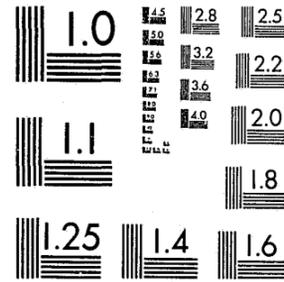


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A REPORT ON THE

SEPTEMBER 11, 1983 INCIDENT AT STILLWATER

by

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OMBUDSMAN

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STATE OF MINNESOTA
ST. PAUL, MINNESOTA
OCTOBER 14, 1983

INTRODUCTION

On September 11, 1983 in the evening hours a major disturbance occurred among inmates at the State Prison, Stillwater, Minnesota. This report offers a limited analysis of events leading up to, during and following that incident. The Ombudsman and his staff have reviewed files and documents, interviewed prison staff and inmates, viewed video tapes of the events in cell hall B and have conducted on-site observations both immediately after the incident and days and weeks following.

The report attempts to describe as accurately as is possible the events of the evening in question; offer a summary of those events; present some obvious questions; and, will offer recommendations related to the questions raised. Some issues might be new, while others may be found to be repetitious of issues raised in the past.

Early reports from Stillwater prison officials and news media indicated that the "riot" involved Black inmates and White inmates, and that tensions between these two entities had erupted into fights the prison officials and staff could not control. This report will attempt to lend clarity to those early reports and provide insight into the possible causal factors to the disturbance.

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TIME-LINE OF EVENTS 9-11-83

5:00 P.M. meeting of Blacks in yard

7:00 P.M. Meeting of Whites in back end of B hall

7:30 P.M. Watch Lieutenant notified of difficulties

7:35 P.M. Officers told of 8:00 or 8:30 confrontation

7:45 P.M. Lieutenant brought two White inmate leaders to security center for a discussion

Black inmate leader was brought to security center

8:00 P.M. Lieutenant goes back to B hall

8:15 P.M. meeting in B hall between Lieutenant, Blacks and Whites

8:30 P.M. Lieutenant left to tell the Captain of activities Lieutenant Pearson back into block

8:43 P.M. meeting broke up and Whites move enmasse to back of B hall

B hall "panic button" pushed

8:55 P.M. Blacks chanting at Whites and Whites chanting at Blacks

Guards move to tunnel

9:00 P.M. Inmates verbally challenge each other. This is when disturbance began

9:05 P.M. Warden advised of disturbance

Inmates wishing to leave were being allowed to go to gym

9:25 P.M. Warden arrives at prison

Guards move in to evacuate guards from tunnel

9:35 P.M. Guards move single file to search individual cells in front half of B hall. Begin to extinguish fires

9:40 P.M. Warden Erickson telephones Deputy Commissioner Costello to inform him of disturbance

9:45 P.M. Commissioner Pung notified by Deputy Commissioner Costello

9:55 P.M. 3 minute ultimatum given

10:00 P.M. tear gas fired into cell hall

10:10 P.M. Deputy Commissioner Costello arrived at institution

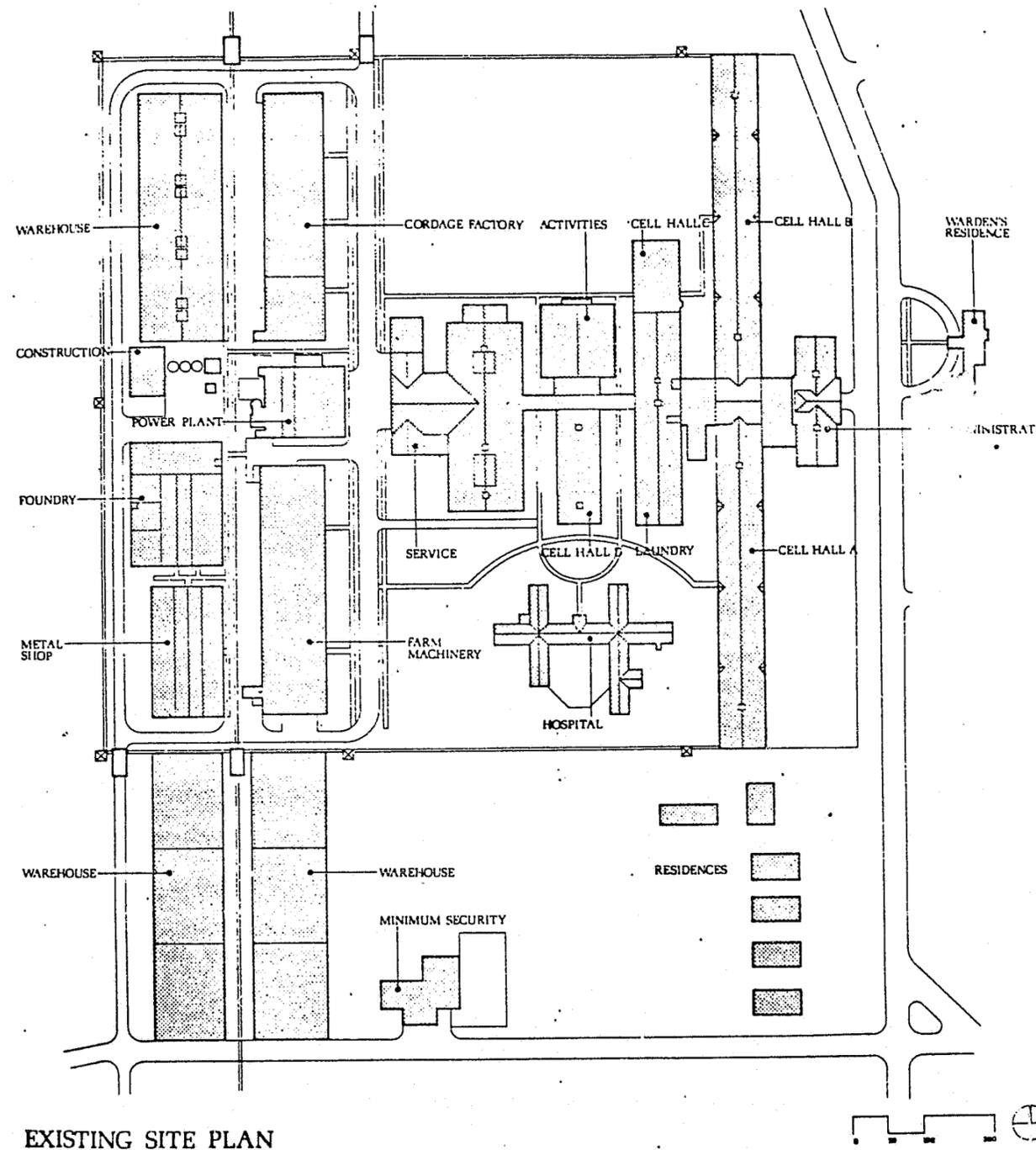
10:15 P.M. Front half of block secured

11:00 P.M. all fires extinguished. Plumbers turn off water Cell by cell search for hidden or injured inmates

11:03 P.M. cell hall declared secure

to . . .

5:25 A.M. returning inmates to cell hall B and conducting count to make sure all inmates accounted for.



THE INCIDENT

Sunday evening September 11, 1983, the Ombudsman received a call from one of his field investigators and was informed that a disturbance was taking place at the State prison, Stillwater, Minnesota. The Ombudsman promptly left for the prison. He was shown to the Warden's office by a correctional counselor posted at the front entryway of the main administration building. The Warden, Robert Erickson, was in his office with Deputy Corrections Commissioner, Howard Costello. During the next half-hour vital information on the level of damage, severity and numbers of injuries to staff and inmates and other general status reports continue to trickle into the Warden's office from various sectors of the prison.

The Warden, apparently basing his opinion on available information, declares the situation a "riot". Cell hall B had not been under the control of prison officials; guards inside the cell hall had been locked in the tunnel with no escape route; property being destroyed; fires had been started and had not been extinguished; no information was available whether inmates or staff were injured, and if injured, how seriously; in general, the entire cell hall was out of control.

The major disturbance began to surface at about 5:00 p.m. in the prison yard when about 30-40 Black inmates met for a discussion of matters internal to the Afro-American group. When the meeting broke up, one member of the Black group issued a verbal ultimatum to a member of the prison's informal White "Bikers" group: that if a "tape recording", missing from the prison's television station, was not returned by 8:30 that evening, then there would be a "blood bath". (Our office has not been able to determine the importance of the tape.) Apparently this remark gave the impression that the Black group had been meeting on matters directed at the White group. Other White leaders then began to spread the word about the voiced ultimatum.

About 1 hour and 45 minutes later some leaders of the White group were talked to by the Lieutenant on duty in hopes of negotiating the tense situation. Prison officials were assured by the Whites involved that there was and would be no problem. Leaders of the Black group were then consulted regarding the meeting they had held in the yard. It was stated that the meeting was held only to discuss group events and that no discussion was directed toward the White group or any of its members.

At 7:00 p.m. about 150 Whites held a meeting in the back end of cell hall B. Apparently this meeting was held to discuss the assurances given to the prison administration; and to discuss the apparent threats made by the Black inmates and what to do if the threats had merit.

Between 7:00 and 8:43 p.m. several contacts were made between the White group and the Black group. A Lieutenant and one Squad Officer tried extremely hard to keep both sides cool and to negotiate any differences amid highly vocal background hostilities. At 8:43 p.m. the Whites moved as a body toward the back end of the cell hall and the Blacks toward the front of the cell hall. Chanting by Black inmates and by White inmates began back and forth. The "panic button", located at the cell hall sergeant's desk, was pushed. This signals additional forces to the area. However, a phone call from a Squad Officer in cell hall B cancelled the effects of the panic button. Apparently, the Squad Officer who was situated in the cell hall felt things were under control.

The critical point in the whole disturbance was at 8:55 p.m. when inmates began to challenge each other by verbal taunts; inmates began to break furniture, and correctional counselors (guards) decided to find refuge in the tunnel area between and behind the tiers of cells in cell hall B. It was at this point that cell hall B appeared to be no longer under the control of the prison administration, but in the hands of roving inmates. No single group of inmates had control of the cell hall.

It is known, however, that Black inmates had established the front half of the cell hall under their control and the White inmates had taken the back half of the cell hall to be under their control. This division of territory is noteworthy in light

of developments which later took place. Namely, the disciplinary reports brought by prison officials and the identification process used to obtain such reports. Many of the inmates chose to not become involved in the disturbance but went to their cells instead. There are no reliable numbers of those inmates who chose this option.

Once the guards went to the tunnel, the inmates soon realized that nobody in particular was in control of the cell hall. It has been stated by both guards and inmates that, in spite of the developments earlier in the day, the shouting and name-calling that was going on, and the breaking up of furniture, the inmates actually had no desire to fight, but were depending on the guards to intervene and break up the altercation before it came to blows. This never came to pass, as the only available guards had already exited via the tunnel, and the Lieutenant and another guard left by the front entryway.

From the time the guards first entered the tunnel at 9:00 p.m. and until other guards came to escort them out at 9:25 p.m., several other notable incidents were occurring. It was during this time that fires started, some injuries occurred, and a great deal of damage to prison property took place, and inmates were given the first opportunity to leave the cell hall. While the guards were inside the tunnel a substantial amount of smoke seeped in and they experienced some discomfort as a result.

After the guards in the tunnel were removed, other guards moved into the cell hall. They moved in single file and began a search of the cells in the front half of cell hall B and simultaneously extinguished some of the fires. Additional inmates were allowed to leave the cell hall during this time and subsequently placed in the prison gymnasium.

At approximately 9:55 p.m. an ultimatum was given to the remaining inmates via the public address system for them to come to the front of the cell hall for placement in other quarters. The essence of the ultimatum was that the inmates would be given three minutes to comply, or else tear gas would be used. Again, some inmates exited. At the end of the three-minute pause, tear gas was then fired into the cell hall. Fifteen canisters and eight grenade-type tear gas projectiles were used. Still more inmates were allowed to peaceably exit during this interval. Following this period of time, the guards, in force, then moved into the cell hall. Inmates who had remained in the cell hall were allowed to come to the front end of the cell hall, exit the cell hall, be stripsearched, and then be placed in segregation. Approximately 197 inmates were treated in this manner. There were 442 inmates living in cell hall B at the beginning of the disturbance.

From 10:00 p.m. on, officers were busy trying to extinguish fires and disconnect electrical sources to bring the cell hall back under control. At 11:03 p.m. the cell hall was declared under

control of the prison administration. Clean-up crews moved in to start the massive clean-up required so that inmates who were housed in the gym could return to their cells.

Not all inmates could return to their respective cells that night because some of them had been burned out and the cells were no longer useful as living quarters. Those inmates who could not return to their cells were placed in another cell hall where vacant cells were available. Seventeen inmates were treated in this manner. Sixteen of those seventeen inmates were Black.

There were several injuries suffered by staff and inmates. Of the four inmates reported as injured, one was cut on the knuckles, one suffered a laceration as a result of being hit on the head, one suffered a broken bone in the hand, and one had a possible coronary attack. One guard suffered a minor cut on the hand requiring only a band-aid and one other guard suffered a heart attack, originally reported as smoke inhalation.

Various types of personal property was lost or destroyed during the incident. About 30 television sets were destroyed. Seventeen cells and their contents were destroyed. Other damages included losses of state property such as toilet bowls, sinks, bed racks, foot lockers, light fixtures, benches, desks, windows, electrical conduits, wires and circuit breaker box.

SUMMARY

Losses from the disturbance are being tabulated. In addition to personal injuries, personal and state property lost and the discomfort caused by the ensuing total prison lock-down, there were inmate wages lost, staff over-time costs, programs and contracts interrupted and many disciplinary charges brought against inmates who were identified as participants in the incident.

The day following the incident four Black inmates were transferred to Oak Park Heights segregation unit. Also transferred to Oak Park Heights general population were 6 White and 1 Black inmate against whom no disciplinary charges are being brought. Several days later 15 White inmates and 5 Black inmates were put in Stillwater segregation and subsequently charged. A total of 142 disciplinary charges are being brought against the 24 inmates identified as being involved in the incident. No charges were brought against the inmates in an outside court of law.

After the prison lock-down was imposed, there was a high level of general anger and frustration among the inmates. There continued to be some vocal taunting in cell hall B between some of the Black inmates and some of the White inmates which represented very real hostilities. Some of the more vocal of these inmates were transferred out of the cell hall and things settled down almost immediately. There continued to be, however, some resent-

ment among the inmates who were not involved in the incident but were included in the lock-down. They felt that the prison administration could have acted sooner and prevented the incident. They felt that the guards conceded their possession of the cell hall too soon, and if those guards had asserted themselves between the two groups, each could have "saved face" and the incident would have not happened. Still others felt that Wisconsin transferred inmates held most responsibility for the disturbance.

Those Wisconsin transferred inmates are the result of an agreement made when the State of Wisconsin established a contract with the State of Minnesota to house some of their inmates because of overcrowding in that State. Presently the State prison at Stillwater has 85 inmate transfers from Wisconsin. A racial breakdown of those Wisconsin transferees is as follows: 21 Black or 24.7%; 8 American Indian or 9.4%; 7 Mexican/Latino or 8.2%; and 49 White or 57.7%.

Stillwater had a population of 1,055 as of the date of the disturbance, therefore, Wisconsin inmates accounted for approximately 8% of the total population. A total of 38 inmates were either charged or transferred as a result of the 9-11-83 prison disturbance or disruption and during the following lockdown. Of that number, 12 (32%) were from Wisconsin - of those 12, five were Black and seven were White. These numbers help to reflect some of the underlying racial implications and tensions.

Racial tensions prevail in any sector of our society. Is it then surprising to discover that racial tensions exist in our penal institutions? Many corrections officials accept the fact that our correctional institutions are but a microcosm of our total society, and that any condition that exists in the penal institutions is already present in the general society. Race is of the least understood issues in the correctional system in Minnesota. In fairness to correctional workers it must be stated that race is not all that manageable in other parts of society, either.

But racial and cultural differences do exist in our correctional institutions. Regardless of whether other sectors in society deal with the problem, corrections needs to very seriously deal with its own racial issues. This may suggest that "corrections" causes the racial conflict. Not so; the corrections community accepts only what the courts give it. Corrections is the last stop in the continuum of a criminal justice process. It cannot be selective of its clientele. Unfortunately, of the numbers it receives, there are a disproportionately high number of racial minorities.

Less than 4% of the State's population are racial minority; yet, 34% of the prison population at Stillwater is racial minority. Interestingly, 6% of the employees at the prison at Stillwater are racial minorities. When the disturbance in cell hall B

occurred there was one Black officer on duty in that cell block. There have been complaints from some minority officers that they are isolated in their work assignments.

Usually when a penal institution experiences a "riot" there is a taking of hostages, great injury occurs to inmates and prison staff. The riots that come to mind, similar to the Stillwater situation where race was a factor, were those that occurred in New Mexico and New York's Attica prison. In those disturbances a great loss of life and property was seen, with high level state officials involved in an attempt to quell the disturbance. Unlike the above-mentioned prison riots, Minnesota's recent disturbance needed no outside intervention to bring it under control; (although several surrounding community Police Departments, Washington County Sheriff's Department and the State Patrol were alerted) there was no loss of life, very few minor injuries were caused by outward inmate actions, no hostages were taken and discussions in the wake of the disturbance were for the most part contained within the prison administration.

It has been widely reported that what set the 9-11-83 incident off was racial hostility between the Black inmates and the White

inmates at the prison. There is some substance to those reports, but the total perspective ought to be understood before conclusions are drawn. To say that this was a race riot would be far from the truth.

Within the prison, minor problems are created when racial hostilities surface between some Black inmates and some White inmates. It presents a greater problem, however, when these small numbers of inmates try to swell their ranks by promoting tensions between the larger racial communities within the prison. For example, some White inmates who belong to the "Bikers" group complained of contrasting conditions as they exist in the prison between the racial populations. Some of these inmates feel that Black inmates are getting more than they are; for example, Banquets, group meetings and the like. Yet, such amenities are non-existent for White inmates. They then put forth the challenge, "why are Black inmates treated more special than White inmates?"

There are some who think it appropriate to initiate and institute "White culture groups" at the prison. There was such an attempt several years ago by a group of inmates who possessed an interest in motorcycles, most often referred to as the "Bikers". They were allowed to function for a short period of time until it was discovered that the group had expressions and views which ran counter to their stated purpose. Reportedly some of the members of that group held extremely negative feelings toward racial and ethnic minorities to the extent that some advocated White racist

supremacy. There is some evidence that the prison still contains a few of these members.

Some White inmates have also raised the issue of the informal arrangement of the 12 inmate telephones in cell hall B. Of these telephones, American Indians have 2, Chicanos 1, Blacks 5, and White 4. It is felt that this distribution of telephones is unfair and should be better balanced to reflect the racial population in cell hall B.

Within the Black group at the prison it appeared all was not well before the incident. They were having internal problems regarding direction and leadership of the Afro group. Most Black inmates within the institution resisted the direction in which a select few were taking the group. Reportedly these select few were Wisconsin transferees. Further compounding matters is the fact that there is very little understanding among the non-minority inmates and staff about the history of racial minority group activities. Most racial minority groups were established due to this disproportionately high number of racial minorities in the prison. There is a pressing need for a new and open style of communications to be created so that all concerned will be better served.

Corrections workers have racial tensions, too, and to some degree these tensions will always be present in the prison. Those tensions have not and will not be isolated to the inmate body,

but include the staff at the prison as well. Over an extended period of time racial slurs and epithets have been scrawled in certain work areas accessible only to prison staff. The Warden and other officials at the prison have let it be known that this type of behavior will not be tolerated and is totally unwelcome.

Prison overcrowding has been suggested as a possible cause for the disturbance. There were 442 inmates in cell hall B the evening of the disturbance and 462 available cells. Although the cell hall does have 512 cells, this number is greatly reduced because many of them are used for storage and office space for caseworkers and inmate groups and activities. This cell hall contains the largest number of inmates of any cell hall in the prison. The racial composition of the cell hall is representative, percentage-wise, and on an equal with other parts of the prison.

A synopsis of the episode (which in some quarters was deemed a riot) is that a small group of White inmates and another small group of Black inmates held a certain amount of fear and uncertainty which turned to hostility about the other. Other inmates somewhat closer to the situation and on the periphery were drawn into it, thus expanding elements of the affair until it achieved uncontrollable proportions.

While there is a call for responses and improvements of a long-range nature, it should be noted that during the moments of

crisis, when the disturbance was at its peak, guards and prison administration held a good account of themselves. Restraint was evident in that injuries were few and minor, and there appeared to be no over-zealousness in the use of tear gas and no firearms were used. Immediately following the incident, many prison guards and others "rolled up their sleeves" and worked diligently during the necessary cleanup of the cell hall to make it possible for the inmates to return that night.

The best that can be said in the short-range sense is that losses were at a minimum, compared to what might have been. It will be a greater loss if the position is taken that the conditions which existed and helped to cause the disturbance are ignored. The disturbance ought to be taken as an indicator of the need for attitude and behavior improvements within the prison system relative to racial understanding.

Training dollars and resources need to be restored in the Department of Corrections budget. In the past ten years we have seen an excellent training academy, thirteen weeks in length, shrink to where there is now but 240 hours of training for newly recruited correctional counselors. Of this 240 hours, there is but 5 hours spent directly toward human and race relations training. Hardly adequate when a third of the prison population are racial minorities.

RECOMMENDATIONS

1. Racial minorities should be more energetically recruited, hired and trained so that they may be added to the prison's workforce.
2. Training in human and race relations be improved.
 - a) Reinstitute the Academy and include 40 hours human relations training.
 - b) In-service training requirements should include 10 hours of training in human relations, race relations or specific cultures.
3. A cell hall multi-racial, advisory council should be resumed. One of its purposes would be to continue to stress communication between and within various groups.
4. More and better quality cameras should be provided, with capability of video taping several areas at a time, especially if they are to be used to identify inmates for disciplinary reasons, and cameras should be elevated to maximize utility.
5. A study should be initiated as to the feasibility of gas masks and emergency equipment being stored in the tunnel area for use by prison staff.

6. Large group gatherings in the yard or in the cell hall should be better monitored, observed and regulated.
7. "Cat walks" along the walls of the cell hall, inaccessible from the first floor, should be installed. This would provide for better, broader vision for guards' supervision of inmates.
8. Correctional counselors who work in the towers should prepare and submit an improved "log" on incidents that occur in the yard. Logs which are kept are casual in nature with little or no pertinent data.
9. Telephone disparity between racial populations must be addressed. This is one area which may spark future unrest between racial groups.
10. A study should be made to pinpoint the reasons for the disproportionately high numbers of racial minorities in our penal system in Minnesota.

DISCIPLINARY CHARGES

At the time of this report the hearings on those charged with disciplinary charges have just begun. In view of the lack of information regarding this area of the disturbance, this report can offer no substantial comments, but will in the near future be monitoring those proceedings.

END