁸⁴New York Times, "F.B.I. Rescue Team's Baptism of Fire," August 31, 1991.

Finally, while not necessarily figuring in the decision to launch an assault, several facilities around the country had been experiencing disruptions as related to the prolonged Talladega riot. Most of the BOP's facilities had continued to operate normally, but lockdowns of detainees were necessary at MCC Miami (22 detainees), FCI Marianna (62 detainees), USP Terre Haute (57 detainees). Other preventive measures were taken at nine other facilities (FCI Oxford, Wisconsin, FCI McKean, Pennsylvania, USP Leavenworth, Kansas, FCI Tallahassee, Florida, Medical Center for Federal Prisoners in Springfield, Missouri, USP Lompoc, California, FCI Phoenix, Arizona, and Terminal Island, California.) BOP officials were apprehensive that the Talladega disturbance would continue to unsettle other BOP facilities.⁸⁵

The recommendation of the BOP and FBI onsite commanders for an assault was forwarded to their respective directors.

A passing thunderstorm delayed the face-to-face negotiation session scheduled for 1:30 P.M. until 4:40 P.M. In a drizzle, government negotiators and detainees began to talk, once again at a table placed in front of the unit's entryway grille, with SORT personnel standing behind the government negotiators. BOP negotiators informed the detainees that the government was unable to meet any of their demands. The government offered to provide detainees an evening meal in return for an opportunity to examine the hostages again.

On Thursday evening, Acting Attorney General William Barr moved from the Department of Justice to FBI headquarters, where the agency's Strategic Intelligence Operation Center was located. He met with BOP Director J. Michael Quinlan, FBI Director William Sessions, and FBI Deputy Director Floyd Clark. After this input and consideration, he gave the order to free the hostages forthwith.

At about 10:00 P.M., a full meal was taken to Alpha Unit. In providing the meal, officials had three purposes in mind. First, prison officials wanted to be able to see all of the hostages. This was achieved, as the hostages were allowed to eat at a table set up in the sallyport. Second, prison officials wanted the

⁸⁵Report, 1991, iv.

detrainees to feel that they were the ones gaining ground, having won a victory in obtaining a meal. This perception might lower the detainees' vigilance against an assault. In fact, that evening the detainees did appear to be more relaxed and less concerned. Finally, a full meal might allow the detainees to rest more deeply during the night.

At about 1:30 A.M., Acting Attorney General Barr reconfirmed his order to retake the unit, after having conferred with Director Quinlan, FBI Director Sessions, and tactical and negotiation staff in Talladega. The decision was not shared with the government negotiators, to avoid the possibility that the detainees might detect a change in their voice inflections.

At 3:40 A.M., FBI HRT personnel used explosives to blow open the two entryways. The HRT stormed into the building with FBI SWAT behind them and BOP SORT deployed on the rooftop. Several flashbang grenades, deafening explosives that create a blinding light, were detonated inside the unit. The detainees, taken by surprise, put up little resistance. The hostages, who had prepared themselves for this moment, barricaded the doorway to their room with mattresses.⁸⁶ Several detainees tried to enter the room but were unable to before rescuers arrived. One FBI agent described the scene as "loud, confused, and smoky."⁸⁷ Within two minutes, all of the hostages were taken out of the unit and identified by Talladega staff. They were taken to a hospital and all were found to be in relatively good health. One detainee was injured, suffering a minor laceration from the initial explosion.

Once the hostages were removed, the HRT secured the rest of the building. BOP SORTs entered the unit to apply restraints to the detainees and move them to a grassy area near the building. By 5:00 A.M., all of the detainees had been accounted for and moved to a nearby housing unit which had been emptied in anticipation of its use as a temporary holding area for the detainees.

⁸⁶Interview; New York Times, "U.S. Agents Storm Prison in Alabama, Freeing 9 Hostages," August 31, 1991.

⁸⁷New York Times, "U.S. Agents Storm Prison in Alabama, Freeing 9 Hostages," August 31, 1991.

AFTERMATH

Acting Attorney General Barr, BOP Director Quinlan, and FBI Director Sessions flew to Talladega early Friday morning. Acting Attorney General Barr told reporters that President Bush had called him that morning to convey his congratulations for a job well done.⁸⁸ He added, "I am grateful beyond words and proud beyond measure."⁸⁹

Damage to Alpha Unit was relatively light. Within 30 hours, the unit was reopened and detainees returned to it. At this writing, a new, more secure exercise yard is being constructed for Alpha Unit. While the locking procedures in the old yard had been elaborate, the new procedures will be even more elaborate. A video observation system is being installed.

LESSONS LEARNED: FROM ATLANTA TO TALLADEGA

Following the Atlanta/Oakdale disturbances, the Bureau committed itself to developing its emergency response organization. Talladega demonstrated the strides that had been made and where additional work was needed.

One of the major gains demonstrated by the Talladega situation was the extent of interagency cooperation. During the Atlanta and Oakdale riots, these cooperative relationships had to be worked out during the disturbance. At Talladega, they were in place at the outset and worked flawlessly. The Bureau of Prisons remained in charge, but had the unreserved assistance of the Immigration and Naturalization Service, U.S. Marshals, and FBI as well as state and local law enforcement.

Another successful aspect of the Talladega situation was the delineation of authority. At Atlanta and Oakdale, it had been initially unclear as to whether the Warden or Regional Director would exercise authority at the local level. By the time the Talladega disturbance occurred, the policy had been clarified.

⁸⁸Ibid.

⁸⁹Ibid.

Within hours of the start of this disturbance, the Southeast Regional Director had arrived to assume command of the situation.

While the Talladega riot confirmed the gains made by the BOP, it also pointed out areas needing further improvement. Four days after the riot's end, a review team was appointed to investigate the disturbance and develop recommendations for change. The team was staffed by eight senior BOP staff members and one senior staff member each from the FBI and the INS. Three members of the Bureau's Executive Staff served as advisors. The team's Report offered 31 recommendations, with three areas receiving particular attention.

Hostage Negotiations

The Talladega Report calls for "clear and definitive leadership" in the Bureau's hostage negotiation program at both the Central Office and local levels. At the Central Office, this leadership would come from the creation of a new position "Chief Hostage Negotiator." This individual would be given overall responsibility for developing the Bureau's program in this area. The Chief Hostage Negotiator would also have responsibility for assigning negotiators to an ongoing incident as needed. She or he would be accessible 24 hours a day via a pager.

Changes in hostage negotiation tactics were also recommended at the local level. According to the review group, the Bureau's training program had primarily prepared negotiators to negotiate as individuals, giving insufficient attention to developing negotiating teams.⁹⁰ To remedy this, the Report recommended that the Bureau's 32-hour hostage negotiation training program be modified to train teams of negotiators, not just individuals, at each institution.

Finally, the Report recommends that stronger collaborative relationships be established between negotiators and tactical and command center personnel and with other law enforcement agencies. This

⁹⁰Report, 1991, 38.

should occur at both the Central Office and local levels. To achieve this, the Chief Hostage Negotiator would become involved in training exercises with the FBI hostage negotiators and the Hostage Rescue Teams. At the local level, the BOP officials would arrange joint exercises with local law enforcement agencies. Additionally, during the BOP's negotiation training program, negotiators would participate in field practice sessions with tactical and command center personnel twice a year.

Another issue concerning negotiations was that one of the FBI negotiators had also been a negotiator at Atlanta. A Talladega detainee, who also had been at Atlanta, had developed a strained relationship with that FBI agent. Based on this, a senior BOP staff member suggested that, in selecting negotiators (especially those brought in from the outside), previous associations between prospective government negotiations and inmates should be taken into account.

Media Related Issues

Officials at Talladega faced problems relating to the media. First, they had to prevent media from providing information (correct or otherwise) to inmates holding hostages. This had been problematic at Atlanta, where television cameras broadcasting live could observe tactical movements just outside the wall. At Talladega, the problem was partly resolved by locating the media some distance away. However, the media were able to use binocular and television camera lenses to observe some events. In at least one instance, the pictures transmitted contributed to inmate unrest at another facility.

A second problem at the Talladega disturbance was to decide what information could be released to the media. This proved far more time consuming than anticipated. As a result, press briefings were not held according to schedule. Many media personnel, not sure when the next briefing would occur, remained at the briefing area, which became congested.

The Report suggests how media relations along these lines might be improved. One recommendation was that the Public Information Office in the Central Office should develop an emergency

plan that would identify the PIO staff members to be notified in the event of an emergency, their assignments, and the chain of command. In addition, the plan should specify how the routine public affairs tasks would be covered during the emergency.

Another recommendation was that the Central Office develop guidelines to assist each facility in establishing a plan for handling media during an emergency. According to the Report, "Most facilities merely state in their emergency plans that 'the PIO [Public Information Officer] will handle all media inquiries.'"⁹¹

A third problem concerning the media was the use of media personnel as third-party intermediaries. The Atlanta/Oakdale Report had recommended that third parties be given a limited and carefully circumscribed role in negotiations. This recommendation was followed at Talladega. On the riot's fourth day, BOP officials approached a reporter whose presence had been requested by the detainees. She agreed to cooperate with prison officials and, while at the facility, acted responsibly to try secure the release of the hostages. She had asked, after conferring with her editors, that she not be required to testify later against any of the detainees. She was told that immunity from subpoena could not be guaranteed, but that her testimony was unlikely, and that officials were acting in good faith in asking for her help. One hostage was released as a result of these efforts.

Supervision

One recommendation, specific to the Talladega institution, was that supervisory staff review for completeness Alpha Unit's post orders and procedures and take measures to ensure that staff follow them. Another recommendation, this one to be applied to all BOP facilities with high security units, would require the assignment of an experienced senior Unit Manager and a senior lieutenant to all such units.

⁹¹Ibid., 42.

This would help "enhance the application of proper correctional practices in every aspect of the unit's operation."⁹²

Finally, the Atlanta riot had demonstrated the value of pursuing a negotiated settlement. A lesson of Talladega is that all riots cannot be resolved through negotiations. While officials had pursued a strategy of patient negotiation, it eventually became clear that the risks associated with the strategy had become unacceptably high. When tactical force is necessary, a successful outcome depends upon the capability of the staff who carry it out and a strategy that maximizes the opportunities at hand. At Talladega, the assault was thoroughly planned and executed with precision. It may have saved lives.

⁹²Ibid., 37.

Chapter 10

Before the Riot

Studies of prison riots traditionally have taken one of two tacks in describing the role of corrections officials in achieving resolutions. One envisions officials faultlessly implementing a step-by-step riot control plan, based on a time-tested consensus about the strategies and tactics most likely to achieve a favorable outcome. The other tack sees the role of officials as irrelevant. The outcome of the riot depends, not on what officials do during the disturbance, but the conditions that precipitate the disturbance. The more severe the conditions, so it is argued, the worse the riot. The best one can do is ameliorate the tension-causing conditions (crowding, racial antagonisms, old facilities), in the hope that these contribute to stability and curtail a riot's scope should one occur.

We know that both views are skewed. The first is hopelessly optimistic. Unexpected turns of event force officials to improvise: The riot may be of much greater scope than thought possible, requiring additional outside resources; it may occur in a high security unit thought to be riot proof. Operating with sparse information and under tremendous pressures of time, errors are made. On matters of organization and strategy, corrections professionals sometimes disagree. Observing these problems is not meant to disparage the efforts undertaken nor diminish the accomplishments that are achieved, but to suggest that we can learn from past events to improve future efforts.

The second view fails to recognize that the response of prison officials can limit the scope of a disturbance and speed its resolution. It encourages passivity when the opposite is called for. Vigilance by correctional staff may thwart a planned rebellion. A quickly mobilized show of force may prevent an incident involving a few inmates from mushrooming into a full scale disturbance. Strategies of negotiation can end a disturbance sooner rather than later. Effective use of force can minimize casualties.

Returning to the issues raised at the outset, we can now examine variation in the eight disturbances under study. Prison officials developed a range of solutions to the problems they faced before the riot, during the riot, and after the riot.

For prison officials, "before the riot" consists of efforts to avoid disturbances and to prepare for their occurrence.

RIOT AVOIDANCE

Riots can come as a complete surprise (e.g., Talladega, Kirkland, Coxsackie, Boise¹); they can flow rather directly out of a snowballing set of events in which the forces of disorder gain momentum (e.g., Mack Alford, Cimarron); or can come with warning (e.g., Atlanta, Camp Hill). They present different opportunities for riot avoidance.

Riots with No Warning

The riots at Talladega, Kirkland, Coxsackie, and Boise occurred without significant warning. Three of the four (the exception is Boise) occurred in a high security unit. This is probably no coincidence. High security units concentrate violent rebellious inmates. Prison officials rely primarily on the physical elements of security to prevent violence. Typically, inmates are restricted to their cells for most of the day; they move to and from their cells under physical restraints (e.g., handcuffs); they are not allowed to congregate in groups of more than a half dozen.

Hostilities in such units, even when well-managed, are often intense. This was the case at Coxsackie and Kirkland. Tensions were also high at Talladega, where they were related not only to the violent

¹The facility's names have been abbreviated to a single name rather than the more difficult to remember initials (e.g., "Boise" rather than "ISCI" for Idaho State Correctional Institution).

dispositions of the inmates and the restraining environment, but also to the detainees' anticipation of being deported.

Riots in high security units are primarily a function of opportunity. They occur when one or several inmates are able to take advantage of a weakness in a momentary lapse of the system of security, and when those one or several inmates are able to defeat other security systems, allowing the disturbance to spread. The riot happens suddenly and without warning. By without warning we do not mean that the telltale signs associated with riots (see below) are not present. The problem is that such signs are almost always present.

The disturbance at Boise is an exception to the generalization that unexpected riots occur in highest security units, but an instructive one. The inmates who revolted at Boise were classified as close security, that is, more dangerous and difficult to manage than medium custody inmates. Their housing unit, however, had been constructed for medium custody inmates. Thus, as with Kirkland, Talladega, and Coxsackie, the security at Boise fell below that necessary to control the destructive propensities of the inmates it housed.

Boise is also instructive in that it demonstrates the correlation between riot occurrence and security level is not more than that: a tendency for unexpected riots to occur in high security facilities. Exceptions will occur.

The four disturbances suggest a number of considerations in riot avoidance.

Experienced Staff and Supervision

Coxsackie, Talladega, and Kirkland demonstrate the importance of maintaining an experienced staff.

At Coxsackie, the officers regularly assigned to the high security Special Housing Unit were either sick or on vacation. The replacement officers were unfamiliar with the unit's procedures. Furthermore, responsibility for supervising the unit, normally vested in a sergeant assigned full time to the unit, had

been temporarily assigned to a sergeant who had duties elsewhere in the facility. One of the postriot reforms was that a sergeant was to be present in the unit at all times. Also, new efforts were made to ensure that relief officers were familiar with the unit's procedures.

The disturbance at Talladega reinforces the importance of supervisor's role. The Bureau of Prison's report on the incident recommended that, in the future, more senior and experienced supervisory staff be assigned to high security units than had previously been the practice. This would "enhance the application of proper correctional practices in every aspect of the unit's operation."²

The disturbance at Kirkland illustrates the difficulty in maintaining an experienced, stable staff in a high security unit. Unit D's correctional officers experienced high rates of stress-related illness and turnover, apparently related to the hostility exhibited toward the staff by inmates within the unit.

Post Orders

A unit's post orders specify which officer does what to maintain the normal operation and security of the unit. In high security units, in particular, prison officials must anticipate that post orders will be probed for weaknesses.

At Coxsackie, the post orders were not always available or kept fully updated. As a consequence, relief officers learned of their duties through observing or asking regular officers and staff at those posts. There was no written documentation. Security gates were left open when they should have been closed and the keys to the control panel were secured to the panel. One of the unit's inmates, who was to become a leader of the riot, had been assigned as a porter to the unit. While performing his duties, the inmate may have been able to observe security procedures and develop plans to defeat them. These factors were important in the expansion of the initial hostage incident.

²Federal Bureau of Prisons, A Report to the Attorney General: Hostage Situation, Federal Correctional Institution, Talladega, Alabama, August 21-30, 1991 (Washington, D.C.: United States Department of Justice, Federal Bureau of Prisons, November 8, 1991), 37.

At Kirkland's Unit D, the post orders did not specify the keys the evening duty officer should carry with him when entering the unit. The first officer taken hostage was carrying unneeded keys, which were used by inmates to expand the incident. After the disturbance, the Warden issued a new policy limiting the keys officers carried to those actually used on that shift. In addition, the Department instructed every Warden of a maximum and medium security prison to review the key control procedures in his or her facility.

At Talladega, the case manager, responding to a report that inmates were loose on the exercise yard, neglected to lock a door behind him. Had the door been locked, the incident could have been contained to an enclosed yard with two, at most three, hostages.

At Boise, correctional officers removed an inmate from a unit while other inmates in that unit were not confined to their cells. Had the officers required all inmates to be in their cells before the inmate was removed, the rebellion could not have developed. On the other hand, a correctional officer, acting quickly to follow post orders, was able to limit the disturbance to a single unit.

Physical Plant Issues

Problems associated with the physical plants contributed to the occurrence and or expansion of the initial incidents in the high security units at Kirkland, Coxsackie, and Talladega. At Kirkland, an inmate jimmied the electric lock on his door and reached through a ventilation slot to slide open an unsecured deadbolt. (After the disturbance, the electric locks were replaced with manually operated deadbolts.) A toolbox was located inside the perimeter; inmates broke into it and used its contents to expand the riot.

At Talladega, a transformer outside the rear door obscured vision from the rear door of the unit, giving two inmates a hiding place. The door leading from the unit to the exercise yard could not be slammed shut quickly from inside the unit.

At Coxsackie, the control console's wire-reinforced plate glass did not withstand an inmate assault. Prison officials were aware of the potential danger associated with the window. Funds had been requested for its replacement, but had not been approved.

The physical problems at Boise stemmed in part from the above noted discrepancy between the custody classification of the inmates (close custody) and the security rating of the facility (medium security). Prison officials were aware of the problem. Several years earlier, a riot in the prison's segregation/death row unit had demonstrated that the cellblocks' interior walls, made of unreinforced cinder blocks, could be breached during a disturbance. After this, the walls in the segregation/death row unit were retrofitted with steel plates, but retrofitting did not occur in the other housing units because of a lack of funds. At the time of the disturbance under study, the close custody inmates were slated to be transferred to a high security facility then under construction. Inmates used a large unsecured table placed in the dayroom to smash through walls, allowing them to gain access to the unit's control center.

Escalating conflict

The disturbances at Mack Alford Correction Center and the Cimarron Unit of the Arizona State Prison at Tucson both flowed from a snowballing set of events. Until their later stages, the events leading to the two riots followed a common pattern.

- On the day of the disturbance, an incident or personal dispute among inmates inflamed pre-existing intergroup tensions. At Cimarron, a quarrel over a cigarette lighter led to a beating; at Mack Alford, two inmates allegedly stole property from the cell of another inmate.
- The conflict gained momentum in an escalating spiral of conflict. At Cimarron, the inmate receiving the beating sought revenge with a mop handle. At Mack Alford, several inmates "investigated" the crime; a group gathered to retrieve forcibly the stolen items.
- Both sides mobilized, leading to mutually hostile groups. At Cimarron, a fight broke out along racial lines in the mess hall. At Mack Alford, large numbers of inmates confronted each other on the yard.

- The riot began when officials intervened and inmates redirected their hostility against staff. At Cimarron, the brawl in the dining hall moved to the exercise yard; inmates from another section of the prison joined in. This escalated into a hostile confrontation against officials, in which they were forced to respond with firepower. At Mack Alford, the disturbance began when an officer, without backup, pursued an inmate who resisted being transported to another facility. That inmate and another inmate took the officer hostage, marking the beginning of the disturbance.

Riot avoidance, in these situations, lies not so much in physical security (although this may be important) as in managing the escalation process. At Cimarron there was little opportunity initially because the officers in the cafeteria were quickly overwhelmed. Once on the yard, the skirmishing groups resisted efforts of correctional officers to intervene. At Mack Alford, prison officials had, over a six-hour period, skillfully managed a potentially explosive situation. This was made more difficult by a shortage of detention cells. An error was made at what was thought to be the end of the incident.

To summarize, the disturbances at Talladega, Kirkland, Coxsackie, and Boise suggest the importance of the routine elements of security. A facility at any particular moment can be said to be more or less vulnerable to a hostile outburst. The task is to reduce that vulnerability. The disturbances at Cimarron and Mack Alford illustrate that riot avoidance also may involve an element of active crisis management: Success at one stage in this process does not guarantee success in subsequent stages.

Riots with Warning

It is common for prison officials to hear predictions of riots in their facility: It will happen today, tomorrow, unless the food improves, the prison is less crowded, or correctional officers are given greater authority. Often, such warnings float on a sea of exaggeration or hearsay. They also may be deliberate attempts to create a crisis atmosphere, either for its own sake or to force change in one direction or another. Of course, from time to time the warnings are genuine.

How may prison officials distinguish a prison facility on the brink of a disturbance from its more stable counterparts? One effort along these lines has been an attempt to develop a list of warning signs. The manual on riots and disturbances published under the auspices of the American Correctional Association identifies 27 "indicators of prison tension that often precede riots and disturbances."³ They include:

- increases in lockups, disciplinary cases, and requests for transfers;
- warnings by inmates to officers that they should take vacation or sick leave;
- a decline in attendance at popular events, such as movies;
- inmates making "excessive and/or specific demands" or other "unusual and/or subdued action";
- an increase in demands by employees for greater safety; and
- an increase in employee turnover.

To our knowledge, no one has validated this (or any other) list of riot indicators. This is not to suggest that such lists are without value, only that more work needs to be done.

The events leading up to the November 1987 riot at the U.S. Penitentiary at Atlanta illustrate the difficulties prison officials face in distinguishing valid warnings from false ones, real indicators of a riot from the spurious ones. As the reader may recall, in a two-day period immediately preceding the Atlanta riot, officials had reason to believe that a disturbance might occur. The repatriation agreement with Cuba provided a motive to riot and the riot at Oakdale demonstrated the readiness of at least some detainees to act on that motive. Prison officials later reported that they would have locked down the facility had they known that a riot was about to occur, but they did not. Part of the problem, as noted in Chapter 3,

³American Correctional Association, Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions, Third Edition (Laurel, MD: American Correctional Association, 1990). Hereinafter, Riots and Disturbances, 1990. It should be noted that the manual, while an official publication of the American Correctional Association, does not present formally voted upon standards of the governing body of the ACA.

may have been a breakdown in the flow of information up the chain of command. Also the evidence in hand may have been misinterpreted.

First, prison officials received overt warnings from detainees and from correctional officers that a riot was likely, but these warning were considered unreliable. The BOP's report on the riot offers a possible explanation:

[T]he Atlanta Administration had become desensitized to detainees' threats to take over the institution. During numerous occasions throughout the past seven years that detainees were housed at Atlanta, staff had received informant information or intelligence that the Cuban detainees were going to take over the UNICOR Building [industry building] the next day, only to have normal operations.⁴

In short, "prison riot" warnings had been declared too many times.

Second, prison officials discounted the significance of several signs that a riot was impending. These included: Detainees in one unit remained dressed overnight, a group of inmates resisted going to work in the morning, detainees at breakfast were unusually quiet, and the mail was abnormally heavy.⁵

As the reader may recall, a crucial decision was made on the morning of the riot (November 23, 1987) about opening the prison for breakfast. Once this was done, returning the detainees to their cells early risked provoking a disturbance. At the 6:00 A.M. meeting in which the decision was made to proceed, it was reported that outgoing mail was several times greater than normal.⁶ It was also reported that the much of the outgoing mail contained photographs.

Two plausible explanations were offered. One was that the prison had recently started a program that allowed detainees to have taken pictures of themselves. If these photographs were being mailed in

⁴Federal Bureau of Prisons, A Report to the Attorney General on the Disturbances at the Federal Detention Center, Oakdale, Louisiana, and the U.S. Penitentiary, Atlanta, Georgia, February 1, 1988, (Washington, D.C.: United States Department of Justice, Federal Bureau of Prisons, February 1, 1988), Atlanta-50. Hereinafter, Report, 1988.

⁵Report, 1988, Atlanta-50 - Atlanta-52.

⁶Ibid., Atlanta-52.

large volume, the increase in mail was no reason for alarm. Alternately, the mail may have increased because detainees, forecasting or fearing a riot, were mailing cherished photographs to avoid having them destroyed.⁷

In fact, staff observed detainees removing family photographs from their cells and lockers.⁸ In hindsight, the second explanation was the valid one, but prison officials assumed the first one to be correct.

A third source of misinterpretation concerns what does or does not constitute a riot sign. The BOP's Report states the Warden met several times with his executive staff and department heads to determine if "reliable information [had] surfaced indicating the detainees would react violently."⁹ The answer was in the negative. According to the Report,

Institutional activities such as recreation and meals throughout the weekend appeared normal and routine. Only one inmate requested to be locked up in Segregation over the weekend and no observable increase in commissary purchases had taken place over the past week. None of the traditional indicators of trouble in a prison environment were present.¹⁰ (emphasis added)

The problem is that different prison officials would, if asked, probably offer quite different lists of what they consider "traditional indicators of trouble." Some lists would be more reliable than others, but which ones? Further, it is possible that riot indicators change over time or vary depending upon the inmate population.

In sum, traditional riot indicators and overt warnings cannot be taken at face value to determine if a facility is approaching a riot condition. In some contexts, an increase in inmate mail may foreshadow

⁷Ibid., Atlanta-52.

⁸Ibid., Atlanta-52

⁹Ibid., Atlanta-49.

¹⁰Ibid., Atlanta-49.

a disturbance, but not in others. In some contexts, riot warnings do predict what may occur; in others, they may be discounted. Thus, the observation of warning signs should be the starting point of an investigation, not the basis on which conclusions are drawn and policy is formulated. Questions need to be asked and answered in concrete and particular detail: Is the source of information reliable? Are such warnings anything out of the ordinary? Are predictions of trouble widely shared or held by only a few? Do the signs indicate serious unrest among inmates or merely routine grumbling? Prison officials are much better prepared to interpret the answers to these questions if they know their facility thoroughly.

Response to Threat of a Riot

If there appears to be a high probability that a riot is imminent, prison officials may take two types of actions to prevent its occurrence. Administrative actions include a lockdown of a unit or the entire facility, transfer of suspected instigators to a segregation unit or to another facility, cancellation of activities that give inmates the opportunity to congregate, such as recreation or work, an increased presence of correctional officers who, by posture and words, convey that they will not permit a disturbance, and a search for contraband. Diplomatic actions include efforts to convince inmates that a riot would be costly to them personally, counterproductive for reform, and/or unnecessary because their grievances will be addressed in the future.

Administrative and diplomatic actions, of course, can be used in combination. Inmates fomenting violence may be removed from the prison and the issues around which they are mobilizing resolved. Sometimes strategies conflict. Returning to the Atlanta example, prison officials felt themselves forced to choose between a primarily administrative strategy and a primarily diplomatic strategy. They reasoned that a lockdown could not be counted on to be effective: A portion of the detainees were housed in dormitory units, which could not be locked down, and the celis doors in the administrative segregation section were old and possibly defective. At the same time, a lockdown might further inflame already

angry detainees, precipitating "the very riot a lock-down [was] intended to prevent."¹¹ Had the Bureau had the names of the inmates who were slated for deportation, it could have locked down those inmates in secure cells and used its skills in persuasion to convince others not to start trouble. This information, however, was not available. Forced to choose between the two strategies, the administration selected a primarily diplomatic approach.

In sum, some riots erupt unexpectedly, especially those occurring in high security units. Other disturbances emerge from the reaction, and counterreactions among inmate groups and between inmate groups and authorities. One encounter is followed by another, each of which has the potential for a disturbance. Some riots are preceded by signs of their impending occurrence, but it is much easier to see those signs after the riot than before, when it is no longer necessary to distinguish real signs from false ones.

Prison officials need to be prepared for an emergency, whether or not warning signs are present.

RIOT PREPARATION

Riot preparation refers to efforts to assemble resources (e.g., organization, equipment, information), to develop a strategy to deploy those resources should a riot occur, and to be mentally ready to respond to an incident. Preparation is also an element in riot avoidance: The more prepared a facility is for a disturbance, the less likely it is that one will occur. One reason for this is that inmates may sense that an administration is well prepared, or poorly prepared, and act on a desire to riot accordingly. The idea behind this deterrent effect is expressed by the well-worn aphorism, "if you want peace, prepare war."¹²

¹¹Ibid., Atlanta-48

¹²From the Latin, "*Si vis pacem, para bellum*," mentioned and discussed by Edward Luttwak, Strategy: The Logic of War and Peace. (Cambridge: Harvard University Press, 1987), 33 ff..

It would be useful to have a quantitative measure of this deterrent effect, to know how much the expenditure of resources lowers the probability of a disturbance and by what amount, but we are a long way from having this. A related issue is the threshold point beyond which additional expenditures yield no incremental deterrent effect. There may be, as well, a floor below which incremental increases are insufficient to provide a deterrent effect until the floor is reached.

A second reason that riot preparation is also riot avoidance is that a rapidly deployed show of force, an act made possible by preparation, can limit the scope of a disturbance. If the incident is contained quickly, it may later be viewed as a minor disturbance rather than a riot. In any case, a promptly contained incident will require only a fraction of the resources needed to resolve a full-scale riot.

Finally, officers in a well-prepared facility may be more attentive to the signs of disorder. Evidence for this was adduced by Larry Hirschhorn in a study of a high-security facility in turmoil.¹³ He found that correctional officers who are chronically worried about their safety and security tend, ironically, to be less attentive to the actual dangers inherent in their situation. Hirschhorn goes on to argue that the establishment of a well-trained response team might help reduce anxiety among officers, thereby increasing their alertness and perceptiveness. Further (although not argued by Hirschhorn), prison officials, having committed resources to riot preparation, including training sessions for themselves and for staff, may be more conscious of their responsibilities for emergency preparedness. Their vigilance may increase.

Based on the evidence at hand, the key issues that corrections officials face in riot preparation include matters related to command, organizational core, premises and commitments.

¹³Larry Hirschhorn, "History of Segregation Correctional Center: A Case Study in the Role of Leadership in a Troubled Prison Setting," (Philadelphia: The Program on Correctional Leadership and Innovation, The Wharton Center for Applied Research, October, 1986) mimeographed.

Command

Obviously crucial in any resolution is command, the ability to exercise authority and direction over the agency's forces. This encompasses the capacity to deploy the forces at hand, monitor their actions in the field on a continuous basis, deliver orders promptly and effectively, coordinate operations with other state and/or federal agencies, and gather and interpret information on what inmates are doing and intend to do.¹⁴ It is reasonable to assume that the task of command becomes more complex, the longer a riot lasts, the more agencies that become involved, the larger the area and number of hostages held by inmates.

As noted at the outset, command must overcome the problem of friction, the often mundane difficulties that accumulate and impede the response effort (e.g., spent batteries, misplaced keys). Examples include:

- At Camp Hill, misleading intelligence after the first riot resulted in the decisions not to search the prison for weapons and to remove the State Police from the compound, both later recognized to be errors of judgment.
- At Atlanta, officials had to be concerned that radio communication was not secure. Initially, runners and telephones were used; later a small number of FBI radios did become available but not enough to meet the need.
- At Talladega, prison officials moved a barbecue grill near the unit, intending to generate conversation, but the detainees misperceived it as a hostile act and threatened to retaliate.
- At Boise, a geographically fixed command center was not established, which impeded the flow of information.
- At Mack Alford, prison officials agreed to an inmate demand that a particular captain serve as the government's negotiator, but he was off-duty and could not be quickly readied for duty.

¹⁴Jay Shafritz, Todd Shafritz, and David Robertson, Dictionary of Military Science (New York: Facts on File, 1989), 96-97; John I. Alger, Definitions and Doctrine of the Military Art: Past and Present. (West Point: United States Military Academy, 1985), pp. 88-89.

In hindsight, many of these sources of friction could have been avoided, but that is not the point. Friction is to be expected, although its precise manifestation can never be fully foreseen. Effective command is not the absence of friction but the ability to overcome it as encountered.

Two issues of command merit special attention.

Unity of Command

Unity of command refers to the principle that members of an organization are accountable to a single superior vested with the requisite authority.¹⁵ Unity of command facilitates coordination of the efforts of all personnel toward common objectives. In its absence, coordination may still be achieved through voluntary mutual cooperation, but this may break down if disagreements occur.

Unity of command was not fully achieved at Camp Hill. The state police had traditionally assumed control over the resolution of prison riots. However, the division of authority between the State Police and the Corrections Department was not clearly delineated. During the disturbance, tension developed between the two agencies and issues that should have been settled before the disturbance (e.g., the ammunition that the State Police would carry) had to be resolved on the spot, taking up precious time. Since the riot, efforts have been made to establish a firmer working relationships among state agencies.

Unity of command can also be impaired by divisions internal to the command personnel. In discussing the Atlanta disturbance, we observed that while one individual is formally in charge, command almost always a team effort. One task in riot preparation is to forge this team and to develop trust among its members. The riots under study showed that command had achieved this in varying degrees.

- High trust. At Kirkland, the command group evidenced a strong level of trust within the group. Members supported each other and, at the same time, allowed open expression of views and impartial exploration of options. As a result, the command team could focus on the task at hand and act decisively.

¹⁵Shafritz, et al., Military Science, 364, 380.

- Impaired trust. At Camp Hill, strains emerged among the corrections command personnel. In part, this may have been because the department was divided along treatment versus custody lines. Also relevant may have been the history of frequent turnover among upper echelon corrections officials in Pennsylvania.
- Emergent trust. At Atlanta, unity of command had to be forged in the course of the disturbance. A riot of that magnitude had not been anticipated and working relationships and a chain of command had to be developed among the Attorney General, the Director of the Bureau of Prisons, directors of several other federal agencies, the Regional Director, and the Warden. By the time of the Talladega incident, four years later, these working relationships had been consolidated. Unity of command could be called upon immediately and worked exceedingly well.
- Excessive trust. This was not directly observed in the command groups under study but is mentioned here because of its occurrence in other policymaking groups. Studies have found that policymakers integrated into highly cohesive groups have a tendency to suppress doubts, inhibit debate over competing options, and express views to conform to the perceived preferences of the chief policymaker. This is referred to as "groupthink" by Yale psychologist Irving Janis.¹⁶

One possible manifestation of groupthink was the absence of a flow of reliable information up the chain of command at Atlanta. Since the end of a lockdown in the spring of 1986, the administration had worked diligently to expand the work and recreational opportunities for detainees. Relations between detainees and prison officials had improved immensely. A lockdown, it was feared, might reverse the gains. At various levels in the chain of command, subordinates may have been tempted to see the unfolding events through the lens of this framework because that is what they thought the Warden wanted to hear. If such filtering occurred, this is a feature which typifies groupthink.

Level of Command

Directly related to unity of command is level of command, who will be in charge of the resolution: the Commissioner, the Warden, or (in some jurisdictions) the Regional Director? We observed this variation.

At both Coxsackie and Boise, the Commissioner took direct control of the resolution. Significant decisions concerning the resolution were deferred (to the extent feasible) until the Commissioner arrived

¹⁶Irving L. Janis, Groupthink: Psychological Studies of Policy Decisions and Fiascoes, 2nd ed. (Boston: Houghton Mifflin, 1983); Irving L. Janis and Leon Mann, Decision Making: Psychological Analysis of Conflict, Choice and Commitment. (New York: Free Press, 1977).

on the scene. The Commissioner became, in effect, both the overall authority in charge and the field commander. At Coxsackie, the Commissioner stayed in the background, concealing his presence from inmates. At Boise, in contrast, the Commissioner entered the yard and directed the operation from there. During both incidents, the role assigned to the Warden was to manage the rest of the prison while also providing information and other resources.

At Mack Alford the Warden was given the primary responsibility of designing and executing the resolution. The Commissioner saw his role as establishing a framework that would assist the Warden. He served as a sounding board for the Warden, providing advice and direction, met with state political leaders to assure them that all that could be done was being done, insulated the Warden from political pressure as required by the situation, and mobilized resources and put them at the Warden's disposal. The Commissioner allowed the Warden to make key decisions, so long as he continued to have confidence in the Warden's performance.

Kirkland, Atlanta, Talladega, and Camp Hill each represent somewhat different configurations. At Kirkland, the Commissioner, members of his executive staff, and the Warden assembled in a room. While it was clear that the Commissioner was the ultimate authority, the group functioned more like an executive committee working jointly to develop a solution. Within the group, command gave way to discussion based on merits of the proposed action.

At Atlanta, both the Regional Director and the Warden were at the prison soon after the riot began. It was decided then to give authority in the local situation to the Regional Director. Because of the duration of the riot, it was necessary to develop teams to rotate in and out of leadership positions. In Washington, the Attorney General and the Director of the Bureau of Prisons maintained direct oversight of the resolution.

One of the changes made in response to Atlanta and Oakdale was establishing the principle that the next higher level of authority above the Warden, usually a Regional Director, would assume onsite control

of a major disturbance. This strategy was implemented at Talladega. Also during this disturbance, the Director of the Bureau of Prisons and the Acting Attorney General maintained the roles that had been established for those offices at Atlanta.

At Camp Hill, the Commissioner took the position that the responsibility for the resolution rested with the Warden. In practice, he involved himself in a number of important decisions, including the one to allow State Police into the facility after the commencement of the second riot.

These are different approaches to managing a disturbance and, unlike unity of command which should be achieved as a matter of principle, there appears to be no one right or wrong way.¹⁷ This is not to say, however, that corrections practitioners will not advocate one approach over another. The terms of the debate include these.

Information. Coup de oeil, from French meaning "stroke of the eye," is used in military history to refer to the ability of a commander to rapidly size up the combat situation, to identify the weak points of an enemy's position, and to discern the problems of terrain.¹⁸ Much the same ability is needed in a directing a riot response. What is the layout of the facility? If an assault is necessary, what sorts of obstacles (e.g., locked gates, barricaded stairways) would be encountered by an assault force? How dangerous are the particular inmates who are holding hostages? What are the many standing orders in the facility's riot response plan, and can the correctional officers on duty be expected to follow them?

Because these matters of detail vary from one facility to the next, one unit to the next, one shift to the next, authority over the resolution may best remain in the hands of the Warden. He or she will,

¹⁷The same debate occurs in other arenas, with no optimal solution found, only contending principles that must be balanced. This includes corporations in crisis situations and the military in the conduct of war. See, for example, Rosabeth Moss Kanter, Barry A. Stein, and Todd D. Jick, The Challenge of Organizational Change: How Companies Experience It and Leaders Guide It. (New York: Free Press, 1982), 243-247; Alexander George, "Crisis Management: The Interaction of Political and Military Consideration." 26 Survival, (September-October 1984).

¹⁸Shafritz, et al., Military Science, 118.

compared to members of the central office, be able to use his/her detailed and timely knowledge of the facility to see the situation more quickly and recognize the consequences of different courses of action. The temptation to manage with tighter reins from the top should be weighed against the benefits to be derived from permitting the Warden more latitude.

Breadth of experience and responsibility. Top level corrections officials may have, because of their experience across a range of situations, a more developed understanding of resolution strategies. They are more likely, as well, to be concerned about the effects of the disturbance on the entire department or even corrections as whole, compared to officials whose primary identification may be with a particular facility. These are arguments to keep decisionmaking authority in the hands of the Director or Commissioner.

Effects on the chain of command. To many corrections officials, the most compelling argument for keeping the resolution in the hands of the Warden concerns the aftermath. Taking the Warden's authority from him or her in the course of the disturbance, it is argued, will undermine his or her authority in the aftermath. Middle level managers, correctional officers, and inmates alike will view the central office, not the Warden, as the real authority. In contrast, allowing the Warden to remain in command for the riot's duration reaffirms the commitment of the central office to his or her leadership.

Correspondence between responsibility and authority. Others find equally compelling the argument that, since the commissioner bears ultimate responsibility for the resolution, decisionmaking authority should reside in his or her hands.

Administrative framework. Another point of view is who among the Commissioner, Regional Director, or Warden should take command depends on the existing practices. The premise is that prison officials should take advantage of existing practices. In departments that have centralized operations in which the decisionmaking power tends to be concentrated in the central office, it is advantageous for the Commissioner to take direct charge of the resolution. He can follow a path already worn by him and others in the central office. This describes, for example, the New York State Department of Correction Services and the course taken by its Commissioner in resolving the Coxsackie riot.

In contrast, in decentralized departments in which Wardens have greater latitude to develop their own programs, it may be advantageous for the Warden to remain in command. This practice describes the Oklahoma Department of Corrections at the time of the Mack Alford riot and the approach taken to resolve that disturbance.¹⁹

Organizational Core

A tradition in the study of public agencies emphasizes the importance of an institutional core.²⁰ By this is meant a group of key individuals in the organization who have internalized the values and mission of the organization. It is this group, rather than abstract dictates, that ensures that an agency's work will embody its mission. The departments under study varied in the extent to which an institutional

¹⁹Actually, we need to distinguish two hypotheses: (1) whether there is an association between centralization/decentralization and the Commissioner or the Warden taking control, and (2) whether resolutions are more effective if they follow their established pattern.

The evidence at hand supports the first hypothesis. Testing the second hypothesis requires data on instances in which a Commissioner in a decentralized department became directly involved in a disturbance resolution and vice versa. This did not occur in any of the cases under study.

²⁰Philip Selznick, Leadership in Administration: A Sociological Interpretation (New York: Harper & Row, 1957), 105-106; James Q. Wilson, Bureaucracy: What Government Agencies Do and Why They Do It (New York: Basic Books, 1989).

core took charge of riot preparation. South Carolina and the Bureau of Prisons are especially instructive along these lines.

At the time of the 1986 Kirkland disturbance, South Carolina may have been unique in U.S. corrections in the commitment of its Commissioner to riot preparation. Over a 20 year tenure (1968 - 1988), William Leeke stood at the forefront of the field of emergency preparedness. He sought to understand prison disorders, not just in his agency, but in corrections nation-wide. This commitment dates back as far as 1968, when Commissioner Leeke chaired the American Correctional Association's committee responsible for revising the first edition of its manual on prison riots.²¹ Research for the report was done by the South Carolina Department of Corrections under a grant awarded to the Department by the Law Enforcement Assistance Administration (LEAA).²² Soon after the release of the ACA publication, Commissioner Leeke initiated a research project on the history and causes of prison riots, again funded by LEAA and conducted within the Department. In 1973, the Department published a monograph on its findings.²³ We mention these details because they offer concrete evidence of a level of commitment to emergency planning well beyond the ordinary.

At the time of the 1986 Kirkland disturbance, there existed within the Department's central office a core group concerned with emergency preparedness. It included the Deputy Commissioner for Operations, who took on the responsibility for writing policy papers that established guidelines for managing emergency situations, establishing the command structure, and operating a training program.

²¹American Correctional Association, Committee on Riots and Disturbances, Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions. (Washington: American Correctional Association, 1970).

²²William D. Leeke, "Prevention and Deterrence of Violence in Correctional Institutions -- Research Efforts to Date." In U.S. Department of Justice, Law Enforcement Administration, National Institute of Law Enforcement and Criminal Justice, Prevention of Violence in Correctional Institutions (Washington, D.C.: Government Printing Office, 1973).

²³South Carolina Department of Corrections, Collective Violence Project, Collective Violence in Correctional Institutions: A Search for Causes. (Columbia, SC: South Carolina Department of Corrections, 1973), 11.

Moreover, under his leadership the Department conducted its innovative program of training institutional managers in the management of emergency response efforts. This included seminars for Wardens and Deputy Wardens and onsite drill scenarios. During the Kirkland disturbance, both the Commissioner and Deputy Commissioner participated in the decisionmaking group that directed the response.

One way to view the reforms prompted by the Atlanta/Oakdale disturbances is that they were essentially an effort to create a core group with a primary commitment to emergency preparedness. At the national level, the hub was the newly established Office of Emergency Preparedness (OEP). It oversaw the implementation of the recommendations made by Atlanta/Oakdale after-action review teams. It also developed other programs to increase emergency preparedness, such as site visits to observe mock emergency drills and development of a helicopter deterrence system. Others directly involved in the effort at the national level included the Assistant Director, Correctional Program Division and Warden of USP Marion, Illinois, who chaired a committee examining hostage negotiation teams.

To increase commitment to emergency preparedness at the facility level, OEP made presentations at conferences of BOP Wardens and at training programs for captains. Interestingly, the OEP found that the facility-based Special Operation and Response Teams (SORTs) had developed a high level of esprit de corps, recognition, and status within facilities. This had been achieved through the emphasis placed on their development and the resources and training provided to them over a number of years. The Hostage Negotiation Teams, in contrast, had not achieved the same level of unity and recognition within the institution. One of the goals of the Office of Emergency Preparedness was to achieve for the Hostage Negotiation Teams what had been achieved for the Special Operations and Response Teams.

Premises and Commitments

Every prison riot is different and prison officials must tailor their strategy for resolution to the situation at hand. As a consequence, efforts to commit to a strategy in advance will be either hopelessly

complex (a game tree with many branches, each representing a choice that depends upon previous ones) or irrelevant (establishing principles so broad that they provide little guidance in actual situations.) Still, the American Correctional Association manual quite rightly points out that some fundamental premises should be agreed upon in advance.²⁴ The manual suggests these:

- rioting inmates will be given no "illegal freedom."
- rioters will not be granted immunity from prosecution or amnesty.
- a hostage or other prison official under duress exercises no authority.
- keys and weapons are not to be surrendered.
- drugs and liquor will not be provided.
- transportation will not be provided to inmates that might allow them to leave the prison.

Consensus on these points is not firm. For example, the detainees at Atlanta were given amnesty for participation in the riot and prosecutions were not pursued for the illegal takeover of the facility. Some would insist that the list include the principle that force is to be used immediately if a hostage is subject to physical harm or material threat of harm. On the other hand, force was not used at Coxsackie when observers saw officers being beaten, because the tactical advantages held by inmates were so great.

Problems associated with establishing workable premises and standing orders in advance was highlighted by the early stages of the riots at Kirkland and at Mack Alford. At Kirkland, a correctional officer fired a warning shot over the heads of a group of inmates advancing on a section of the prison that, until then, had remained under the control of officials. The shot forced the inmates to retreat. A standing order, however, permitted the use of force only if expressly authorized by the Warden, who had not yet arrived at the prison. After the riot, the standing order was changed to allow the senior official on duty to authorize the use of force.

²⁴American Correctional Association, Riots and Disturbances, 1990, 38.

In the early stages of the Mack Alford riot, inmates threatened to kill a hostage unless they were allowed to pass through an internal security gate that divided two housing compounds. A correctional officer at the security gate faced the dilemma of opening the gate (thereby expanding the riot and putting himself at risk of being taken hostage) or risking the life of a fellow officer who inmates said would be killed on the spot. He opened the gate and was taken hostage. An official in the central office would later point out that had there been a standing order (known to both officers and inmates) that no gate is ever to be opened under threat of force, the inmates might not have demanded it. He highlighted this point by noting that inmates did not demand that exterior gates be opened because they knew that such a demand would not be granted under any conditions, including the threat of force against hostages.²⁵

In sum, standing orders can be overly restrictive, such as those in effect at Kirkland, which prohibited action that should be (and in this case was) taken. Standing orders can also be insufficiently restrictive. At Mack Alford, if opening the gate had been a moot issue, and inmates knew that, they might not have demanded it. On the other hand, Mack Alford was resolved without loss of life, which may not have occurred had the officer not opened the gate.

²⁵During the opening stages of both Camp Hill and Oakdale, inmates tried to break through the exterior fence, but in neither case were demands made to escape. Interestingly, there is disagreement in law enforcement about whether hostage takers should be allowed to "go mobile"-- provided with transportation to leave a barricade situation. Writing in the Canadian context, A. F. Maksymchuk argues that this should never be permitted. ("Strategies for Hostage Taking Incidents," The Police Chief 49, 4 (1982):58-65.) Frank Bolz, formerly of the New York Police Department, contends that the perpetrator should be permitted to leave a crime scene if pointing a gun at the head of a hostage. First, even if the offender can be hit by a sharpshooter, a final reflex may be to squeeze the trigger. Second,

right now the New York City Courts Division has approximately 250,000 felony warrants outstanding. If one more person gets away it will not change this number significantly. The death of one innocent hostage, however, would be a terrible consequence.

(Frank Bolz, "The Hostage Situation: Law Enforcement Options." In Terrorism: Interdisciplinary Perspectives, ed., B. Eichelman, D. Soskis, and W. Reid, Eds. (Washington, D.C.: American Psychiatric Association, 1983), 105.

The analogy to the prison situation is imperfect. The escape of even one inmate is significant.

Riot Plans, Training, and Preparation

A riot plan should embody the principles and strategy for resolution established by the agency. Yet, any plan, however well-designed, will achieve little unless those for whom it is designed know their duties and are mentally prepared to act on them. Riot planning can be conducted in the central office for the agency as a whole, or in the Warden's office for a particular facility. But mental readiness can be achieved only through field practice and instruction. Observing the training practices in each of the agencies under study was beyond the scope of the present study. However, several points did emerge.

Joint training

The resolution of a prison riot often may require coordination among units that, under normal circumstances, have little or no contact. The state police and a department's tactical team, for example, may be asked to launch a joint tactical operation, although they have never trained together. Even within an agency, or a facility, different components of the riot response operation, such as the negotiation team and tactical team, may be unfamiliar with the other's operation.

Greater coordination can be achieved through joint training programs. The Bureau of Prisons, for example, is developing training exercises that integrate the activities of command, hostage negotiation teams, and tactical teams.

Training of Command Personnel

Those who deploy, as well as those who are deployed, need to rehearse. The South Carolina Department has developed a rigorous training program for its Wardens, Deputy Wardens, and other senior prison officials. An annual three-day training seminar combines classroom instruction with field practice. In addition, complex and demanding on-site scenarios are conducted in facilities. The scenarios are sprung unannounced upon those in command. Significantly, the Deputy Commissioner for Operations often

personally conducts these training scenarios. Later, participants write up their experience and offer any recommendations for improving the Department's emergency procedures.

Riot Plans: Parsimonious, Readable, and Usable

Riot plans are too often a weakly integrated compendium of policy statements, advice, memos, and agreements among agencies.²⁶ Often, perhaps as a result, they are not fully understood nor even read by those who are responsible for implementing them. Riot plans should be well-organized, clearly written, and concise. Cumbersome plans will receive lip-service before a disturbance, and ignored during one.

Part of the riot plan should be procedures for how the riot plan book itself will be used during the incident. Officials in several of the agencies studied recommended that one person be assigned the task of consulting the plan and ensuring that all the required duties (e.g., notifying key state agencies) are carried out. This will relieve other officials in the command post of this task. The emergency plan is generally most useful in the early stages of the disturbance but remains an important resource throughout.

Based on our review of riot plans, we offer suggestions as to the critical elements for a usable emergency response plan and include them in Appendix A of the report.

²⁶Jeffrey Schwartz, "Technical Assistance Report, Pennsylvania Department of Corrections," Washington, D.C.: National Institute of Corrections, June 1990.

Chapter 11

During the Riot

TYPES OF RIOTS

The feature common to prison riots is that a significant number of inmates use force to take control of a significant portion of the prison for a significant period of time.¹ Beyond this, the riots under study varied along these lines.

- (1) Unplanned versus planned. A riot may begin as an unplanned response to a specific incident or as a planned takeover. The first and second riots at Camp Hill appear to have been examples, respectively, of the former and the latter.² Talladega was clearly a planned incident, although it may not have been a planned riot. The detainees may have had other goals in mind when they broke out of their enclosed exercise yard. Cimarron appears to have been a spontaneous mêlée.
- (2) Protest riot, hostile outburst, intergroup mêlée. Atlanta is the purest example of a protest riot. Inmates began the disturbance pursuing a specific agenda for policy reform. The Talladega riot started with no reform agenda but one emerged in the course of the disturbance and was eventually presented to authorities as a list of demands. At Mack Alford, there was a personal agenda in the sense that the riot leader demanded that he and others not be transferred to a maximum security facility.

Coxsackie, Kirkland, and Boise are better characterized as hostile outbursts in that inmates articulated no (substantial) demands. This is not to suggest, however, that the inmates acted without purpose. One objective appears to have been to impose costs on the state, achieved by trashing and burning property, holding hostages, and/or inflicting casualties on officers (e.g., by throwing rocks). A second purpose may have been the drama of the riot itself. A riot breaks the routine and monotony of prison life, a value that may be particularly important to those accustomed to a life of crime.³ At Boise, several inmates used the opportunity of the riot to kill another inmate and at

¹Bert Useem and Peter Kimball, States of Siege: States of Siege: U.S. Prison Riots, 1971-1986 (New York: Oxford University Press), 4.

²The evidence for this (as assembled by the Adams Commission) allows for no definitive conclusion. The Adams commission infers that the second riot was probably planned "from the swiftness with which the inmates released themselves." The Final Report of the Governor's Commission to Investigate Disturbances at Camp Hill Correctional Institution (Harrisburg, PA: Commonwealth of Pennsylvania, December 21, 1989), 30.

³One does not need a special psychology to understand why inmates would be attracted to the drama of a riot. Kenneth Boulding cites an English historian as having said, "what people really want in the world is trouble, and if they do not have enough of it, they will create it artificially, the institution of sport being the proof." Kenneth E. Boulding, Conflict and Defense: A General Theory. (New York: Harper and Row, 1962), 306. The boredom and

Coxsackie one inmate was raped, but in neither riot did those acts of violence appear to be related to the riot's instigation.

Cimarron began as intergroup mêlée in that racial and ethnic groups were assaulting each other in what was essentially a large brawl. The mêlée turned against authorities when they intervened. No officers were taken hostage, even though the opportunity to do so was presented when violence first broke out.

(3) Scope and geography riot. The riots under study varied along these lines:

- Cellblock versus multiple buildings. The riots at Talladega, Boise, and Coxsackie were limited to a single cellblock or housing unit; those at Atlanta, Camp Hill, and Mack Alford involved much larger portions of the facility. The second disturbance at Camp Hill involved even more territory and buildings than the first. The Cimarron riot occurred on the yard and no buildings were seized, although one was vandalized.
- Size of participating inmate group. This can be measured in terms of the number of inmate participants or the proportion of inmates who join the riot that have the opportunity to do so. Talladega and Coxsackie had comparatively few participants measured by the first criteria and many by the second. Atlanta and Camp Hill were large in absolute numbers.

It should be kept in mind, however, that in most riots there will be some inmates who actively participate, some who deliberately avoid the disturbance, and a large group in the middle. The latter will include inmates who, while unwilling to incur the costs of being observed actively participating in the riot, will enjoy the freedoms afforded by the disturbance.

Further, the number of participants may increase or decrease over the course of the disturbance. At Mack Alford, for example, inmates defected throughout the riot so that by its end only a small number of inmates remained on the yard.

- Number of hostages and their treatment. At Cimarron and Boise, no hostages were taken. At Cimarron, inmates had the opportunity to take hostages when the riot first broke out; however, at this stage, it was primarily an intergroup conflict and seizing hostages was not a priority. At Boise, correctional officers responded quickly, denying inmates the opportunity to take hostages. At Atlanta, over 100 hostages were seized. At Coxsackie five hostages were taken and were beaten both during the initial takeover and later during the incident; at Camp Hill 24 staff members were taken hostage; 11 hostages were taken at Talladega.

The hostages seized by Cuban detainees and inmates at Mack Alford were not physically attacked; the ones at Camp Hill and Coxsackie were.

routine nature of prison life would make more salient the motivation to create "trouble." More difficult to explain is how inmates weigh the benefits of a riot's drama against its costs, possibly years of additional confinement. One lead comes from Wilson and Hernstein, who argue that criminals, compared to non-criminals, tend to discount the importance of future consequence. James Q. Wilson and Richard Hernstein, Crime and Human Nature. (New York: Simon Schuster, 1985).

- Distance from central office to riot site. In four states (Pennsylvania, South Carolina, Idaho, and New York) that distance was short and in two (Oklahoma and Arizona) the distance was comparatively long. Both Atlanta and Talladega were distant from the central office, but Atlanta was adjacent to the Regional Headquarters.

This variation helped establish the different problems faced by correctional officials in resolving the disturbances under study. As noted at the outset, prison riots end three ways. Prison officials may use force to end the disturbance; the riot may end through negotiations; or the riot may end because inmates tire or simply do not want to riot any longer. Prison officials must compare the benefits and risks of the use of force with those of restraint, negotiation, and possible concessions. Often it is a mix of strategies that leads to resolution.

Under its current leadership, the Bureau of Prisons is committed to using negotiations as its principal method of responding to hostage situations. Most corrections agencies now share a similar commitment, but this has changed and may again change over time.

A minority in corrections continue to advocate a fixed policy of not negotiating. The theory is that if inmate rioters consistently fail to wring concessions, they will be less likely to riot in the future. Entering into negotiations is itself a concession in that it grants a measure of legitimacy to hostage takers, at least in their eyes and those of other inmates. The immediate costs of not yielding will be more than offset by the benefits of fewer prison riots in the future.⁴

⁴The 1981 edition of the American Correctional Association manual on riots quotes a practitioner who states that negotiations should never attempted.

Prison disturbances occur almost every day, all with the potential of becoming another New Mexico. . . The key is you don't negotiate. . . Hostages are much more likely to be injured or killed if there is a drawn out negotiation process than if quick action is taken. American Correctional Association, Riots and Disturbances in Correctional Institutions: A Discussion of Causes, Preventive Measures and Methods of Control. (College Park, MD: American Correctional Association, 1981), 34.

The success in negotiating the end of the Atlanta/Oakdale disturbances may have further diminished the support for this position. The 1991 edition of the ACA manual, which draws on the Atlanta/Oakdale riots for illustrative material, does not mention the "no negotiation" position.

FORCE

In general, the administration can terminate a riot at any time if it is willing to use overwhelming force. Nevertheless, ineffective force can be costly. Inmates may retaliate against hostages if the assault is not swift enough to prevent it. Shots fired can injure or kill hostages as well as inmates (as happened at Attica). The greatest danger comes if inmates are able, at any moment, to overwhelm correctional officers and obtain their weapons. As a consequence, prison officials cannot merely "apply" force but must develop strategies so as to minimize casualties to the hostages, the assault forces, and the inmates, as well as to ensure that the assault force is invulnerable.

Three types of force were observed in riots under study. (Excluded from this discussion is the use of force for specific tactical purposes. For example, at the start of both Atlanta riot and the first Camp Hill riot, officers in towers fired weapons to stop assaults against officers.)

Immediate Force

Force may be used as a first response to a disturbance, before the riot has expanded to its potential territorial limit and inmates have issued demands. The crux of this type of force is that a riot squad is rushed in to defend or retake a specific area. The key element in achieving the desired result is the speed of mobilizing and equipping a contingent in sufficient numbers.

One way to frame the debate is to ask if prison riots are more akin to the hostage taking conducted in the course of international terrorism or more akin to the hostage taking that police departments routinely handle? The U.S. government policy since 1972 has been that, while the government will "talk" with terrorists holding hostages, they will not negotiate in the sense of offering concessions. This policy is generally seen as effective in reducing international terrorism.

On the other hand, over the same 20 year period, police have learned that the hostage incidents they face are better resolved through negotiation than force. The New York City Police Department developed the strategy of hostage negotiations that is now practiced by most police departments.

For general works on terrorism, see, Nehemia Friedland, "Hostage Negotiations: Types, Processes, Outcomes," Negotiation Journal, 2, no. 1 (January, 1986):57-73 and the many sources cited therein. An account of the genesis of the police hostage negotiation is presented in Frank Bolz and E. Hershey Hostage Cop, (New York: Rawson, Wade).

There are advantages to the early use of force. As noted above, riots may begin not as planned and organized takeovers, but as a disorganized collection of hostile inmates. The immediate use of force may preclude inmates from becoming organized, from fashioning weapons, from fortifying their position, and from recruiting additional participants. It will also limit the pain and suffering of the hostages already taken.

Further, force used immediately may deny inmates the opportunity to promise to themselves, to other inmates, and to authorities that they will harm the hostages unless their demands are met. Once such threats are made, inmates may find it psychologically difficult to back down from them. The Atlanta detainees, for example, declared unbending resolve to kill hostages if an assault was made. Even though they may have realized the dire consequences of killing hostages, their public commitment to this course of action might have mentally obligated to make good on it. One of the disadvantages of negotiations, compared to the early use of force, is that inmates are given an opportunity to make threats to which they then become committed.

No one would deny the advantages of the early use of force. The problem is then whether or not the necessary personnel and equipment can be mobilized with sufficient speed. A riot control squad deployed too quickly runs the risk of being overrun and taken hostage. The tension between taking advantage of the early use of force and the danger incurred reached extraordinary proportions at Kirkland. In the riot's opening stages, correctional officers in a housing unit reported to the control center that armed inmates were breaking into the unit which was filling with smoke. Officers were arriving at the facility, but their numbers were insufficient to deploy a squad to rescue the trapped officers. When the number reached 35 (command had wanted at least 100), an assault force was dispatched to rescue the trapped officers. Once this was achieved, momentum was behind the riot squad and they began to clear the yard of inmates.

At Talladega, in contrast, the decision was made not to deploy immediate force. Once the detainees had seized A-side of Alpha Unit, a crucial decision had to be made concerning whether to hold on to B-side of the unit or evacuate it. Keeping control of B-side would have greatly strengthened the government's position, both tactically and psychologically. Also, at this point, B-side detainees were still in their cells, so retaining that wing would have halved the number of detainees who could participate in the disturbance. These advantages notwithstanding, the Acting Warden decided to evacuate B side because he felt that the forces present were not sufficient to withstand an inmate assault and more hostages might be taken. The decision was made under the extreme pressures of the moment with still sketchy information, and it is not (in our opinion) the sort of decision that can be usefully or fairly second-guessed.

The Commission that investigated the Camp Hill disturbance concluded that an immediate show of force might have prevented the first riot from expanding.

[T]he unarmed "show of force" by a dozen correctional officers in the 30 to 40 minutes after the confrontation was inadequate. An immediate armed contingent of corrections staff and available police would, in all probability, have prevented the retreat by these officers, contained the disturbance and, thereby, avoided the escalation of the disturbance into a riot.⁵

The problem is that the Commission does not explain in any detail how this force could have been assembled given the resources at hand, nor does it specify the additional resources that should have been available.

At Coxsackie, prison officials had a compelling reason to use force immediately because inmates could be seen beating correctional officers. Still, no immediate action was taken. The officers who had assembled at the Special Housing Unit door were insufficient in number. If they had opened the SHU door and then been overwhelmed, not only would more hostages be taken, but the riot might have

⁵Governor's Commission, 2.

expanded to other parts of the prison. By not risking the use of force, officers ensured that the riot would be limited to one unit.

Planned Tactical Strike

The essence of the tactical strike is the maximization of the element of surprise. Prison officials attempt to release the hostages and retake the facility before inmates can react.

The assault at Talladega was of this nature. Its key elements were these.

- There was a continuous effort to gather intelligence.
- Rehearsals were conducted which accurately simulated the planned mission. This was accomplished by running drills in a nearby housing unit that was similar in construction to Alpha unit.
- The assault was timed to occur when there was a maximum opportunity of success: in the predawn hours when inmates were asleep or otherwise at a low mental and physical state. The cover of night was used to conceal the team's entry.
- Unity of command by the assault force was at a maximum. One assault force, the FBI's Hostage Rescue Team, assumed sole responsibility for regaining the building. SORT teams from the FBI and BOP were used in support roles.
- Arsenal weapons were used to further diminish the capacity of inmates to react. Stun grenades confused and disoriented the detainees.
- The attack was executed with great speed. Explosives were used to breach the entryway doors, with minimal injury to those inside. Taking advantage of intelligence, the hostages were quickly located and freed.
- No warnings or ultimata were issued. A meal was served to make inmates feel successful and lower their alertness.

At Mack Alford, a tactical assault was planned and, on several occasions, was moments away from beginning. In one instance, a shotgun blast on the compound prompted inmates to put knives to a hostage's throat and threaten to execute him. The prison's negotiator, however, was able to defuse the situation.

The plan had been for Mack Alford's tactical squad to retake the building in which hostages were being held. A second tactical squad from the Highway Patrol was to retake another building being held by inmates, and a tactical squad from another facility was to back up the first two squads. Two other tactical squads from other facilities were to secure the inmates on the yard as they evacuated the buildings.

The disadvantages of the tactical strike are twofold. First, it might be unnecessary. Negotiations may resolve the incident. Even if they do not, if inmates are given a choice between surrender and having force used against them, they may choose the former (or they may choose to harm the hostages.) The problem is that they cannot make that choice unless it is offered to them, either explicitly or implicitly. The purpose of the ultimatum is make the threat explicit.

Second, material conditions and the vigilance of inmates may make a tactical strike unlikely to succeed or too costly. At Atlanta, the detainees had committed themselves to harming or killing (at least some) of the over 100 hostages held. They gained a tactical advantage by keeping the hostages in several locations, which no amount of planning may have been able to counterbalance.

At Mack Alford, inmates told the hostages that they would be killed if an assault were made. Most of the time the hostages were kept in the prison's highly secure detention unit. Inmates had used barricades to further fortify it. In addition, the hostages had been dressed in inmate uniforms (making them difficult to identify if sniper fire were used) and from time to time a hostage was moved to a different building. Thus, an assault at Mack Alford would have been costly.

Riot Squad Formations

A third type of force is akin to that used by police to quell an ongoing urban riot. Riot control squads move in unified groups to force clusters of inmates to move in one direction or to disperse. The ACA manual describes several of the basic maneuvers: the wedge (inmates are forced to move to the left and right); echelon left (inmates are forced to move to right); echelon right (inmates are forced to move

to the left); the diamond (correctional officers are protected from all directions); line (inmates are forced to move away from a particular location).⁶ The essence of this type of force is reliance on the size, discipline, and firepower of an assembled force to overwhelm inmates and force them to back down. Unlike the tactical strike, where the assault force's presence is concealed as long as possible, a riot squad's presence is deliberately established. Batons and shotguns may be carried not only as weapons, but for "psychological purposes,"⁷ that is, to convince inmates that resistance is futile.

The force used to end the second riot at Camp Hill had some elements of a tactical strike, but it was primarily a riot squad movement. Its key elements included:

- To create a diversion, one column of State Police officers began shouting to draw the attention of inmates.
- Two other columns of State Police formed riot lines on either side of the inmates forcing them to move toward their housing units.
- Inmates resisted by throwing debris but, after warning shots from the State Police, retreated into housing units. An inmate spokesman threatened to kill a hostage if the assault continued but did not act on the threat.
- Inmates complied with an order to leave the housing units and to surrender on the yard.

Cimarron ended with a type of force similar to that used at Camp Hill. Its essential elements were these:

- Correctional officers arriving on the yard formed small defensive lines and groups. Their initial goal was to separate inmates fighting along racial/ethnic lines.
- Inmates redirected their hostility toward the riot squads, hurling rocks and shouting at them. Inmates began to advance on officers. Officers became concerned that they might be encircled and their weapons taken.
- As a defensive measure, tear gas was discharged and shotguns loaded with birdshot were fired.

⁶American Correctional Association, Riots and Disturbances, 1990, 42.

⁷Ibid., 42.

NEGOTIATIONS

The term hostage negotiations here refers to a dialogue between inmates and authorities focused on achieving an end to the incident.⁸ Four of the riots under study ended through negotiations: Camp Hill (the first riot), Atlanta, Mack Alford, and Coxsackie. Negotiations were conducted at Talladega and (very briefly) at Kirkland and later abandoned in favor of other approaches. The negotiations observed can be divided into two types, although the distinction is a matter of degree and emphasis.

Negotiation as Bargaining

The dialogue between inmates and prison authorities may be primarily an exercise in bargaining. Inmates believe they have put themselves in a position to bargain with the state. They may see their hostages and the portion of the facility they occupy as "chips"; they want to trade those chips for publicity, amnesty, improved conditions, or other benefits. The government may respond to inmates' demands with counterdemands. The resolution comes with the striking of the right bargain. At Atlanta, this was the release of the hostages in return for a new review process and a promise not to prosecute. At Camp Hill (the first riot), inmates released the hostages after the Superintendent promised to meet with them the next day to discuss their grievances and to issue a press release announcing that meeting.

⁸The reader should be cautioned that very little work, if any, has been done on strategies and techniques of negotiating prison riots. The present study makes, at most, a marginal contribution.

There are two parallel fields from which insights may be gained. One is a body of work on negotiations in general. The Program on Negotiations at the Harvard Law School has advanced this field considerably over the last decade, although there are those who challenge the thrust of that work. (See Roger Fisher and William Ury, Getting to Yes: Negotiating Agreement without Giving In (Boston: Houghton-Mifflin, 1981); William Ury, Getting Past No: Negotiating with Difficult People (New York: Bantam Books, 1991). The challenge to Harvard approach is succinctly summarized in John S. Murray, "Understanding Competing Theories of Negotiation." 2, no. 2 Negotiation Journal (April, 1986): 26-33. It is our impression that much can be learned from this work that would be useful in the prison context, especially Ury's most recent study.

The police hostage negotiations is a parallel discipline. A group working in the New York City Police Department in the early 1970s is often credited for having started this tradition. Its current leadership, to large extent, resides in the Special Operations and Training Unit, Federal Bureau of Investigation. They have trained hundreds of police officers around the country in the techniques of hostage negotiations. Members of this group also took the lead in much of the negotiations at Atlanta, Oakdale, and Talladega.

Negotiation as Problem Solving

The inmates at the Coxsackie riot did not bring forth demands over which negotiations (as a form of bargaining) could take place. Inmate leaders issued personal demands that seemed disproportionate to the means used. The riot leader's principal demand was to speak over the phone to his stepfather. Apparently, none of the other inmate participants challenged that this issue was what the riot was about. Inmates also sought reassurances that correctional officers would not retaliate for the beatings they inflicted on their hostages and for the riot itself.

The negotiations that followed seem to have more in common with the hostage situations commonly resolved by police rather than, say, a labor-management bargaining session. Over the years, law enforcement hostage negotiators have learned that it is usually best to respond as if the hostage holder's demands were authentic, however odd or seemingly disconnected from the situation, and never to dismiss them as trivial.⁹ At Coxsackie, these strictures were followed with success.

Prison officials arranged for the inmate leader to talk on the phone with his stepfather. Also, a government negotiator spent much of his time trying to calm the inmates and reassure them that they would not be injured when they gave up. A video camera was put in place to record the surrender. These concessions were sufficient to end the disturbance. The participants received additional sentences of two to 20 years.

The negotiation at Mack Alford was a mixed case, resolved by a combination of striking the right bargain, problem solving, and exhaustion. The riot started when an inmate resisted an officer assisting in the transfer of the inmate to a maximum security prison. The inmate felt that he had been wronged: Two black inmates had stolen property from a white inmate's cell, yet he, a white person, was being made to pay. The inmate felt obligated to resist. The defiance continued to snowball as the prison's security

⁹Frank Bolz and E. Hershey, Hostage Cop, 240; John T. Dolan and G. Dwayne Fuselier, "A Guide for First Responders to Hostage Situations," FBI Law Enforcement Bulletin, 58, no. 4 (April, 1989), 12.

measures were defeated. Suddenly in charge of a full-scale riot, the inmate leader demanded that he and other inmates be transferred to a federal prison where, he said, there was less reverse discrimination. They also demanded to have the media present to ensure that correctional officials would not retaliate. During the three-day disturbance, other inmates could have raised other issues related to prison policy, but none did, either because inmates were satisfied with their conditions or they feared being identified as riot leaders.

Corrections officials arranged to transfer the inmate leaders and other inmates requesting a transfer to a federal prison. The Warden, however, would not violate his preestablished principle that the media could not be present. The deal fell through. A day later, the Warden allowed the media to be present and the inmates boarded buses. Shortly after the riot's end, the rioters were placed in the maximum security prison which they had started the riot to avoid.

The distinction between negotiation as bargaining and negotiation as problem solving should not be overdrawn. The former sees resolution as being achieved by bringing together the interests of the agency and the inmates. The latter sees resolution as being achieved by meeting the immediate (emotional) needs of the negotiators as they articulate them. Negotiations always involve both components; it is a matter of emphasis.

In general, prison officials faced these problems in the negotiation process.

Inmate Negotiating Group

For progress in negotiations to take place, there must be an inmate or group of inmates with whom officials can talk to and do so with a measure of continuity. Further, if the negotiating group has no sway over other inmates, an agreement to end the riot is of little value. At Mack Alford and Camp Hill (the first riot) these conditions were met. At Mack Alford, the inmates who initiated the disturbance continued to exercise control over the disturbance and negotiated with prison officials. At Camp Hill (the first riot),

a group of inmates emerged as leaders with whom prison authorities could negotiate. (However, in the course of the negotiations, hostages were assaulted.) At Coxsackie, one inmate took responsibility for negotiating, but toward the end of the disturbance he seemed to be losing control over the other inmates.

In the early stages of Atlanta, no inmate group provided leadership with whom officials could negotiate. On the first day of the Atlanta riot, four inmates presented government negotiators with a list of demands, claiming that they represented the detainees as a whole. Soon other inmates contacted government negotiators asserting their authority. Moreover, at this stage, none of the groups seemed genuinely interested in reaching a settlement.¹⁰

The absence of leadership took government negotiators by surprise. Several of the government negotiators later wrote,

After negotiators had spoken to at least 30 different Cuban inmates, all of whom said that they were "in control," federal negotiators were forced to accept a frightening conclusion: no one actually was in control.¹¹

Eventually, a loose coalition of inmates formed and bargained with government officials in good faith. By the eleventh day of rioting, the coalition had sufficient leverage to effect the release of the hostages after signing the agreement.

The problem of inmate leadership was more grave at Talladega. The detainees were fighting among themselves from the beginning. Prison officials attempted to create a leadership group among the detainees. In one instance, they acceded to a demand made by a relatively moderate detainee, in the hope that he would gain stature in the eyes of the other detainees. A moderate leadership never coalesced and the detainees and government remained far apart on the issues.

¹⁰Report, 1988, Atlanta-62.

¹¹Roger A. Bell, Frederick J. Lanceley, Theodore B. Feldmann, Timothy H. Worley, Dwayne Fuselier, Clinton Van Zandt, "Hostage Negotiations and Mental Health: Experiences from the Atlanta Prison Riot," 3, no. 2 American Journal of Preventive Psychiatry and Neurology, (Fall, 1991):9.

Government Negotiators

The theory behind hostage negotiation teams is now well established. A small group of officials is given specialized training in hostage negotiations. They are carefully chosen based on intelligence, levelheadedness, verbal skills, ability to think on their feet, and overall appearance. During a disturbance, their job is to negotiate a settlement. Those with command (decisionmaking authority) must refrain from directly talking to inmates.

The separation between command and negotiation is said to have several advantages: (a) The decisionmaker can make decisions under less stressful conditions; (b) the negotiator can stall for time by referring requests and demands to a higher authority; (c) negotiators may become overinvolved in the process, begin to lose objectivity, or experience high levels of stress. Command personnel can observe and correct this; (d) there may be information that the negotiators should not have (for example, that an assault is imminent), but which the person in command would be privy to it; and (e) the division between command and negotiation may allow negotiators to develop greater rapport with the hostage holder. The government negotiator can appear to the hostage holder to be taking his side in gaining concessions from command.¹²

This theory was followed at both Atlanta and Talladega. At Atlanta, several hours after the riot began, a BOP lieutenant made the first contact with a detainee and arranged for a face-to-face negotiation session. He was soon joined by FBI negotiators, who then assumed control over the negotiations for the duration of the event. At Talladega, a counselor assigned to the unit made the initial contact with the detainees and started negotiations. Later that evening, he withdrew from the negotiations and trained negotiators from the prison, the FBI, and Bureau of Prisons took over.

¹²G. Dwayne Fuselier, "What Every Negotiator Would Like His Chief to Know," FBI Law Enforcement Bulletin (March, 1986):14; Michael G. Wargo, "The Chief's Role in a Hostage/Barricade Subject Incident," The Police Chief (November, 1989): 59-62.

Coxsackie and Mack Alford passed through a different sequence. At Coxsackie, the first conversations occurred between the inmates and the Department's trained negotiators, as well as the Deputy Superintendent. About five hours into the disturbance, the Assistant Commissioner began to talk to the inmates in response to the inmates' demand that they speak to an official "from Albany," that is, someone with authority from the Central Office. From that point on, the Assistant Commissioner became the lead negotiator, although he worked closely with the Department negotiator and the Deputy Superintendent.

At Mack Alford, two trained Department negotiators were brought to the prison. After about an hour, however, the inmates broke off conversation with them, claiming the negotiators had lied to them. They then insisted that they would speak only with a particular captain, whom they trusted. The captain remained the chief negotiator throughout the disturbance.

Thus, the Coxsackie and Mack Alford negotiations did not follow the standard model. In both cases, however, important principles were preserved. Neither the Assistant Commissioner at Coxsackie nor the captain at Mack Alford exercised authority in the situation. Thus the advantages that come with splitting command and negotiation functions were not forfeited. The advantage gained was the increased credibility of the negotiators in the inmates' eyes.

Cycles of Negotiations

Studies of negotiations in other domains, especially labor-management bargaining, have found that they tend to follow a common cycle. Initially, both parties make exaggerated demands. This is followed by a period of withdrawal and a return to negotiations with more moderate demands. When parties try

to circumvent this ritual, negotiations tend to break down.¹³ Douglas points out that even concessions made too early in the negotiation process can be counterproductive:

Concessions ahead of schedule benefit no one, not even the receiving party. Not only does a party tantalize and mislead the opponent if it relaxes its firmness too quickly, but the parties also need the opportunity to experience exhaustion of their demands before they can be satisfied that they had drained what was there to be had. Premature movement robs them of this experience.¹⁴

This pattern seems to have occurred at Atlanta. During the first several days, government negotiators perceived the detainees as not interested in making progress in the negotiations. The detainees used negotiation sessions as an "opportunity to express their long-standing frustrations"¹⁵ rather than achieve a settlement. This began to change during the course of the disturbance. Government negotiators noted that the detainees became increasingly punctual at negotiation sessions, even sometimes arriving early, which was taken to indicate that they had become increasingly serious about negotiations.¹⁶

A cycle of negotiation similar to those in labor negotiations appears to have developed during Oakdale disturbance. While this disturbance was not included in our sample, we report it here because of the clarity of the process. Two of the FBI agents who helped negotiate the resolution wrote:

Soon after the Oakdale incident began, the U.S. Attorney General declared a moratorium on the deportations. This was immediately conveyed to the inmates, but they were not swayed. It was apparent to the negotiators that the inmates had been offered "too much, too soon". . . The agreement eventually signed by inmate representatives [ending the disturbance] had not changed from that originally

¹³Boulding, Conflict and Defense, 319-320; Richard E. Walton and Robert B. McKersie, A Behavior Theory of Labor Negotiations (New York: McGraw-Hill, 1965); James A. Schellenberg, The Science of Conflict (New York: Oxford University Press, 1982), 203-219.

¹⁴Ann Douglas, Industrial Peacemaking, (New York: Columbia University Press, 1962), p. 42.

¹⁵Bell, et al., "Hostage Negotiations," 11.

¹⁶Ibid. 10.

offered to the inmates. This shows the situation had to "mature" and the inmates had to be allowed to vent their emotions before final agreement was reached.¹⁷

On the other hand, a similar cycle did not develop at Talladega. The Talladega detainees and the government were as far, if not farther, apart at the end of the disturbance than at the start. Likewise, at Coxsackie (described above as least like a labor-management bargaining process), inmates seemed more anxious and hostile as the incident progressed. On the other hand, Coxsackie was shorter in duration than Atlanta and Oakdale and may have developed a different pattern if it had been given time to mature. We doubt it, because the benefits inmates sought in the riot were linked more to acts of defiance than specific demands that could have been moderated.

Third Party Involvement

Third parties were used in the negotiations at Atlanta, Mack Alford, and Talladega. They played several roles:

- As initiators of conversation. At Mack Alford, two inmate leaders were recruited during the opening stages of the riot to initiate conversation with the rioting inmates, who (at that point) refused to talk to prison officials.
- As guarantors to the promise that inmates would not be mistreated after surrendering. At Mack Alford, three state legislators were present at the surrender to assure inmates that they would not be mistreated.
- As guarantors that an agreement is authentic and in the inmates' interest. At Atlanta, Bishop Roman made audio tape stating that he supported the agreement. To overcome a last minute snag in the negotiations, Bishop Roman assured the detainees that the government officials who signed the agreement had the authority to make a binding commitment.
- As mediators searching a middle ground. At Atlanta, a legal service attorney seemed to work genuinely toward developing middle ground that was acceptable to both sides. He raised substantive issues with the government and the government responded in a written memo clarifying its position. At the same time the

¹⁷Clinton Van Zandt and G. Dwayne Fuselier, "Nine Days of Crisis Negotiations: The Oakdale Siege," Corrections Today (July 1989):17-18.

negotiator helped persuade detainees to accept the agreement without a clause declaring that deportations would cease.

- As government bargaining chips. At Talladega, government officials allowed a reporter to talk to the detainees and report their story in return for the release of a hostage. At Coxsackie, prison officials allowed the inmate leader a two-minute telephone conversation with his stepfather.

In all of these instances, the third party involvement seemed to advance the negotiation process. The BOP's Report on Atlanta emphasizes that third party negotiators must be carefully screened and agree not to raise new issues or to act as advocates for inmates.¹⁸ To this we would add that the purpose of third party involvement must be kept clearly in mind and that decisions about third party involvement be made in reference to that purpose rather than other criteria, such as political prominence or a request by inmates per se. This was followed closely at Atlanta.

Force Ultimata and Issue Ultimata

The idea of a force ultimatum is that inmates, given a clear choice between surrender and an armed assault, will choose the former. Among the riots we studied, ultimata were issued at Camp Hill (the second riot) and at Kirkland.

At Camp Hill, State Police declared over a public address system that inmates were to release the hostages and surrender by exiting the cellblocks and lie face down on the yard. One block at a time was then called. At Kirkland, the Warden announced over the public address system that the riot squad had been deployed, that it was instructed to use force if necessary, and that the inmates should lie face down on ground. The Kirkland Warden used language that was direct, simple, and forceful. In both instances there were no retaliations against hostages, and the riots ended shortly thereafter.

¹⁸Report, 1988, Atlanta-62 - Atlanta-64.

The idea of issue ultimata is that inmates, once told that some or all of their demands will not be met, will stop making those demands and focus on matters than can be negotiated. Police hostage negotiators generally discourage the use of issue ultimata: "No matter how unreasonable, exorbitant, or weird a demand, never tell the subject 'no.'"¹⁹ Instead, the negotiators should try to recast the demand that cannot be met in way that it can, or at least implies no immediate threat.²⁰

This advice seems reasonable for prison riots. An exception, though, was observed at Atlanta. As the reader may recall, during the first half dozen days at Atlanta, the detainees had held fast to the position that the deporting detainees to Cuba should be terminated. The government did not tell the detainees that this was not negotiable because they feared the detainees might retaliate. The detainees refused to drop the issue, however, and the negotiations reached an impasse. Finally, a government negotiator told the inmates that their demand would not be met under any conditions. This broke the impasse without provoking retaliation against hostages, allowing the negotiations to go forward.

A related issue concerns the transition from negotiation to force. Police hostage negotiators debate whether the government negotiator should be alerted that an assault will occur. Many say no because he or she might inadvertently reveal the plan. Others point to possible advantages: The negotiator might be able to distract the subject at the start of the assault, provide reassurances that would lower his defenses, or position him for a sniper shot.²¹ None of these advantages were obtained at Talladega and the Regional Director decided not to inform the negotiators.

¹⁹Dolan and Fuselier, "First Responders to Hostage Situations," 12.

²⁰Doland and Fuselier give the example of a hostage holder demanding a car and \$100,000 in 30 minutes. A suggested response would be "O.K. I understand you would like some money and transportation, and I'll make sure someone starts working on it as soon as they get here." *Ibid.*, 12.

²¹Fuselier, "What Every Negotiator," 15.

WAITING

A third strategy for handling a disturbance is to wait it out. In law enforcement, "Stalling for time is a universal tactic among hostage negotiators."²² The theory is that hostage takers tend to develop sympathy for the hostages, develop a rapport with police negotiators, or just get tired of doing what they are doing. In light of this, police hostage teams are encouraged to avoid the temptation to "get it over with" and to patiently wait out the situation unless forced to by a material threat to a hostage's safety.

For prison riots, the evidence for various elements of this argument are mixed. The hostages in two of the riots, Camp Hill and Coxsackie, were treated brutally. At Mack Alford, Atlanta, and Talladega none of the hostages were physically attacked, but they were subjected to extreme psychological stress. From the point of view the hostages, lengthening the duration of the disturbance came at considerable cost (which has to be weighed against the cost of force). At Talladega, additional waiting may have endangered the hostages because hostility among the detainees was beginning to increase.

Negotiations formally ended the disturbance at Mack Alford, but in large measure the riot succumbed to massive defection and inmate exhaustion. After three days of rioting, only a fraction of the original participants remained on the yard.

While a strategy of waiting may imply passivity on the part of the government, usually the opposite is the case. Research on police hostage negotiations,²³ as well as negotiations in other contexts,²⁴ emphasizes the importance of active listening: paying careful attention to what is said, asking the speaker to clarify what she or he meant, and communicating back to the speaker that she or he had been understood. Active listening can be extraordinarily demanding. The Regional Director in charge of

²²Frederick J. Lanceley, "The Antisocial Personality as a Hostage-Taker." Journal of Police Science and Administration, 9, no. 1 (1981:32).

²³Dolan and Fuselier, "First Responders to Hostage Situations," 11.

²⁴Roger Fisher and William Ury, Getting to Yes: Negotiating Agreement without Giving In (New York: Penguin, 1981), 35-37; William Ury, Getting Past No: Negotiating with Difficult People (New York: Bantam, 1991), 37-40.

Talladega's resolution reported that throughout the disturbance, officials at the scene were continually trying to discern what the detainees wanted, what they were trying to do, and clues as to their tactical situation. This occurred almost 24 hours a day.

A strategy of waiting can also employ tactics that will, by increasing inmates' discomfort, (a) directly motivate them to end the incident more quickly or, (b) create needs which prison officials can then use to effect a bargain. At Atlanta, helicopter over-flights put pressure on inmates and water and heat were cut off to the compound. At Talladega food, which was in short supply to begin with, was denied. At Coxsackie and Mack Alford, the electricity was turned off. Each of these deprivations became negotiating points for the government.

One problem with using these techniques is that the hostages have to endure the same deprivations as the inmates. At Talladega, both detainees and hostages went ten days with very little food. The detainees were given food on the last day, in part to lower their defenses, but also so it would reach the hostages. Also, prison officials were concerned about the breakdown of order among detainees. Advice developed in the police context seems relevant, "increasing situational stress if the subject is too comfortable or decreasing stress if the subject is very anxious."²⁵ At Talladega the detainees were showing signs of increased tension and hostility, which the food provision was meant to ameliorate.

MEDIA MANAGEMENT

The media may impact the resolution in five ways. One is that the media coverage may become a bargaining chip. Inmates may, as they did at Mack Alford and Talladega, demand access to media representatives. Prison officials must decide if, and under what conditions, to trade that concession. At Mack Alford, the Warden initially judged the cost of the concession as being too high. Acceding to the demand, he believed, would provide an incentive to inmates to riot in the future. As the disturbance wore

²⁵Fuselier, "What Every Negotiator Would Like," 15.

on, this position was reversed because the inmates held fast to their demand and the resolution proved otherwise difficult to achieve. At Talladega, BOP officials offered detainees the opportunity to speak with a Spanish language reporter but only if they met specific counter-demands. Moves and countermoves by each side followed, resulting in the release of one hostage.

Second, the media may play into the tactical situation. This was most pronounced at Atlanta, where media coverage was intense and the facility's location on a public street allowed television cameras to broadcast live images of the events on the perimeter, including the movement of tactical forces. BOP officials had to take this into account in any decision involving the movement of tactical forces. At Talladega, media was kept at a much further distance, but even with this precaution the media were able to train powerful lenses on parts of the facility.

Third, there may be intense public pressure to provide information about the incident. Here prison officials may be pulled between a principle of candor, revealing facts about the incident as they are known, and tactical considerations. Prison officials may be unaware of some points of information, in which case it may be better to admit to this rather than remain silent. Most often, prison officials develop best guesses about the questions the media asks, such as the current situation inside the riot-affected portion of the facility and what caused the riot. Here the dilemma is whether or not to issue information that later investigation may show to have been incorrect. BOP officials at Talladega found it more difficult than anticipated to decide what and when information should be released.

Fourth, the media's physical presence may pose a management problem. When in large numbers, media personnel can clog facilities. BOP officials at Talladega found this to be the case, compounded by problems they had in holding regularly scheduled briefings. At Atlanta, the media became an intrusive irritant to the hostages' families. Several reporters used deceit to try to obtain interviews, crossing the lines of professional journalism.

Finally, a prison riot may shine the media's spotlight on the agency. Management personnel may be profiled and issues may be raised that go beyond the riot itself. Top level prison officials may be well advised to become directly involved in media relations. A top level official, as compared to a media specialist, can credibly articulate the values and mission that guide the organization. He or she can show that leadership is acting professionally and effectively. This message must be subtly conveyed and it must not appear to be boosterism. The intended audience may include employees elsewhere in the agency who must continue to deliver services and who may feel uncertain and anxious about the unfolding events, government officials with oversight responsibility for the agency, and the public at large.

During the Atlanta/Oakdale disturbances, BOP Director Michael Quinlan presided over regular press conferences. He had been in office in five months, had never previously been the focus of media attention or held a newsconference, yet he was able to convey the Bureau's foremost commitment to the safety of the hostages and the deliberateness of the effort.²⁶ His phrase "my patience is endless" became a symbol of this.

At the same time, it is important to note that the audience will also include inmates inside the institution. Care should be taken not to antagonize them. News releases meant to reassure the public may be interpreted by inmates as a challenge and they may attempt to react to the perceived challenge with additional force. After the first riot at Camp Hill, the Superintendent announced that none of the inmates' demands would be met. This helped precipitate the second riot.

²⁶A New York Times's "Man in the News" profile described Director Quinlan as a "rising star" with strong leadership skills. The New York Times, "Patient Point Man in the Prison Crisis: Joseph Michael Quinlan," December 1, 1987.

Chapter 12

After the Riot

At the beginning of this report, we pointed out that the aftermath consists of short-term problems of securing the prison, medium term problems related to repairing the damage and returning staff to work, and long-term problems related to restoration and change.

THE SHORT TERM

After the inmates have surrendered, prison officials must search for contraband, move inmates to secure units, asses damage, and clear the count. Medical care must be provided to hostages and inmates as needed. Evidence must be collected for future prosecutions. If outside staff or law enforcement personnel were requested, they must be released from duty as the danger recedes.

The importance of these tasks cannot be overstated. Having resolved the riot, the temptation to lower vigilance and assume that the worst is over may be premature.

At Camp Hill, some of the essential postriot tasks were not completed. The count was not cleared; weapons and other debris were left in the hallways of the blocks that inmates were returned to; the locking mechanisms operating cell doors had been compromised, but inmates were returned to them anyway; and inmates were observed wandering outside of their cells throughout much of the first night. Upper echelon prison officials were largely unaware of the problems. In hindsight, it can be said that they themselves should have gone to the blocks to assess the damage but instead they relied on imperfect reports. Unaware of the problems that existed, the Warden dismissed all but 25 of the 260 State Police officers who had helped quell the disturbance. This contingent fell far short of the number needed to prevent the far more destructive riot that began the next day.

In the other prisons under study, these tasks were handled without major problems. At Cimarron, a pressing issue in the immediate aftermath was the provision of medical care to the inmates who had been injured. One was evacuated by helicopter for emergency surgery, and ten others were transported to hospitals by ambulance. The remainder of the inmates were searched and locked in their cells and the count was taken. The inmates identified as being most active in the riot were placed in the facility's detention unit. The entire prison was searched for weapons but no buildup of weapons was found.

At Coxsackie, the immediate aftermath was handled with an especially high level of control and certainty of results. The inmates not requiring immediate medical attention were moved to the gymnasium. They were separated by 20 feet, instructed not to talk, and supervised by one and then two correctional officers per inmate. Each inmate was examined by medical staff and then interviewed by the State Police, staff members from the Department's Inspector General Office, and staff members from the Commission of Correction. Five hours after the riot, they were transferred in small numbers to other facilities.

At Atlanta, the immediate postriot task involved transferring the detainee population to other facilities. Over a 24-hour period, detainees were escorted out of the compound one at a time. BOP staff searched each detainee with the aid of a fluoroscope, placed him in restraints, and then put the detainee on a bus for transfer to another facility.

THE MEDIUM TERM

In the medium term, prison officials must repair the damage done to the facility, assist employees in coping with their experience, return employees to their work routines, and undertake the administrative followup associated with the disturbance.

One of the immediate responsibilities of agency is to help employees overcome the trauma of the disturbance. Writing in Corrections Today, Fred Van Fleet offers excellent advice on the role of the

mental health professionals in debriefing staff after disturbances.¹ He recommends that debriefing sessions occur not immediately after the incident (when medical attention may be needed and hostages will benefit most from the support of loved ones), but sometime between the fourth and eighth day after the incident. In general, the prison officials and officers we interviewed stated that such debriefing sessions are useful. In some departments, such as South Carolina, they are mandatory.

It would be a mistake, however, to relegate these duties in their entirety to mental health professionals. A collective public expression of the sacrifices made by hostages, as well as appreciation of the exemplary action of staff during the riot, may be important in reintegrating the corrections community. Following Talladega, the Acting Attorney General's comment that he felt "grateful beyond words and proud beyond measure" is one such expression. This recognition can also be achieved at public ceremonies, such as the one held by the Oklahoma State Legislature.

In some but not all riot inmates damage the structural integrity of the facility. Surprisingly, the Talladega detainees did comparatively little serious damage to their unit. Employees were able to ready the unit for reopening just a few days after the disturbance. At Coxsackie, in contrast, the inmates destroyed the control center of the Special Housing Unit so that they could not be immediately returned to the Unit. In this regard, they were successful. In the largest, most destructive riots, such as the ones at Atlanta and Camp Hill, major reconstruction was needed.

Also during the medium term, a report may be commissioned to find out why the incident happened. The report may help frame, for corrections officials, policymakers, and the public, what the riot meant, thereby helping to establish a long-term reform agenda. Are major systemwide changes needed or only minor adjustments of particular policies?

The official inquiries into the eight riots under study varied along several lines.

¹Fred Van Fleet, "Debriefing Staff after the Disturbances Can Prevent Years of Pain," Corrections Today, (July 1991), 102, 104, 106, 107.

- (1) Scope of investigation. The report on the Camp Hill disturbance was the most far-reaching one, raising issues about the riot, its management, and issues related to the criminal justice system as a whole, such as prison overcrowding and alternatives to incarceration. The reports at Coxsackie, Mack Alford, and Boise focused primarily on the riots with no far-reaching implications. The authors of the report on Atlanta, and to a lesser extent Talladega, used the opportunity to rethink the Bureau's entire emergency preparedness effort. At Cimarron, the focus was primarily on whether the use of force and shootings were justified and complied with department policy.
- (2) Issuing agency. At Camp Hill the Governor commissioned a blue-ribbon panel to investigate the disturbance and a state senate committee wrote an independent report. In response to Cimarron, the Director of Corrections requested another state agency, the Department of Public Safety, to conduct the investigation. This was done to ensure objectivity in light of the fact that there had been racial tensions at the unit (allegedly including officers). The investigations of the Boise and Mack Alford riots were conducted by members of the central office. At Coxsackie, the New York Commission of Correction (the body responsible for monitoring all correctional facilities in New York) conducted the investigation. Commission staff members were on the scene soon after the riot started. In response to both Atlanta and Talladega, the Bureau of Prisons established teams of primarily senior level staff members and representatives from the other federal agencies involved in the resolution.
- (3) Audience. The results of the investigation at Cimarron, Boise, and Mack Alford were intended primarily for use by those in the central office. The reports at Coxsackie, the two BOP disturbances, and Camp Hill were written for those within the agency, for policymakers concerned with corrections, and to some degree, for the general corrections community.

LONG-TERM SOLUTIONS

As noted at the outset, prison riots can be both a threat and an opportunity. It is an opportunity if correctional leaders listen carefully, think clearly about the events, and develop policy to reflect what they have learned. A prison riot, by definition, means that prison officials have lost control over the situation for a period of time. A corrections department can become stronger, less likely to lose control, and be more effective in resolving disturbances when,²

- Gains are made in the ability to forecast a disturbance and the flow of information is improved. The agency, having seen a disturbance, may be more aware of and better able to interpret future warning signs.
- Previously unrecognized problems are addressed. Riots may reveal weaknesses in facilities, operating procedures, or the organization. When the approach taken is

²Helpful here was a discussion of crisis management in corporations by Rosabeth Moss Kanter, Barry A. Stein, and Todd D. Jick, The Challenge of Organizational Change: How Companies Experience It and Leaders Guide It. (New York: Free Press, 1992), 243-247.

asking how the problems can be resolved, rather than arguing over whether they did or did not contribute to the onset of the riot, progress will be achieved.

- The outcome of innovations made during the disturbance are reviewed and incorporated in riot plans accordingly. During the Atlanta disturbance, for example, the BOP developed the idea of a center for hostage families. The success of this effort led the Bureau to make this a standard feature of its response.
- Relationships with other agencies are improved. During the riot, new relationships among agencies may emerge and, if not, the need to establish these relationships may have been demonstrated. After the disturbance, gains should be consolidated and relationships strengthened as the riot showed were necessary.
- Innovations may be made in the reconstruction process. The post-riot period can be used to restore what existed prior to the disturbance or to depart from tradition. For example, after the Mack Alford disturbance, Mack Alford employees, including correction officers, case managers, and maintenance workers, became involved in developing plans to reconstruct the prison. A delegation was sent to several prisons in another state to develop ideas about architectural design. This break with tradition (previously architectural planning was conducted only in the central office) helped create a sense among Mack Alford employees that the facility was theirs.

A riot is unlikely to leave a department's morale untouched. Much depends upon the response during the riot and the outcome. If the resolution went well, if employees perceive that the department faced the crisis squarely and with adequate resources and preparation, and if the response of the political community and media were positive, then the disturbance may actually increase the sense of mission, loyalty, and confidence in the department. Where these factors are absent, morale may plummet.

One measure of morale is turnover and absenteeism. One extreme was Kirkland where, after one year, only one of the 22 employees who were trapped or taken hostages had resigned from the Department. This was a lower turnover rate than that of the Department had as a whole. In contrast, at Camp Hill, where 24 hostages were taken, 123 staff members (including 70 correctional officers) were initially placed on disability. Eight months after the riot, about 50 staff members had still not returned to work. Of course, there were many more staff members injured at Camp Hill than at Kirkland. This can account for much of the difference, but not all of it.

If Camp Hill is taken as exemplary of the most serious problems facing prison officials in a riot's wake, it also must be seen as an example of where those challenges can be most fully met. A new Director was hired. He reorganized the central office, secured a grant from the National Institute of Corrections to revamp the Department's system for emergency preparedness, and improved relationships with other state agencies involved in emergency planning. At Camp Hill, a new Warden was hired, who helped direct the rebuilding of the facility.

Chapter 13

Public Policy Preparedness

A PUBLIC POSITION ON RIOTS, DISTURBANCES, AND HOSTAGE SITUATIONS

The first question an agency should ask in preparing for the possibility of a riot, disturbance, or hostage situation is "What is our position concerning riots, disturbances, and hostage situations, and how does that stance translate into our general approach to resolving them?"

Almost without exception, correctional agencies include two essential statements in their mission statements:

- 1) to protect the public, and
- 2) to ensure the safety of staff and inmates.

A riot, disturbance, or hostage situation signals to all three of the agency's user groups that their safety and protection is seriously jeopardized. The mission of the agency as an organization is at risk. Consequently, there is a well-publicized and high profile concern, even disapproval toward the agency, when news of a disturbance breaks. The position of the agency is unquestionably that disturbances of any variety are cause for grave concern, will not be tolerated, and will be met with unequivocal action to restore the agency to control and full realization of its mission. Such a position should be put in writing and made available to the public.

A Public Position on Action That May Be Taken

But what action will the agency adopt to quell a riot, disturbance, or hostage situation? The agency should include in its policy statement that it will provide action that will gain control as expeditiously as possible, and that will minimize injuries, the loss of life, and the loss of property. When it can be done

without jeopardizing security, specifics of the agency's approach to stopping riots, disturbances, and hostage situations should be put in writing, both for the benefit of articulating the position of the operators of the agency and for the impact that the policy statement has on the public, on staff, and on inmates who might read or otherwise become aware of it. This policy statement should also be emphasized in staff training.

Policy relating to Community Safety

An agency policy on riots, disturbances, and hostage situations should assure the public, and especially the neighborhoods surrounding facilities, that efficient perimeter protection exists and that there are procedures and equipment ready to quell any disturbance and importantly, that every effort will be made to contain such problems within the perimeter. Any special provisions that would take into account proximity to residential communities should be included also.

An Agency Position Concerning Staff About Disturbances

It is important to articulate publicly a statement of how the agency perceives its employees (and potential employees) in the event of a riot, disturbance, or hostage situation. For example, staff need to know the attitude of the agency toward them and their families should they find themselves taken hostage, trapped in a burning building, injured, or even killed in the course of a disturbance. They need to know whether the agency takes the position of negotiation, attack, or a combination of both to free hostages, and under what circumstances they can generally expect the agency to take certain actions. Are there methods for accounting for missing or injured staff and providing needed treatment promptly? What kind of treatment is afforded to families of victim staff? How does the agency expect staff to behave in riotous or hostage conditions? What insurance coverage will provide what compensation for staff victims? This kind of information may not fit neatly into contingency plans, or may be overlooked, but it is important

information to be disseminated in policy form to staff not only to prepare them, but also to protect the agency legally. Oklahoma has a model pamphlet providing that kind of information and suggestion for employees who might be taken for hostage.

Policy Relating to Inmates

The agency's policy should make clear its position towards inmates during disturbances and hostage situations. Inmates should be instructed during their orientation to correctional facilities both verbally and in writing that the administration abhors disturbances of any kind, that it considers such situations as hostile threats to the security of the entire institution, and that situations in which inmates become unruly and out of control will result in grave consequences, with specific sanctions spelled out for varying degrees of involvement. By the same token, inmates should also understand that there is a premium placed on non-involvement and mitigating behavior by inmates if/when these situations occur, and that the administration will not only do every thing possible to protect them from incidental harm during a disturbance, but will also reward them for behavior that hastens the return of control or saves others from injury. General instructions should be provided for inmates who wish to remain uninvolved, including specifics such as the staff to whom an inmate should report his/her desire to remain uninvolved, and location(s) where one might find safety.

Policy relating to Press Accessibility to Sites of Disturbances/Riots/Hostage Situations

Care should be taken to establish the ground rules affecting media access to information at the site of a disturbance, and generally how the press will be situated and treated on site during such an event. It is also important to give them a general idea as to how news of the event will be disseminated by officials. The agency's media policy, of course, will provide much more detail on press relations and accommodations.

Who Will Quell the Disturbance or Hostage Situation?

Finally, the agency riot (or emergency) policy should set the guidelines for the roles of the jurisdiction's various agencies in the event of a disturbance. Normally, one would expect the Department of Corrections to be in charge of handling its own disturbance with its own staff and, if necessary, take advantage of agreements with other agencies to gain additional resources and perhaps manpower that will be utilized under the direction of the DOC.

THE ACTUAL CONTINGENCY PLANS

Central Issues of the Plan

Chain of Command- From the Administrator Down

The administrator of a correctional agency determines the leadership role to take during a riot, disturbance, or hostage situation. This role may be "hands-on," with the Director or Commissioner making the decisions, or "behind-the-scenes," with the Director serving as an informational resource, a provider of additional resources, and communicator with the public. The role taken by the administrator shapes the expectations and roles of subordinate staff during an incident.

A common thread running through the comments of Directors interviewed for this study is the belief that they, not the institutional wardens, are accountable for the success or failure of their Departments before, during, and after disturbances. As put by Sam Lewis, the Director of the Arizona Department of Corrections, "When I have all the responsibility and take all the hits in the newspaper, it doesn't say...Warden X... It's always, '...Sam Lewis, DOC.'"

Adhering to Established Roles

During a riot, the activities of an agency as it moves toward resolution become the ultimate responsibility of a small group of individuals, or even a single person. In some cases, that person is the

Warden of the facility, while in others, it is the state Commissioner of Corrections. The determination of staff roles, while not necessarily written into the plan or into policy and procedure, is part of the philosophy of the agency and its leaders. Whether the Commissioner takes an active or background role and what the institution's management should be doing are questions that are answered most easily before the need arises. However, during a disturbance is the time when the delineation of roles and adherence to them is critical.

The differences between agencies in terms of leadership roles during disturbances are apparent among the agencies studied. Sam Lewis states,

"There has not been one disturbance where I began to issue tactical instructions to the wardens as to how to deploy this tactical support unit. If the warden needs fire wagons, [or] other tactical support units, for example...there will be discussions as to stand them up, put them on alert, or roll them...Those are decisions that I think rightfully belong to the Director...But the tactical management of that disturbance should rest with the warden."

However, in New York, where the Commissioner and Central Office staff assume the responsibility for command, according to CERT Commander Gary Filion, "The Superintendent has responsibility for the rest of the facility, but he is also there to advise the Commissioner and...is involved in the process. It isn't like, 'I'm here now, John, get out of your office, I'm here now and I'm in charge.' It's like, 'OK, I'm here now. What do you think about this? What can we do?'"

Blurring of these roles can lead to problems, as occurred in Idaho and delineated by Bona Miller:

"The Director actually ended up handling the entire incident and making the decisions about what would happen and what wouldn't...we ended up having our director down in the yard which I thought was pretty inappropriate...One of the reasons I think the director got involved was the warden had not been a warden at that facility for a very long time and I think he [the Director] felt that because of [the Warden's] lack of experience he needed to be there....but I saw his role as being someone who stayed in the command center and if the warden needed assistance in the type of decisions, they could converse with one another and come to a decision about how a particular issue could be handled as far as the incident progressed. That didn't happen. As a result, the warden's authority with his staff suffered."

She went on to elaborate,

"The SWAT team commander at the time felt frustrated by the fact that there were all these other people - the director, etc. down there giving commands. He didn't feel comfortable that if he gave a command someone else might countermand it. He didn't feel he had a lot of control but only did what he was told to do. I believe the policy allows for him to be in control of that kind of tactical situation, so the policy hasn't changed, I'm assuming practice has probably changed. Our director now believes wardens should run their own facilities and make their own decisions. 'Come to me if you have a problem but bring me some options on how you want to handle it.'"

Lack of clearly defined command roles (and therefore the roles of staff being directed) can be dangerous; staff and other individuals on the scene can take matters into their own hands, endangering their own lives and those of others. Bona Miller describes some of the confusion:

"It seemed there were an awful lot of staff down there with nothing to do. They were kind of milling around not knowing what to do, where to go, and nobody bothered to say, 'You're really not needed in this area - go to the administration building or another unit,' or whatever. The role of the CERT team was very identified as far as their part, the role of support people was not really identified. If I'm a medical person, what's my role in a riot situation? If I'm the fire crew, what's my role, where do I go based on where the fire may be? Who makes the decision on who goes into that unit? What ended up happening [was that] one gentlemen who said he knew how to u. Scott air packs just went and grabbed them from the fire crew and went into the unit."

The issue of accountability highlights the need for consistency between staff's expectations concerning the role of the Director and the Director's actions during disturbances. If a certain philosophy of Director involvement or non-involvement is expressed, but the administrator acts in a contradictory manner during the disturbance, the roles and activities of other personnel involved in the management of the incident are upset. This was the case, for example, during the riot at Camp Hill, in Pennsylvania.

The Commissioner was present at the scene and took certain decisions into his own hands. While Commissioner Owens espoused a "hands-off" policy, he stepped in, to debate the type of shotgun loads that the State Police were carrying and to decide whether or not to ostensibly allow the troopers into the institution. Meanwhile, as many as 50 top institution staff and inmates were trapped atop the burning

Control Center building. Eventually, he left the area without making a decision. This wavering between involvement and non-involvement cost valuable time in rescuing trapped staff. If he had hoped to avoid a politically volatile situation by becoming personally involved with the decisions and activities of the retaking of the institution, he only succeeded in throwing the expectations and activities of his staff into further disarray.

There is no correct approach for a Director to take. The Kirkland (SC) and Coxsackie (NY) incidents, both successfully resolved, illustrate varying philosophies of management between Commissioners. While Commissioner Coughlin (NY) was present at Coxsackie and was directly involved in managing and making decisions such as approving or disapproving negotiation concessions and tactical plans. Commissioner Leeke (SC) was also onsite, but took a more "backseat" approach at Kirkland, observing the activities of the decision makers and lending advice.

During the riot in Idaho, Director Murphy assumed the central decision making role with the institutional staff ringed around him. George Miller, Deputy Warden for Operations at ISCI, described Murphy's actions: "He would call the shots...he developed plans right with the SWAT team, got everybody lined up, state police, county [police], etc. The Warden was trying to make sure the rest of the institution was taken care of. He gave the director information and followed up on what the director wanted to accomplish." While Commissioner Coughlin was not quite as involved in tactical planning, preferring to see and approve completed plans, both he and Murphy took active roles in the management of the disturbances while the institutional wardens concentrated on operating the unininvolved portions of their facilities.

Whatever the approach, it must be consistent and comprehensive. Staff must be aware ahead of time of what is expected of them and what they can count on from the Director. Similarly, their roles must also be defined. If the Director is to be located at the institution, what will the Deputy Directors be

doing? When each individual knows where he or she fits into the overall picture, operations flow smoothly.

In keeping with the Director's philosophy of disturbance management and the role he or she chooses to play, a chain of command is developed, which should be outlined in a written plan. From this chain of command are disseminated directions to quell the disturbance. The Deputy Warden for Security at Idaho SCI, offered that "the Warden goes into his office with the Director, the situation is contained, troops come in..., the Captain who is the field commander for the emergency response team meets , ...they come up with the assault plan, which is approved by the warden. The director approves it and then... the field commander goes down and does his thing [commands the assault]."

Centralized Agency Involvement

Another contingency planning decision to be made is whether or not to establish an operational post at the Central Office level. New York State's is called the Emergency Operations Center, and as Gary Filion explains, "...Anytime there's any problem...[of] a certain magnitude we'll open up our emergency operations center... grab the red book [riot plans] for that facility... and establish an open direct line to the facility so that we can start...[getting]... whatever information is available and feeding it to the Deputy Commissioner or the Commissioner." Thus, while the Commissioner is still in the state capital, he is receiving information directly from the institution regarding the severity and events of the incident. When the Commissioner goes to the site of the disturbance, the EOC assumes a support role and serves as a centralized point for the collection of information not only from the facility experiencing the incident, but also from other sources, such as weapons experts from other parts of the state. The New York EOC also becomes the entity that coordinates outside agencies through the Commissioner, performing the actual notification and request duties as he and his staff delineate them.

Under the direction of Director Gary Maynard, the Central Office of the Oklahoma Department of Corrections has created a system of Specialized Committees (Operations Committee, Logistics Committee, Employee and Family Assistance Committee, Offender Family Resource Committee , and Intelligence Committee). Under this system of committees, the Central Office staff, as explained by Assistant Director Gary Parsons,

"...serve as a sounding board. Operations oversees the show. They [institutional staff] keep us advised as to what's going on, they run scenarios by us and we discuss possible courses of action...Since we're not there in the heat of the situation, we may think of things they should check or do that they may not be able to think of...[Our] mission is to take as many external things off of the warden as I can and allow the warden to concentrate on...logistics and all of that...[I handle] other agencies' coordination, all of those kinds of things..."

Critical Policy Issues That Drive the Emergency Plan

There are several policy issues that influence the nature of the agency's emergency plan. A general policy which is more elaborate than the public one but not detailed, should outline Department policy concerning what is to happen during an incident. For example, for a hostage situation, the Department should have a position on negotiation. If the Department's policy is to contain an incident to the affected portion of an institution, the emergency plan should outline the activities necessary to accomplish that end.

The Use Of Force and Deadly Weapons Issue

A critical element of the emergency plan is an outline of the Department's use of force policy. What staff members are authorized to order the use of force? What responses are appropriate in what types of situations? What types of weapons and gas are appropriate for use in specific types of situations? Two examples among the disturbances profiled for this study illustrate the need for this policy. During the Idaho disturbance, an inmate was murdered by other inmates who broke through the front wall of his cell and beat him to death. At the time of the murder, corrections personnel were standing outside the building and could hear the events unfolding inside. One of the two staff members outside the building and near the cell was armed with a shotgun. Twice during the attack he radioed to the Director a request to fire,

and twice the command post refused to authorize the use of deadly force. While a shot may have stopped the attack, it also may have injured innocent individuals. Later the Warden explained,

"I think the Director was the only one on site who really knew why he did not permit the shot to be fired. I don't know that anybody else had thought about [the issues,] which were if he did fire and someone was injured we couldn't get first aid to him...and that if one pellet would have been found in [the murdered inmate], the issue would have been were the inmates breaking in to save [him], or were they breaking in to kill him. I think the Director had that clear in his mind...."

The combination of uncertain lines of sight (the window had metal slats across it that obscured the Deputy Warden's view into the room), the fact that a shotgun load spreads across a target when fired from a distance, and the fact that the cell block was not under staff control contributed to the decision.

The second example illustrates the need for detail in the use of weapons and ammunition. In example, During the Kirkland riot in South Carolina, at one point, the riot squad commander realized that the wrong type of ammunition had been distributed to the squadron and had to correct the mistake after the fact.

Consistency in Philosophy

In agencies and institutions with clear philosophies of disturbance management, the approaches taken when an incident occurs will be in line with that philosophy. For example, Warden Kenneth McKellar of Kirkland made clear his "isolate and contain" attitude toward disturbances: "My philosophy...was to contain the situation...the quicker the overall situation could be contained, then if you had to negotiate, you could work on that situation. Until you contain it inside of the prison, you can't do anything successfully." During the initial phase of a disturbance, activities will tend to coalesce around that philosophy, because staff will know what is expected (provided that philosophy is known to staff). Again, while the expression of a management philosophy takes place in policy and procedure before a disturbance occurs, the test of its success is the beginning of an incident.

Policy on Utilization of Outside Agencies

The roles and activities of outside agencies must also be determined, which to a certain extent is under the umbrella of the Director's activities. The involvement of outside resources is delineated in emergency plans. Their utilization is usually the Director's prerogative and involves pre-arranged plans via meetings and sometimes even signed interagency agreements. As Sam Lewis (AZ) says, "If [the Warden] needs fire wagons [or] other tactical support units...(from the outside),... those are decisions that I think rightfully belong to the Director, in terms of what resources you're going to commit to it [the disturbance]." In some cases, the Director's role in coordinating the activities of outside agencies is determined statutorily, as explained by Tim McNeese, now Deputy Attorney General for Corrections in Idaho, but Executive Assistant to former Director Al Murphy at the time of the Idaho disturbance: "There's a statute in Idaho that says that if a riot occurs, the Director of Correction has authority to utilize the National Guard and also becomes responsible for utilizing and managing all responsive organizations such as the sheriff's office, fire department, state police. Murphy rose to the occasion."

Perhaps the most famous example of the involvement of outside law enforcement agencies in the management of a prison disturbance is that of the New York State Police in the Attica riot of 1971. In the ensuing twenty years, however, the role of outside police agencies has become that of a resource, both in New York and elsewhere. Former Director Gary Maynard of the Oklahoma Department of Corrections explains, "Today, we pretty well handle our incidents. It hasn't always been that way. Our history of the incidents [in the past] was to use the State Police primarily for direct assault, direct control of inmates after disturbances, but that's kind of evolved. They've...kept their foot in the door and were semi-active in the late Seventies and early Eighties, and it's evolved to the point now where I don't think they think they should get involved--it's our show, we run it, they assist any way they can if we ask...They generally run outside security, crowd control, and those kinds of things." Gary Filion, commander of New York's Correctional Emergency Response squads, states that the role of the State Police and the local police

would be to handle perimeter security duties while the departmental CERT team(s) would perform an actual assault. "We [the Department] have people trained [to handle incidents]. We've trained them since 1974 to deal with these situations and that's how we're going to deal with them."

In some cases, an outside law enforcement agency becomes actively involved in the resolution of the riot. If additional personnel are needed to fill out a particular team, or if a management breakdown occurs, such as in the case of the Camp Hill disturbance, State or local police may be utilized. Specific components of the outside agencies, such as snipers, trained negotiators, or tactical specialists may be called upon, if the agency has not trained its own cadre. This reality highlights the need for good working relations with the other agencies, as well as specific written agreements as to their roles and utilization. Once again, the Camp Hill disturbance demonstrates this need. After the inmates locked down on the night after the first riot, all but 25 State Police were removed from the institution; the 25 remaining troopers were billeted outside the institution's perimeter. A combination of factors contributed to these decisions, some of which could have been eliminated had an agreement between the Department and the State Police been in place. The role of the State Police in providing additional security could have been delineated, and that role could have been defined as active rather than reactive. While some of the other factors would not have been affected by such an agreement, cooperation between the two agencies, as outlined in a written document, could have eliminated some confusion and possibly have changed the course of events to a degree.

However, local and state law enforcement are not the only agencies to become involved in prison incidents. Local fire agencies and medical personnel also play a role. If Medivac services may be required, the provider and the Department must have a delineated relationship before an incident occurs in order to expedite the service. Local fire agencies must be aware of institutional layouts and the institutional personnel from whom to take direction. Additionally, equipment such as air packs must be compatible among the different agencies.

TAILORING THE PLAN TO ANTICIPATED NEEDS AND REQUIREMENTS

Physical Plant Considerations

An institution's physical plant, taken as a whole, is a component in riot preparedness. Circumstances arising from maintenance problems or a changing Departmental agenda (as reflected in the numbers and type population housed in a particular institution) play a role in the events leading up to disturbances and an agency's preparation for them, as illustrated by the incidents outlined in this study.

Physical Plants Designed for a Population Other Than That Housed

Two institutions in particular illustrate the potential for problems in housing an inmate population different from that for which the institution was originally constructed. The Camp Hill facility was originally a juvenile institution, and over the years came to house medium-security adult males. The perimeter was "hardened" accordingly, with a double fence and the other accouterments expected of a medium facility, but other elements of the physical plant did not keep pace. The current Warden stated, "Essentially, what you had here was an institution with a near-maximum security perimeter, and the interior was still a minimum-security institution, in terms of fencing, construction, and everything else. And the inmates were anywhere from minimum to maximum security inmates. They had over 300 lifers here, and they did not have the ability, like they do at Graterford or Pittsburgh, [facilities] designed to be...maximum-security institution[s], where if something kicks off somewhere you can close a couple of snap lock grilles and isolate your problem..."

The Kirkland Correctional Institution, a medium-security facility, was, at the time of the disturbance, housing maximum-security inmates who had been incarcerated at the state's Maximum Security Center. MSC was closed as part of a consent decree, and its inmates were dispersed to institutions around the state. Kirkland had its share, and at the time of the incident, was hardening a unit to accommodate the higher-security inmates. "One of our biggest complaints was that the building itself was not suitable for

the type of inmates we had in there," said Kirkland's security chief. While the renovations would have made the building more suitable, the renovation process itself became part of the problem; inmates were able to gain access to tools outside the block that were being used for the renovation once the disturbance began. Even more problematic was the inmates' ability to breach the locking system, which enabled the incident to get underway. One of the maximum-security inmates breached the lock on his cell and attacked an officer, obtaining keys and setting other inmates free.

Problematic Overall Physical Plant Construction

Likewise, the physical plants in the Idaho and Oklahoma institutions were operating under similar considerations. In Idaho, the interior construction of the cell house was inherently problematic when coupled with the type of inmate housed in the blocks. An earlier riot had taken place in the state's "death row" block, constructed identically to the cellhouse involved in the incident examined for this study. The inmates had broken through the side and front walls of cells in the death row block. After the death row riot, the cells in that block were hardened with sheet steel. The other blocks, however, including those housing the close security inmates who rioted in the incident outlined in this study, were not hardened, due to budget considerations. George Bernick, Deputy Warden for Security at ISCI, "Those cell houses, the way they were constructed (and they were designed for close custody), had no grout or rebar in between the cells. That was part of the problem that allowed the inmates to take that standpipe and use it to batter through the cell." The Idaho inmates were able to use a central standpipe being installed as a battering ram to break through the side and front walls of cells, eventually reaching and involving all three blocks in the house rather than just the block on which the disturbance began.

In Oklahoma, the dormitory construction of the physical plant was a management consideration in determining how to respond knowing that the population could not be locked down completely. Minor situations can also develop more rapidly and spread into larger ones in a dormitory setting because

uninvolved inmates can gain access to the area in which the disturbance is occurring. This was the case in the Oklahoma incident, where the dormitory housing arrangements prevented the lockdown of the inmates until the triggering incident, the removal of two inmates involved in stealing, had calmed down.

Specific Physical Plant Attributes

Several of the incidents examined for this study illustrate physical plant characteristics that can play a role in the exacerbation or containment of riots, disturbances, and hostage situations. Probably the most common example of such a characteristic is gates. Yard gates separating one area of an institution from another can aid in isolating an incident by keeping inmates in an uninvolved area from rushing to the scene of the incident. Two cases in which yard gates were problematic were Camp Hill and Cimarron. In Camp Hill, while some gates existed (for example, E Gate, where the disturbance began on the first day), inmates were allowed relatively free access around the institution's grounds. At the Cimarron institution, the gates were used to keep the inmates from different units in the prison complex separate. In both cases, when the incidents first started, officers had trouble with the manual locks on the gates; the press of inmates from uninvolved areas against the gates made it difficult for the officers to lock them. A manually-operated gate also played a part in the Coxsackie disturbance. The gate, which was smaller than those at Camp Hill and Cimarron, was the exterior access point in an interlock setup that allowed inmates from the SHU onto the exercise yard. The direction in which the gate swung (into the yard) made the officer opening it at the end of the recreation period vulnerable to the inmates.¹

In all three of these cases, the construction and method of operation of the gates was a physical plant characteristic meriting consideration in day-to-day operations. However, it should be noted that operational glitches and lapses in security practice contributed to the problems. At Camp Hill, lax key

¹"Investigation of Incident at Coxsackie Correctional Facility Special Housing Unit, August 1, 1988." New York State Commission of Correction, McMahon, William G., Chairman. January 1989, p. 11.

control allowed tradesmen and maintenance workers to carry keys that, due to problems with keying, opened all of the gates. At Cimarron, the large gate separating the two groups of housing units was manual-locking and heavy, and when coupled with a crush of inmates, very difficult to close. At Coxsackie, loosening of security procedures by SHU officers allowed gates to stand open rather than the time-consuming process of manually opening and manually locking them.

Some aspects of construction of the physical plants of institutions studied were problematic. At Coxsackie, the glass enclosing the Special Housing Unit control center was not unbreakable; similarly constructed units had their glass breached in earlier incidents. Once the inmates gained access to the control room, they were able to free the other occupants of the unit and escalate the incident. In the Camp Hill incident, air conditioners had been installed in the Administration building by cutting security bars on the windows. After the units were installed, they were not security-welded, and inmates were able to kick the units out of the windows and gain access to the building during the riot. While not presenting a problem during day-to-day operations, these characteristics did exacerbate conditions during the incidents.

KNOWING WHEN TO BEND THE RULES--AND WHEN NOT TO

While the resolution of an incident occurs in keeping with established policy and procedure, at some points, departing from those prescriptions is beneficial to the final outcome of the disturbance. Ideally, this action should only be taken at the direction of the individual or group in charge of command. However, it is not always that easy. For example, during the Kirkland situation, an officer violated policy and procedure by firing a warning shot at inmates approaching the uninvolvled half of the institution. This violation, however, is viewed as having saved the entire area. While this particular shot was aimed over inmates' heads, it is inarguably dangerous to have officers with guns blasting away on their own

prerogative. Communication between command and the officers it places in particular roles is imperative; in the great majority of cases, only command staff can decide whether or not to depart from the rules.

On the other hand, however, adherence to policy and procedure, while extremely difficult at the time, sometimes has a positive effect on the outcome of the incident. During the Idaho incident, an inmate was murdered while an armed officer stood outside the window of his cell. The staff member requested permission to shoot from command personnel twice, and was denied both times. While the life of the inmate was in danger, firing into the cell would have endangered other lives. In this case, adhering to a policy of firing only with clear lines of sight was difficult, though wise (in hindsight, of course), and serves as an example of the importance of command staff having the final say in determining the course of action to be taken.

Command staff's decision to "bend" established procedure is not always so painful. An untrained negotiator, the Assistant Commissioner, was used in the Coxsackie situation, as outlined above. In that case, it was felt that the inmates would respond best to a person who was in a position of authority. The Assistant Commissioner had the full feedback of the command team, as well as that of trained negotiators, as he talked with the inmates. The command staff consciously departed from procedure and utilized him, untrained as he was, and his position within the Department to its best advantage in the situation. According to Sergeant Perez, one of the initial negotiators, "We knew that Mr. Chattman was coming, so what we had done later in the afternoon...was build the image of an authority figure. We knew Mr. Chattman was going to be available eventually so we made the image to the point that they wanted this person to come."



**Criminal Justice Institute
South Salem, New York**