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Issues, Challenges, and Future Directions

## CHAPTER 4

Gang Affiliation and Restrictive Housing in U.S. Prisons

David C. Pyrooz, Ph.D.

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**U.S. Department of Justice**  
**Office of Justice Programs**  
**810 Seventh St. N.W.**  
**Washington, DC 20531**

**Loretta E. Lynch**

Attorney General

**Karol V. Mason**

Assistant Attorney General

**Nancy Rodriguez, Ph.D.**

Director, National Institute of Justice

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## CHAPTER 4

# Gang Affiliation and Restrictive Housing in U.S. Prisons

David C. Pyrooz

University of Colorado Boulder

## Introduction

Prison gangs came to the forefront of issues faced by correctional authorities toward the end of the 20th century. Gang activity has been documented in U.S. prisons as early as the 1940s but was not linked in a major way to prison violence (Camp & Camp, 1985; Crouch & Marquart, 1989; DiIulio, 1990; Irwin, 1980). Emerging in the 1970s was a gang dynamic responsible for producing an unprecedented amount of disorder and violence in U.S. prisons. Between 1975 and 1979, there were 124 gang-related homicides in California prisons (Crouch & Marquart, 1989, p. 204; Porter, 1982). Texas prisons witnessed 52 homicides during the “war years” of 1984 and 1985, with 90 percent being gang-related (Ralph & Marquart, 1991). Gangs are also implicated in orchestrating prison riots (Goldstone & Useem, 1999; Useem & Reisig, 1999), such as the 1993 Lucasville riot in Ohio that left nine inmates and one correctional officer dead (Huff & Meyer, 1997). Although homicide and violence in contemporary prisons are at historically low levels (Mumola, 2005; Useem & Piehl, 2008), gangs remain disproportionate contributors to violence and misconduct in prisons (e.g., Griffin & Hepburn, 2006; Huebner, 2003; Shelden, 1991). They are one of the more challenging issues correctional officials face in managing prisons.

One response to combat the influence of gangs in U.S. prisons involves moving affiliates of gangs out of general population housing and into restrictive housing facilities or units. National surveys of correctional officials indicate that this response is not only practiced at a high rate (Knox, 2012) but also viewed as the most effective solution for countering the role of gangs in facilitating misconduct and prison disorder (Winterdyk & Ruddell, 2010). Indeed, the use of restrictive housing has been described as a “silver bullet” for addressing gang activity in prisons (Vigil, 2006, p. 33). From this standpoint, segregating the affiliates of gangs from the general population could reduce prison violence and disorder systemwide as well as reducing misconduct among individual gang members (Fischer, 2002; Ralph & Marquart, 1991).

Critics challenge the use of restrictive housing on gang affiliates on legal (Tachiki, 1995), humanitarian (Toch, 2007), and empirical (Mears & Reising, 2006) grounds. One of the most vexing issues involves the wholesale placement of the members or associates of entire gangs into restrictive housing for indeterminate periods. Gang affiliates can be subjected to restrictive housing conditions based not on their *behavior*, but on their *status*, which runs contrary to traditional notions of restrictive housing (King, 1999; Kurki & Morris, 2001). It is not uncommon to learn of gang affiliates who spend more than a decade in isolated conditions that restrict them from the basic privileges provided to the general prison population (Reiter, 2012). The longer gang affiliates stay in restrictive housing, the more likely they are to misbehave when they return to general prison population (Labrecque, 2015a). Moreover, a recent review of the literature regarding restrictive housing concluded that it may have some potentially devastating psychological consequences (Frost & Monteiro, 2016). This raises serious questions about its use on gang populations, who already maintain elevated levels of depression and suicidal tendencies (Watkins & Melde, 2016). The conditions associated with this practice have led to unrest in states like California, where an uprising led to a hunger strike involving 30,000 inmates (Rodriguez, 2013) along with a class action lawsuit — *Ashker v. Governor of California*. The lawsuit was settled recently, leading to sweeping changes in how restrictive housing is used on those who affiliate with gangs (St. John, 2015). In light of these events, any short-term benefits to prison management may not be worth the long-term consequences (Griffin, 2007).

This white paper examines key issues related to gang affiliation and restrictive housing in U.S. prisons. It was commissioned by the National Institute of Justice of the U.S. Department of Justice’s Office of Justice Programs to synthesize what is known about these topics and to identify knowledge gaps that should be addressed in future research. It begins by addressing the wide range of terminology and definitions applied to restrictive housing, gangs, and gang members. Here, the focus is on how these topics are measured and how they are used in correctional practice. Next, a brief overview of the extent, magnitude, and nature of gangs, gang affiliation, and restrictive housing is provided to

document their emergence and trends as central issues in correctional policy and practice. The core of this white paper examines how gang affiliation is related to restrictive housing by focusing on five areas:

1. The logic behind segregating gangs and gang affiliates.
2. Gang affiliation as a correlate of restrictive housing.
3. Pathways into restrictive housing among gang affiliates.
4. Pathways out of restrictive housing among gang affiliates.
5. Gang affiliation, restrictive housing, and the reduction of misconduct and disorder.

This white paper makes several conclusions based on a synthesis of the literature in these focus areas. It also identifies aspects of these areas that need further attention from the practitioner, policymaking, and research communities. It offers recommendations for future research to advance the understanding of the relationship between gang affiliation and restrictive housing. It should be noted that much of what is known about the focus areas synthesized in this white paper is derived from a small number of states, particularly California and Texas, which might not represent common policies or practices in corrections generally.

## **Terminology and Definitions: Restrictive Housing, Gangs, and Gang Affiliation**

### ***Restrictive Housing***

One of the challenges in surveying the current state of the evidence on the relationship between gang affiliation and restrictive housing is terminology. Fred Patrick, Director of the Vera Institute's Center on Sentencing and Corrections, noted that the practice of placing inmates in restrictive housing goes by many names, including "isolation, restricted housing, administrative segregation, protective custody, special housing, disciplinary segregation, etc." (Shames, Wilcox, & Subramanian, 2015, p. 2). A 2010 review of 42 state correctional policies revealed more than 20 variations in the terminology used for long-term segregated housing alone (Butler, Griffin, & Johnson, 2013); however, a consensus on terminology is unfolding. The executive committee of the American Correctional Association (ACA) (2014) recently passed a resolution to adopt "restrictive housing" as the terminology used to apply to the broad practice of separating inmates from the general prison population.

Additional factors are essential to characterizing restrictive housing, as outlined in the joint report of Yale University's Liman Program and the Association of

State Correctional Administrators (Baumgartel, Guilmette, Kalb, Li, Nuni, Porter, & Resnik, 2015, pp. 1-2), including —

1. *Discretion*: the latitude prison staff maintain for placing an inmate in restrictive housing.
2. *Duration*: short- versus long-term placement of inmates in restrictive housing.
3. *Isolation*: the amount of human contact and interaction, particularly with fellow inmates.
4. *Time-in-cell*: the daily length of time an inmate is confined to a cell.

Overall, it is generally agreed that restrictive housing constitutes the discretionary practice of housing inmates in cells separate from the general population with extended physical and social isolation over fixed or indeterminate sentences (Baumgartel et al., 2015; Frost & Monteiro, 2016; Shames et al., 2015; Smith, 2006).

This white paper follows the ACA standards and uses “restrictive housing” to refer broadly to these practices.<sup>1</sup> There are several “pathways” into restrictive housing, reflecting its various purposes, including “safety, punishment, or protection” (American Corrections Association, 2014). When the purpose is protecting inmates, restrictive housing is commonly known as “protective segregation.” Examples of inmates found in this type of housing include celebrities, former law enforcement officers, gang dropouts, and inmates with other types of sensitive needs. Restrictive housing for the purpose of punishment is commonly termed “disciplinary segregation,” and for many agencies, placement is based on custody levels that elevate with inmate misconduct. Finally, when restrictive housing is used to manage threats and safety, it is commonly known as “administrative segregation.” In this context, safety generally refers to the safety of the institution — broadly construed — due to the threat or risk posed by the inmate. Administrative segregation is especially relevant when it comes to discussing the relationship between restrictive housing and gang affiliation. As described in a later section, administrative segregation is commonly used on gang affiliates. This use attracts the greatest concern from advocacy groups, such as Solitary Watch and the American Civil Liberties Union, because it often involves both independent and cumulative increases in staff discretion, isolation, time-in-cell, and indeterminate placement. Distinguishing these pathways into restrictive housing is critical to understanding the relationship between gang affiliation and restrictive housing.

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<sup>1</sup> In reviewing the literature, terminology consistent with its original usage is reflected in this white paper if it more appropriately represents the work of the authors, particularly for research on long-term placement in administrative segregation or supermax housing.

## Gangs

Unlike restrictive housing, the terminology applied to gangs in prison settings is much more universal across agencies. “Security threat group” (STG) is a term commonly applied to gangs, although it is not uncommon for agencies to use “street gangs,” “prison gangs,” “disruptive groups,” “cliques,” and “unauthorized organizations,” among other terms. It is beyond the scope of this white paper to delve into the complexities of gang definitions. Drawing from the California Department of Corrections and Rehabilitation’s (2014, p. 2) definition,<sup>2</sup> the essential features of STGs are —

1. *Group*: a formal or informal organization or association of three or more inmates.
2. *Collective identity*: a common name or identifying signs or symbols.
3. *Durability*: ongoing or durable across time.
4. *Criminal activity*: multiple acts of organization, threats, finance, soliciting, or misconduct are conducted by its affiliates, individually or collectively, on behalf of the group.

These factors distinguish STGs from fleeting associations as well other groups (e.g., religious) found in prison settings. It is worth noting that agencies have developed terminology and definitions for STGs that are not exclusive to gangs in theory but are in practice. Any cursory review of the names of STGs that agencies have recognized reveals that they are overwhelmingly street or prison gangs. Accordingly, this white paper will use “gangs” as the terminology applied to groups such as those described above unless referring to a specific policy where “STG” is used.

Many agencies identify two tiers of gangs (e.g., STG-I and STG-II). This is a critical distinction because it has implications for the potential placement of inmates into restrictive housing. Although this issue will be addressed in more detail in later sections, in some agencies the gang tier may dictate a specific set of restrictive housing policies and procedures, among other responses. Generally, three important, although interrelated, factors are used to distinguish between tiers of gangs, including —

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<sup>2</sup> Because of recent reforms to gang management policies, finalized in 2014, the definition provided by the California Department of Corrections and Rehabilitation includes changes to the definition of STGs. The author is unaware of any comprehensive investigation into either academic or administrative gang definitions in prison settings. The works of Camp and Camp (1985), Lyman (1989), and the National Institute of Corrections (1991) are often referenced for providing the essential features of prison gangs, and Hill (2009) provided the only comparison in documentation practices across agencies.

1. Whether the *origins and activities* of the group are primarily in street or prison settings.
2. If a group maintains an organizational structure that involves established procedures, hierarchy, bylaws, and collective behavior.
3. Perhaps most importantly, the *level of threat* posed by the group to inmates, correctional officers and staff, and facilities, especially the propensity for violence and the disruption of institutional security.

Some states (e.g., the California Department of Corrections and Rehabilitation [CDCR]) refer to both tiers as STGs,<sup>3</sup> while other states (e.g., the Texas Department of Criminal Justice [TDCJ])<sup>4</sup> distinguish STGs from other collectives that are termed street gangs or disruptive groups. And, some agencies (e.g., the Federal Bureau of Prisons) use alternative language such as “disruptive groups” rather than STGs or gangs for the upper tier while recognizing that there are additional gangs and gang members present in their facilities. Agencies typically conduct threat assessments to determine the status of groups (appendix A identifies the criteria the CDCR uses to certify associations or groupings of inmates as STGs).

## ***Gang affiliation***

While corrections officials use threat assessments to certify when a grouping or association of inmates is a gang, the determination of gang affiliation for individual inmates is based on what is commonly termed “validation” (Camp & Camp, 1985, p. 132; Tachiki, 1995). Validation refers to a fact-finding process where knowledgeable prison employees — usually in a classification or STG unit

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<sup>3</sup> For example, the California Department of Corrections and Rehabilitation (2014, pp. 31–32) identifies STG-I as follows: “groups, gangs, and/or historically based prison gangs that the CDCR has determined to be the most severe threat to the security of the institutions and communities based on a history and propensity for violence and/or influence over other groups.” Alternatively, STG-II is defined as: “other groups or gangs such as street gangs or disruptive groups comprised of members and associates who may be determined to be in a subservient role to the more dominant STG-I groups.”

<sup>4</sup> The Texas Department of Criminal Justice recognizes 12 STGs and monitors numerous disruptive groups. The case of the Tangos may provide readers with a useful way to distinguish between gang tiers. The Tangos are a Latino “hometown” gang (e.g., Tangos of Houston, Tangos of El Paso) that has maintained a presence in Texas prisons for more than two decades, yet departs from the traditional Latino prison gang structure of groups like the Texas Syndicate and the Texas Mexican Mafia (Tapia, 2014). The Tangos also have the largest gang presence in Texas as well as the TDCJ prisons and “represent the greatest statewide gang threat” (Texas Department of Public Safety, 2015, p. 17). However, the TDCJ classifies the Tangos as a disruptive group and not an STG, given that the group — regardless of its size in numbers — lacks the strong organizational structure that is found in STGs such as the Texas Mexican Mafia or Aryan Brotherhood. For example, unlike top-tier STGs, gang member “rank” (e.g., status, shot-calling) among Tangos in TDCJ is localized to units or pods and does not transfer when a Tango gang member moves to a different facility. Overall, the TDCJ threat assessment deems that the threat associated with the Tangos is lesser than the more established STGs, which in turn, warrants a lower classification as a disruptive group.



— review evidence regarding an inmate’s history and association with recognized gangs to make an official determination of gang affiliation.<sup>5</sup> Gang affiliation is determined based on criteria commonly used by law enforcement agencies to document and record street-gang members (Huff & Barrows, 2015). These criteria focus on gang signs and symbols in written documents or photographs, socializing with known gang members, activity on behalf of the gang, and other forms of gang intelligence. How inmates score on an explicit list of criteria, often termed “source items,” are entered into what some agencies call a “validation packet” to determine gang affiliation (e.g., Arizona Department of Corrections; see Fischer, 2002). Some agencies apply equal weighting to all source items, while others apply smaller or larger weights depending on the source item (see appendix B for CDCR’s 14 source items and their associated weights). There is a great deal of overlap across prison systems in how gang members are documented and recorded, but some variation remains (Hill, 2009, documents the similarities and differences in 43 prison systems).

Similar to how agencies recognize tiers for different gangs, they also recognize different levels in the status of *individual* gang members. These determinations are equally important in understanding the relationship between gang affiliation and restrictive housing because the level of gang affiliation may trigger specific restrictive housing policies and practices. Inmates with non-zero levels of involvement in gangs are considered “gang affiliates,” which is the operational definition used in this white paper. A study of the patterns and correlates of violence and misconduct in the Federal Bureau of Prisons (Gaes, Wallace, Gilman, Klein-Saffran, & Suppa, 2002, pp. 362-363) compared a three-tier gang member classification system with the street gang literature on gang “embeddedness” (see Klein, 1971; Pyrooz, Sweeten, & Piquero, 2013) and reported the following tiers:

1. A *member* is a “full-fledged, core gang member.”
2. A *suspect* is “thought to be a gang member whose credentials have not been fully established.”
3. An *associate* refers to an inmate whose “actions indicate he is conducting business or looks out for the interests of a gang” but has not or cannot join for a variety of reasons (e.g., race or ethnicity, residence, or cultural background).

There is the fourth, or *non-embedded*, level that includes inmates who are unaffiliated or unassociated with gangs altogether (i.e., zero level). This bottom

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<sup>5</sup> Although an inmate can be validated as a gang member at any point while incarcerated, the most active phase of intelligence gathering occurs at intake or reception (Goodman, 2008; Hatcher, 2006). This concerted focus on gang affiliation and status at intake is due to the need for finding appropriate housing for inmates. Wrongly housing gang dropouts or rival gang affiliates could have deadly consequences for inmates or staff.

level represents the largest group of inmates, as it is well known that most inmates are not embedded in gangs (Hill, 2009; Winterdyk & Ruddell, 2010).

The notion of gang embeddedness has been likened to a bulls-eye (Esbensen, Winfree, He, & Taylor, 2001), where members would be at the center of the target, suspects at the inner ring, associates at the outer ring, and the non-embedded would not be located on the target at all. These distinctions can be found in the validation process used to determine gang affiliation, where the number of points an inmate accumulates dictates whether he or she is considered a member, suspect, associate, or nonmember.

This section has provided an overview of the terminology and definitions of restrictive housing, gangs, and gang members. There are several types of restrictive housing, gangs, and gang affiliations, each of which is important to distinguish, and the associated terminology is used throughout this white paper. Understanding the distinctions across each of these concepts is critical to understanding their interrelationship. Some gangs and some gang affiliates are subject to some forms of restrictive housing. However, gangs are not monolithic to restrictive housing, nor is restrictive housing monolithic to gangs. It is important to understand the relationship between restrictive housing and gang affiliation, and to determine why, when, where, and how restrictive housing is used.

## **A Brief Overview of Restrictive Housing, Gangs, and Gang Affiliation in U.S. Prisons**

The use of restrictive forms of housing has a long tradition in U.S. prisons (Haney & Lynch, 1997; Hinds & Butler, 2015; King, 1999). Recent events such as the Pelican Bay hunger strikes in 2011 and 2013 have propelled the practice of restrictive housing into a national spotlight (Lovett, 2015). Moreover, national leaders have expressed both interest and concern about the practice — recent high-publicity examples include President Obama’s speech to the National Association for the Advancement of Colored People (Baker, 2015) and U.S. Supreme Court Justice Kennedy’s concurring opinion in *Davis v. Ayala* (Ford, 2015). Several U.S. legislative bills have been proposed and hearings held on restrictive housing in the past couple of years. Although corrections issues occasionally spill outside of prisons and into the public discourse, rarely has there been such a concerted interest in restrictive forms of housing.

The practice of restrictive housing has grown considerably over the past several decades (Butler et al., 2013; King, 1999; Naday, Freilich, & Mellow, 2008). In 1984, only one state (Illinois) maintained a supermax prison facility (Kurki & Morris, 2001). In 1996, that figure increased to 32 states (National Institute of Corrections, 1997). By 2004, 44 states had supermax prison facilities (Mears, 2005). No single source of data has systematically tracked the number of inmates,

beds, or facilities using restrictive housing over an extended period, but several studies have produced estimates of the scope of restrictive housing.

Naday and colleagues (2008) reported the number of U.S. prison inmates housed in administrative segregation annually between 1997 and 2002. They examined data from *The Corrections Yearbook*, a report produced by the Criminal Justice Institute based on surveys of correctional agencies and 51 agencies with at least one valid data point during the six-year period (excluding the Bureau of Prisons). An average of 26,177 inmates were housed in administrative segregation each year. When paired with state-level figures of incarceration over the same six-year period (Harrison & Beck, 2003), this translates to a 2.2 percent rate of administrative segregation. These findings indicate that, on any given day, the vast majority of inmates are not segregated from the general population.

Baumgartel and colleagues (2015) and Beck (2015) report the most recent data on the scope of restrictive housing in U.S. prisons. The Baumgartel team's findings are based on the national survey conducted jointly by the Liman Program and the Association of State Correctional Administrators, in which 40 state and federal agencies reported on their custodial population in fall 2011 and fall 2014. They found that 6.4 percent of the custodial population in 34 jurisdictions was in restrictive housing in 2014. In terms of administrative segregation, where 40 agencies had valid data, Baumgartel and colleagues' findings reveal that 29,848 inmates were housed in administrative segregation, or 2.6 percent of the custodial population. There was a 19 percent reduction in the number of inmates in administrative segregation between 2011 and 2014. The majority of states (62 percent) reported a decline, with the Colorado Department of Corrections observing an 86 percent reduction. When comparing the findings with Naday and colleagues (2008), it is clear that there remains a continued — and an apparently increased — reliance on administrative segregation in U.S. prisons.

Beck (2015) examined restrictive housing using data from the 2011-12 National Inmate Survey, which consists of a sample of 38,251 inmates in 233 state and federal prisons. The survey had inmates self-report the time they spent in restrictive housing in the 12 months prior to the interview. This is a key distinction from the work of Naday and colleagues (2008) and the Baumgartel team (2015), both of whom relied on administrative data. Approximately 4.4 percent of inmates reported spending “last night” in restrictive housing, which would be equivalent to the “on hand” or daily snapshot of the population housed in restrictive housing. This number is twice that of the findings reported by Naday and colleagues (2008), but it is important to recognize that this figure includes restrictive housing broadly defined.<sup>6</sup> Beck also found that nearly 20 percent of inmates reported spending at least one day in restrictive housing in the past year, a figure that reveals a much greater exposure to restrictive housing than daily snapshots do.

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<sup>6</sup> Baumgartel and colleagues (2015) did not report the 2011 estimates of restrictive housing, so a comparison to Beck (2015) is not possible.

The rise in the use of restrictive housing has coincided with the growth of prison gangs. This growth may be the reason for the increased use of restrictive housing in states like California and Texas (DiIulio, 1990; Mears, 2005, p. 33). There are reports of prison gangs as early as the 1940s (e.g., DiIulio, 1990, p. 132), although what is contemporarily viewed as prison gangs — large, racially and ethnically homogenous, organized and structured, and violent groups (see Pyrooz, Decker, & Fleisher, 2011) — did not emerge until the latter half of the 20th century. The U.S. prison population underwent large-scale demographic changes in the 1970s, including the incarceration of more youthful, violent, and racial or ethnic minority offenders, which has been identified as a source of the growth of prison gangs (Skarbek, 2014). Street gangs proliferated during this era as well (Klein & Maxson, 2006).

The state of the evidence on the landscape of prison gang activity is based on a collection of one-off studies. Camp and Camp (1985) documented the emergence of prison gangs in a survey of administrators from 49 prison systems in 1984. They found that two-thirds of prison administrators reported prison gangs in their institutions. Among the 29 agencies that reported information on gangs, there were a total of 114 gangs in the United States. The Camp and Camp study also provided the first national estimate of prison gang members. Although based only on 23 agencies, they found that the number of gang members totaled 12,634, with California (2,050), Illinois (5,300), and Pennsylvania (2,400) recording the largest numbers of gang members. Overall, states reported that an average of 3 percent of the prison population were gang members. The findings from Camp and Camp are important because they provided much-needed baseline information about the nature and extent of gang activity in prisons.

Several studies have been conducted to update the estimates found in Camp and Camp (1985), including Knox (2012), the National Gang Intelligence Center (2011), Wells, Minor, Angel, and Carter (2002), Hill (2009), and Winterdyk and Ruddell (2010). Since 1991, Knox has conducted several surveys of chief administrators of jails and prisons. Between 133 and 323 institutions and anywhere from 39 to 50 states were included in Knox's surveys. It is unclear if the sample of institutions in the studies were representative of the United States, and whether the institutions included in the sample were jails or prisons cannot be distinguished. The surveys covered a wide range of general issues, but also included several measures relevant to gangs. Knox found much higher rates of gang membership than Camp and Camp, and that the rate of gang membership rose steadily throughout the 1990s and the turn of the century. However, Knox found this dramatic increase only among the male prison population.<sup>7</sup> The remaining contemporary estimates of the rate of gang membership range from 12 to 15 percent, which stands in sharp contrast to the findings reported by

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<sup>7</sup> For example, Knox's surveys revealed that the rates of gang membership for males increased from 9.3 percent in 1995 to 29.5 percent in 2012. Rates of gang membership for females hovered around 4 to 8 percent.

Knox. In particular, Winterdyk and Ruddell extrapolated their findings to the federal and state prison population and reported 189,000 validated and 208,000 affiliated gang members. Drawing together these estimates, it is safe to conclude that roughly one in seven U.S. prisoners are members of gangs in prison, and it is likely that an even larger number maintain an affiliation with gangs.

The aforementioned studies verify that gangs and gang affiliates have an established presence in U.S. prisons, although they constitute a minority of the population. The problems associated with gangs are greatly disproportional to their composition of the prison population, however. This is not a new observation. In Illinois, Jacobs (1974, p. 399) held that “the ‘gang thing’ is the most significant reality behind the walls.” Gangs present serious challenges in managing prisons, including inmate and staff safety, programming, and institutional quality of life (Fleisher & Decker, 2001). And, in prison systems like California, DiIulio (1990, p. 130) noted that “the question of how to manage prisons has resolved itself into the question of how to manage prison gangs.” While many correctional responses to gangs have been introduced,<sup>8</sup> the next section of this white paper focuses on one particular response: segregating gang members from the general population to counter the disruptive problems associated with gangs.

## **The Relationship Between Gang Affiliation and Restrictive Housing**

This section reviews the research on the relationship between gang affiliation and restrictive housing. It examines the logic underlying restrictive housing and its application to gangs and gang affiliates, whether there are disparities in the use of restrictive housing among gang members, the unique policies and practices leading gang members into and out of restrictive housing, and the empirical evidence supporting or countering the use of this practice on gangs.

### ***The Logic Behind Segregating Gangs and Gang Affiliates***

Mears and colleagues (Mears & Reisig, 2006; Mears & Watson, 2006) have outlined the logic of placing inmates in restrictive housing. There are three different theories explaining why restrictive housing should result in greater systemwide safety, order, and control in prisons: deterrence, incapacitation, and normalization theories. Mears and colleagues called these theories “pathways” because they establish

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<sup>8</sup> Strategies include (1) out-of-state transfers to dilute the gang population, (2) enhanced prosecution of criminal activities, (3) inmate informants, (4) interrupting communications, (5) facility lockdowns, (6) restricting privileges such as contact visits and programming, (7) gang renunciation and debriefing, and (8) gathering gang intelligence (Carlson, 2001; Fleisher & Decker, 2001; National Institute of Corrections, 1991; Winterdyk & Ruddell, 2010).

the ways in which placing an inmate into restrictive housing should lead to the intended beneficial outcome. These theories are important because they are often cited as justification for segregating gang affiliates.

Deterrence theory contains two distinct pathways: specific and general deterrence. The “specific deterrence” pathway refers to the sanctioning of individual offenders via placement in restrictive housing for violating rules and engaging in misconduct. Upon return to the general population, offenders who have experienced the restrictions and loss of privileges will therefore avoid repeating such behaviors in the future. The “general deterrence” pathway, alternatively, emphasizes the message that is communicated to the prison population at large when an offender is placed in restrictive housing. Greater systemwide compliance with prison rules should be achieved because offenders will refrain from disruptive behavior out of fear that they, too, could end up in restrictive housing.

Incapacitation theory also contains specific and general pathways. “Specific incapacitation” contends that removing disruptive inmates from the general population will lead to greater order in prisons by virtue of high-rate offenders being placed in restrictive housing. The key to specific incapacitation is identifying and placing the most disruptive inmates in restrictive housing, while also ensuring that these offenders are not replaced by equally disruptive inmates. “General incapacitation” also adheres to the principle of selecting specific inmates for restrictive housing, but the reason for this approach instead emphasizes the social aspects in removing disruptive inmates. Given that problematic inmates are likely to disrupt the everyday routines of prisons and instigate problems with other inmates that lead to conflict and misconduct, their removal may lead to a general improvement in prison order.

Normalization theory offers three pathways that overlap. Mears and colleagues labeled these pathways “opportunities,” “prison staff,” and “bad apples.” The logic from these normalization pathways is as follows: once prisons are free from the “bad apples” who disproportionately cause problems, prisons will operate differently under a “new normal,” which will create opportunities for better programming and allow prison staff to focus their energies elsewhere. Normalization theory bears some similarity to the general forms of deterrence and incapacitation theories but emphasizes a combination of programming, targeting the most disruptive inmates, and staff involvement in prison order.

The logic of these theories extends to gangs and gang members. Indeed, gang members have long been considered the “bad apples” in prisons. Just as law enforcement agencies focus their policing strategies on street gangs (e.g., specialized gang units, civil gang injunctions, focused deterrence), correctional agencies target the gang population operating in prisons (Trulson, Marquart, & Kawucha, 2006).

Shelden (1991) provided the first empirical study that established gang members as a problematic population in prison. Sixty gang members were demographically matched to 60 non-gang members in a medium-security institution in Nevada, and disciplinary records from their current term of incarceration were compared. Gang members committed more disciplinary offenses than other inmates, particularly drug and fighting offenses. Indeed, 90 percent of the gang members committed three or more disciplinary offenses, compared to 50 percent of the non-gang inmates. And, 80 percent of the gang members committed a fighting offense, compared to 42 percent of the non-gang members. Camp and Camp's (1985, p. 52) survey of prison systems revealed 20 gang-related homicides in 1983. These homicides were concentrated in nine of the 33 prison systems reporting that gangs were active in their facilities. These figures might appear small, but they translate into a gang-related homicide victimization rate of 71 per 100,000 persons — much higher than the overall homicide rates in state prisons (Noonan & Ginder, 2013) and in the U.S. generally (National Research Council, 2008). In a study of 298 state prisons, Reisig (2002) found that rates of inmate homicide increased with the percentage of inmates in a facility participating in prohibited groups such as gangs. Altogether, the findings from the above studies suggest an explicit connection between gangs and gang members and serious violence in U.S. prisons.

Numerous studies have since investigated the extent to which gang members disproportionately engage in prison misconduct, particularly assaults on inmates and staff. A recent meta-analysis (Pyrooz, Turanovic, Decker, & Wu, 2016) on the relationship between gang membership and offending included 179 empirical studies, with 42 of them focused on incarcerated samples. The results indicate that gang membership maintains a robust — moderately strong and stable — relationship with offending. They also reveal that the relationship between gang membership and offending is just as strong among incarcerated samples as it is among non-incarcerated samples.<sup>9</sup> This indicates that the consequences associated with gang members in prison settings extends beyond serious violence to other forms of institutional misconduct.

These findings are part of the justification for responding to gangs and gang members in prison through the use of restrictive housing. The theories outlined by Mears and colleagues (Mears & Reisig, 2006; Mears & Watson, 2006) explicitly call for targeting the right inmates when developing policies for restrictive housing. The disproportionate rates of institutional misconduct by gang members and the disorder associated with gangs make them prime targets of such practices. Correctional officials have overwhelmingly endorsed the use of segregation on gangs and gang members for the past 30 years (Camp & Camp, 1985, p. xvi). Knox's (2005, 2012) surveys of gangs and STGs in U.S. jails and

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<sup>9</sup> Supplemental analysis of the data used in the meta-analysis was conducted for this white paper. The 42 studies based on incarcerated samples produced 151 effect sizes; that is, instances where the relationship between gang membership and misconduct was quantified. Nearly two-thirds of the effect sizes were statistically significant, or differed from zero, which means that gang affiliates were rather consistently involved in more misconduct than non-gang inmates.

prisons revealed that between 55 and 67 percent of correctional officials reported segregation as a strategy for controlling gangs.<sup>10</sup>

Restrictive housing is not only a common strategy that staff use to manage prison gangs; it is also viewed as an effective strategy by correctional leaders. Winterdyk and Ruddell's (2010) survey of officials in 37 prison systems overseeing 1.19 million prison inmates confirmed this viewpoint. The survey listed a series of gang and STG management strategies and asked respondents to rate their effectiveness. Respondents identified segregation and isolation as the most effective strategy: 75 percent reported segregation was "very effective" and another 19 percent reported that it was "somewhat effective." And, prison officials also reported additional privilege restrictions — such as access to community, communication, and visits — as effective ways to manage gangs. Finally, Mears (2005) found agreement among nearly 600 wardens on the use of supermax placement for gang members. Nearly half agreed or strongly agreed that gang members should be placed in supermax housing, while 83 percent of wardens endorsed its use for gang leaders.

The characteristics of gangs and gang affiliates are consistent with the logic underlying restrictive housing — removing part or all of this problem group from the general population could produce benefits consistent with deterrence, incapacitation, and normalization theories. The majority of correctional officials have endorsed the use of restrictive housing on gang affiliates and have viewed it as an effective tool for managing this challenging population. This *does not* guarantee that restrictive housing is used disproportionately or wantonly on gangs or gang affiliates. It is therefore necessary to take a closer look at how restrictive housing is used in prison systems to determine if gang affiliation operates as a correlate of restrictive housing, and, if so, whether the sources of any disparities are disciplinary, protective, or administrative. The latter practice, which often involves considerable discretion and indeterminate placement, is the source of much controversy that is inextricably linked with gangs.

### ***Gang Affiliation as a Correlate of Restrictive Housing***

What are the characteristics of inmates in restrictive housing? Are they different from the general prison population? Despite such intense interest in the practice, there remains a severe lack of knowledge about the demographic, psychological, behavioral, and social correlates of placement into restrictive housing, especially among social factors like gang affiliation. Indeed, a recent systematic

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<sup>10</sup> Unfortunately, Knox did not distinguish between jails and prisons or report the prison systems that were represented in the study, which would be needed to determine the extent to which prison systems rely on restrictive housing.



review of the research contained 16 studies, and only three of them included information relevant to the relationship between gang affiliation and restrictive housing (Labrecque, 2015b). There remain no national-level, comprehensive investigations into the segregation practices used by correctional agencies on gang affiliates, which is a major shortcoming of this literature. Nonetheless, there are several streams of research that can shed light on this relationship.

It is also possible to examine the relationship between gang affiliation and restrictive housing by drawing on the official reports of correctional agencies, including California, Colorado, and Texas (California Department of Corrections and Rehabilitation, 2013; O’Keefe, 2005; Texas Department of Criminal Justice, 2014a, 2014b).<sup>11</sup> In all three states, gang affiliates constitute a minority of the prison population (table 1). Comparing the percentage of gang affiliates in restrictive housing to that of non-gang inmates in restrictive housing reveals a major disparity. The relative risk of placement in restrictive housing is much greater for gang affiliates in all three states: 5.5 times greater in Colorado, 16 times greater in Texas, and 71 times greater in California. O’Keefe provided further analysis of the relationship between gang affiliation and restrictive housing in Colorado. When other predictors of administrative segregation were accounted for — such as violent offender, ethnicity, mental health issues, prior punitive segregation — the risk associated with gang affiliation reduced to 4.5, although it remained the best predictor of placement in administrative segregation. However, the risk for placement in restrictive housing was not even across gangs or gang affiliates. O’Keefe’s results indicated that STG associates were just as likely to be in administrative segregation as in the general population, while STG members were nearly eight times as likely as non-members (including STG associates, suspects, and non-STG inmates) to be in administrative segregation.

Caution should be exercised in interpreting these findings. First, the estimates are dated. The California Department of Corrections and Rehabilitation (2014) has changed its policy regarding the mandatory placement of gang associates in security housing units (SHUs), and the administrative segregation practices of the Colorado Department of Corrections have changed dramatically in recent years (Baumgartel et al., 2015), with Executive Director Raemisch calling for sweeping changes in its use (Mohr & Raemisch, 2015). Indeed, a recent report by the Colorado Department of Corrections (2016) shows that the total population in administrative segregation reduced from 1,505 in 2011 to 141 in 2015. Second, the number of gang affiliates is likely underestimated, especially in California

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<sup>11</sup> The author conducted supplemental analyses to produce these findings, including prevalence and relative risk statistics. Relative risk was computed as follows:

$$\text{Risk Ratio} = (\text{RH}_{\text{gang}}/\text{GP}_{\text{gang}})/(\text{RH}_{\text{non-gang}}/\text{GP}_{\text{non-gang}})$$

where *RH* represents the number of gang and non-gang inmates in restrictive housing and *GP* represents the number of gang and non-gang inmates in the general population.

**Table 1. Gang Affiliation as a Correlate of Restrictive Housing in Three States**

	California <sup>1</sup>	Colorado <sup>2</sup>	Texas <sup>3</sup>
Year	2013	2003	2014
Number of inmates	134,160	16,171	150,361
Percent of gang-affiliated inmates in prison system	3%	26%	6.6%
Percent of gang affiliates in restrictive housing	76%	15%	35%
Percent of non-gang inmates housed in segregation	1.1%	2.8%	2.2%
Relative risk of restrictive housing (gang vs. non-gang)	71	5.5	16

<sup>1</sup> Includes only inmates in security housing units (California Department of Corrections and Rehabilitation, 2013).

<sup>2</sup> Includes only inmates in administrative segregation (O'Keefe, 2005).

<sup>3</sup> Includes only inmates who are confirmed (not associated) members of the 12 recognized security threat groups (Texas Department of Criminal Justice, 2014a, 2014b).

and Texas. In California, as the prison system with the “dubious distinction of holding the largest group of gang-affiliated offenders” (Carlson, 2001, p. 16), more than 3 percent of the prison population is likely to be a gang affiliate. If this is the case, it would likely drive down the risk ratio. In Texas, the estimates are based only on members of the 12 STGs recognized in the prison system; the associates of these groups and affiliates of disruptive groups are not included, which, like California, would likely lower the risk ratio. Nonetheless, table 1 represents the current state of the evidence on the relationship between gang affiliation and restrictive housing using inmate-level administrative data, and together the three states represent more than one-fifth of the inmate population in the United States.

Facility-level data also shed light on this relationship, as illustrated in the findings reported in Beck (2015) and the Ohio Department of Rehabilitation and Correction (2014). Beck reported results based on the 2011-2012 National Inmate Survey. While the survey did not include a measure of gang membership, it did ask the 38,251 inmates included in the survey about the amount of gang activity in the 233 facilities where they were housed over the past 12 months. Approximately one in six inmates reported that there was “a lot” of gang activity in their facility. Beck was then able to conduct a facility-level analysis of the concentration of inmates who reported gang activity and the concentration of inmates who reported spending time in restrictive housing. He found that gang activity in facilities was strongly related to both the concentration of inmates

who have spent any time in restrictive housing as well as those who have spent prolonged periods (30 days or more) in restrictive housing. To be sure, if a facility has greater levels of gang activity, it is also expected to have higher concentrations of inmates in restrictive housing. These findings are important because they establish a link between gang activity and restrictive housing, and do so using research methods that are entirely independent of official data.

The Ohio Department of Rehabilitation and Correction (2014) reported that inmates with gang affiliations constitute 16.2 percent of its 50,000 prison inmates. Although it is not possible to compute risk ratios comparable to those of California, Colorado, and Texas, it is possible to compare the prevalence of gang affiliation across the custody levels of 21 institutions. In 13 low-security facilities (level 1 or 2), gang affiliates comprised no more than 15.8 percent of inmates. In six medium-security facilities (level 3), gang affiliates comprised between 21 and 42 percent of inmates. In two high-security facilities (level 4 or 5), gang affiliates comprised between 49 percent and 63 percent of inmates. Paralleling the findings reported by Beck (2015), the concentration of gang members in a facility increases with the custody or security level.

The last source of information on the relationship between gang affiliation and restrictive housing is found in more sophisticated analyses of inmate-level administrative data, which examine the characteristics of inmates in restrictive housing to those in the general population (Labrecque, 2015a, 2015b). The three studies included in Labrecque's meta-analysis reveal that gang affiliation constitutes a reliable predictor of administrative segregation, which is consistent with his conclusion that "difficult to manage" inmates are those who end up in segregation. Labrecque's study of the Ohio Department of Rehabilitation and Correction between 2007 and 2012, which was focused on the effects of solitary confinement on institutional misconduct, also shed light about gang affiliation as a correlate of restrictive housing. He found a modest relationship between maintaining any past or present affiliation with a gang and placement in restrictive housing, as well as a relationship with the duration an inmate remained in restrictive housing.<sup>12</sup>

Based on the research presented above, there is ample evidence to suggest a relationship between gang affiliation and restrictive housing and little evidence to the contrary. This conclusion is based on the following: (1) inmates who affiliate with gangs were clearly overrepresented in restrictive housing in California, Colorado, and Texas; (2) a facility-level relationship between gang affiliation and restrictive housing — as the concentration of gang affiliates and gang

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<sup>12</sup> Much like the meta-analytic findings, these results are bivariate; they do not take into account alternative factors that could explain why gang affiliates might end up in restrictive housing (e.g., gang members are younger, have greater criminogenic risks and needs, more violent criminal histories, see: Davis & Flannery, 2001). It would be premature to draw firm conclusions based on this research, but it represents among the soundest analyses to date, especially when the evidence is combined with the aforementioned studies.

activity increased, so too did the custody levels and restrictive housing rates in facilities; and (3) studies that compare the characteristics of inmates in restrictive housing to inmates in the general population revealed that gang affiliation was a reliable predictor of placement in restrictive housing. These findings may not be representative of all U.S. prison systems, but they demonstrate rather consistently that gang affiliation is related to placement in restrictive housing. This evidence is important to those concerned with correctional policies and practices. What these findings conceal, however, is how and why gang affiliates end up in restrictive housing at disproportionately high rates. Accordingly, it is necessary to examine the pathways that could lead inmates who affiliate with gangs into restrictive housing.

### ***Pathways Into Restrictive Housing Among Gang Affiliates***

Inmates are generally placed in restrictive housing for protection, discipline, or the threat they pose. There is good reason to suspect that much of the overrepresentation of gang affiliates in restrictive housing is due to protective and disciplinary reasons. Numerous scenarios reveal why current and former gang members require placement in protective custody — being housed in a facility where they are outnumbered by gang rivals, gang dropouts with outstanding “debts” to the gang or who have violated gang codes of conduct, or gang affiliates who have a personal conflict with fellow or ally gang members in the same facility. In fact, it is not uncommon for gang members to request protective custody (Fong & Buentello, 1991) or to be placed in protective custody upon debriefing (Fischer, 2002). And, as discussed above, given the large disparity between gang and non-gang inmates in their rates of institutional misconduct, there is an obvious pathway into restrictive housing for disciplinary purposes. In both instances, there is a clear explanation for the segregation of gang members: they have either “earned” or “need” restrictive housing.

One of the most controversial issues surrounding the use of restrictive housing is the segregation of inmates from the general population based solely on the threat or safety risk they pose to prison staff, other inmates, or the institution at large. This pathway is especially controversial for gang affiliates for at least two reasons. First, placement into restrictive housing is usually indeterminate, that is, until the threat wanes or is eliminated. Because gang affiliation is the primary determinant of the threat, release to the prison’s general population requires that gang members convince authorities that they are no longer affiliated with a gang. This is a risky or uncertain endeavor. Second, the decision to place an inmate into restrictive housing is made administratively, which often entails wide discretionary latitude. In cases of gang affiliation, the discretion that poses the greatest concern involves the validation of gang members (Toch, 2007). Both of these issues will be addressed in more detail in the following sections.

There is little evidence on these issues, which suggests that the extent to which the use of restrictive housing on gang members was “earned” (disciplinary), “needed” (protective), or based on “status” (administrative) remains unclear. In her review of the literature on this topic, Burman (2012) observed —

*It is unknown, however, how many validated prison gang members are segregated as a result of convictions for violent and assaultive offenses — indicating a greater propensity for violence — as opposed to in-prison investigations that revealed only membership with the overt behavior* (p. 125).

Several reports have addressed this issue by reviewing prison system policies and practices, including Butler and colleagues (2013) and Jacobs and Lee (2012). These reports provide important information about the potential for the use of restrictive housing on gang affiliates based on an inmate’s social status rather than the inmate’s problem behavior.

Butler and colleagues (2013) reviewed the policies of 42 state prison systems in 2010 to determine the admission criteria for inmates to be eligible for “long-term administrative segregation” in supermax facilities or units.<sup>13</sup> They identified five primary factors that lead to administrative segregation, including (1) repeat violent behavior, (2) escape risk, (3) riotous behavior, (4) threat to institutional safety, and, most importantly, (5) STG. Affiliation with a gang or STG was an adequate reason for placement in supermax confinement in 15 of the 42 (36 percent) states (see table 2). Although gang affiliation constituted a key form of admission criteria for many states, it was the least identified category and under no circumstances was it the only category that states used to determine who is eligible for long-term segregation. Nonetheless, the findings from this study indicate that, as of 2010, membership in a gang or STG alone was sufficient to warrant placement in supermax facilities or units. Butler and colleagues concluded that the low rate of identifying STG affiliation as an admission criterion was unexpected, but they held that the conduct of gang members would likely soon qualify them for supermax placement. This is not a subtle distinction, as it emphasizes the “behavior” of gang affiliates over the “status” of gang affiliation.

As part of their investigative reporting for *Mother Jones* magazine, Jacobs and Lee (2012) obtained information about the gang validation and segregation practices of 44 state correctional agencies throughout the United States. Their approach differed from that of the Butler team (2013) in that, rather than review policies, they surveyed agencies about their practices. There can be wide divergence

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<sup>13</sup> Eight states either declined to share their non-public policies related to this practice or indicated that they did not employ the practice.

**Table 2. Gang Affiliation as a Segregation Determinant, 2010 and 2012**

Authors:	Butler et al. (2013)	Jacobs and Lee (2012)
Year of data collection:	2010	2012
Question content:	Membership in a gang or STG was included as admission criterion for long-term segregation	Membership in a gang or STG was a possible determinant of placement in segregation
California	Yes	Yes
Indiana	Yes	Yes
Ohio	Yes	Yes
Pennsylvania	Yes	Yes
Tennessee	Yes	Yes
West Virginia	Yes	Yes
Hawaii	Missing	Yes
Texas	Missing	Yes
Connecticut	Yes	Missing
Illinois	Yes	Missing
New Mexico	Yes	Missing
Colorado	Yes	No
Kentucky	Yes	No
Mississippi	Yes	No
Nebraska	Yes	No
Washington	Yes	No
Florida	No	Yes
New Hampshire	No	Yes
New York	No	Yes
South Carolina	No	Yes
Wyoming	No	Yes
Alabama	No	No

Alaska	No	No
Arkansas	No	No
Kansas	No	No
Maine	No	No
Massachusetts	No	No
Minnesota	No	No
Montana	No	No
New Jersey	No	No
North Carolina	No	No
Oklahoma	No	No
Oregon	No	No
Rhode Island	No	No
South Dakota	No	No
Vermont	No	No
Virginia	No	No
Arizona	No	Missing
Georgia	No	Missing
Idaho	No	Missing
Louisiana	No	Missing
Michigan	No	Missing
Missouri	No	Missing
Nevada	No	Missing
Delaware	Missing	No
Iowa	Missing	No
Maryland	Missing	No
North Dakota	Missing	No
Utah	Missing	No
Wisconsin	Missing	No

between policy and practice.<sup>14</sup> The Jacobs and Lee survey included a question that asked respondents: “Are validated gang/security threat group members or associates placed in segregation as a result of validation (or only, for example, as a result of rule violations)?” Among the 40 states that responded to this question, Jacobs and Lee found that gang affiliation was a determinant of segregation in 13 of them (see table 2). Similar to the results of Butler and colleagues (2013), this represents a minority of agencies.

Determining if the findings reported by Jacobs and Lee (2012) and the Butler team (2013) are consistent with one another is important because if the results show no overlap across the policies and practices of agencies, it would diminish confidence in these findings. Alternatively, if there were consistent findings using different methods among independent sources (journalists versus researchers), it would offer strong confidence in the results. Table 2 shows that there were convergent results 69 percent of the time, which reveals a good rate of agreement between the two studies. However, there were 10 discrepancies. In five states — Colorado, Kentucky, Mississippi, Nebraska, and Washington — gang membership *was not* a determinant of segregation in the Jacobs and Lee study, but it was in the Butler team’s study. Likewise, in five other states — Florida, New Hampshire, New York, South Carolina, and Wyoming — gang membership was a determinant of segregation in the Jacobs and Lee study, but it was not in the Butler and colleagues’ study. Some of the discrepancy may be the result of differences in the study methods and possible changes in restrictive housing policies that occurred over the two-year period (e.g., Colorado). But the Jacobs and Lee study also provided additional details about how respondents answered the question. In Colorado, for example, a respondent told Jacobs and Lee that inmates are placed in segregation “only for rule violations.” Alternatively, in New Hampshire, inmates could be placed in segregation due to gang status “if the offender is deemed to be a threat to the institution based on our investigation.” Another take on this issue is found in Wyoming, where the respondent indicated that “inmates are not automatically put in segregation due to gang/STG status” but “engaging in recruitment or participating in STG-related activities” could result in segregation.

Herein lies the complexity of correctional practices and policies as they apply to the placement of gang affiliates in restrictive housing:

1. There is a set of rules that apply only to gangs (e.g., recruitment, gang paraphernalia) and not to other types of inmate associations that, if violated, could result in restrictive housing; and
2. There is a set of contingencies, such as affiliation in certain types of gangs or leadership positions within a gang, for gang members to be placed in restrictive housing.

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<sup>14</sup> A survey is limited to the institutional memory of the respondent, whereas a policy is systematic across the agency. Jacobs and Lee received information from public information officers, or in some cases, prison wardens (personal communication, November 17, 2015).



The remainder of this section will emphasize these contingencies, which are especially important in the context of indeterminate placement in restrictive housing.

States where gang status is used as a determinant for placing inmates into restrictive housing typically use this management strategy selectively. Not all gangs and gang members are equal security risks, as demonstrated by Gaes and colleagues (2002) in their study of the effect of gang affiliation status (inmates) and gang affiliation type (gangs as groups) on institutional misconduct. For example, the Texas Department of Criminal Justice automatically places certain affiliates of certain gangs in administrative segregation. Among the 12 STGs recognized and numerous disruptive groups monitored in the Texas system, only seven of the STGs are automatically placed in administrative segregation. Members of the remaining STGs may be placed in administrative segregation at the discretion of correctional officials, while members of disruptive groups are not automatically segregated.

The decision to segregate members of certain gangs highlights an important distinction: Prison systems generally reserve administratively based restrictive housing for inmates who are members of gangs that pose the greatest threat to the institution. This threat is inextricably linked to a group's level of organization and, by extension, the persistent threat the group poses to prison operations. Indeed, if the Texas Department of Criminal Justice were to segregate gangs based on their sheer volume of misconduct, they would target the Tangos, as discussed above (see footnote 5). The Tangos, however, are considered only a disruptive group and lack the organizational structure to warrant management beyond monitoring — for example, their leadership is localized to separate facilities rather than to the entire prison system. The downgrading of the Texas Mafia in the summer of 2015 from automatic segregation is also a telling example. The threat assessment determined that the organizational structure of the gang had weakened to the point of dysfunction, which in turn translated into a weaker threat to the prison system.

Not all gang affiliates are placed in restrictive housing. In Texas, for example, after a confirmation process, only members of STGs are automatically placed in administrative segregation. Suspected and associated affiliates of these groups — including the seven groups that are automatically segregated — are not placed in administrative segregation unless they engage in violent behavior. This speaks to the complexity of restrictive housing in the context of gangs across prison systems: Decisions are based on status in some cases, behavior in others, and sometimes a combination of the two.

A similar contingency existed previously for the California Department of Corrections and Rehabilitation (2014). In the wake of the *Ashker v. Governor of California* lawsuit in 2012, gang associates were no longer automatically placed in restrictive housing (i.e., SHUs). The *Ashker* settlement, however, included explicit language indicating that inmates are no longer placed “into a SHU,

Administrative Segregation, or Step Down Program solely on the basis of their validation status” (p. 4). Regardless of whether an inmate is a member or an associate of an STG-I or STG-II, behavior, not status, is the primary determinant of SHU placement. Concerns remain about the behavior-based, gang-related pathway into SHUs in California. For example, a review of the STG disciplinary matrix reveals that lower-level violations — particularly sections 6 “serious” and 7 “administrative” — could be argued as representing status more than behavior (California Department of Corrections and Rehabilitation, 2014).

There is little information about the duration of placement in restrictive housing among gang affiliates. Labrecque (2015a) found that gang affiliates remained in restrictive housing for longer periods in the Ohio Department of Rehabilitation and Correction. About half of the 1,100 inmates in the Pelican Bay SHU spent 10 or more years in restrictive housing, and 78 of them had spent 20 or more years (Rodriguez, 2015). Now, gang affiliates found guilty of SHU-eligible offenses are placed in step-down programs that aim to offer a pathway — separate from debriefing — out of gangs and SHUs. The Texas Department of Criminal Justice, and other correctional agencies, also offer segregation diversion and gang disengagement programs as well.

## ***Pathways Out of Restrictive Housing Among Gang Affiliates***

Historically, the only way out of long-term segregated housing for gang affiliates is to “snitch (or debrief), parole or die” (Tachiki, 1995, p. 1128; see also Reiter, 2012; Hinds & Butler, 2015). Gang members held in restrictive housing for disciplinary or protective purposes follow alternative routes to segregation — usually fixed sentences for the former, indeterminate placement (until the safety risk wanes) for the latter. One chief criticism of restrictive housing practices based on threat and safety risk is that it is almost impossible to exit. Gang members who want to exit restrictive housing find themselves in a challenging predicament: Inform on the gang or remain in segregation. Hunt and colleagues (1993) identified this among offenders recently released from a California prison:

*[I]f for example a prisoner was in a high security unit, he often found himself unable to get out unless he “debriefed”; i.e., provided information on other gang members. Many respondents felt that this was an impossible situation because if they didn’t snitch their chances of getting out were minimal. As one respondent remarked: “They [the guards] wanted some information on other people ... [s]o I was put between a rock and a hard place. So I decided I would rather do extra time, than ending up saying something I would later regret” (p. 402).*

The issues associated with debriefing are especially sensitive because inmates who debrief earn the label of a “snitch” and become instant targets (see, e.g., Kurki & Morris, 2001, p. 42; Blatchford, 2008). These issues are especially magnified for

inmates incorrectly classified as gang members or those merely on the fringe of the gang, as detailed in *Madrid v. Gomez*, who are unable to provide convincing information about the inner workings of the gang (Tachiki, 1995).

The path out of restrictive housing has changed in recent years. A recent report by The Marshall Project revealed that more than 30 states have developed step-down programs leading inmates out of restrictive housing (Chammah, 2016), and Baumgartel and colleagues (2015) report 33 agencies with step-down programs. For example, the Michigan Department of Corrections' Incentives in Segregation step-down program has been in place since 2009 and outlines six stages that inmates pass through on their way from segregation to lower custody levels. With each step, inmates earn additional privileges, such as phone calls, visits, commissary access, and other previously banned activities or items. The department does not include gang affiliation as a segregation determinant (see table 2), but other states have created comparable programs tailored to their gang population.

Both Texas and California, the two states with the largest and arguably most violent gang populations, provide gang-affiliated inmates with pathways out of restrictive housing. In each state, there are two ways that inmates can either avoid or exit restrictive housing. Texas recently introduced its Administrative Segregation Diversion Program (ASDP), which gives members of STGs returning to prison the opportunity to avoid segregation by participating in a six-month program. The programming — cognitive intervention, substance abuse treatment, anger management, and treatment for criminal addictive behavior — is very similar to the Gang Renouncement and Disassociation (GRAD) program, which was introduced in 1999 and modeled after a program in the Connecticut Department of Corrections (Burman, 2012). One of the key differences between these two voluntary programs is that enrollment in ASDP is a one-time deal made available to gang affiliates at intake who would be placed automatically in administrative segregation, while GRAD is made available to all members of STGs post-intake.<sup>15</sup> Regardless of entrée, these programs offer viable alternatives to segregation. ASDP allows inmates to be housed in the general population after six months, although there is a three-month period of monitoring. The GRAD program allows inmates to be housed in the general population after six months, and allows for social interaction in less than half of that time, followed by three months of monitoring in the general population.

Nearly 200 inmates have completed the ASDP program and more than 4,600 have completed GRAD. However, there is little evidence for determining the effectiveness of these programs. Burman (2012) reported that “approximately 11-12 offenders who successfully completed the GRAD process since 2000 have

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<sup>15</sup> Burman (2012, pp. 234-241) reported that release date, time in segregation, and position in a gang all factor into the decision to allow gang members into the GRAD program.

been reconfirmed as [STG] members” (p. 260). More recently, Texas reported that 19 program participants have been reconfirmed as STG members (Pinkerton, 2014). The short existence and small sample size associated with ASDP means that the program is at least a year away from a formal evaluation, but the GRAD program — now operating for 15 years — is ripe for determining its efficacy in leading inmates away from gangs. Although there are numerous outcomes in need of evaluation, a gang member reconfirmation rate of 0.004 percent would deem the GRAD program to be extremely successful, and, potentially, a national model for prison systems with complex gang problems.

The California Department of Corrections and Rehabilitation recently expanded the pathways out of restrictive housing. Previously, debriefing constituted the primary way out of SHUs. Gang affiliates also underwent six-year inactivity reviews by the Departmental Review Board. If found inactive (i.e., no STG-related activity for six years), the inmate was transferred to general population and then monitored for one year. In the aftermath of the *Ashker v. Governor of California* case, debriefing remains a viable pathway out of SHUs while a new pathway — the Step Down Program — replaces the inactivity review. Unlike debriefing, the Step Down Program does not require inmates to complete autobiographies or inform on their gang. Originally, it was proposed as a five-year, five-step process. After completing the first four steps — 12 months per step — inmates transition into a year of “monitored” status in general population, which is step 5. Due to the *Ashker* settlement, the duration of each step was cut in half and step 5 was eliminated. The program can now be completed in two years, or six months per step.

The Step Down Program shares some similarities with the Texas GRAD program. There is an initial 12-month period of monitoring — steps 1 and 2 — where inmates remain in standard SHU-like conditions. With each step, inmates earn increasing privileges — the number of photographs allowed, the portion of monthly canteen draw, the frequency of phone calls, receipt of personal packages, social contact, and programming. The latter two become very apparent in steps 3 and 4, where programming occurs in small groups and inmates may interact on the yard. California has not released much in the way of public statistics on its Step Down Program. A brief report from September 2013 indicated that there have been 543 case-by-case reviews of validated gang members in SHU or administrative segregation units; of those, 65 percent were approved for (at the time) step 5 or general population and another 28 percent placed in lower steps in the Step Down Program. In term of debriefing, there is little systematic information in the way of disengagement in California.<sup>16</sup> It is therefore difficult to determine how well California’s Step Down Program and other routes out of restrictive housing have been implemented and whether they are successful.

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<sup>16</sup> In fact, only data from the Arizona Department of Corrections reveals information about disassociation from gangs via debriefing (Fischer, 2002). About 14 percent of the inmates validated as gang members were debriefed. Fischer found some positive results, but overall the findings were mixed in terms of whether renouncement led to changes in misbehavior.

Regardless of whether the behavior or status of gang affiliates leads them into restrictive housing, and whether programs are useful in getting them out, one of the most fundamental questions of this practice is whether it achieves its intended goals of reducing misconduct and disorder in prisons.

### ***Gang Affiliation, Restrictive Housing, and the Reduction of Misconduct and Disorder***

The practice of segregating gang affiliates is both highly endorsed by correctional authorities, who see it as a most effective solution to prison gang activity, and highly criticized by activists and scholars, who claim the practice is empirically, legally, or morally unsupported. Neither side has much in the way of evidence to back their claims. In fact, despite such intense interest in the topic, to the best of the author's knowledge there have been only three studies to assess the effectiveness of restrictive housing in reducing misconduct among inmates and disorder in prisons (Fischer, 2002; Labrecque, 2015a; Ralph & Marquart, 1991). It is curious that a practice as controversial and widespread as restrictive housing — particularly segregation based on threat and safety — has not been subject to more formal evaluations. Determining if restrictive housing is achieving its intended goals of reducing misconduct, disrupting gang activity, increasing staff and inmate safety, and decreasing prison disorder should be a high priority for correctional officials, advocacy groups, and researchers interested in correctional practice.

Ralph and Marquart (1991) examined system-level trends in inmate violence before, during, and after the “war years” in Texas prisons. In 1984 and 1985, there were more murders in Texas prisons than in the prior 20 years combined. The initial attempts of prison officials to regain control by targeting gang leadership through segregation and transfers were ineffective. Prison officials then made a drastic change: They moved all gang members into segregated housing in September 1985. The prison system then witnessed a large-scale, immediate decline in homicide along with a delayed, albeit substantively meaningful, decline in assault. Ralph and Marquart concluded, “Although this method of control seems to have eliminated many problems experienced by prison officials, it is unknown what impact this has on the inmate and the community” (p. 48). Others remained skeptical. Mears (2005) held that any firm conclusions about the role of segregation in reducing violence in Texas prisons is premature. The outcomes studied were narrow (limited to homicide and assault) when there needed to be a broader range of determinants of success, and the data were of “questionable utility” (Mears, 2005, p. 34). The findings of Ralph and Marquart are largely descriptive and do not account for alternative explanations for the decline of violence. It would require nonetheless a very convincing explanation to contend that factors other than segregation were responsible for triggering such a major decline in violence.

**Table 3. Pathways Out of Restrictive Housing in California and Texas**

	Texas		California	
	Administrative Segregation Diversion Program (ASDP)	Gang Renouncement and Disassociation (GRAD)	Step Down Program	Debriefing
Implementation year	2014	2000	2012	~1980s
Target population	Members of STGs returning to Texas facilities who want to exit gangs and avoid administrative segregation	Members of STGs who want to exit gangs and leave administrative segregation	STG affiliates (members and associates) sentenced to security housing unit terms	STG affiliates (members and associates) who want to exit gangs and leave the security housing unit
Early stage monitoring	Admission into the ASDP occurs at intake	Offenders undergo a disassociation monitoring period of 12 months prior to entry into the GRAD program	Steps 1 and 2: "primarily intended as periods of observation," restricted movement, in-cell programming; 12 months total (6 months per step)	None
Program phases/steps	Six months of classroom setting, group-based programming immediately after admission into Texas Department of Criminal Justice	Phase I: 3 months, single-celled, in-cell programming, recreation with other offenders  Phase II: 3 months, double-celled, classroom programming, less restricted movement  Phase III: general population, general programming, and work assignments	Step 3: 6 months, programming in small groups, movement in restraints  Step 4: 6 months, programming in small groups, recreation with other offenders, less restricted movement	Interview phase: gathering information about STGs to determine if offender has dropped out, including autobiography  Observation phase: 6 months, transitional housing unit with other debriefing offenders

**Table 3. Pathways Out of Restrictive Housing in California and Texas (continued)**

	Texas		California	
	Administrative Segregation Diversion Program (ASDP)	Gang Renouncement and Disassociation (GRAD)	Step Down Program	Debriefing
Implementation year	2014	2000	2012	~1980s
General population	Last 3 months in the program	Last 3 months in the program	Upon completion of Steps 1-4	Upon completion of observation phase
Total time	6 months of programming	12 months of monitoring, 9 months of programming	24 months	Varies
Participants	187	4,607	150	n/a
Sources of information	Burman (2012) Personal communication (December 3, 2015) Texas Department of Criminal Justice (2014)		<i>Ashker v. Governor of California</i> (2015) California Department of Corrections and Rehabilitation (2013, 2014) Tachiki (1995)	

Fischer (2002) conducted the most comprehensive study on gang affiliation, restrictive housing, and misconduct. His work was based on data gathered from Arizona Department of Corrections prisons and focused on two factors relevant to the question at hand. First, the study determined if there was an incapacitation effect for nine forms of violent and disruptive behavior associated with placing 431 validated gang members in a supermax unit. The results of the inmate-level analysis confirm such an incapacitation effect: Violations fell by 30 percent, and assault, drug, threat, fighting, and rioting violations fell anywhere from 53 to 97 percent. Other violations increased, however, including possessing weapons, destroying property, tampering with equipment, and “other” violence. These incapacitation findings from Fischer’s study remain the most convincing results to date that segregation can reduce problematic behavior among members of gangs.

Second, Fischer also conducted a prison systemwide analysis of changes to Arizona’s STG policies in 1995 and 1997. The gang policy initiative of July 1995 expanded the scope of the STG program (including documenting and validating gangs) and intensified the penalties for STG behavior. The gang policy of 1997 resulted in greater specification in the STG program (including monitoring processes) and expanded the sanctions for membership in such a group to include segregation for gang members who did not renounce their gang affiliation and debrief with intelligence officers. Fischer examined violations across three periods: (1) July 1994 to September 1995, (2) October 1995 to September 1997, and (3) October 1997 to December 2000. By isolating the periods in which the gang policies were implemented, Fischer was able to assess whether the intended changes were achieved.

With each successive STG policy change, the Arizona Department of Corrections observed an overall, systemwide 16 percent and 27 percent reduction in violations for gang inmates, and 15 percent and 29 percent reduction in violations for non-gang inmates in subsequent periods. These results are encouraging, but it is important to note that gang members were higher-rate offenders to begin with. Focusing on absolute violation rates shows that the effects of changes to STG policies were especially strong for validated gang members — the drop was four times greater for them than non-gang inmates (p. 63). Fischer held that the implementation of these policies resulted in 21,984 fewer total violations, including 5,716 fewer among gang members. He concluded that there was a systemwide benefit associated with the implementation of both gang policies, one that was strongest among gang members but carried over to non-gang members as well, which was predicted by the theories discussed above. Fischer tempered his conclusion, however, by noting that there were many security-related changes taking place in Arizona prisons, and those changes also could have explained some of the overall reductions in violations.

Finally, Labrecque (2015a) conducted an individual-level, longitudinal study of the effects of restrictive housing on subsequent misconduct in Ohio prisons between 2007 and 2012. He examined both the placement of inmates in restrictive



housing and the duration of time inmates spent there, then determined if the effects of restrictive housing were worse for gang affiliates (among other factors) than non-gang inmates. Labrecque's findings, while not uniform across the prevalence and incidence of violent, nonviolent, and drug misconduct, generally point in the same direction: Gang affiliates fared worse in terms of misconduct when returning to the general population. Spending any time and spending more time in restrictive housing corresponded with higher incidences of violent and nonviolent misconduct among gang affiliates than non-gang inmates. These findings are generally consistent with what is known about the effects of gang affiliation on misconduct, but they also refute the notion that restrictive housing may have specific deterrent effects for a problematic population such as gang affiliates. Alternative theories — incapacitation and normalization — might prove to be more defensible when subject to solid empirical investigations such as those provided by Labrecque.

## **Gang Affiliation and Restrictive Housing — A Look Toward the Future**

The findings from the preceding sections constitute the empirical knowledge base on the relationship between gang affiliation and restrictive housing. This knowledge base remains meager in volume, with little empirical research to guide the dialogue, which is unfortunate given how amplified this debate has become. This section summarizes the key findings of this white paper, identifies critical gaps in the field's knowledge of gang affiliation and restrictive housing, and offers productive directions for future research.

### ***What Do We Know About Gang Affiliation and Restrictive Housing?***

Several conclusions are possible — some preliminary, others firm — from the available literature. First, as high-rate offenders and disproportionate contributors to violent misconduct in prison, gangs and gang members fit squarely into the logic — deterrence, incapacitation, and normalization theories — underlying the use of restrictive housing in prison systems. To the extent that the correlates of restrictive housing are based on discipline, protection, and safety and threat risks, it would be remarkable if the affiliates of gangs were not the targets of segregation policies and practices in prison systems.

Second, evidence suggests that inmates who affiliate with gangs are overrepresented in restrictive housing. The evidence base to support this assertion remains confined to select states, but there is also no evidence to the contrary indicating that gang affiliation is not a correlate of placement in restrictive housing, particularly for validated gang members.

Third, at least some of the overrepresentation of gang affiliates in restrictive housing can be attributed to correctional policies and practices that automatically

segregate certain types of gangs and gang members. Not all agencies employ these practices, and no formal analysis has been conducted to differentiate agencies that employ these practices from those that do not. It remains unclear how much of the overrepresentation of gang affiliates in restrictive housing is due to disciplinary, protective, or administrative segregation.

Fourth, the most controversial aspects of the relationship between gang affiliation and restrictive housing pertain to the purported arbitrariness and lack of due process in validating gang affiliates, the policies that automatically segregate gang affiliates based on status and not behavior, and the indeterminate placement of gang affiliates in restrictive housing.

Finally, the emergence of programs aiming to remove gang affiliates from restrictive housing and encourage disengagement from gangs — particularly in states such as California and Texas — reveals a shift from more punitive policies to those that encourage integration into the general prison population housing. However, there is very little evidence to determine if these programs are effective at achieving their intended goals.

## ***What Do We Need to Know About Gang Affiliation and Restrictive Housing?***

There are several aspects of the relationship between gang affiliation and restrictive housing that are in need of concerted attention from policymakers, practitioners, and researchers. This section identifies four key gaps in our knowledge. Some of them will require substantial and sustained investment in research infrastructure, while others may be accomplished more swiftly by using archival data. In both cases, researcher-practitioner partnerships are key for advancing this agenda.

### **Collect and analyze data that will establish an empirical foundation on the use of restrictive housing among gangs and gang affiliates**

Does segregating the affiliates of gangs from the general inmate population reduce disorder in prisons and misconduct among inmates? This question is directed toward prison systems that segregate gang affiliates based on their status. It is equally important for prison systems that segregate gang affiliates based on their behavior, especially if the violations involve actions unique to gangs (e.g., possessing gang paraphernalia, participating in gang roll call). The recent changes that the California Department of Corrections and Rehabilitation made to its SHU-eligible offense policy illustrate the importance of the latter.

To date, there is scant evidence to support either status- or behavior-based arguments for segregating gang affiliates. In fact, only three studies have evaluated this line of inquiry — a macro, system-level study in Texas (Ralph

& Marquart, 1991); an individual- and system-level study in Arizona (Fischer, 2002); and an individual-level study in Ohio (Labrecque, 2015a). These studies indicated that segregating gang affiliates reduces homicide, assault, and other forms of violence, but that restrictive housing could introduce problems when gang affiliates return to the general population. These findings provide a strong foundation for future research. Archival data could be used to conduct between-inmate and within-inmate effects of segregation on misconduct among gang and non-gang groups.

Research on this topic should track a wide range of activities among inmates as they move into and out of restrictive housing to isolate the independent effects of this practice on inmates. This analytic logic can extend to facility-level analyses as well, although detecting and isolating effects at aggregate units of analysis might be difficult because of simultaneous changes that could undermine causal relationships, such as those observed by Ralph and Marquart in Texas and Fischer in Arizona. In addition to homicides and assaults, the research should be concerned with a broad spectrum of outcomes, including contraband use and seizures, yard disturbances, security incidents, and seemingly minor forms of gang-related activities. In addition, this research should be a priority for understanding how restrictive housing practices influence the gang affiliates themselves, particularly their criminogenic risks and needs, as it relates to institutional programming and re-entry success. This will provide the best picture of the effects of placing gang affiliates in restrictive housing. In an era when prison violence is at historically low levels, the push for policy changes should be based on sound, empirical evidence. Whether or not gang status- or behavior-based restrictive housing practices produce the intended effects, this research should offer a blueprint for future correctional decision-making on this highly charged issue.

### Document national practices and trends on segregating gangs and gang affiliates to understand and explain its use

When interested parties seek information about gang activity in prisons, there are few places they can turn. Fleisher and Decker (2001, p. 2) described prison as the “final frontier” in research on gangs. Indeed, the volume of the literature on gangs in incarcerated settings pales in comparison to the street gang literature (Pyrooz & Mitchell, 2015). Unlike national data sources on issues pertaining to street gangs and gang membership, such as the National Youth Gang Survey among law enforcement agencies or a variety of national-level surveys among youth and young adults, “there is no centralized repository of data on prison gang membership” (Gaston & Huebner, 2015, p. 329). As this white paper has made clear, the literature on this topic is a collection of one-off studies rather than an organized and systematic effort to document gang activity and restrictive housing practices in U.S. prisons.

Against this backdrop, it is impossible to paint a national portrait of the relationship between gang affiliation and restrictive housing. Surveys such as those conducted independently on restrictive housing (e.g., Baumgartel et al., 2015) and those conducted on gangs (e.g., Winterdyk & Ruddell, 2010) are one pathway forward. This is a reluctant recommendation, as these studies are not easy to conduct. Well-developed surveys with methodologically sound research designs require substantial resources to both design and administer. They would also require negotiating the research policies of 51 prison systems, along with wide and often conflicting terminology and definitions of gangs and gang affiliates (Trulson et al., 2006).

An alternative pathway forward is to either develop or integrate repeated and standardized surveys of (1) the population of prison systems, (2) nationally representative samples of prison facilities, or (3) nationally representative samples of prison inmates. These surveys would include a range of measures related to restrictive housing, gangs, and gang affiliation. Rather than launching a project of this scope from the ground up, a more feasible solution would be to integrate measures of gangs and gang affiliation into the suite of existing Bureau of Justice Statistics projects. For example, a single item added to the 2011-12 National Inmate Survey asking inmates about gang affiliation could have provided the definitive evidence needed to reach conclusions about the relationship between gang affiliation and restrictive housing. Other projects could be used as well (e.g., National Prisoners Statistics). This approach would yield foundational information about the frequency and trends in the use of restrictive housing on gang affiliates. Such information would not only permit the explanation of different practices and policies across prisons and prison systems but would also allow these prisons and prison systems to learn from each other — both the successes and failures — in managing a very challenging population of inmates.

### Subject gang and gang affiliate validation practices to independent scientific assessments to establish their reliability and validity

There are many controversial issues associated with restrictive housing in U.S. prisons, and the wholesale placement of gang affiliates in restrictive housing is among the most pressing. Indeed, this practice contributed to the uprising that led to the 2013 Pelican Bay hunger strike involving 30,000 inmates in California. Therefore, this issue shines a bright light on the policies and practices followed to validate gangs and gang affiliates in prison, which have been criticized by many because of their implications for housing, programming, and other consequences (Kassel, 1998; Shaiq, 2013; Sowa, 2012; Tachiki, 1995). Toch (2007) likened the validation process to a witch hunt, suggesting that —

*... a striking parallel to traditional inquisitorial tribunals can be found in [gang] 'classification' systems (such as those used in Arizona and California and by the*

*Federal Bureau of Prisons) deployed for gang members who are being considered for consignment to 'supermax' control units (p. 274).*

The issues are magnified when the validation process involves evidence derived from gang debriefing — as illustrated in *Madrid v. Gomez*, debriefing is an imperfect process. Gang affiliates in restrictive housing may inaccurately name snitches, gang dropouts, rival gang members, or other vulnerable populations to facilitate their return to general population. Incorrectly classified gang affiliates then have no recourse through which to challenge the validation because the information is confidential, nor can they debrief because they lack gang intelligence. Validation can come across as arbitrary, yet it can have serious consequences, opening up correctional agencies to costly litigation (Austin & Irwin, 2011, pp. 134-135).

The practice of gang validation itself needs to be “validated.” Are the various source items (see Hill, 2009) used to determine gang affiliation internally consistent? Are these items related to each other? Do independent raters of the source items similarly validate inmates as gang or non-gang affiliates? The source items clearly have face validity, but there are serious questions about the criterion-related validity of the gang affiliate validation. Do the source items predict other forms of gang-related activity or future gang-related activity? And, do the source items correlate with indicators that they should be related to theoretically? California’s movement to a weighted validation system, where source items are assigned different weights, represents an important shift in policy. Nonetheless, it is unclear if there is an empirical basis for the weights linked to this new approach (or the approach where source items are weighted equally).

More accurate determinations of gang affiliation will not only improve the legitimacy of the practice but may also reduce institutional conflict. False positives (i.e., wrongly classifying an inmate as a gang affiliate) and false negatives (i.e., wrongly classifying an inmate as a non-gang affiliate) represent serious threats to the safety of institutions. This applies to determining not only who is a gang affiliate but also who has disengaged from gangs. A productive start would involve subjecting gang validation practices to independent scientific assessments of reliability and validity. Given just how great of an impact gang validation can have on inmates’ lives, these practices must be open to rigorous scientific scrutiny, and a threshold must be established if these practices are to dictate placement in restrictive housing.

**Evaluate the effectiveness of programs and policies that promote disengagement from gangs and exit from restrictive housing to establish best practices**

Do programs designed to facilitate desistance from gangs and exits from restrictive housing actually work? With programs in as many as 30 states,

including gang-targeted programs in states like California and Texas, step-down processes and impacts must undergo rigorous scientific evaluation. Randomized control trials should be the standard used to determine a program's effectiveness. Practitioners often find themselves uncomfortable withholding needed programming from control groups. However, there are often more candidates than there is funding and space for programming (e.g., Burman, 2012). In instances where randomized control trials are impractical, quasi-experimental designs can be attractive alternatives. Program participants can be matched on a range of characteristics with inmates who are eligible for the program but, for one reason or another, decline to participate.

When possible, natural experiments should be exploited for their intellectual yields. California's shift in 2012 to no longer automatically segregate STG-I gang associates, and then in 2015 to no longer segregate STG-I gang members, represents a natural experiment ripe for scientific investigation. Following the logic of deterrence, incapacitation, and normalization theories, there are many ways to assess if this policy shift has had positive or negative impacts on inmates and institutions.

Researcher-practitioner partnerships are needed to foster knowledge on restrictive housing (Frost & Monteiro, 2016). This is especially true with gang research. Skarbek (2014, p. 10) noted that "the same walls that keep inmates locked in also keep researchers out," a point others have recognized for more than two decades (Fong & Buentello, 1991). Although archival data are often rich with information that could help evaluate programs, these data are inflexible regarding specific items that are essential for determining program efficacy. Especially for process evaluations, researchers need access to facilities to interview prison staff and inmates. All data have limitations, but the luxury of triangulating information on programs is not one to pass up. Researchers can sometimes conduct analyses that are tangential to the goals of correctional research departments overloaded with other tasks, thus revealing important information about agency practices and the inmate population.

A final point to be made about program evaluations is that not conducting them, or withholding their results, is a disservice to the correctional landscape. The results of scientifically rigorous research must be made public and disseminated widely. This is especially true for step-down and diversion programs designed for gang affiliates. Information must be shared if researchers and stakeholders are to learn what is and is not working in responding to gangs in prisons. Gang research reveals that most programs in street settings fail to find any positive effects, and some find programs backfire in unanticipated ways (Gravel, Bouchard, Descormiers, Wong, & Morselli, 2013; Klein & Maxson, 2006). When programs are successful, they have the potential to translate across contexts (e.g., Operation Ceasefire); when they are not, they have the potential to retool under more scientifically sound principles (e.g., Gang Resistance Education and Training). Either way, establishing the legitimacy of a program is important to the day-to-day activities of correctional staff and inmates in these programs.

## Conclusions

Gangs are especially challenging populations to manage. The problems associated with gangs in prison have not abated, and restrictive housing is one of the few practices that correctional officials see as viable for managing the population. This solution, however, has come under heightened scrutiny in recent years, due in no small part to the vocal stand that gang affiliates have taken in places like California. Restrictive housing is an imperfect solution to a complex problem. Neither the wholesale placement of gang affiliates into restrictive housing based merely on their status, nor the wholesale removal of gang populations from restrictive housing, are practical solutions to this impasse. The limited empirical knowledge base, unless addressed, will only allow these issues to fester and grow. Much has been learned about the relationship between gang affiliation and restrictive housing over the past three decades. What is needed is a dialogue that is informed not by rhetoric or anecdote but by empirical evidence to guide decisions about the future of restrictive housing and gangs in U.S. prisons.

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## **Appendix A. California Department of Corrections and Rehabilitation criteria used to certify security threat groups (STGs)**

1. Criteria used as part of an official threat assessment conducted by the Office of Correctional Safety to certify a group:
2. Information from any federal, state, county, or city correctional or law enforcement agency, identifying the propensity for violence or the disruptive nature of the potential STG being considered for certification.
3. Consideration with regard to whether the group meets the definition of an STG.
4. History of STG behavior in the community.
5. Evidence that the group presents a potential threat to the security of the institution and safety of staff and offenders.
6. History of threatening behavior to staff or offenders safety involving acts such as riots, group disturbances, possession or manufacture of weapons, assault/battery, trafficking of narcotics, extortion, and coercion of other individuals or groups.
7. Documentation of violent and illegal activities, which may also include planning, organizing, threatening, financing, soliciting, or committing unlawful acts.
8. Group evolution, structure, formalized procedures or bylaws, and membership characteristics.
9. Information concerning group meetings and membership criteria.
10. Chronology of events or other information evidencing a threat to institutional security or safety of staff and offenders through group activities, associations, and potential security alignments.
11. Tattoo, symbol, and graffiti documentation.
12. Group association evidence, including offender and staff interviews.
13. Information concerning the group's philosophy and affiliations.

Based on a review of the evidence available at intake of the overall severity of the threat that the group poses, groups are either “certified” as STG-Is or “recognized” as STG-IIs.



## **Appendix B. California Department of Corrections and Rehabilitation source items and weights for validating gang affiliates**

The following, in descending order of significance, along with the points associated with the source item in parentheses, is used by the California Department of Corrections and Rehabilitation (CDCR, 2014) for security threat group (STG) validation:

1. Legal documents (7 points) evidencing STG conduct, including court transcripts, probation officer reports, or other legal documents.
2. Tattoos/body markings (6 points) related to STGs.
3. Offenses (6 points) committed for the “benefit or promotion of, at the direction of, or in association with an STG.”
4. Self-admission (5 points), written or verbal, of STG involvement.
5. Communications (4 points), written or verbal, involving STG activity.
6. Visitors (4 points) with whom the offender engages in “promoting, furthering, or assisting” STG activities.
7. Information from non-CDCR agencies (4 points) indicating STG activity, such as police or crime reports.
8. Staff information (4 points) that reasonably indicates STG activity, including observations, rule infractions, and misconduct.
9. Photographs (4 points) with STG connotations, such as insignia, symbols, or gang members, taken in the past four years.
10. Written materials (4 points/2 points) “evidencing STG activity,” such as membership or enemy lists, in personal possession or not in personal possession.
11. Debriefing reports (3 points) that include references to specific STG-related behavior.
12. Informants (3 points), whether or not confidential, that provide reliable and specific knowledge “evidencing STG affiliation.”
13. Association (3 points) with validated STG members that constitutes a “pattern or history of encounters,” not just by chance, involving STG behavior or business.
14. Symbols (2 points) with STG connotations, such as hand signs, clothing, graffiti.

All inmates with non-zero points are considered gang *affiliates*. To be documented as a *member*, an offender must meet three independent source items, the items must sum to a combined value of 10 or more, and there must be a direct link to an STG affiliate (current or former member, or associate). The same procedures apply to being documented as an associate, the only difference being that associates are involved “periodically or regularly” with members or other associates. An STG investigator makes this distinction. Finally, *suspects* have scored at least two points of validation but have not reached the combined total of points or necessary number of source items. There are also gang *dropouts*, a distinction that elicits a different gang classification status.