

**THE TRANSFORMATION OF CORRECTIONS:**  
**50 Years of Silent Revolutions**

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Our topic today is the Transformation of Corrections. We will focus, in particular, on the Silent Revolutions of the last 50 years, the decades since World War II.

The Silent Revolutions include first and foremost, the involvement of the courts in the correctional process and in setting of the guidelines under which corrections is now operating. There were basically three periods in the history of court activity or inactivity in the correctional field.

The first was known as the *hands-off policy period*, inaugurated in a decision in Virginia in 1871 known as *Ruffin v. the Commonwealth of Virginia*. In that decision, the court enunciated the Slave of the State Doctrine; that inmates were in fact, to all intents and purposes, slaves of the state. They had no rights and whatever privileges were extended to them were given by the magnanimity of the state and were not *owed* to inmates.

The hands-off policy was based on several well-known constitutional principles: (1) the separation of powers doctrine, separating the judiciary, the executive, and legislative branch; (2) the idea that the courts were sovereign in their own domains, yet enunciated a deference to the executive branch: corrections is a

branch of the executive, not the judiciary and (3) if the courts were to intervene, the argument was that there would be a flood of suits from prisoners. Indeed, this turned out to be the case. There were other arguments, too, among them that the judiciary had no expertise in the correctional process.

In the hands-off policy period, the state was permitted to confer privileges upon inmates but not rights. This period lasted from 1871 to roughly 1964 when judicial activism became the norm. *Hands-on judicial activism* did not occur first in corrections at all, but rather in such areas as the educational process, and desegregation. But it soon carried over into corrections. The hallmark case, just as *Ruffin v. Commonwealth of Virginia* was the hallmark case in the hands-off period, was *Cooper v. Pate* in 1964. What *Cooper v. Pate* did was to insert the role of the court into the correctional process. In so doing, it raised the issue of the rights of inmates. It also established the rights of the black Muslims to be recognized and to become a part of the correctional landscape. Historically, the black Muslims were as often to be found in administration segregation as in the general population. Muslims were not allowed to congregate; they were not allowed to practice their religion, Islam; and they were not allowed to have special

diets, among other prohibitions such as their distinctive dress.

*Cooper v. Pate* opened the door to the judiciary in handling complaints based upon the first, the fourth, the sixth, the eighth, and the fourteenth Amendments to the Constitution. These Amendments deal with free speech and assembly. They deal with the right to counsel. They deal with issues of search and seizure which are critical in institutional life. They deal with cruel and unusual punishment as in the eighth Amendment and with due process and the equal protection of the laws in the fourteenth Amendment.

Relying on these Amendments to the Constitution, subsequent court cases eventually highlighted as many as 50 specific areas of prisoner rights, as well as the legal guidelines governing conditions of confinement. With regards to the conditions of confinement, the courts ruled in *Holt v. Sarver*, an Arkansas case, and in *Ruiz v. Estelle*, a Texas case, that the entire system in those states and in many others were unconstitutional and that changes had to be made to bring the prison system into compliance with standards of legal confinement, including medical care, safety, searches and seizure, classification, crowding, legal representation and procedures in administrative confinement, visitation, and many other areas critical in prison life.

Judicial activism raised a tremendous backlash against the courts in the US Congress and in State legislatures. For the longest time, you could not attend a correctional meeting without someone complaining bitterly about the courts

interfering with the correctional process and disabling people who knew what they were doing and were responsible for the operation of our prison. But in time, adjustments were made, tacit understandings were reached between the courts and the correctional establishments, and things began to run a lot more smoothly. By the end of the 1970's, the courts began to back off from their activism in corrections and enunciated, without calling it that, the restrained hands doctrine.

In the *restrained hands doctrine*, as enunciated in *Rhodes v. Chapman* and *Bell v. Wolfish* as well as *Jones v. North Carolina*, the courts held that correctional administration should not be unduly interfered with. The cases in question, *Rhodes v. Chapman*, an Ohio case at the Lucasville prison, had to do with double celling. *Bell v. Wolfish* had to do with unannounced cell searches and double celling in the Rikers Island Complex and *Jones v. North Carolina*, dealt with the rights of prisoners to organize and bargain collectively.

So these were the three periods. I repeat again, the hands-off period, the hands-on judicial activism period, and the restrained hands doctrine.

### **The Silent Revolution: The Judiciary**

Since that time, and looking at the situation since the restrained hands doctrine and into the future, we can expect further withdrawal of the courts in the management of the prison system. And the reason for that lies in the

transformation of the bench itself with new sitting justices who are not as likely to be interventionist as the activist judges on the Warren Court.

The justices at the lower levels and on the Supreme Court had heard the public clamor, the public demands for the withdrawal of privileges such as free weights in institutions. The public seems to be convinced, and inclined, that inmates live too well. Polls show that the public believes there should be more stringent regimentation in their lives. This contrasts sharply with the period of the hands-on doctrine when public sentiment was more favorable to creating a more humane, lawful, industrious and hopeful environment. It was the time when the courts spoke to administrative segregation and the rules thereof, to search and seizure, to health concerns, to sanitation concerns, to free speech issues, to assembly, to the nature of housing and double ceiling, to overcrowding, to the creation of law libraries and to help in filing their cases, both habeas corpus and for redress of the denial of their rights.

Looking forward, it is possible to predict a trend of withdrawal of the courts. Except in egregious cases of the violation of inmate rights, you can expect that the courts are going to be far more, and I hate to use this word, judicious in what they take on and what they rule.

### **The Silent Revolution: Prison Management**

The end of World War II witnessed the start of a managerial revolution in corrections. The managerial

revolution introduced the idea that prisons should be run efficiently, responsibly, and accountably. They shifted to a focus on selecting and training competent line and staff people in the system.

Gone was the notion of the prison as a personal fiefdom of the warden. By personal fiefdoms, I mean that the warden had almost unlimited authority and unless there were problems of financial mismanagement, frequent escapes, or gross brutality, the institutions were, almost by design, beyond the reach of the courts and the legislature. Wardens were judged successes when they remained within budget and ran low-cost institutions. They were ousted when they did not. To ensure success, the warden hired the officers and staff and demanded total loyalty.

So with this change, competence, responsibility, and accountability have been substituted for spoils and patronage. In this new context, which of course was sweeping all other public areas including welfare, education and the health system, exceedingly great emphasis came to be

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placed on the selection and training of personnel, on refining the chain of command, on the specialization of functions within the system. This

specialization included the medical, legal, accounting and budgeting, fiscal planning, maintenance, the research departments, and obviously many others. And in this sense, the managerial revolution brought about a bureaucratic structure which replaced the autocratic structure and the personal fiefdom of the warden and deputies in an earlier period.

No longer would there be a warden Ragan in Illinois, or even a George Beto who was both bureaucrat and autocrat, if you will. Ragan ran Stateville (Illinois) with so much control that it was said that when three prisoners talked, two belonged to him, i.e., they were snitches. Like Ragan many others made their reputations by running institutions that were safe and secure, but obviously offered inmates few rights and operated under strict budgetary restraints as in the past.

This new model, this new bureaucratic model, focused on a variety of special issues which were absolutely unknown in the past.

First, there developed a focus on diversity. Diversity came to include not only employment of African-Americans but women and other minorities. Sincere efforts were made to recruit, train, and place minorities at all levels of the prison structure so as to make the institutions and the entire system reflect the diversity of American life.

This was really a breakthrough. The idea of having women on the living units was thought to be an absurdity and an impossibility. After struggles and suits, women are currently very well

integrated in the system , including the glass ceiling level, which they have now penetrated in some states. Similarly, the African-Americans are now well integrated in corrections. Latin-Americans are making great inroads and moving slowly into leadership positions and, while not yet fully represented in the system, Latinos are certainly moving toward that status.

Second, and a focus that was so different under this bureaucratic model, was the quest for accreditation. Which system does not want its institutions, its management system accredited? Consequently, there is a growing uniformity in the way institutions are run, this uniformity determined by the nesting standards necessary for accreditation. Individuals from one state are going to other state to assess the institutions there, to rate them, and this quest for accreditation has done more to lead to the acceptance of uniform of confinement standards, comparable across states, than almost anything else in the business.

Third, speaking of minimum standards, the American Correctional Association has several volumes, thick volumes, outlining the minimal standards for virtually every aspect of institutional life as well as for community corrections and intermediate sanctions, jails, probation, and parole. These minimum standards, once again, represent the best thinking and the best practices in the correctional field.

So between accreditation and minimum standards, we now are moving towards a unified correctional system in

the United States and a level of personnel recruitment and training which rivals the standards in other people-serving professions. At the national level, the National Institute of Corrections, the Correctional Training Academy, and comparable agencies have contributed to corrections becoming a profession—not an occupation and not a sideline activity—and the American Correctional Association and the state associations have been in the vineyard.

Fourth, one of the focuses which would have been unthinkable until after World War II was the growth of unionization among correctional personnel. Indeed, there are wardens, maybe some of you here who will tell you that they have more problems dealing with staff than they have with inmates. A number of cases that have been tried in the courts in recent years have dealt with free speech and other complaints of correctional personnel in the system. For example, whether or not male correctional officers can wear earrings and matters of this sort, which would have been ludicrous, beyond ludicrous, a few short years ago have become points of contention in prisons and examined by arbitrators and the courts. Not long ago, the warden would have come in and said “you’re on your own buddy” and that would have been the end of the job.

So, in effect, what has happened is that we now have a system which is a tripod in nature. There is of course the administration, there is the uniformed and unionized force of the organized corrections people, and there is the inmate body. A successor to Ragen and Beto

somehow must adjust all these interests if he/she is to run an efficient and effective institution. This is not an easy task, and requires a good deal of agility in dealing with all parties of interest.

Fifth, another issue changing corrections is the use of new technology: not only computers, teleconferencing, and many other innovations, but also very, very sophisticated MIS systems that are able to track individuals from their moment of entry into the system and retrieve information that would have, in days past been inaccessible – lost in paper shuffles for long periods of time. In other words, we now have on-line real-time capabilities and in areas such as classification this is a tremendous advance. We are not putting prisoners in institutions or in locations where they are likely to get into difficulty because of their histories or because of their special characteristics and needs.

### **The Silent Revolution: Politicalization of the Criminal Justice System**

The third silent revolution came with the politicalization of the criminal justice system and within that, corrections.

The recent politicalization of corrections and criminal justice can be traced, loosely that is, to the 1964 campaign of Goldwater vs. Lyndon Johnson. In that campaign, Goldwater felt no problem, felt no compunction, in raising the issue of crime in the street to a first priority. This led to all sorts of consequences, some positive, some not so positive, which have effected the business

that you're in, that we're in. Politicalization has brought about three or four or five consequences which are important to mention in passing.

First, politicalization has, on the positive side, created, maintained, and sustained a victims' rights movement. Crime victims now have a voice, and they have a voice in decisions to which they had been completely locked out before. Victims can now speak to the Parole Board; they can tell the judge how they feel about the extending of probation. They can talk about the placement of individuals in the community. In short, crime victims, after years of being left out have been reintroduced into the system.

It's interesting to note that crime victims were basically eliminated from the system when the focus came to be solely on the offenders. How serious was the crime? What should the sentence be? And through a system of fines and incarceration and community approaches, the victims in effect were completely left out except for their testimony regarding the guilt of the individual.

It is impossible, really, for people who don't know how the system once operated with regard to victims, to realize magnitude of the changes that have occurred. People are now willing to participate in the system as they not have participated for several hundred years, and that's obviously a major benefit for the criminal justice and corrective system.

On the other hand, this participation often forces the system to be more harsh and penalties to be more

extreme than they might otherwise be. I want call your attention to the advent of an international organization of victimology, which is quite important on the world scene. I might also mention in passing, that victimology was a subject that was rarely discussed until the 1940's when it became evident that not only are individuals capable of committing crimes, but that nations are also capable of committing crimes. As a result of this new awareness, we inaugurated systems of reparations for people who lost everything: to the Nazi's for example, and in other states we began to emphasize the victim and making him/her "whole again."

What is there about a person that makes him/her a more likely victim? New subjects emerged: victim instigation, victim precipitation, victim proneness. In short, a whole new feeling evolved about the role of the victim, as a victim, and as a functioning member of the system of criminal justice.

No one today would overlook the role of the victim in family abuse, and in child abuse--areas that were hardly considered before the 1950's. What we have seen then is the emergence of an entire discipline focusing on the victim, on victim rights, on victim participation, and on the link between victims and offenders.

As in Ohio, we had an overcrowding commission appointed by the Governor in the 1980's. For the first time, victim advocates asked to be allowed to participate in the deliberations as observers. These advocates were "not professional" but they were welcomed. They were not allowed to vote, but

participated in the sense of being there and observing and monitoring the actions of the committee. And since that time, in Ohio, at least, any number of commissions have included victims advocates.

In addition to a focus on victim rights, victim participation in the correctional process, and in the criminal justice process, more generally, the end of World War II and the

period since, has witnessed the growth of neighborhood groups who wished to monitor and to prevent undesirable releases from our institutions, from residing in their areas. The best example is Megan's law, which deals with sex offenders. Most of the state legislation that neighborhood groups have been able to get from sex offenders legislatures is that released offenders must make themselves known to their local police departments and to neighbors for overall monitoring purposes.

So, in point of fact, the correctional process which was basically shielded and largely immune from pressure from the community has now become very much tuned in to the community and its wishes.

At the other end of the spectrum, neighborhood groups have fought, generally successfully, to prevent such things as half-way houses, drug and alcohol rehab centers, and reintegration centers from being placed in their

neighborhoods. A personal example is that in the area in which I live, neighbors recently became adamant and overwhelmed the system when a vacant, small apartment house was leased by a public drug and alcohol agency to house homeless but non-violent ex-offenders, mostly ex-jailees with substance abuse histories. And through the use of political pressure on the city council, the projected operation was squashed.

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The third effect of politicalization has been the continuing series of drug crusades. First, against substances such as heroin, the metamphetamines, and of course the opiates, the sedatives, the barbiturates, etc. In the 1950's, no one thought seriously that cocaine would become a menace. Professionals and the public worried about the opiates and their derivatives as well as marijuana, of course. As a parenthetical note on this, I would argue that all drug crusades are basically symbolic crusades. In this context and speaking as a professor, I suggest that you read Oscar Grusky's classic work on symbolic crusades. What he argues is that the issue is not alcohol production and consumption as in prohibition, or the drugs alone, but rather group conflict. In the case of prohibition, the conflict was the new immigrants who drank and the nativist elements who abstained. And Prohibition became a quest for power, a conflict over power, as much as over demon rum.

The same thing is true of some of current drug crusades. In the case of heroin, the drug crusades tended to focus on the black community, which was much more susceptible to the use of heroin and opiate derivatives than other communities. Currently, the issue is cocaine, but I'll get to that in just a moment.

The truth of the matter is that the drug crusades highlight social divisions in society. And consequently they have a latent as well as a manifest goal. The latent goal, is to bring into compliance groups whose lifestyles and orientation are quite different from that of the moral "majority" or the majority of citizens in the United States. So the drug crusades have skewed the allocation of funds: the interdiction of drugs coming into this country as opposed to the treatment of those people who are drug users and abusers.

The cocaine issue, then, as far as I can see is that federal legislation makes powder cocaine much less of a crime as terms of severity and therefore extant punishment than crack cocaine. Now it so happens that the evidence on this is based on research that crack cocaine is endemic in the black community, the Hispanic community, the minority communities. Powdered cocaine is available principally to, and can be afforded by those people who are generally white, middle class professionals. So in effect, you are penalized much more in the minority community for being a user than you are in the majority community. All legislative attempts to change this invidious distinction have fallen flat. There has been no change at all in the

legal codes in regard to the use and severity of penalty of cocaine, crack vs. cocaine powder.

To criminologists interested in this area, it is absolutely amazing that we seem to be repeating the history of the 1930's when alcohol led or at least fueled the emergence of big-time organized crime which is only now in serious decline in the United States.

One final note on this drug crusade phenomenon. The emphasis on enforcement and penalty rather than treatment, has led to the emergence of a national street gangs in many neighborhoods. Gangs have emerged to control the traffic in their area or neighborhood – also a new phenomena, and infests our streets and has spilled over into our prisons. The gang problem is especially acute in the largest states – California, Illinois and New York. Drive-by shootings, and related violence, generally oriented to gaining control of the economics of the market are common place in contested markets and gang violence in prison is a serious matter.

As already noted, the politicalization of corrections and criminal justice has led to the re-emergence of gangs in both major and smaller cities in America. The market for drugs has led to the rise of neighborhood gangs and of larger arrogations of individuals in national gangs. There are now national gangs like the Crips and the Bloods and the Folks. These groups have spread their tentacles into smaller communities and have, in effect, populated and pollinated where gang activity could, previously,

only be seen on the screen and on TV.

I'll have more to say on gangs in just a moment, but the point of the matter is that as far as corrections is concerned, virtually every urban state now faces the problem of the identification and the management of gang members. In Ohio, there is now a special section in the Department of Corrections which identifies incoming gang members, helps track them in prison and makes sure that feuding gangs, violent gangs, and their disciples are not in direct contact with one another. The last estimate I had was that in a system of roughly 48,000 prisoners, Ohio had 2,500 gang members. That may well be an underestimate as it is sometimes difficult to determine who is who in the gang in prison.

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The important point is that the penetration of gang members into the correctional system has not only made life harder for those who live and work there but it has created something which we didn't have before: a direct connection between the street and the institution. They are now inseparable. Individuals released from institutions return to the street. People from the street return to the institutions. There is hardly any sense talking about the reformation or rehabilitation of individuals who are gang

members in this context. So we have lost the battle – the rehabilitation battle – for they will continue: gang members from the urban areas into the institutions and back out again carrying the attitudes, symbols, and culture with them.

Fifth, the politicalization of corrections can best be demonstrated in something like the Willie Horton syndrome. Presidential Candidate Dukakis was accused of being the governor who allowed Willie Horton to go back out on the streets as a parolee. As a parolee Willie Horton committed some very heinous offenses. Willie Horton, the man and the symbol of a failed parole system, helped change sentencing policies and led to the introduction of determinate sentences. In a sense, the case of Willie Horton, virtually eliminated the parole system. In other words, crime became a high priority issue in America – at times it was the number one issue on the public agenda. Only now is it receding.

Nevertheless, Willie Horton lives. I don't know that he lives in real life, but he certainly lives in the public imagination and the rhetoric of politicians. You cannot turn on a program, especially Sunday morning talk shows, without coming back to the notion of crime in the streets, what to do about it, the failure of a great society, the role of education in producing these monsters, and so on and so forth. So crime is now an integral concern and people are afraid of it.

You can also believe that crime and crime on the streets and the Willie Hortons of this world fueled the depopulation of our cities. White flight,

beginning in the 50's, was largely a product of the desegregation movement and the crime situation. Only now are these urban areas redeveloping, developing some stability, and beginning to grow, ever so slightly once again.

I want to call attention to low income in this context. In St. Louis, a housing project began a trend in this country. This particular housing project called Pruitt Igeo is a classic example of what the crime situation and its politicalization did to the urban landscape.

Pruitt Igoe was a municipal housing project in St. Louis which consisted of 20 fairly tall structures housing several thousand low-income and largely minority tenants. The inability of law enforcement to effectively patrol the area, (the elevators became centers for robbery and rape of the residents and a few visitors who chose to come) and drug dealing was rampant. The inability of law enforcement to provide safety for the tenants led to the conclusion on the part of many urban planners that Pruitt Igeo and such projects could not provide a decent standard of life. They were breeding grounds for delinquency, crime, violence, gangs and drug dealing. Obviously, Pruitt Igoe could not be tolerated in this urban landscape any longer. And so, Pruitt Igoe was blown up – imploded – as have been many, many municipal housing projects since that time in cities, from Newark to New York to Chicago and across the country, and a whole new concept has emerged as to what to do about residential housing for low income individuals.

In Columbus, Ohio, the new model, based upon Oscar Newman's book, Defensible Space, is the low rise, six family building with plenty of space and great visibility so that you can see your car and your children on the outside. The defensible space concept is a model for how you should build housing to prevent crime.

Sixth, the politicalization of corrections and of criminal justice was fueled by a variety of events in the sixties and seventies which some analysts and historians believe brought the United States to the brink of revolution. Fortunately, things never developed to that point, although the campus riots, the street riots, the riots against Vietnam War came as close to violent revolution as we have witnessed in this country, since the Great Depression. The riots stemmed from a variety of sources. There was rioting in the streets in over 200 urban communities. Minority citizens in some of those cities felt that the police were heavy - handed and that they were not getting a fair shake in the criminal justice system, in education, and in employment opportunities.

In other words, the disadvantaged felt truly disadvantaged and these devastating street riots were triggered by police citizen confrontations as in Brooklyn, as in Newark, as in Detroit, as in Los Angeles. These urban riots, many copy-cat in nature, also involved extensive arson and general mayhem. They occurred during the middle to late sixties and transformed the landscape of urban life. Even more citizens fled to the suburbs. These events became staple fare

for the TV cameras hovering above, mounted on helicopters, and clearly showed the anger of the minority citizenry and the depth of their revolt.

In these urban riots, there was no clear-cut articulation of the demands that the citizens wanted to voice and so the rioters came to look like people who were unhappy, rather than as people who had a message to relay through their activities.

So the urban riots – by the way the one that sticks in my mind better than almost any other one is the one that occurred in Detroit – ugly and brutal and to this day if you look at some of the dormitory buildings on the main drag at Wayne State University, you will see bullet holes uncemented from that period of time. There are some deeply edged memories of this riots. Another one that stands in my mind is the Los Angeles riot, in which the looting was captured by television camera, property was taken from neighborhood stores, and everything that was moveable was looted. Homes and business establishments were burned and the areas were strewn with debris, broken glass, and burned out automobiles. These riots led people to conclude that disorder was intolerable and through political action they demanded a restoration of order and that became part of the crusade and the war on crime.

The second series of uprising was triggered by American foreign policy. In

particular there was considerable discontent with the Vietnam War. This is a long story which most of you would just as soon forget, but nevertheless it changed the landscape of American life, and it probably cost President Johnson another term as president of the United States. The Vietnam debacle was felt most strongly, not in the streets, but on campuses all over America. At Ohio State, and I doubt that there were very many who would remember this, the Governor was forced to call out as many as 7,500 national guards who patrolled campus, at times with bayonets drawn to control the rampaging student population.

Student protesters broke off into small groups and defied these National Guardsmen. They made a shambles of the campus and made it difficult to

restore order. I can remember very clearly that the campus was closed for ten working days. It was impossible to keep the peace and to control the moving bands of students.

This divisiveness affected not only students but it affected faculty, it affected the entire ambiance of the campus, and it took years to undo the polarization and restore the kind of confidence and trust which was lost in that period. This revolt ended with the Kent State shootings in 1970, followed by the shootings at Jackson State. After these traumas, protest became even more political and less demonstrative. The campuses, at least the ones that I was familiar with, quieted

down even though still seething about the war in Vietnam. It was a difficult time.

This social disorder, this brink of revolution activity caused not only concern but led to "tough on crime" action in the Congress and in the state legislatures. And the action included adding police, building institutions, lengthening sentences, and generally "cracking down." And indeed what followed was a major crack down. In my own mind, I think that this crack down was partially responsible for what the Supreme Court did in its judicial activism period at the time. In other words, the Supreme Court saw police activity and more stringent law enforcement as violating individual rights and enunciated the so-called "exclusionary rule."

It is hard to imagine the tremendous effect of drugs on the criminal justice and correctional systems. In 1959, for example, the U.S. had 10,500 drug arrests, according to the official statistics. By 1973, there were 480,000 such arrests. From 1974 to 1984, the drug epidemic resulted in about 600,000 arrests annually in this country. From 1986 forward, three-quarters of a million to a million drug-related arrests occurred every year. As a result, this led to an expansion - a huge expansion of the criminal justice system.

Law enforcement, became overburdened with this problem of trying to interdict and control drugs on the street. Of course, the more that law enforcement did, the greater the number of people who were sent to institutions. Currently, one-third of the inmate population are serving

terms for drug offenses – possessing, selling. Then, of course, there are the users and those connected to the drug use and abuse problem. Again, the prisoner intake in the various states, at least 60% of new admissions abuse either alcohol or drugs or they abuse both.

The crime problem in America has become the drug problem as well as the problem of getting an overflow of people from the mental health system. It is now estimated, again according to official statistics, that 16% of the prison population in the United States and even a higher percentage of the jail population is comprised of individuals who would have been in mental hospitals in an earlier day. However, because of the deinstitutionalization movement, which was a very powerful movement for a long time following the introduction and widespread use of the new psychotropic drugs, large hospitals closed leaving people living in community facilities which were inadequate to their care. Since many of patients do not take medication if they feel better and many don't take medication whether they feel better or not, these people are without adequate supervision in the community. Many patients soon become homeless, eventually resulting re-institutionalization – this time in correctional facilities.

This is a remarkable saga on institutional interdependence and the intertwining of corrections and mental health. The increase in arrests for drug abuse, possession and sales, the tightening of laws in America and the hardening of public attitudes toward crime resulted in stepped-up criminal

prosecution and massive prison crowding, which is the fifth area I wanted to discuss.

### **The Silent Revolution: Prison Crowding**

Nothing so transformed the system, except for the activist courts perhaps, as did the over-crowding of our penal institutions. When I came to the State of Ohio in 1951, there were but five institutions in the entire state and the population was about 7,000. Shortly thereafter two new institutions opened, which gave us seven. Then the floodgates opened, giving us 31 prisons with three more on the books. Such has been the growth that we now have "theme" prisons – sex offenders, substance abuse, even chronic drunk drivers. Unbelievable!

Prison overcrowding became the central issue in court litigation and soon extended to broader issues of the operation of the correctional system itself. What many citizens do not realize is that in some states, once again I rely on Ohio for my example, the correctional system now is the single largest employer of state personnel. There is no other department which employs 15,000 people, as does corrections, and with new institutions still going up, even more people are going to be working in the prison industry as either line or treatment staff.

Prison building and management is the great growth industry in America and the private sector, which heretofore avoided involving itself in prisons, is now on the bandwagon and has built and now manages a considerable number of institutions.

Overcrowding can be thought of in a variety of ways. There are two theories about the size and trends in prison population. The first is called the homeostatic hypothesis. It is based on the notion of the stability of population overtime. The idea goes back a century or more and can be found in the work of Enrico Ferri, who plotted crime rates. There is an inertia in the system that keeps it within a limited range. This is called a homeostatic hypothesis and its great exponent is an operations research specialist in public administration at Carnegie Mellon University. The homeostatic hypothesis relies on data of prison populations for the last 75 years. Blumstein, the Carnegie Mellon specialist, examined prison incarceration rates from 1925 to the present. Indeed, his group still continues to follow population and has charted the perturbations in the rates to the present.

To make a long story short, from 1925 to 1973, a considerable length of time, the rate of incarceration in Federal and states ranged from 79 to 110 per one

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hundred thousand population. The upturn began in 1973. To that time, the prison population was stable and largely grew in portion to the general population. There was no major increase by year or decade in prison population from 1925 to 1973. In 1973, thanks to the affect of the

changing attitudes towards drugs and the increasing rate of arrests, plus the affects on the war on crime, the prison population reached 200,000. From 1973 to 1996, it climbed to 1.2 million or a rate per 100,000 of over 400. If you include the jail population, the rate of imprisonment jumps to something like 600 per 100,000 population and for specific groups in the population, such as black males in the minority community in their early adult years, there are more people in prison than in college. This is a terrible commentary on the inequalities of social structure in America and the differential opportunities offered to various groups. So that is the homeostatic hypothesis: prison populations tend to remain relatively stable except when, as in the case of the United States in recent years, there emerges a drug problem, a gang problem, a crime in the streets problem, and a public revulsion against all social disorder. In such a case the rate jumps dramatically.

According to this hypothesis, the prison populations should start to decline and return to their historic levels. While they will probably not return, at least in the foreseeable future, to a rate of 100 or 110 or even 150 per 100,000 population, they certainly will retreat from the present numbers which, including jail, is over 600 per 100,000.

In contradistinction to the homeostatic hypothesis, there is the work of Rusche and Kirchheimer who, studying the relationship between labor market needs and imprisonment, argue that prison populations principally reflect labor market conditions in the various countries.

When there are an abundance of people for the jobs that are available, what you get is a surplus of prisoners. If on the other hand, the labor market can absorb young people in meaningful employment, people in their volatile years, then the prison population is relatively low.

Rusche and Kirchheimer did an historical analysis of how this problem was handled. In Britain, for example, transportation helped to get rid of surplus population by sending them to what later became the United States and Australia. Overall, the U.S. received 350,000 prisoners from England; Australia about 160,000. In periods when their labor was in short supply indentured servants came over to America work the land and eventually were granted their freedom. There is no sense in imprisoning people when they can be used productively.

The Rusche and Kirchheimer argument is that prison population is essentially a function of the need for labor, specialized labor in particular. By extension, since the Rusche-Kirchheimer work was produced in the late 1930s, the United States continues to produce a population which cannot readily be absorbed in mainstream occupations, the rate of incarceration will remain high and even go higher. In the United States William Julius Wilson's work and that of many others indicates that we have created an enormous "underclass", a growing "underclass" for whom there is basically is no future. They do not profit greatly by education. They cannot participate in new technologies, including computer literacy, and as a result of this, are doomed to become McDonald's hamburger people,

and to work in minimum wage occupations and have little or no chance to experience the upward social mobility which is the hallmark of United States in contrast to most other nations.

This "underclass" is to be found in our institutions. Crime is a way of life and prison is neither a frightening nor an abnormal experience for them. For this "underclass", being under correctional restraint or supervision is often a part of growing up into adulthood and maturity. When they age and burn out, they find themselves in and out of the probation, jail, prison and parole system. So this "underclass" notion fits in very, very nicely with the Rusche and Kirchheimer thesis, and the truth of the matter is that unless the U.S. develops a way of integrating people into meaningful occupations with a future, many will end up in the correctional system.

Back to prison overcrowding, I believe it has mostly run its course. The massive building programs, and alternatives to incarceration, particularly the intermediate sanctions, have resulted in the leveling off of the population. Once again, in Ohio 13% of the correctional budget at the last count went to support intermediate sanctions - everything from electronic monitoring and house arrest to halfway houses, to drug rehabilitation and alcohol rehabilitation programs, to visitation programs, to the very popular intensive supervisor probation format. Many individuals who would have been incarcerated now are shifted into these intermediate sanctions if they meet certain standard criteria..

It has become commonplace to speak of restorative justice – instead of making people pay the price by doing time, they should be made to pay the price by helping others or by restoring the integrity of the community. These restorative justice proposals have caught on and are being implemented in various states and in various ways. So much, then for the overcrowding problem.

### **The Silent Revolution: Retreat from Rehabilitation**

In the late 1960s, and continuing to this day, it is fair to say that another revolution has taken place. This revolution is not so obvious but it certainly has made a difference to all staff and administration and inmates within our institutions. This is the retreat from treatment revolution. It was occasioned by a number of societal events and attitude changes and has had a monumental effect on overcrowding and on the kinds of populations that are now housed in institutions.

The treatment concept, changing the criminal into a law abiding citizen by therapeutic intervention has generally grown out-of-favor and has been replaced by the notion of safety. We are concerned more with running safe, secure, industrious, and relatively lawful institutions than with treating the million or more prisoners in them. There is less emphasis, perhaps only at the juvenile level is that an exception, with restoring the individual to satisfactory citizenship and a responsible lifestyle.

Treatment has become an "out-

word", and the reason it is an out-word is attributable to various factors. Number one, perhaps most important, is that the therapeutic paradigm, that many criminals are sick people and can be restored to productive lives is no longer an accepted thesis. We no longer believe that the majority of individuals who engage in criminal behavior are either deeply sick or distorted, or if they are, that it really matters. We are more interested in protecting the public from them. As a result, treatment programs, such as AA, Narcotics Anonymous, and groups for sex offenders are essentially group oriented help programs. Individual psychotherapy, especially deep and continuing, has declined almost to the vanishing point. We no longer have the personnel, nor do we have the will to continue with the psychotherapeutic.

In previous decades there was a dedication to reforming individuals and a commitment to do so. Then the paradigm died. Why did it die? Well, it died because the psychotherapeutic paradigm was based on Freudian conceptions of the developmental psychological of individuals and it became evident that the Freudian framework could not be sustained by research. Researchers who investigated the concepts and the work and results that were available came to the conclusion that this was more philosophy than a scientific approach and consequently it faded from the scene. Very few people, there are some still, but very few treatment oriented professionals talk about treatment in the traditional psychotherapeutic sense anymore. With 1.2 million people in the prison system, it would be impossible, even if the theory

were adequate and the research supported the concepts, to implement psychotherapeutic regimens.

What has happened is not only the decline of the psychotherapeutic paradigm but the rise of other paradigms such as the biogenic. As a result of the re-emergence of a more sophisticated biogenic approach, there is a tremendous amount of work being done in the therapeutic drug areas, in conditioning, both classical and aversive, and in gene research. So the retreat from treatment is a decline only from psychotherapeutic ideology.

In addition, there has been change in the approach to deviant and criminal behavior and the public response to it. Thus, for example, James Q. Wilson, who became a short-lived guru of the hard-lived approach argues that "evil men exist." Nothing avails, but to separate them from the rest of us. Obviously, if that's the case, then all concern about treatment is relatively pointless. The simplest thing to do is to lock them up and throw away the keys. Hence, the logic for the new movement focusing on public safety, etc.

### **The Silent Revolution: Incapacitation**

There are a number of people who go beyond James Q. Wilson. Ernest Van deu Haag, who was in both Communist and Nazi prison camps as a prisoner contends that there are these violent, unpredictable individuals for whom nothing seems to work very well. What he proposes is post-incarceration incapacitation. After the term of actual

imprisonment or incarceration, society ought to be able to keep these dangerous persons in confinement until such time as they can be certifiably stipulated as no longer dangerous to the public. Even if we accept this proposal in theory, its practice seems well beyond our limited predictive ability at the present time.

Then there are others who have been equally strong in this respect. Robert Martinson, formerly a parole officer in the California prison system became a celebrity with an article which argues that "nothing works." No available treatment modalities, he suggests, whether work, education, anything in the psychotherapeutic realm, group approaches, nor conditioning are likely to be successful in making prisoners law abiding. Hence, if nothing works the investment in these approaches is a waste of resources and we ought to lock criminals up - this is not his thesis, but the logic of his thesis - until such time as they burn out or we can afford to release them without incurring the same great risk as we would have incurred in their youth.

Relying on the writing of Wilson, Van den Haag, Martinson and others, a movement soon developed in the United States which was congruent with the political approach in Washington. The essence of this policy approach called for more imprisonment, fewer intermediate sanctions, tightening release mechanisms (parole, probation, for example), lengthening sentences and for devising so called incapacitation strategies.

An incapacitation strategy would impose a penalty congruent with certain

criteria: number of prior felonies, number of prior violent felonies, number of prior prison commitments, etc. Thus, if a prisoner committed two previous felonies and is now on his third felony conviction, he would get 20 years without remission. This is an incapacitation strategy. It has nothing to do with whether he has been reformed or not. It simply is a means of keeping him locked up and it is based upon certain sets of criteria, including, as noted, the number of offenses, the severity of the offenses, the age at which they were committed, etc..

**Thus, with the decline of the therapeutic (medical) model, incarcerating individuals rather than treating them became the avowed goal. The concern now is ridding our communities of "evil men" through imprisonment.**

We published a book on the subject and tested 36 different incapacitation strategies. We concluded that such an approach would reduce crime on the streets but the growth of the prison population would make it unacceptable. Prison population would jump as much as 350% to 500% using even lesser incapacitative strategies.

Thus, with the decline of the therapeutic (medical) model, incarcerating individuals rather than treating them became the avowed goal. The concern now is ridding our communities of "evil men" through imprisonment.

The best example of this is in the work of researching the impact of

deterrence. An idea that came out of the deterrence approach is an emphasis called lambda. This idea is based in research asking what kind of general or specific deterrent techniques would reduce the crime problem and prevent individuals from either starting or continuing criminal careers, and on self-reports of the criminal activity of burglars and robbers in prison.

It became evident that there are three kinds of producers in the criminal justice system. Talking principally about burglars and robbers in this case, studies in the St. Louis Obispo prison in California and by a number of other studies around the country, came to the conclusion that are a range of "producers." There are criminals who for every offense for which they are apprehended and eventually convicted, have committed one, two, or three other offenses per year. They are the "born producers." A second group consists of "moderate producers", and they might account for three or four or five additional crimes, per year. Then, of course, there are the "high producers", mostly the drug people and mostly those people involved in crime as their business, who will consistently commit as many as 150 to 350 crimes per year in addition to the one for which they are convicted.

Out of these distributions of crimes per year, a lambda value was derived. The lambda value nationally is about 7.5, that is, for every arrest that is made of a burglar, robber or someone similar, it is likely that the arrested person will have committed at least 7.5 additional crimes on average during a year. Consequently, incarceration will relieve that additional burden of crime and rid the streets of the

high producers, many of the moderate producers, and bring the crime problem better control.

This conclusion has led some economically oriented analysts to argue that incarceration of a high producer for a year may save the public as much as \$500,000.00 – the cost of additional arrests, the additional property destroyed or stolen, medical expenses, and all the other costs that go along with the commission of crime in this country. As a result, this argument for incarceration caught the public and legislative imagination. The more we incarcerate, the lower the crime problem and the greater the savings to the public. Whatever the cost of incarceration per year – say \$25,000 as a national average – it would still cost less than the present policy of allowing these high and medium crime-producers to continue their depredations by being placed on probation or intermediate sanctions in the community.

### **The Silent Revolution: Technology**

The seventh revolution is and has been the technological revolution. The technological factor or revolution deals with changes and new technologies in monitoring and surveillance in which enforcement and safety and security take priority over nearly all else in the system.

Monitoring and surveillance techniques range from the metal detectors and drug sniffers in airports to all kinds of detectors for screening visitors in a prison. There are all sorts of detectors, including dogs for discovering drugs on conveyor

belts. Many detectors are known to the public —such as TV cameras—and many are not. Some were developed during the Vietnam War.

Monitoring and surveillance includes such things as bracelets or anklets for monitoring jailees who are on the outside instead of being on the inside. Some house arrest penalties require bracelets and computer tracking methods. Monitoring and surveillance methods are used with intensive supervision parolees, and intensive supervision probationers where an officer has as much as 40 hours contact a week with his clients including interaction with employers and workers or teachers and school counselors in the cases of returning to school. This is surveillance on a personal level as opposed to the technological level, but it is the same general idea. Through surveillance we try to dissuade potential recidivists from engaging predatory activities.

Second, and also as part of this technological revolution, has come target hardening. During the end or near end of the treatment period revolution in full force, full flower, institutions were built to look like a campus and to provide an openness and freedom of movement like a campus. Now in the target hardening phase, where many criminals are considered to be potentially dangerous and the population pressures are great, the supermax prisons have emerged featuring all sorts of lock and hold devices, video screens, listening devices, and other modern techniques. In some of the mess halls in medium and close facilities, there devices have been installed to observe

individuals and to make sure that they stay out of harm's way and that the staff is safe while they are working in these settings. One of the items growing in use is a method of bar coding individuals to make it easier to track them through an enclosed space like an institution. This would eliminate the daily counts and speed up activity. There are now five counts on average per day in a typical institution and with this bar code approach you could easily identify absentees. This would control gangs in the institution and might well control the drug traffic.

So the technology is here, even if still crude, and it is just a question of time before it will become part of the prison environment. The prison will become an enclosed, monitored space with high surveillance, including the cameras, the bar codes, the pressure sensitive perimeter fences, etc. The prison of the future will look different than the prison of the present once this technology is implemented.

Third, as part of this technologic revolution, we have embarked on drug testing, usually involuntary and usually random, but not necessarily. Consequently, in institutions and on the outside in some settings there is now routine random testing. About 5% of the Ohio population is randomly tested every month for drug use. There is alcohol testing for drivers, breathalyzers, and the urinalysis. There is anabolic steroid testing of athletes to see whether or not they are taking muscle building steroids, anabolic steroids to be exact, to build themselves up. In the 1999 Tour de France, an entire team was bounced for

the use of something similar to anabolic steroids, which was picked up by routine testing. It would have been unthinkable a few short years ago, for example, that urine tests at the end of some boxing matches, track events, or swimming meets would become routine.

There is always, of course, ways of beating the system and clean urine has sometimes substituted for not so clean urine. The human brain can outwit the technological innovations sometimes, but not always. The thing that interests me most as a result of the work that I have done, is the developments in biomedical interventions which have come to the fore in the last 15 to 20 years. For example, antabuse was introduced in the 1950's. It makes drinking dangerous and unpleasant and thereby for alcoholics prevents binges. Methadone is a technique for detoxicating opiate addicts although methadone itself is an opiate type drug. Nevertheless, it can be effective in reducing the reliance upon heroin and some of the other opiates.

In the future, maybe near future anti-androgen will probably be widely used with sex offenders. This form of chemical castration makes the offender incapable of perpetrating rape although not other physical assaults upon women. In other words, we are in the midst of a chemical, biological revolution and no one can predict where it will end, but that is not the whole story either. The development of neuroleptics in the 1950s, began with reserpine (Serpasil). It was developed in France and is a processed extract of the psychotropic successors to reserpine. New substances are giving us the opportunity to control the moods and

behavior of prisoners and patients under correctional control.

Many of our prisons, as you already know, have become therapeutic drug centers. The anti-psychotropics and anti-depressive drugs administered to prisoners and patients to alter their behavior have had a profound effect in the institutions. One of the reasons the mental hospital population is now in the range of only 100,000 (down from 550,000), was the advent of these drugs. Patients can live, if they faithfully take their medication, in the community and not need hospitalization. What a remarkable revolution! It is only too bad that the community mental health movement has not been able to provide adequate services to home-care patients.

The other drugs that I want to mention are the neurotransmitters. No one quite understands the action and the effect of the 70 or so neurotransmitters which are chemical messengers to specific parts of the brain. Serotonin and Dopamine come to mind – chemicals which control behavior ranging from mood swings to aggressive behavior. We are now linking some of the behavior of inmates and criminals and showing how these behaviors may be linked to an under- or over-supply of these neurotransmitters. Parkinson's disease may be part of the same action of dopamine but on opposite ends of the continuum. We are now able, for example, to study and understand the effects of brain injury, particularly in the young and in the prenatal state and study its effects, ranging from minimum brain damage to moderate to severe brain damage. It is now evident, that some of

this brain damage results in poor school achievement, inattention, and reading deficits that may be preventable.

Finally, much effort is being expended on studying the effects of abuse of all sorts – alcohol, malnutrition, birth traumas, drugs, physical abuse on the developmental process of individuals, etc.. It may eventually be possible to delineate the dynamics of criminal behavior without resorting to a psychotherapeutic model. The point then is that the technological revolution, which has impacted just about everything else in society, has now been applied in prisons and to prisoners. One need only go to an infirmary in a correctional institution to see the extent to which licit (treatment) drugs are prescribed in an attempt to control behavior of individuals.

### **The Silent Revolution: Special Populations**

The eighth correctional transformation has been the emergence of special populations in our institutions. Because of the greatly increased length of sentences and the unwillingness to parole many people who would have been paroled in years gone by, one of the largest populations in prison and the fastest growing segment of population in prison, is the aged. This geriatric population requires more medical care. Many of them can't work. It means that the institution is now split by age as well as by race. In short, it has changed the dynamics.

A second new group are the long-term individuals whose long sentences

condemn them to spend the remainder of their lives in prison. This long-term population is a factor in the management of the institution.. While most of them are not likely to be escape risks, or get into many fights, or use weapons, or engage in sexual misconduct, the hopelessness of their situation is a very difficult thing to overcome. It is not easy to develop activities and programs for them. Aging isn't easy in the free world and it is even more in confinement.

Third, because of the closing of our mental hospitals and many of our local treatment facilities we now have an increased maladaptive population in prison. This mental health group consists of many types of problem prisoners including psychopaths and sociopaths for who there is no special treatment at the present time. There are also the depressives and the general psychopaths. These individuals may well be manipulated, many of them are terribly manipulated. Some are violent and some self-destructive. But whatever their diagnosis, they present difficult management problems.

One other growing group in the prison population should be mentioned; namely, the increasing numbers of women who are the fastest growing segment of the entire penal population. Far outstripping the number of male admissions, a large number of new women's facilities are going to have to be built and staffed. Programming, training, education, and vocational programs that are more suitable for women will have to be developed - - and soon.

There are other special populations. The last one to be discussed is the sex offender population – a generally despised segment whose numbers are substantial. The new approach with sex offenders is the thinking disorder model of Samenow. It is likely, however, that newer drug treatment initiatives may someday help these sexually addicted criminals.

### **The Silent Revolution: Diversion to Community Alternatives**

The ninth area that deserves mention is the new community emphasis. Because of overcrowding and the popular belief that few reform while in prison anyway, there is increasing emphasis on community alternatives for non-violent offenders. The cost savings of such

**The cost savings of such approaches and the need to save costly prison beds for dangerous persons has shifted the focus to diversion for the lesser offenders into community alternatives.**

approaches and the need to save costly prison beds for dangerous persons has shifted the focus to diversion for the lesser offenders into community alternatives. It appears that with legislation favorable to such an approach, there will be even more of the lower felony criminal population entering such programs in the community.

Community treatment is still resisted tenaciously by many in the public as being soft on the criminals and it requires careful introduction and nurturing

before it becomes a prime option. Too many failures in community can well revive the "Willie Horton syndrome and result in sharp cutbacks.

### **The Silent Revolution: Privatization of Correctional Services**

Finally, came the revolution of the private sector entering the field of corrections. Privatization is now a very major investment and a business departure for many firms, including the largest Correction's Corporation of America. Just a few years ago it was the most rewarded stock on the New York Stock Exchange before having some trouble which caused the stock to dip. Both here and abroad, at least ten U.S. major companies are vying to own or lease build and manage institutions, as well as to provide treatment modalities for some types of problem prisoners e.g. substance abusers. Privatization, which seemed to be a relatively small blip on the large correctional scene, has now become a large blip on this screen.

Historically, there have been four kinds of privatization. The earliest form of privatization was the attempt by church groups and socially minded individuals and groups to establish community facilities for the care and treatment of offenders. The best example of this was the early approach of John Augustus, a simple cobbler, who innovated probation for jailees whom he would supervise. He would go to court and probate eligible cases and serve as their watchdog friend and benefactor.

Then there were the Quakers and

other religious groups who set up and ran especially the Quakers institutions. In fact, the first public institutions were based upon the philosophy of religious groups, including the early Walnut Street Jail and the Pennsylvania System.

The second of four privatization types is the provision by private vendors of medical, dental, food services and types of educational services to prison populations. This, too, has a long history in which private companies would provide services that better suited the needs of small institutions which couldn't afford to duplicate private vendor services on the inside. For a long time, prisons were outsourcing these services, and in Florida for example, even outsourcing prison industry operation to Pride, Inc.

The third type deals with the building of institutions for lease to the state and for possible eventual purchase by the state. Private companies, particularly building contractors, build institutions for lease to the state with the states having the option of purchasing. The virtue in this leasing-purchase approach is that: (a) the length of time it takes to get an institution up and running is reduced by as much as a third; (b) the debt limit of the state is unaffected thereby lowering interest rates on the debt; and (c) it is cheaper. Institutions can be built for less cost and more quickly by the private sector. It is estimated that private contractors can cut two years, of the five or more, that it usually takes to get into operation. This lease arrangement deal has led many companies and some of the investment market people into sponsoring this kind of activity and even of building prisons with the hope that some state or agency will use these "spec" facilities for their overflow

population.

The most controversial type, is the private prison management company who contracts to manage prisons whether built by a private company or not. This is a hot button issue at the present time. Is it legitimate for a private company to run institutions – a state function, for profit? Is the prison to become a money-making machine and, if so, who is to control the vendor and provider to insure that minimum standards are maintained in all operating areas? At this writing it appears that private enterprise will carry the day and that a very different operation will emerge.

#### **Conclusion:**

What event(s) will next influence the functional shape of our world of corrections? Any response would be speculation, though perhaps, educated speculation by many of us as we scan the 21<sup>st</sup> century environment. Suffice it to say, the corrections' world will continue to change – as if built on shifting sands – as forces in the community, political circles, victim groups, and others seek to address the impact of crime and corrections. We can only hope that each emerging iteration will be an improvement on the last – certainly not assured as we have seen in reviewing our past.

We must depend upon and join those within the profession in the education of interested parties and decision makers and to provide insight and leadership. It is our greatest challenge and our greatest hope. Trial and error – each trial uninformed by errors of the past – cannot bring the field of corrections to higher levels of effectiveness.

# Culture IS...as Culture DOES

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**C**an anyone doubt that institution culture is a serious problem at a time when “going postal” has become a national joke? Or, when Europeans suggest that Americans view the crash of an airliner as a “serious malfunction”, lacking human dimension? Or that, God forbid, you end up in a hospital where you are referred to as the “heart in room 520” or the “a.h. in 312” as they referred to the writer’s father who was afflicted with Alshiemers disease?

In our facilities we have our own depersonalizing “terms of endearment” and the “a.h. in cell 312” would not refer to Alshiemers! Frequent reference to “sh\_heads”, “a\_holes”, etc. may be laughingly written off as an attempt to lighten an otherwise depressing environment – “if we couldn’t laugh we would cry” – but it must be acknowledged that it is more often than not a shameful indication of a deterioration of the culture of our institutions. Because relationships in prison are sometimes destructive when viewed from the perspective of their impact upon parties to the relationship and because such destructiveness undermines the achieving of any and all positive goals and objectives a person or prison may have, prison relationships and the culture in which they develop and thrive must be examined.

In considering institution culture, it may be useful to look back in history and consider destructive human relationships in other contexts. Examples may be the My Lai massacre in Vietnam in which American soldiers killed hundreds of civilians of all ages with, perhaps, only assumed provocation.

Or, the way black people and native Americans in our country have been treated as if they were “things” or the way the Nazi regime set out to eliminate “inferior races”. Though in these instances we are talking about “institution” in a more global sense, there are some common truths.

The common truths, or similarities, we must consider are in the creation of “cruel relationships”. In each of these examples, members of one group or culture found themselves in a position of having power to inflict great cruelty or death over another group or culture that they looked upon as inferior, defective – even sub-human – and as “material” to be acted upon. Cruel and destructive relationships developed which enabled otherwise rational men to behave in irrational ways – for loving fathers to destroy the children of others.

It also must be considered that these great tragedies did not occur because of a single “bad apple” in the barrel of human relationships. It was not accidental or incidental. In each example the tremendous cruelty was part of a broad-scale pattern of inhumanity. And, the cruelty of one group to another ***was inflicted by people who felt they had some kind of permission to do what they were doing.***

You may say, “What has this to do with prison operations?” True, the examples used may be vastly different in their destructiveness when viewed in their totality. But, in terms of their impact on individuals and the groups with whom we interact on a

daily basis, the similarities exist. Not all destructiveness is lethal or even physical – much of it happens in the words spoken, attitudes expressed, and relationships into which people are coerced in their employment, housing, or in seeking to meet their basic needs.

If we are to truly examine the “underbelly” of institution culture and understand its’ dynamic, we must at least examine the hypothesis that when men and women inflict cruelty upon another – inmate or staff – they do so in an active perception that there is support or approval of such conduct in the culture or environment in which they work.

### Institution Culture: A Definition

When we speak of institution/prison culture, we most often think in terms of discrete groupings of people – perhaps of common ethnic background, perhaps a neighborhood or community, or large society – who are recognized or known for mores, beliefs, arts, writings, interdependence, a way-of-life that is largely peculiar to themselves. It serves to bind them together. In many ways they behave as one and are viewed as one.

To others having a scientific bent, culture may be thought of as a growing medium – a petri dish or test tube that is used to enable or encourage an organism to grow for the purpose of scientific study.

Others will think in terms of predominate ethnic groups within the population, or in terms of affirmation of cultures – cultural groups – in our facilities.

Although these are important, there is an even larger definition about which we must be concerned.

When discussing institution culture we are referring to the *product* of the values, beliefs, and behaviors of the members of the prison “community” as expressed in the ways in which they interact with each other. While the individual values, beliefs, and behaviors may differ greatly, the culture of the prison *community* is expressed through the *prevailing* or *predominate* values, beliefs, and behaviors of that community. Such beliefs and values may not be those espoused by the leadership or by some staff, but it will be the *prevailing* values, beliefs, and behaviors by which the community is judged, for which it is known, and that directly impact the inmates and staff.

While the individual behaviors, beliefs, and values may differ greatly, the culture of the prison community is that expressed through the *prevailing* or *predominate* behaviors, beliefs, and values of that community.

“By their works you will know them” is the biblical expression of our confidence in the validity of measuring people by their actions. It is by their “works” – what they do more than what they say – that the culture of the prison is measured.

### The Default Culture:

A prison is a community that is comprised of many individuals whose lives are closely entwined –

- staff and inmates
- peace-loving and violence-prone
- managers and line staff
- “professional” and “blue-collar”
- old and young
- of all levels of intelligence and ability
- in an inherently adversarial environment (the keeper and kept) -- who have certain shared beliefs, language,

behaviors, traditions, community expectations, and a way of life that is largely peculiar to itself. In addition, the members of this community are interdependent in many very significant ways for their personal growth and success.

Because the prison community is made up of this broad cross-section of society and the diversity of interests, biases, and beliefs, and the “keeper” and the “kept”, it is an environment in conflict. At odds with society, cast-out by the community, imprisoned by the judgment of society’s representatives, inmates enter the prison community with a clear expectation of more of the same. Often, also “condemned” by family or others who believed and/or depended on them, their loss of esteem heightens their sense of alienation and the need to strike out. Add to the mix those with behavioral disorders; a “nothing to lose” attitude; or who in fear of the environment mount an aggressive offense as a defense; and staff with their own fears, limited training in conflict resolution, and sometime attitudes that fuel the conflict, and you have a community at risk of explosion.

As if that was not enough, consider other differences in the prison family that often fuel conflict including:

- management and union (labor)
- racial/ethnic insensitivity
- gender biases
- rural/urban mores
- personality conflict
- career competition

Then, mix in a dash of staff carelessness or criminal conduct on the job, harassment,

and/or discrimination; failure to train and supervise; excessive absenteeism; high vacancy and high overtime rates; and the stress of daily business and you have an environment from which it is difficult to squeeze positive juices.

The “default culture” of an institution is the culture that “naturally” evolves and prevails if there are not substantial efforts to shape and mold a culture that embraces growth-values – trust, love, justice, freedom, and truth. The *default culture* is destructive and dehumanizing in its’ impact and endemic in an environment in which such differences and stresses as discussed above, exist. *Unless*

*there is a plan and purposeful activity on the part of the organizations leader(s) to make it otherwise the default culture will become increasingly destructive and non-productive..*

In fact, the default culture in any organization is a culture of conflict simply because of the competition, bias, and perceptual and personality differences within its membership. How much more this is true of the prison culture in which the factors that divide are so much greater than in most organizations and in which man’s basest nature is a prevailing force!

#### Symptoms of the Default Culture

The existence of the default culture is easily recognized. While, certainly, the underlying cause of specific stresses in the prison environment may not be readily identified, the overt symptoms of such stresses are apparent and are reflective of a less-than-healthy culture.

Among the symptoms of the default culture are the following:

- ☞ *Adversarial relationships predominate*
- ☞ *Staff in-fighting*
- ☞ *Open conflict with labor organizations*
- ☞ *Racial and gender preference/strife*
- ☞ *Harassment: hostile work environment*
- ☞ *Careless/cruel/criminal conduct*
- ☞ *Abnormal levels of sick/stress leave*
- ☞ *High turnover and unapproved absence*

Each of these symptoms derive from relationships that are not working. In many, the “cruel relationships” spoken of earlier are apparent – often relationships between persons or groups of persons and sometimes between operating systems in the prison – and evidenced in open conflict. Almost without exception, those caught up in the dysfunctional relationships represented in these symptoms will feel justified in their position and conduct and believe that there is a base of support and approval for conduct they would not engage in outside of this relationship.

The response of managers in the default culture to these symptoms are often “woe-is-me” responses, such as:

- ⌚ *decreasing competence of staff*
- ⌚ *lack of staff commitment*
- ⌚ *inexperienced staff*
- ⌚ *increasing resistance of inmates*
- ⌚ *increased inmate violence*
- ⌚ *Generation X*
- ⌚ *lack of understanding by legislators*
- ⌚ *lack of resources*
- ⌚ *etc..*

Their belief, arguably a mistaken belief, is that much of the conflict is to be expected in the prison environment and that it is largely

beyond the control of the manager.

Default-culture symptoms are not self-correcting. Staff and inmates whose conduct is in response to stressors in the environment infuse new stressors in the environment, further exacerbating an already-destructive cycle. It is a responsibility of prison managers to observe and carefully assess the experience of staff and inmates, understanding that such symptoms are always in a downward spiral.

It must be understood that *when staff or inmate conduct is a response to stimuli in a relationship or the environment (arguably, it always is) it will inevitably be repeated until the stimuli are removed or the individual develops skills that enable understanding of the dynamics of the relationship or environment and development of immunity to the impact of the stimuli.*

This does not just “happen”. If the individual response to the stimuli changes it is because of a purposeful intervention. The prison manager must be active in identifying and removing or mitigating stressors in the culture or environment that generate responses by staff and inmates that are destructive – individually and corporately.

#### Profile of the Default Culture

As has been discussed, the default culture in any organization is, inevitably, negative and destructive. Because of the dynamics and level of conflict in prisons, that culture can be very negative and have great destructive impact on both inmates and staff.

Perhaps the most telling characteristic of the default culture is the inability of

members of the prison community to identify with each other. Even the most casual review of case files reveals a broad diversity of persons whose most common characteristic is a lack of concern for their fellow man which enables them to commit all types of crimes against them.

In his book, *In The Belly of the Beast*, Jack Henry Abbott spoke in rather extreme words of this phenomenon. He said:

*Among themselves the guards are human, Among themselves the prisoners are human, Yet between these two the relationship is not human – it is animal. Only in reflection – subjective reflection – do they acknowledge sharing a common consciousness. What is the common consciousness? It is the consciousness that we belong to a common species of life.”*

In the Holy Bible, we have an admonition that, if embraced, ensures mutual respect: “love thy neighbor as thyself”<sup>1</sup>. Underlying criminal conduct and most ongoing problems in relationships is an inability or unwillingness to embrace this admonition. Similarly, the Golden Rule urges that we “do unto others as we would have them do unto us”. Another admonition is to render unto all persons “unconditional, positive regard”.

Each of these admonitions expresses a powerful psychological force of morality and civilized human conduct and should be interwoven in our personal and organizational values. Their absence “allows” depersonalization and dehumanization, and enables otherwise “good” people to do “bad” things. Ability to view inmates as less-than-deserving of respect because of their offense,

conduct, intelligence, etc., enables staff to be disrespectful – even destructive – in their interactions with them.

A second characteristic of the default culture is the institutional dehumanization of inmates and management strategies that are not constructive. “Labeling” inmates with labels or name-calling that suggests deficiencies and/or reduces their humanity promotes interactions that are consistent with those deficiencies and unjustly deprives those inmates of rights, privileges, freedoms, and even justice that is afforded others. Depreciating and laughing at the culture or customs of some diminishes them and enables harassing and discriminatory interaction with them. In short, distancing target populations from the in-charge group gives the in-charge group a sense of superiority that provides tacit approval of abuses upon those judged to be inferior.

Virtually identical types of dehumanization occurs among and between groups of staff or staff and supervisors/managers. There, too, all sorts of inhumanity is experienced as ethnic, gender, or other groups establish a superior position and find “license” to diminish the role and opportunity of others.

#### Shaping a Positive Institution Culture

What is the desired culture of a correctional institution – a “positive institution culture?” Though positive culture might be defined in many ways, any definition should include the following elements.

- *Each member of the prison community has the opportunity to contribute in a real way to the betterment of the community.*
- *Each member of the community has opportunity for growth and actualization: to progress toward*

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<sup>1</sup>Lev. 19:18 , Matt. 22:39

- *individually-determined, positive goals.*
- *Staff and inmates, at all levels, identify with each other as members of the family of man and deserving of unconditional, positive regard.*

Simply stated, the essential cause of a negative or destructive culture is lack of attention. Studies have shown the destructive impact of lack of love and attention by a mother, be it animal or human. Similarly, lack of attention by the constituted leadership of an organization will cause it to become self-deprecating and self-destructive. In a void of direction and leadership inmates and staff will posture to establish leadership or influence leadership. Destructive forces, thus, develop in relationships throughout the institution, rapidly becoming the “cruel relationships” discussed earlier – relationships in which and through which hopes, dreams, and opportunity are destroyed.

Of course, when we talk about giving attention to the organization, we are talking about attention that has the effect of overcoming the downward spiral of the default culture and shaping a culture that moves the prison community in the direction of meeting the needs of its’ members. The attention of which we speak must be *positive* attention and it must also be *purposive* and *principled*.

The shaping of culture is something different and much more than preventing negative behavior. Stopping disrespect, harassment, abuse, discrimination, etc. through monitoring, supervision, discipline, etc., though necessary, will not shape a positive culture. It is not enough to stop or prevent dehumanization or destructiveness: a positive culture develops only as we humanize the environment and develop constructive

relationships among staff and inmates. Supervising abusive behavior out of existence in a prison is difficult and is not particularly effectual – inmates and staff will continue to be at odds and attempt to “get” each other.

The far more effective approach is to humanize the environment by recognizing and honoring the humanity on both sides of the bars and at all levels of the organization and through the development of understandings of the interdependence of members of the community for the accomplishment of individual and corporate objectives. Identification, one with the other, and acceptance of the truth, “we’re in this together - we can all win and achieve our goals”, will begin to change relationships and, hence, outcomes.

As was indicated earlier, the “default culture” of an institution is the culture that “naturally” evolves and prevails if there are not substantial efforts to shape and mold a culture that embraces *growth-values – trust, love, justice, freedom, and truth*. These growth-values, when they become central in our efforts to shape a positive culture, will ensure that our attention is positive, purposive, and principled.

Trust -- trust is absolutely essential to understanding of the social surroundings and establishing productive relationships. Only to the extent that institution culture promotes trust in inmate/staff and staff/staff relationships can either staff or inmates be successful.

Love – too strong? – try respect. ANY individual must be respected/loved if they are to develop or maintain self-esteem and sense of identity that enables him/her to respect or love another. Respect cannot be garnered on command – it can only be

received as it is given.

Justice – justice is a cornerstone. Community exists only as there is a sense of “justice for all”. Denial of justice is a major stimulus for aggression and abandonment of commitment to or interest in the community.

Freedom – freedom, justice, and respect are inexorably intertwined. Where justice prevails and respect is shared, freedom can be awarded as the individual has capacity to handle it and make proper choices. In the absence of justice and respect, freedom has no context, lacks meaning, and will be abused.

Truth – truth is the essential, central value. Accepting and facing truth enables one to interact and gain some control over his/her environment and future. Without truth; trust, respect/love, justice, and freedom will be viewed as elements in a manipulative relationship.

### Conclusion

The major trouble is, it is easier to understand the default culture than it is to do anything about it. Easier said than done. The shaping of culture is not a task for the faint hearted. It commands all of the efforts – and deservedly so – of the correctional manager. And, unfortunately; trust, love, justice, freedom, and truth, are often sacrificed in our need for immediate control. In this authoritarian environment these prime values often become dimmed and most of the managers efforts are expended in addressing the symptoms of the default culture..

The management of prison operations is no longer enough. If managers are to be truly successful, they must understand the culture of their institution, the stresses that lead to abuse, harassment, discrimination, disrespect, cruelty, turnover, and even criminal behavior. Understanding it, they must shape the culture in positive ways.

“Two men looked out between prison bars: One saw mud.....  
The other, stars....”

Longfellow

How this is done is beyond the scope of this paper. Suffice it to say, that it begins, continues, and ends in the recognition and

honoring of the human “family” – that all have growth and development needs (both staff and inmates) – and that each individual has an equal right to opportunity to maximize their growth and development within limitations that are inherent in their “position”.

From this basic understanding comes trust, respect, justice, freedom, and truth. Without this understanding these values are lacking and no amount of sophistry will convince staff or inmates that they exist.

Finally, Henry Wadsworth Longfellow wrote these words:

*“Two men looked out between prison bars:  
One saw mud...  
The other, stars...”*

The warden/manager is encouraged to conduct a simple assessment of the status of the culture of his/her institution as he/she makes daily rounds by simply observing:

*“Does this staff/inmate see mud...or stars?”*

## Protective Custody: A Window to Institution Culture

Dick Franklin

**M**anaging protective custody populations is the ultimate challenge to prison managers.

Some say, “Not so! We don’t allow protective custody.” Others say, “It’s not so tough – we make them prove they need it – they have to name - names and the whole nine yards!” But, it IS the ultimate challenge. Rightly understood, it IS hard work!

Protective custody (PC) is generally thought of in the context of a program, status, or housing alternative, all governed by standing policy and procedure. But it is more than that. Protective custody in its fullest meaning is *custody that protects*. It cannot be rightly narrowed to a program, status, or housing alternative.

**Protective custody in its fullest meaning is *custody that protects*. It cannot be rightly narrowed to a program, status, or housing alternative.**

The imagined managers whom I engaged in conversation above, responded with reference to a policy through which they managed a relatively small group inmates in most prisons – those who come forward and request protective custody. This is the group that we consider when we talk about protective custody. But, beyond the policy and this small group of inmates, there is little thought of “protective custody” as something to be “managed” in most prisons.

### **Protective Custody in the Broader Context**

It must be considered that there are many inmates who live in fear or under threat who do not come forward for various reasons. Some, because their fear is not specific – they are afraid of the environment or the culture around them – not of a specific person. Or, their fear is of a specific person, perhaps even a staff member, and they feel that “ratting” would exacerbate an already bad situation. Others do not come forward because they know the facility’s P.C. policy and know it won’t do them any good to request it.

On occasion, inmates are dealing with staff who have an independent view of PC and the “wimps” who request it and inmates know that such a request could make their situation worse. Then, there are those who will not give the name of the person(s) who is a threat to them. This is often the case when the one who is threatening harm is part of a gang in which case the danger may come from one of many different members. There are also those in most populations whose grasp of protocol or ability to assess and articulate their situation is so limited that it would not occur to them to ask for assistance. Such inmates may include those with limited intellect, developmentally disabled, or those suffering from mental illness.

In the traditional use of the term, managing protective custody requires constant attention to bona fide “separatee” requirements – keeping inmates apart who have an “axe to grind”. Most of us have policy and procedure

governing such problems and manage them pretty well. But, the management of protective custody in the broader scale – management of an environment and culture in which inmates perceive there to be threat – is a task much broader than that of developing policy, responding to those who request separation, and careful documentation of housing placements and institution movement related to the request.

The management and maintenance of an environment and culture free of threat, or in which threat is managed and minimized, requires constant attention to the relationships between staff and inmates, inmates and their peers, between various inmate groups, and within inmate groups. There must be awareness not only of the *conduct* of individual inmates and inmate groupings but the *context* in which it occurs. And, there must be a consciousness of the dynamics of inmate behavior and staff interaction as it is viewed on a daily basis.

### **Protection Through Segregation**

While few, if any, inmates in most prisons are granted protective custody that involves specialized housing, many others build a wall of protection around themselves in some other way. Most correctional professionals acknowledge the existence of a phenomenon that might be termed *self-imposed protective custody* – situations in which inmates find ways to remove themselves from a perceived threat - but rarely do we pay it much attention.

Prison staff are often *relieved*, rather than *concerned*, and do not examine the conditions prompting the separation when inmates separate themselves from their peers or from staff because of an un-named fear.

There are several types or levels of self-imposed protective custody. The first, and potentially most destructive and damaging to the individual, is self-imposed segregation. It cannot be denied that some inmates who feel threatened by predator(s) in the general population determine that their only safety option is segregation. To accomplish this they engage in a specific or random act of violence or other very serious behavior, knowing the consequence will be segregation. Others, out of generalized fear of the prison environment or threat

they perceive in the culture will, similarly, opt to separate themselves into segregation. The “generalized” fear that may prompt such actions may grow out of a view that their fellow-inmates may create a disturbance or engage in other activities that will effect them; that others are dangerously aggressive or physically or verbally abusive; and some will see themselves as in danger because they view officer staff as inattentive and/or unable or unwilling to protect them.

Among the most difficult inmates in segregation are young offenders or those of small stature whose serious acting-out behavior serves a dual purpose – it shows their peers how “tough” they really are and removes them from the battleground where

they may have to prove it. Upon examination, many prisons will find that an inordinately high percentage of their youngest or most vulnerable inmates are in a segregated status. This is often attributed to their “gang-banger mentality”, lack of a future orientation, the violence of the younger generation, etc.. More often than not, they have self-imposed segregation because they are “scared”. This group of inmates, having “earned” segregation will continue to disrupt the operation and assault staff to maintain their separation from general population. Their perceived need for protection overrides the discomforts of segregation, outweighs other needs, and justifies the behaviors they deem necessary to ensure that it continues.

Examination of a segregated population will often reveal a significant number of individuals who do not have a violent history but who have committed violent acts to get themselves into segregation. A young, repeat burglar, small of stature – *just* a thief – becomes violent and is “hell-on-wheels” for several years, fighting staff whenever he has opportunity. Why? Because in his view he could not chance placement in general population for fear of loss of dignity – perhaps his life.

It is critically important that managers carefully examine the profile of inmates who reside in their segregation units, be it disciplinary segregation, administrative confinement, supermax, or other specialized housing that separates inmates but limits opportunity. Such examination should attempt

**In conducting in-depth assessments of the conditions contributing to inmates' placement in segregation, and the inmates themselves, managers will discover important clues about the culture of the prison .**

to determine whether conduct leading to segregation is ego-syntonic or ego-alien. Is it characteristic of the inmates behavior in other contexts? Whether the conduct resulting in segregation is *avoidance* or *defensive* conduct in recognition that worse things than segregation are likely to result if s/he does not find a way of escape should also be explored. In addition, attempts should be made to determine if there are key relationships – staff or inmate – that may cause or exacerbate fear of threat and induce self-imposed separation. In conducting in-depth assessments of the conditions contributing to inmates' placement in segregation and the inmates themselves, managers will discover important clues about the culture of the prison .

### **Protection Through Separation**

The second type or level of self-imposed protective custody is the avoidance of interface with inmates who are perceived to be or are a threat to the individual inmate or group of inmates. While, at some level at least, most of us manage our lives through exercise of some separation techniques in interest of comfort or protection, the inmate separation referenced here is a pattern of avoidance and separation that is achieved at great cost in opportunity.

In a recent visit to a prison, the writer had occasion to witness an exchange between a Security Threat Group leader and administrator in which the STG leader demanded that the administrator immediately remove members of another STG from the

housing unit in which his group was housed. This was an unusually brazen and open expression of the culture of the facility. Control of the culture by inmate groups is not usually expressed this openly but is known to inmates and causes many of them to go to extremes in separating themselves in interest of self-preservation.

Most prison workers are aware of inmates who refuse most or all activity except, perhaps, a job under the immediate watchful eye of the housing unit officer. Or of groups of inmates who do not go to the recreation yard, others who will not go on the basketball court, some who will not go to the commissary or even the dining hall: self-imposed protective custody to avoid confrontation, injury, strong-arming, or perhaps death.

Sound correctional management certainly dictates that we not demand that such inmates fully participate in the life of the institution – rather, that we shape or craft conditions in which they may safely participate and learn, grow, and develop the skills necessary to their success. Failure to provide such conditions is tantamount to outright refusal or denial of such opportunity. It is important that we pay attention when a culture that restricts opportunity or access exists, where it exists, the degree to which exists, and the interplay of staff in this aspect of the culture that either supports or controls it. How often is inmate refusal to work or engage in program based in fear of the environment or culture rather than the obstinance to which such refusal is usually attributed?

### **Protection Through Psychological Retreat**

It is not altogether infrequently that inmates, in their inability to cope with their incarceration, escape through *psychological*

*retreat* of one form or another. This may be prompted by real or perceived threats to safety, the conditions in which they live (crowding, noise, aggression, or other factors), unwillingness to accept their “badness” or “criminal” label, or a myriad of other factors. Such retreat may take many forms including uncontrolled behavior attributable to mental illness, but whatever the form it takes it accomplishes a purpose.

To some inmates it is more acceptable to be “sick” than to be “bad” and their behavior will serve the purpose of demonstrating mental instability. Whether by suicidal gestures, “weird” conduct, self-mutilation, or other behaviors, some inmates stage a retreat from their reality. Often, those with underlying psychological problems deteriorate in the face of threat or conditions that are abhorrent to them and they will engage in conduct that cannot be managed in general population.

It is important to understand that inmates, like the rest of us, only do things or repeat behaviors that “work” for them. It is important to expend the effort and take the time to understand the purpose the behavior accomplishes for the inmate and to identify and diminish the threat that the inmate is seeking to escape.

### **Protection Through Affiliation**

A fourth strategy used by inmates in finding protection is *affiliation*. Finding themselves at risk, some inmates will align themselves with others to achieve a degree of protection. Sometimes such affiliation is with staff – inmates bringing themselves to the attention of a housing unit officer and, perhaps, making themselves “invaluable” through support and assistance to a staff

member. But, most often such affiliations are with inmates who are viewed as having “power” in the institution culture. Affiliation with inmate leaders or security threat groups for protection purposes is particularly damaging. Throngs of “wanna-bees” doing the bidding of gang leaders often suggests this perceived need of protection. In almost every instance there is a price to pay for the protection and it usually requires a demonstration of commitment through unlawful activities.

Affiliation sometimes has sexual contexts, particularly if the inmate is seeking to escape the attention of a known sexual predator(s). Association with a known “devil” to escape the liaison with the dreaded “devil” may be viewed as an only recourse to gain the protection desired.

### **Protection Through Aggression**

Then, there are those who seek to protect themselves through *aggression*. Adopting the “the best defense is a good offense” strategy, these inmates strike out at the environment in an attempt to stave off any and all threats to their safety. Unlike those seeking protection through segregation, earlier discussed – they are not attempting to “earn” a bed in segregation – they set out to demonstrate that they are not to be “messed with”.

Such inmates often gain a reputation as being “crazy” and their unpredictability does build a wall around them. Sometimes they gain a reputation as being weapon-bearers and are often found to be in possession of weapons. They are also often known as being fearless

when, in fact, their aggression is a product of their fear. Because their actions are defensive in their eyes – “if I don’t get them they will get me” – they can be a very dangerous element in the population.

### **A Window to Institution Culture?**

A culture in which it is necessary for some of its’ population, in interest of safety, to seek protection through strategies that reduce opportunity and are personally destructive is a culture that is in a destructive, downward spiral. Unchecked, such a culture becomes more and more tense, intense, restricting, and dangerous. With increasing tension and intensity, increasing demands for segregation, evidence of separation and avoidance, and risk of all-out retaliation becomes greater.

What should such signs – self-imposed segregation and separation or protection through psychological retreat, affiliation, or aggression – tell us? Do they, indeed, provide insights to the culture of the institution? Or, are they just a “healthy” response to a perceived threat?

It must be at least considered that when we identify inmate “flight” from normal inmate activity and opportunity, the operational systems which are designed and intended to provide safety, security, and opportunity are not achieving that outcome for some inmates. At best, such a culture is not giving proper attention to how inmates are reacting to their environment and to

staff/inmate and inmate/inmate interactions and taking corrective action as problems are seen. At worst, the “systems” are becoming, or have become, ineffective or dysfunctional. Systems such as assessment, classification, staff training and supervision, program/work/housing assignment, security oversight, etc., all have a common objective – safety, security, and opportunity. When inmates find it necessary to establish their own “systems” for achieving safety, the culture has slipped to the “default” level and is no longer positive and productive.

Some will argue that, except in the most extreme instances, the inmate responses discussed above are “normal”, protective mechanisms that most, if not all, inmates employ from time-to-time in response to perceived threat. While true in part – the level of threat in any environment may shift on a continuum from “minimal threat” to “great threat” with different gradations for different individuals or groups – the more important consideration is the recognition of institution leadership that there is this continuum and that much of the conduct of inmates exists in response to the threat they perceive in the environment and the response of staff to such threat and their concerns (fear).

Short such understanding and efforts and mechanisms to assess environmental factors and inmate response to them, inmate conduct will be viewed idiosyncratically and attributed directly to “badness” or “madness”. Unfortunately, in such a situation there is no “fixing” of relationships, conditions, or tensions that are the stimuli evoking responses that are functional for the inmate (achieve a degree of safety) and viewed as dysfunctional

conduct by staff. This “fixing” – or purposeful shaping of relationships, conditions, operations, tensions, etc. through assessment, learning, training, and change – is the stuff that culture development is made of.

It must also be acknowledged that there are 2 sides to this coin. The flip-side of *self-imposed protective custody*, whatever form it takes, is *other-imposed protective custody*. When inmates self-select segregation, separation, retreat psychologically, affiliate for protection, or become the block-bully, it is almost always true that they have been *told* to do so – or else. Perhaps not in so-many words, the threat is nonetheless real. The threat may be implicit or explicit but in either case it is real to them and they of chosen the path they consider most promising to them. It is incumbent upon the correctional manager to recognize and understand this view of the environment and develop strategies to lessen the threat and the risk to safety and security.

### A protective custody *program* gives only lip-service in addressing real threat in the correctional environment.

### A Culture That Protects

Correctional managers have an affirmative responsibility to provide a protective culture in which inmates and staff can be safe and free to pursue growth objectives. A protective custody *program* gives only lip-service in addressing real threat in the environment. Only as protective custody is interwoven into every aspect of the prison culture and operation is it effective in ensuring dignity, safety, and opportunity.

At its heart, managing protective custody involves at least 2 activities. The first is the ongoing *assessment of the culture* of the

institution, its impact on individuals or groups of inmates, and the dynamics of interaction within the population and between staff and inmates. The second is purposeful activity directed toward the *shaping of institution culture* in ways that provide protection of the rights and dignity of each individual and providing for their growth-needs.

It must be understood that *when negative, self-defeating conduct is a response to stimuli in a relationship or the environment (arguably, it always is) it will inevitably be repeated until the stimuli are removed or the inmate develops skills that enable understanding of the dynamics of the relationship or environment and the development of immunity to the impact of the stimuli.*

Recognizing, understanding, and developing skills to counteract the impact of a threatening relationship or environment does not come through segregation or isolation and *may not even be a reasonable expectation for most inmates* unless far greater program offerings become available than are now available in most, if not all, prisons.

The task of mitigating stimuli in the institution culture that evokes destructive inmate responses is the job of the prison manager, with the help of her/his staff.

- ✓ *Segregation* for safety will not .....
- ✓ *Separation* to avoid conflict will not...
- ✓ *Psychological retreat* will not.....
- ✓ *Affiliation* for protection will not.....
- ✓ *Aggression* as a defense will not.....

It is necessary that managers recognize the stimuli in staff/inmate and inmate/inmate relationships and the culture of the facility that generate fear and a perceived need for protection and take steps to reduce this threat.

Only the purposeful intervention of the prison's managers and staff can interrupt the destructive cycles witnessed as inmates (and sometimes staff) seek ways to remain safe.

The management challenge is twofold. First, managers must develop and teach others to look beyond or behind the "obvious" and to understand the dynamics of the behavior witnessed and to identify relational dynamics in the prison environment. This requires a level of involvement in the life of the institution that is not characteristic of many/most prisons. Shaping a culture in which the relationships of staff and inmates, inmates and inmates, and each to the environment in which they work and live become of preeminent importance and a monumental challenge that will require our full attention and a will to better understand the work we do.

Second, managers must craft strategies to intervene and shape the culture into one that serves the needs of *each* member of the prison community, creating a true culture of protection. The crafting of strategies to intervene and shape the culture cannot be a "cook book" approach to prison management. It can only be successful as staff pay attention to and understand the threats in this environment; the problem relationships in this environment; the operational factors in this environment that induce inefficiencies, tensions, or threats; or the system weaknesses in this environment that exacerbate already-significant conflicts endemic in a prison life.

The *default* prison culture – a culture of the keeper and the kept – will always be negative and destructive unless managers with vision craft positive, protective and uplifting culture.

## *Supermax:*

*More of the Same in the 21<sup>st</sup> Century?*

*Where DO We Go From Here?*

Dignity and respect that is given or withheld  
based on whether conduct and values  
are to the liking of the giver  
is neither dignity nor respect  
- it is a type of extortion.

Dignity and respect should not be currency in human relationships  
to be doled out as a reward or withheld as punishment.

*Dick Franklin*

## CONTEMPORARY ISSUES IN PRISON MANAGEMENT

### Supermax: More of the Same in the 21<sup>st</sup> Century?

#### Where DO We Go From Here?

by: Dick Franklin

**D**isruptive inmate behavior, conflict between inmates and staff, prison violence, and attempts to escape from custody are age-old problems. Prison "morning reports" from one decade to another change little and the changes are usually in the "actors", not the actions.

Our response, too, is pretty much the same. Those who are considered dangerous, overly disruptive, or appear to be a significant challenge to our mandate of control, are segregated. For the most part, nothing much has changed there, either.

And, the underlying reasons we segregate inmates hasn't changed much, if at all. Why do we lock them up? Well, to control them and keep them from doing what we have identified as a threat – why else?

Segregation has been, and remains an end in itself. Attempts to "reform" this population are few and often unrelated to the motivation for segregating them. And generally, change in conduct or "reformation" is unrelated or only marginally related to decisions to release them.

***Why do we lock them up? Well, to control them and keep them from doing what we have identified as a threat – why else?***

But when we examine the profile of those inmates found to be deserving of segregated living we find that some things are different. We find greater numbers of inmates who are *mentally ill*. We find groups of inmates, gang members and leaders, who are confined for "association", not for their prison conduct. We also find increasing numbers of very *young inmates* who, out of fear for their safety in general population and the perceived necessity to show how "tough" they are to discourage would-be predators, find their way into long-term segregation. It is likely that we will also find many "non-violent" inmates in segregation for violent behavior: inmates without a history of violence who commit violent acts in prison. And, we find inmates who are so confined because of the grievous nature of the *committing offense*: "model" inmates whose statutory punishment is overlaid with political punishment.

We would be negligent if we did not acknowledge that, in many instances, we find "*fringe desperados*" – inmates who would have been returned to general population if not in a supermax prison. Some continue in

supermax because of bed space problems in the system. Others, because prison managers who are aware of the inmate's history and unaware or doubting of behavior change, do not want to take the inmate into their general population and decision-makers who do not know the inmate well are reluctant to assume the risk of returning the inmate to a general population by fiat.

What also appears to be different is the number of inmates we segregate and the length of time we segregate them. In scanning the correctional scene, one readily recognizes the apparent efforts and trend to institutionalize our approach to segregation by building "specialty" prisons. Many agencies now have one or more special high-tech prisons for the control of the "toughest of the tough" and others are building, planning, or considering such a move. Instead of segregating inmates within their assigned community, we now banish – expatriate – evict the offender and send him/her to a special community of violators in which our control is more evident and formalized than before. And, with increasing sentence lengths, there appears to be increasing comfort in demanding lengthy, indeterminate stays in supermax.

The more personalized control exercised in local segregation units is being rapidly replaced by the specialized prisons. While there are rational arguments in support of "concentration" of high-risk offenders, there is a down-side. Lost is the personalized control in which staff who know and have worked with the inmate assess the behavior and attitudes of the inmate and base segregation-related decisions on a more real-world awareness of the risk presented.

Now in supermax, the offender is known for the conduct which brought him to this point, but little is known about the "real person" that existed in daily interaction with staff and inmates. The "enemy of the state" is now more clearly and officially identified and classified. Those with punishment as their objective can feel justified in punishing because, officially, these are the "worst of the worst". Those with abuse in their blood can justify the abuse because, obviously, these are the inmates who will "get" you if you don't show them who is in charge. Renegade inmate management methods sometimes develop – unsanctioned, unwritten, and fearsome. The stays – and days – with "nothingness" for 23-plus hours most days. Human contact is limited and, in some instances, almost non-existent.

In days past we decried the conditions in which we had to segregate offenders, excusing the lack of program and activity by the conditions: too noisy, no program space, no way to deliver program, no resources. Now we build fresh, new, light, high-tech, prisons but without ensuring that such excuses could no longer apply.

Some modern supermaxes have been built with the expressed purpose of eliminating human contact. The underlying interest is safety – the elimination of risk. Can there be a more clear statement that segregation is the end in itself – that there is no thought or interest in reformation or changed behavior?

You say – "You exaggerate." Maybe. One should never generalize because there are always exceptions. And in this case there are some forward-thinking correctional administrators who are taking supermax to the

next step and it is a forward step. But most are not.

An age-old problem —  
A new institutional approach —  
The same-old problem.

And so, we must ask, “What IS the next step?” “Where DO we go from here?” If supermax is our 20<sup>th</sup> century response to violence and disruption, changed in form but not in substance from the response of earlier centuries, what will our 21<sup>st</sup> century response be? Where will the politics and public perceptions of the 21<sup>st</sup> century take us – or will correctional leaders pave the way with newfound strategies?

I suggest that there are at least 2 major, inseparable, questions that prison administrators must seriously consider. The first has to do with the nature of violence and our relationship to violence. We often hear it said that we “know so little about human behavior”, but when we really think about what we DO know, but ignore, we are forced to ask the question:

*Is it possible that part of the problem of violence and disruptive behavior is within us and within our control?*

And the second question has to do with the purpose of supermax or segregation.

*What is the purpose of supermax in other than its inmate/prison management context and does it serve the agency mandate of “public safety”?*

These are difficult questions and inseparable – but essential in addressing the question of responsible management of violent and disruptive inmates.

### **Looking Within....**

To what extent *is* the problem of violence and disruptive behavior within us and the way we staff and manage our prisons?

Dr. Roy King,<sup>1</sup> in writing about American prisons, makes the following observation: *“The possibility should at least be examined that the reason for the high levels of violence in American prisons may have as much to do with the way in which prisons have been managed and staffed on the cheap,*

*and the fairness and dignity with which prisoners are treated, as it has with the qualities that criminals bring with them into prison. It is at least a plausible hypothesis that the ever more repressive response to violence –of which*

*supermax is but the latest expression –sets up a vicious circle of intolerance which is doomed to make matters worse.”*

“....managed on the cheap.” Does that resonate with you? It does with me and I think with anyone that has tried to manage a prison in this decade. “But, we have no control of that! We submit our budget and it is denied!”

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<sup>1</sup>The Rise and Rise of Supermax: A Solution in Search of a Problem: 1999 Draft

Perhaps true. But, we must first ask if we are asking for the right things or just more of the same things that have not been particularly effective. If we are asking for the right things and those things are necessary and important, and we are being denied those things, where is our voice?" Where is the outcry?

*Do we not know that "locking them up and throwing away the key" is not the answer to the problem of violence and disruption?*

But the "treatment of choice" for inmates is just that. There is no "key of opportunity" for many. They have been stripped of opportunity and activity through the "get tough" needs of legislators and governors until virtually *total* idleness is the experience of thousands of men and women – both in supermax AND general population.

Certainly, that is true of the management of violent and hard-to-manage inmates in most supermax facilities. They do not live in an environment that offers incentives to change. Their management is based in a series of disincentives in which virtually all privileges have been stripped away. Their existence is void of opportunity and objectives. No one can/will tell them when they will be released and upon what criteria that decision will be made.

For inmates who, characteristically, have great need for immediate gratification, is a "perhaps, someday" release expectation without clear criteria upon which the decision will be made, meaningful incentive to change? Is this not tantamount to "throwing away the key"?

*Do we not know that violence begets violence and that much of the conflict in prison settings can be characterized as a cycle of conflict in which violent or disruptive conduct is a reaction to stimuli in the relationships and environment?*

Seldom is prison violence a stand-alone, idiosyncratic expression of a difficult inmate. Seldom do staff or inmates understand the conflict dynamic or the conduct. Seldom are the stimuli which prompt or feed such behavior identified, much less addressed.

Yet, little or no attention is given to the culture of the prison in which the violence and disruption occurs. Rarely, do staff look beyond the *conduct* and try to understand and address the *presenting problem or issue* that occasioned the conduct. Yes, the conduct may be a manifestation of "evil" – but it is more likely to be a reaction to stimuli in the environment.

*Do we not know that the management of highly disruptive and dangerous inmates requires special knowledge, training, skills, and preparation?*

We have observed abuse of inmates by staff who are frightened and insecure, who believe that the "best defense is a good offense" or that it is their job to punish. We have observed the conflict that arises when staff are unable to accept their responsibility to "serve" inmates who cannot serve themselves and whom they deem to be unworthy. And, we have observed the almost total lack of knowledge and skill that line staff, in particular, have in dealing with dysfunctional individuals.

Does not the management of high-risk and multi-problem inmates require special training, expertise, and a commitment to serve? Should this critical staff role be left to seniority, self-selection, untrained, or rookie staff? Is not the problem of violence sufficiently serious to demand that special job classifications be designed to provide the expertise to ensure proper management of violent and disruptive inmates and promote positive outcomes?

*Do we not know that in an idle, negative environment dysfunctional people become increasingly dysfunctional?*

Stuart Grassian<sup>2</sup>, studying inmates in isolation, found indications of perceptual changes; affective disturbances; difficulties with thinking, concentration, and memory; disturbances of thought content; and problems with impulse control. To the extent these are mental defense mechanisms, I suggest that they impede any “learning” from the experience: ie the cause and effect relationships of conduct and the current experience.

But, he also found that the “*effects of solitary confinement situations vary substantially with the rigidity of the sensory and social isolation imposed*”, suggesting that it is possible to segregate inmates for safety sake but maintain a level of social

<sup>2</sup> Grassian, Stuart: Psychopathological Effects of Solitary Confinement: Am J Psychiatry 140:11, Nov. 1983

interaction that prevents deterioration or decompensation. In fact, staff at the Colorado State Penitentiary have found that the conduct and condition of inmates with mental illness *improved* in segregation when humane and predictable services were provided to them in the controlled environment.

To the extent this is accurate, the acceptance of a sterile environment of isolation because it is “supermax” – “that’s the way it is..they’ll just have to accept it and learn” – without attempts to ameliorate the negative impact and without regard to outcomes is irresponsible. Efforts must be made to

moderate the negativity of the environment, at worst, and to create a positive “charge”, at best.

*Do we not know and it is not confirmed in our observation of the medical and mental health fields, that reformation or restoration has a large price tag and that resources sufficient to enable healing services and relationships are critical to change?*

Most systems struggle with inmates who, as Hans Toch describes, are either the “mad-turned-bad” or the “bad-turned-mad”. Speculation abounds about the mental condition of inmates whose conduct is inexplicable. Because of a paucity of resources in most prison systems for control of disruptive or violent mentally ill inmates, many such inmates gravitate to supermax or segregation whether or not there has been a mental health assessment and whether or not

the individuals mental health or capacity may be a contributing factor.

The courts have held that mental health services must be provided where a mental health need exists. Unfortunately, in many instances, such resources are either non-existent, are not onsite resources, or are woefully inadequate.

Correctional administrators often attempt to justify their budget requests on a comparative basis. Unfortunately, they make their comparisons of daily costs of care with other correctional jurisdictions who are equally ineffective in providing restorative services – not with entities who are charged with care of similar types and levels of dysfunction in the community: mental health clinics, institutions, and hospitals. Is it any wonder we remain ineffective in meeting the needs of the most dysfunctional in our care?

Where is our voice? Correctional administrators must not be accepting of conditions in which mental health services for inmates are inadequate and grossly inferior to those provided to persons in a mental health institution or the community.

*Do we not know that criminal or behavioral dysfunction is equally, if not more, impacting on families and communities than chronic medical or mental health dysfunction and that punishment alone is not palliative?*

Incarceration and provision of a full range of services is costly. But, should not program services be commensurate with the need and the impact on children, families and the community?

No-where and at no-time does society concentrate such a large group of it's most dysfunctional persons as in prison incarceration, create such opportunity to promote growth and change, yet do so little to address the dysfunction! They are assembled in "centers for correction, have the time, and are subjected to external pressures to change and become productive citizens. Yet, they sit.....days, months, and years, without attention to their dysfunction or

opportunity for change. Some are interested in changing their lives -- some are motivated to change. But most do not receive significant opportunity to change.

Several years ago in a prison system of approximately 12,000 inmates the writer calculated an annual waste of over 6,000,000 man hours, assuming that each unassigned, idle inmate had at least 6 hours per week day to give to some program or job if it was available.

How destructive is such an idle environment? Does it make sense to leave them idle and/or isolated and not provide services and opportunities that have potential to reduce the level of risk they present? Should not every effort be made to reintegrate them into the family and community?

*Is it possible that part of the problem of violence and disruptive behavior is within us and, potentially, within our control? Is it possible that we are “asking for”, “paying attention to”, and “doing” things that serve inmate and institution management – that serve our need to control – but exacerbate the problem of violence, disruption, and social dysfunction and do not serve the interests of public safety? Is our attention of the right things – things that will change correctional practice and change lives?*

What we know of a certainty should provide a road map in leading and reforming correctional practice. The adage, “Continue to do what you have always done and you will continue to get what you always gotten” is obvious and sobering. It is time to consider Dr. King’s hypothesis and examine what we are doing to the end of finding new ways of staffing, managing, and treating the difficult among us.

#### **Looking Around....**

As we look around our institutions and observe the daily disruptive behavior and violence, what do we see? The typical response to this question concerns the “changing inmate profile”. More long-term offenders, more gang members, more women offenders, more older.... But, what are we NOT seeing?

“Pussy Cat, Pussy Cat, where have you been?

“*I’ve been to London to visit the Queen.*”

“Pussy Cat, Pussy Cat, what saw you there.”

“*I saw a mouse sitting under her chair.*”

*Alice in Wonderland*

Who we are governs what we see and as members of the “system” we do not always see all that there is to see.

If a dog bites a person -- child or adult – we are concerned but do not usually make a judgement about the dog’s behavior until the behavior of the victim has been examined. We are willing to consider that the violence, while a part of the dog may not be wholly the dog – it may be in the relationship between the dog and the victim. The violence may be a reaction to a misunderstood behavior, tone of voice, or a quick move or overt challenge of the victim.

Why are we less likely to consider that some of the disruption and violence in prison may be in the relationship of the keeper and the kept and not solely in the inmate?

Only in the most exceptional circumstances such as when a staff member is under suspicion of abusive behavior, do we consider that the problem may exist as much in the relationship as in the inmate. Even less likely are we to consider that the environment or culture of the institution, or part thereof, instigates or engenders violence or disruption. If we do not train staff to understand and assess or examine relationships and the environment in which disruption and violence occurs, we virtually guarantee that cycles of violence are established that will continue no matter what we do in sentencing, punishment, or managing the problem through segregation.

When conduct is a response to stimuli in a relationship or environment it will inevitably be repeated until the stimuli are removed or the inmate develops skills that enable understanding of the cycle of violence and immunity to the stimuli. **Punishment or segregation of itself does not provide these skills.** Supermax or segregation housing is ineffective when such cycles exist.

An inmate assaults staff and is placed in a segregated setting, without consideration of the causation of the attack. Later, the inmate returns to the general population and before long another assault occurs. Certainly, the inmate cannot be excused, but is it not troublesome that the inmate has no history of violence, save in this “relationship” as is often the case? Is it not troublesome that after all of the discomfort of months and years in segregation the violence or disruption continues? Do we not have a responsibility to examine relationships and environments as well as behaviors?

Most of us would agree that institution climate and culture has much to do with staff and inmate attitudes and behavior. It is incumbent upon us to translate that knowledge or belief into strategies that assess, correct, shape, and nourish a positive institution culture in which unconditional positive regard between staff and inmates is the rule rather than the exception.

*Dignity and respect that are given or withheld depending upon whether conduct and values are to the liking of the giver is neither dignity nor respect – it is a type of extortion. Dignity and respect should not be currency in human relationships to be doled out as a reward or withheld as punishment.*

Please...read that again. We must look beyond the instant behavior of inmates or staff, and look at the relationships between leadership and the mass, supervisors and the supervised, inmates and staff.

#### **Looking Without....**

The climate and culture of our prisons is being impacted by the very popular “be tough on crime” attitudes and actions.

Supermax prisons are being built and inmate rights and privileges reduced with a very loud, strong message that the intent is to “harden” or “toughen” inmate management and treatment. Often, prison managers are powerless to do anything about the losses – when the governor says “remove the weights”, the weights are gone. But, should we let it lie there or should we be education decision-makers about contradictions that abound and asking the obvious question concerning outcomes?

It is fairly common that violent crime is “defended” because the perpetrator was abused as a child or in an adult relationship. We find that officials are ready to “excuse” or at least “understand” violent behavior by one who was “abused”. Yet, through increasingly

***Is it not curious that on one hand “abuse” is viewed as a contributing factor or cause of violence: on the other as a cure for violence and, at least implicitly, encouraged by officials and the public?***

harsh prison conditions they implicitly, sometimes explicitly, encourage abuse in the management of offenders – idleness, loss of program, leisure activities, excessive isolation, etc. Is it not curious that on one hand “abuse” is viewed as a contributing factor or cause of violence: on the other as a cure for violence and, at least implicitly, encouraged by officials and the public?

“What is it you expect, Mr/Ms. Legislator, of this prison(s)? Do you expect that in an absence of growth and learning opportunities inmates will grow and learn and

become good citizens? Do you expect that in an environment in which some of their basic needs are denied they will develop respect for the needs of others?"

It is important that correctional leaders impress upon lawmakers that there should be consonance between the **birth-vision** of supermax prisons and "get tough" imprisonment policies and anticipated **outcomes**. It may "feel good" and be politically popular to be tough, but does it serve the community well in terms of public safety? Certainly there is ample research demonstrating that a policy of punishment and negative reinforcement is ineffective in changing behavior.

#### **Looking Ahead....**

So, we come back to our questions:  
*Is it possible that part of the problem of violence and disruptive behavior is within us and potentially within our control?*

*What is the purpose of supermax in other than its inmate/prison management context and does it serve the agency mandate of "public safety"?*

Most agencies have a "public safety" mandate. Has that been defined in relation to prison operations? What does it mean? Certainly, it means that there will be no escapes of dangerous prisoners. And, it means that staff and visitors are safe when within confines of the institution. But, does it mean "long-term public safety" – that we have responsibility for public safety even after the inmate leaves the prisons? How about when s/he no longer is under any kind of supervision? Is it

expected that what we do will impact public safety, long-term?

I suspect that most of us will find that there is an expectation that **what we do** will positively

influence the inmate in ways that will increase public safety when s/he is returned to the community. Viewed in this context, policies governing the way we deal with the violent and

disruptive must be based in the longer-term perspective – not just immediate inmate or institution management concerns. A focus and operational policy that is based solely on control will fall far short of meeting a public safety mandate and, in fact, may substantially increase risk to the public.

Our vision for supermax, the way and with whom we staff them, our attention to the specific human problems/issues presented in the population, and the linkages between problem inmates with their environment (including staff), are among the factors that must be considered when assessing violence in prison if we are to properly respond. Why? Because if the stimuli that prompts violence and disruptive behavior is external to the inmate, even in part, it cannot be constructively addressed through punishment and segregation of the offending inmate.

What must our "next step" be in light of the public's expectation that what we do increase their safety? I submit that it must the development of new strategies in the management of violence and disruption that answers the question "To what end -- for what purpose other than control?". Segregation and isolation in the 21<sup>st</sup> century must be coupled with purposeful management and treatment

strategies that give purpose to the placement that transcend mere control and leads to positive change. Segregation must be viewed as a housing placement only – not an end and outcome in itself – and must have a public safety objective.

Correctional strategies in the 21<sup>st</sup> century should include:

- ▶ Operations and management approaches that provide meaningful opportunities and incentives for difficult inmates;
- ▶ New staffing classifications and requirements that are consistent with the nature and level of inmate dysfunction and desired outcomes;
- ▶ Prison programs and operations in which all inmates are constructively engaged and which lessen boredom, conflict, and negativity in prison environments;
- ▶ Staff/inmate relationship and environmental assessments followed by concrete intervention strategies that identify and interrupt cycles of conflict and violence;
- ▶ Development of full-programming for hard-to-manage inmates with mental health problems that are similar in quantity and quality to what would be provided in mental health facilities or community services; and
- ▶ Mission clarification and program design that is consistent with the agencies mandate for “public safety”.

A massive agenda, indeed, and costly. It will require strong leadership in the reexamination of who is incarcerated and for how long with a view to conserving precious correctional services for those who pose the greatest, true threat to the community.

To go the “next step”, those with a voice and a platform must speak out. As Dr. Roy King noted, “*...it seems that no politician or even political commentator does anything to unwind the coil springs of public fear of violent crime which are so easily wound and so constantly rewound by anybody seeking public office. Institutional criminology seems either not to have a voice, or if it does, is simply drowned out.*” (emphasis mine).

Where is the voice of correctional leadership? Where is the outcry? Where is the outrage? Where is the voice of our correctional organizations? Our labor organizations?

They who lead our correctional agencies and organizations must demand to be heard in the Governor’s Cabinet, the Legislative Halls, Halls of Congress, community, and the media.

They must demand resources appropriate to the level and seriousness of the dysfunction being managed.

They must resist the insidious escalation of punishments that erode the quality of life and opportunities of those already incarcerated and the incarceration of thousands whose dysfunction or threat can be better met in the community.

They must resist the erosion – or gutting – of prison services that remove elements of hope, opportunity, and humanity and create cold warehouses of the unfortunate.

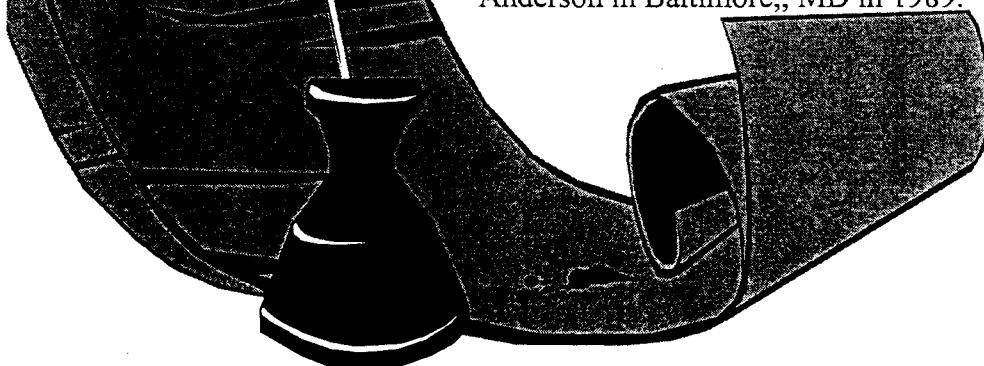
Then, and then only, can what we do become consistent with what we know and lead to outcomes that are consistent with public safety.



# *Writing Made Easy..Easier*

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Some concepts referenced in this paper were gleaned in a seminar presented by Richard Anderson in Baltimore,, MD in 1989.



**D**oes a “well-turned phrase” – a sentence or paragraph in the newspaper, a magazine, or book that really “grabs” you – cause you to say, “Wish I could write like that!”?

Most professionals wish they could write but acknowledge that they do not write well. And, those who do not write well generally have a “them’s the breaks” attitude as if it is of Eternal design and there is nothing they can do about it.

Though one may not become an Ernest Hemingway, there are some things that can be done to enhance one’s writing abilities. But like most personal/professional development tasks, it requires commitment to learning and of one’s time and attention.

One way to improve writing skills is “on-the-job training” – paying attention to what we read each day.

What “sounds” good; what looks good; what is convincing. We enhance our writing ability by learning to read as if we are writers – critically and with attention to writing style as well as content, and learning to write as if we are the reader – critically, assessing whether the message has been communicated clearly and concisely and in an interesting manner.

But, as I said, it requires commitment to learning and commitment of one’s time and attention. We MUST WRITE if we are to learn to write...and therein is the problem. It goes without saying that if you wait until you CAN write well to write – you will never be able to write well.

*It goes without saying that if you wait until you CAN write well to write – you will never be able to write well.*

For most of us, writing is extremely HARD work! If it is not so for you, you are among the privileged few. Thomas Mann suggests that “A writer is a person for whom writing is more difficult than it is for other people.”

One of the reasons it is hard work is that most of us were not taught to write – we were taught to edit. Our teachers taught us how to pick out the nouns and verbs, diagram the sentence, write book reports, etc – to surgically dissect what others had written – but did not teach us how to convert our thoughts to writing. And, when we were asked to write, their job was to find misplaced words, wrong spellings, poor sentences, etc., not help us develop a writing technique and style.

A second reason it is hard work is that most of us have avoided it like the plague! Few skills require more focus, concentration, and self-discipline than writing. And, unlike many things we do,

there are few short-cuts or compromises that can be made. Because good writing is hard work most of us do not write any more than is absolutely necessary even though we know that writing, and writing WELL, is critically important.

Why is it so important that correctional leaders and managers write and write well? There are many reasons, many of them related to the work we do every day. Yes, someone else can write our policy, procedure, personnel evaluations, annual reports, memorandums, and communicate our

vision, mission, organizational values, etc.. But, is that OUR expression? Does it have OUR values, beliefs and expectations woven through it? Or, is it content-correct but "leader-less" -- not bearing OUR passion and vision of the future?

It is through writing that we communicate most precisely and that we provide the reader opportunity to contemplate the message in the context of their knowledge of us, the leaders. The communication is memorialized for future reference. It is generally more impacting over time than any other form of communication and has greater "staying power" than other forms of communication. The written word of the CEO, over time, will have greater impact on the culture of the organization than the multitude of words spoken behind closed doors of the executive staff meeting.

Second, it is important that we write because too little is being written by correctional practitioners. We discuss issues and pride ourselves in being a "community", helping one-another. But, rarely do we write about the issues with a purpose in mind of helping others outside our "circle" who have various levels of influence on the field, understand the issues we grapple with. How many exhaustive papers or articles are written by correctional practitioners concerning pressing issues for the purpose of informing an uninformed legislature or community; correct erroneous perceptions of staff or inmates; or convince central office leadership of the validity of our concerns.

As in most career fields, much of the

written record concerning the profession is the work of theorists, researchers, and academicians who, though they may have some hands-on experience (often dated), are not often grounded in basic operational principles. As a consequence, their writings often do not resonate and are not deemed credible by practitioners and are seen as having limited value to the field.

Our writing is necessary and important because the media and other writers do not have practice-based writings about most aspects of correctional practice for research or background. Often they turn to advocacy groups and academicians for information for want of other sources. As a consequence, correctional leaders most often find themselves in a defensive posture, attempting to correct wrong perceptions rather than in a

position of further expansion of their written words on use-of-force, supermax, staff misconduct, population growth, prison operations costs, etc.. When "trapped" in a

defensive posture in a sound-bite environment it is difficult to present an accurate, real-world perspective of the issues that have attracted the attention of the media.

*As responsible professionals, it is important that we write and leave a solid, systematic, written base of knowledge concerning prison operations as we "pass the mantel".*

As responsible professionals, it is important that we write and leave a solid, systematic, written base of knowledge concerning prison operations as we "pass the mantel". Our knowledge is experiential and as leaders retire there is significant "brain drain" in the field. Unless we commit our experience and what we have learned to paper, the growth of new supervisors, managers, and leaders will continue to be retarded as they,

too, learn over time only through their experiences. Sadly, this threatens to consign the field to repetition of the same, common mistakes and leaves an open door for the poorly informed to promote practices that are not consistent with sound practice.

### *Getting Ready*

Half the battle in writing is getting started. How do we get from the need to write or an idea to a written statement that expresses what we need or want to communicate? The purpose of this paper is to discuss a technique that may be helpful in getting started and becoming a “tolerable” writer. But, before we get to the technique of writing there are several steps in preparing to write.

### *Did I Think of That?*

One of the impediments to writing that it is important to dismiss is the question of originality. Will I be “stealing” someone else’s idea/thought?

In fact, when examined carefully it is difficult to find anything that is truly original. We learn from each other and from a lifetime of experience, reading, and discussion. In a humorous vein, George Bernard Shaw is reported to have said when asked to critique another’s writing, “Well, it is both original and good. Unfortunately, the part that is original is not good, and that part that is good is not original”.

With reasonable care, we can be both original and good: keeping in mind that “there is nothing new under the sun”. Few ideas spring from the thinking brain that are completely new and original. T.S. Eliot advised: “It is amateurs who plagiarize: real writers steal.” If we wait for a completely original idea before we sit down to write, we

will never write. Each person’s knowledge is a composite of learnings from a vast array of persons, experiences, observations, readings, etc.. It is not possible to know from whom or whence many ideas come. Insofar as is possible, the writer should give credit for specific ideas or quotations but not be paralyzed in fear of being a “copy-cat”.

### *To Write or Not To Write*

Obviously, the writer should know of what s/he speaks when writing about an issue. This does not mean that there will be professional consensus – only that the writer will be as factually correct as is possible. Whether writing a book, article, policy, or disciplinary report, facts are essential and accuracy is necessary to credibility.

Not only must the writer know the facts, the writer must also know the subject. Unless the writing is exploratory, a search for information, or the objective is to question and provoke thinking, we should not write about what we know little about. It has been said, “If you have nothing to say, don’t say it.” That goes for writing, too.

### *To what End?*

The writer must be able to clearly articulate the purpose of the writing – and then set out to accomplish that purpose. A part of the difficulty of writing arises from lack of a clear objective which, of course, translates to a lack of focus. What do we want to accomplish with this writing?

To demonstrate this point, the next time you write a business letter or memo begin with the words, “The purpose of this letter is to.....”. Isn’t it now easier to get to the point of the letter?

There are those who, like the Apostle Paul, choose a text or topic and “go everywhere preaching the gospel” When you “go everywhere” with your topic, you go nowhere in terms of communicating an understanding to your reader.

### *To Whom This Tome?*

It is essential that the writer identify an audience to whom the writing is directed. Even as we must have a reader in mind when writing a letter or memo, we must have a reader in mind when we do virtually ANY kind of writing if it is to be effective. There should be no doubt about whom the writing is intended.

In identifying the intended audience, we should ask these questions:

- ▶ Who needs to understand my subject?
- ▶ What does s/he now know about it?
- ▶ What does my reader need to know?
- ▶ What does my reader think, feel, say, and do about my subject?
- ▶ Does my reader have “hot buttons”? If so, how should I deal with them? (stroke ‘em or poke ‘em)

With this snap shot of the intended reader in mind, the writer is able to identify the needed content and the approach that will be most effective. Failure to assess the perspective of the reader runs the risk of “missing the mark” or of intellectual insult of the readers knowledge.

### *Talk It Through*

A helpful technique in preparing to write about an idea or issue is to tell someone what you want to get across. It, sweet, and to the point. In verbal expression we don’t get hung up on sentence structure, paragraphs, punctuation, etc. and focus on what we are

saying. For most of us, saying it aloud is the shortest distance between two points – the thought and the expression. To write is a much more convoluted path with many diversions. Saying it aloud is an excellent technique for clarifying the subject and, if open to feedback, the topic may become enriched in the process.

### *Do It NOW!*

Without question, procrastination is a “thief of time”. It is also a thief of ideas – ideas that never are developed and shared because the time is not right. Procrastination is an enemy of writing and of communication of all types.

How many brilliant ideas, messages of support and encouragement, new programs, appeals for reconsideration, letters of information, expositions of important issues, have died in your mind for want of “time” – or more correctly, for want of the courage,

*There is no better time to get thoughts on paper than when there is a “fire in the gut”. If not then, when?*

confidence, and commitment to write. How many ideas have been born and died during a commute, in the shower, or in the middle of the night? In our minds the issues are clear but too often they die there.

Do it NOW! Write when you feel the urgency – when you feel the need to address an issue. Don’t wait until a more convenient time. When feeling it the thoughts will flow more freely and will express yourself with passion and clarity that will be lacking another time. Get it on paper NOW and clean it up

later when you have the time. Do it NOW! There is no better time to get thoughts on paper than when there is a "fire in the gut". If not then, when?

### ***Getting Started***

Getting started is always difficult because of our writing experiences. The traditional writing technique is one in which we labor over our work word-by-word, sentence-by-sentence, paragraph-by-paragraph, all the while struggling with grammar, punctuation, spelling, AND content. In short order we have lost our focus and expended the energy and the time we have for writing. Most often we give up, unfinished, in frustration. And, it is virtually impossible to come back to it later!

Our minds do not work in outline form! They just don't. And they don't deal with myriad of different tasks all at the same time. To focus on each of the detail-activities of writing while, at the same time, drawing the content from our minds is an onerous task. Most of us find that we think best in a "free association" mode in which we are able to focus on a single objective and be creative and expressive as opposed to following a format and rules that inhibit free thought and prevent creativity.

The technique we will discuss here divides the tasks of writing into 3 logical activities:

- ▶ **Clustering:** "fleshing out" the idea/subject through free association;
- ▶ **Free-writing:** converting the cluster of thoughts to narrative in free-form; and
- ▶ **Re-writing:** shaping the writing to proper form, giving attention to words, sentences, paragraphs, spelling, grammar, etc.

By separating the activities we are able to give our full attention to each of the very different tasks. Developing the idea, expressing our thoughts, and, finally, the technical activity of writing. Done separately, each necessary activity is accomplished in a more comprehensive manner, in less time, and with much less frustration and difficulty.

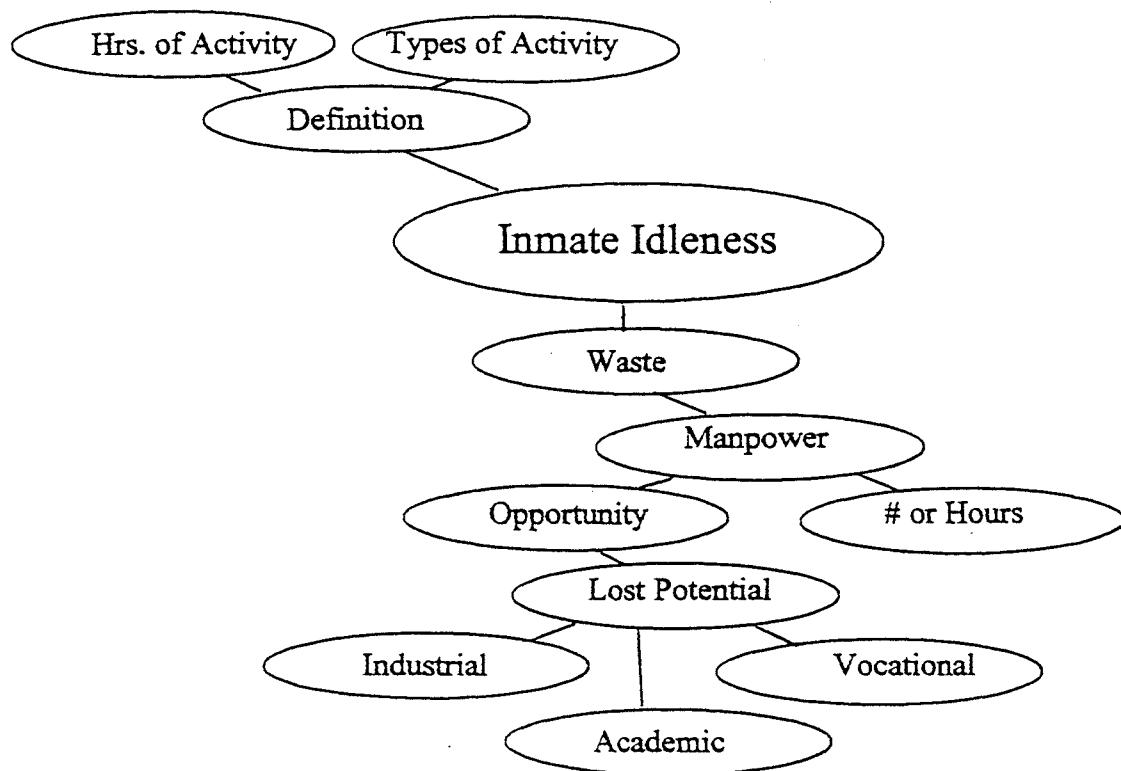
### ***Clustering***

Clustering is a helpful technique for many types of writing tasks: taking notes at a meeting; making and organizing a list of things to do; solving a problem; preparing to write or dictate a complex or difficult letter, memo, policy, etc.; or planning of most any type. It is easy, fast, efficient and works the way our minds work - through free association.

Clustering is a process of constructing a network of thoughts or ideas as a single thought or idea triggers another related thought or idea. Together they form the content of the subject area and the clusters within form the outline that will guide us in the follow-up activity. How?

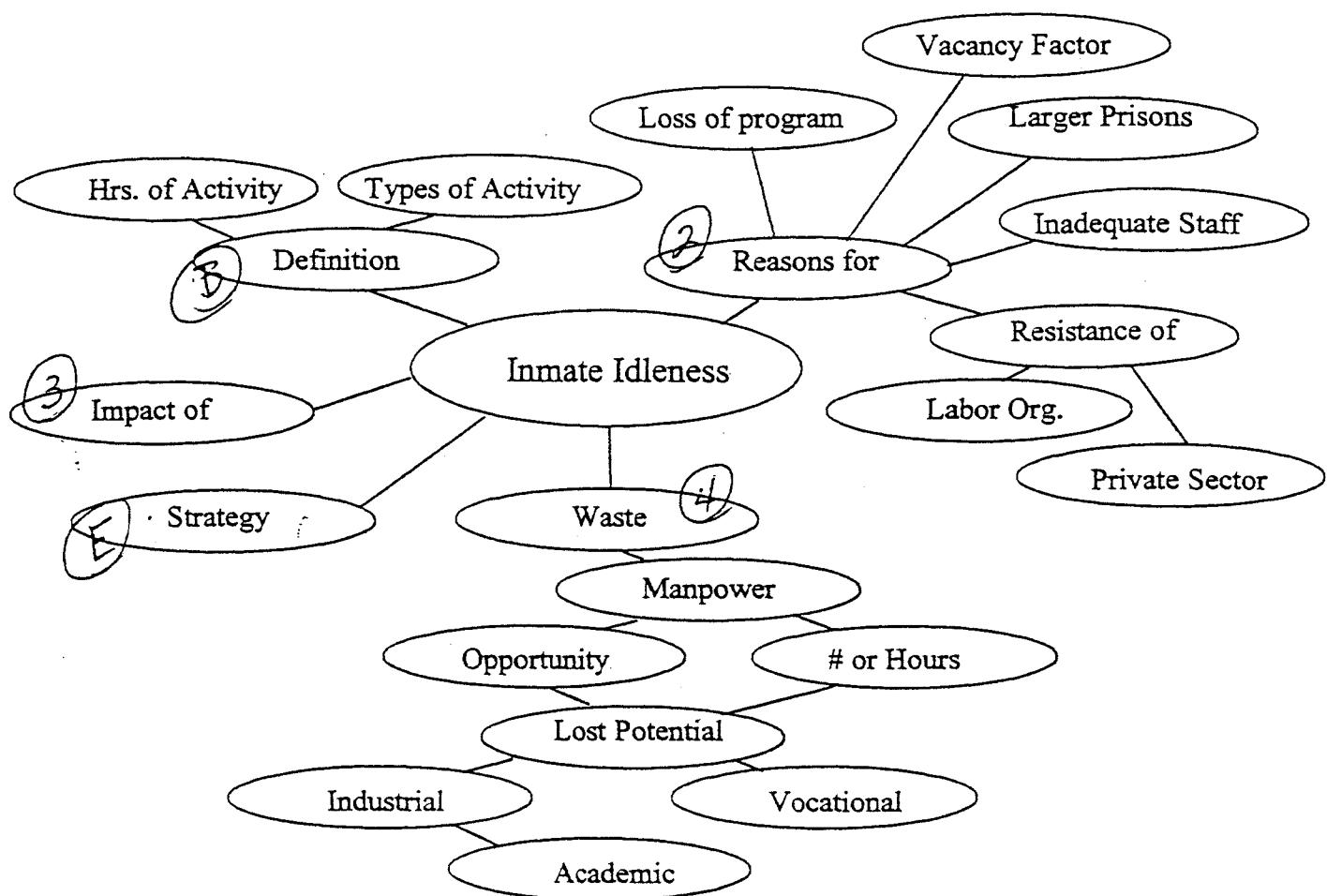
- ▶ In the middle of a blank sheet of paper write the topic or subject that you will write about;
- ▶ Draw a circle around the word(s) you have written;
- ▶ Relax. Allow your mind to go with whatever thoughts are inspired by the word you have written. Don't work at it. Let the words come to your mind.
- ▶ Record these thoughts in one or a few words. Circle each thought as it is written down and draw a line from that thought to the one that inspired it.
- ▶ Soon, you have a "blueprint" of your thoughts on the central theme that you started with.

For example, I have chosen the topic of *Inmate Idleness*. The first thing that comes to mind when consider writing about idleness is *definition*. For clarity of understanding, it is important that the reader know what I mean when I talk about idleness. Below what level of what kind of activity do I consider and inmate to be idle? So, I note *definition* and *hours of activity* and *types of activity* as factors to be discussed in the definition.



Continuing, I think of the *waste* – waste of *manpower* and ask myself if I can calculate the *number of hours* of manpower that are being wasted in idleness. I note them. Similarly, I think of lost *opportunity*, a consequence of which is *lost potential*. Potential for *industrial*, *academic*, and *vocational* education, skill development, and contribution. I note these terms to trigger my thinking when I write.

And so we continue with *reasons for* inmate idleness and another cluster begins. Here, I continue to note single trigger words that will be key as the writing commences



Two additional areas for consideration come to mind but, not wishing to belabor this section, I will not “flesh them out”: they are *impact of* inmate idleness and *strategy* for reducing idleness.

Please notice that with each cluster heading, I have now placed a number or a letter. After completion of the clustering activity, that is, after all my key words or thoughts about the subject are on paper, I review them for priority, importance, and the order in which I will present them in the written piece. I decide which I will *begin* the written piece with and place a “B” beside it. I then decide which I will *end* the piece with and place an “E” beside it. I then number the clusters in the order I will present them in writing, number “2” being the first paragraph after the “B”— beginning paragraph.

Having completed my clustering work and having selected the beginning and ending paragraphs and the order for the remaining, I now have an outline of my intended writing.

### Free-Writing

After all the ideas are on paper – the “brain-drain – it is time to “flesh out” the skeleton. This is accomplished through concentrating on content within the clusters, one-by-one. With focus on each the key word or phrase within the cluster, write freely and as if saying it aloud to another person. In free-writing, little or no attention is given to paragraph, punctuation, or even sentence structure except as it naturally occurs. Write “free” of these distractions that will interrupt the flow of thoughts.

*In free-writing, little or no attention is given to paragraph structure, punctuation, or even sentence structure except as it naturally occurs as you write.*

Free-writing is difficult because most people are accustomed to perfecting their writing, word-by-word, sentence-be-sentence, and paragraph-by-paragraph. But as indicated earlier, this kind of writing is a monumental distraction and the biggest reason most people find writing to be such hard work. The discipline of free-writing – mastering the craft of ignoring the imperatives of good writing – will pay great dividends in developing good writing skills.

To start free-writing, once again think about the reason/objective of your writing and the intended reader – what they know about the topic, what they need to know, etc.. Find the cluster that has been identified with “B” – “beginning”, note the key words, and write everything about the cluster that is appropriate for the cluster in the context of the objective for which you are writing. If in question – write it – you are “free-writing”. Now is not the time to perfect. There will be opportunity to cull ideas that are only marginally appropriate or fine-tune thoughts to better communicate the message.

Next, select and flesh-out the clusters as numbered, closing with “E” cluster – the cluster designated as the “ending” thought. Free-writing has now been completed.

### Re-Writing

Step 3, re-writing, is the process of “perfecting” the written work to its final form. Though proper grammar, paragraph and sentence structure, word selection, and punctuation is a challenge for many of us it is much easier as a sole focus -- independent of content development. Now that the content has been developed our minds are free to concentrate on final presentation.

Re-writing can be approached in several ways but the following is, perhaps, the most logical and simple. First, divide the writing into apparently, logical paragraphs within each cluster that convey a single thought or idea. Make them simple paragraphs – as simple as possible – and combine them later for style purposes if you chose to do so.

After establishing the paragraphs, decide if they are in an order that will best express the thoughts you wish to convey. Is it a logical progression with each paragraph flowing logically to the next?

Next, check your sentences. As with paragraphs, each sentence should flow into the one that follows and they should combine to clearly express the intended information. Are they grammatically correct? Are they free of phrases and jargon that the reader may misinterpret or not understand?

Now, read it aloud. We generally rely only on the eyes to edit: the ears are equally – often more – effective tools and will enable you to discover most of the problems of grammar that remain in your writing.

Next, examine the words. Are they words you would use in speech? Or, will they call attention to themselves rather than the topic? Why not “order” rather than “enjoin”, “use” rather than “utilize”, “do” rather than “execute”, and “do it now” rather than “at this point in time”? And, make sure the words are the right words rather than nearly right. The words should carry the content and the writer should not have to consult a Thesaurus to find an “interesting” word and the reader should not have to consult the dictionary to understand it. And, horrors of horrors, be sure of the spelling!

Checking the opening sentence for effectiveness is often ignored. Studies tell us that if we don’t capture the attention of the reader in the first 5 - 10 seconds of whatever we write, the effectiveness of what we have written is lost. Read the opening sentence...if it sounds good to you, it probably is good. If you don’t like it, is isn’t good and should be rewritten.

Finally, look at the written work as a whole. Should you combine some paragraphs in interest of style and reduce a “choppy” appearance? Is there consistency in chapter or section headings? Do you want to stay with the order in which the clusters were developed. And, most importantly, have you met your original objective – the purpose for which you got into this in the first place? Will your reader get the message?

OK....now let’s write and leave a legacy for those who follow us. No one can say what you have to say but you and it goes without saying, if you wait until you CAN write well to write – you will never write well.

Well? There is no better time to start than now....

## CONTEMPORARY ISSUES IN PRISON MANAGEMENT

### In-Service Training: *Missed Opportunities or Instrument of Change*

*by: Gary C. Mohr*

You have assembled a group of correctional officers for training. Some have just come on duty and will be relieved at their post, some have just completed the night shift, some day-shifters are here on overtime as are several others who are here on their off day. The training is to be delivered by the Shift Captain.

Please place a mental check mark beside the assessment(s) that are most likely to be accurate based on your experience:

This training will:

- result in change or improvement.
- be enjoyed and appreciated.
- may be helpful to some.
- will be viewed as "boring" and a waste of time.
- constitutes a missed opportunity.

As a Warden and a trainer of Wardens, it has been my experience that training, and particularly in-service training, is a common theme of disappointment among Wardens. Most often a succession of Central Office-dictated topic areas; delivered by institution personnel who are practitioners – not trainers; without opportunity to maximize learning potential through proper scheduling; the training is viewed as intrusive, boring, and ineffective.

When Wardens then consider the fact that within a prison of 500 employees, a half-million dollars will be spent in salaries and

benefits for in-service training – without counting the first dollar for overtime costs – the frustration grows. Then, as Wardens listen to their employees complain about having to attend in-service training in which they see no value, there is universal recognition that change is needed. But what change – and how? Is it possible and worth the effort?

#### Why Train?

While the answer to this question may seem apparent, some Wardens conclude that the benefits of in-service training, as they know it, are insignificant when weighed against the cost and aggravation. Hence, they provide only that which is mandated and then, in an obligatory, uninspired, manner.

But the reason we train, unfortunately, has been largely driven by Central Office mandates rather than Warden-identified needs. By the time the mandated training has been delivered, there are no remaining resources – or staff tolerance – for the operations related training the Warden views as necessary.

Oh, the mandated training format is welcomed by some. It provides a "canned" curriculum which, when delivered, pays lip-service to the responsibility to "train". It requires no assessment of training needs. It requires little preparation. But, does it really TRAIN? Does it really promote career and personal growth? Does it really improve operations?

Too often these centrally developed training topics are designed to avoid litigation or are in response to an incident that may have occurred somewhere in the system. And, in this limited sense, they may make sense. But, seldom are institutions give the latitude or do they try to assess and customize the training in the light of the

**Because mandated, in-service training does not “connect” and resonate with their experience and needs – rather is “rote” – it is often perceived by staff as “rot”!**

institution's own mission, weaknesses, issues, or problems. Because mandated in-service training does not “connect” and resonate with their experience and needs – rather is “rote” – it is often perceived by staff as “rot”!

For in-service training to be effective it must be related to the needs and the primary operations of the institution. As Lanson Newsome, former Warden and Assistant Commissioner of the Georgia DOC, points out, the reason for in-service training is to improve staff performance in the critical operational areas of the prison – inmate and staff accountability, tool and key control, access and egress, sanitation, health and safety, etc..

It is a “given” that Central Office has an interest in communicating important – yea, critical – information to institution staff. But, that should not be “passed off” as in-service training. Clear differentiation should be drawn between “informational” and “performance” training. *Informational*

*training* should be handled as such – a passing of information in the most effective way – and will often not be the training classroom.

*Performance training* should be handled, as well, in the most effective manner. It should always be customized to reflect the real-world experience of the staff in the institution to which they are assigned and delivered by those having competence and credibility with those being trained.

### **Underlying Assumptions**

Having discussed some of the problems of the traditional approach to in-service training, it is important to consider the assumptions<sup>1</sup> upon which an in-service training program should be built.

- ▶ As they mature, adults tend to prefer self-direction.
- ▶ Adults' experiences are a rich resource for learning. Adults learn more effectively through experiential techniques, such as discussion or problem-solving than through passive listening.
- ▶ Adults are aware of specific learning needs generated by real-life events such as job frustration and difficulty, marriage, divorce, taking a new job, losing a job, etc. and will learn if they recognize applicability to their life situation.
- ▶ Adults are competency-based learners, meaning that they want to learn a skill or acquire knowledge that they can apply pragmatically to their immediate circumstances.

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<sup>1</sup>Adult Learning: What Do We Know for Sure? Zemke, Sue and Ron: New Training Library

Learning is as natural to human beings as breathing, eating, sleeping, playing or procreating. When they do not learn or *resist* attempts to promote learning – as in the case of much in-service training – we must conclude that we are doing something terribly wrong. Careful attention to the assumptions above will provide insights about where and how we are missing the mark. It is with these assumptions in mind that the following approach to in-service training is offered.

### The “Back-to-Basics” Approach

In corrections, we are quite good at managing emergencies. Virtually every day, in every prison, staff “manage” situations that threaten the safety of staff and inmates and security of the institution and community.

Unfortunately, such incidents are normally viewed as idiosyncratic events

which do not appear to have any connection, one to the other. The incident is reviewed, discipline may be imposed – staff and/or inmate, policy revised, procedures updated, or other actions taken. Often, if the incident is serious there is an expectation that “heads roll” and the Warden finds him/herself in jeopardy of his/her job. Upon careful examination, a common thread can often be found in incidents occurring over time in several different institutions.

A nationwide review of after-action reports of escapes, staff assaults, hostage situations, disturbances, or other serious

problems reveals few instances in which malfunctioning locks or electronic detection systems, insufficient razor wire, or other deficiencies in physical plant or technology were responsible. Rather, most serious security breaches occurred because one or more staff members took a “shortcut”, did not know what was expected of them, or simply failed to follow established security procedures. Though weaknesses in the physical plant may have contributed to the problem, it was usually the failure of staff to attend to business that was at the heart of the incident.

In other words – “people-system failures”, not “physical-system failures” account for most security breakdowns.

An example of such an incident is the widely known escape of 5 high-risk inmates from a privately operated facility in Ohio. Upon examination it was found that, first, the inmates were

inappropriately classified and should not have been housed in this medium security prison. Second, after a soccer ball struck the fence several times, activating the alarm each time, the alarm was disregarded. Third, an employee with a personal relationship with an inmate was believed to have brought wire cutters into the institution – if not, there was a breakdown in the tool control operation. If any one of these separate and distinct performance failures had not occurred, the incident could not have occurred.

The most common response when serious incidents occur is to “fix the blame”

and identify someone to discipline rather than “fix the problem”. More often than not the problem is *both* a performance problem and a failure to train and supervise. Managers are often slow to recognize “slippage” in security practices or the need for policy and procedure upgrades as changes occur. Such changes may include new staff entering the institution workforce; experienced staff becoming complacent; tacit supervisory support of “short cuts” to improve efficiency; supervision weakening as new, inexperienced supervisors are promoted; the facility and its equipment ages; new buildings and equipment are added; use of inmate workers expands; policy, procedures, post orders, and standards change; etc..

This phenomena, the failure of staff to reliably carry out all of the duties and responsibilities of their jobs, all of the time, underscores the importance and value of a back-to-basics emphasis in training.

### **Back-to-Basics In-Service Training**

While there are many ways of getting back-to-basics, the approach discussed here is in the context of an in-service program in which staff of multiple disciplines within the institution are brought together for training.

#### **Activity 1:**

As an introduction to the training, the leader (Warden?) should discuss the activities of the training (in very general terms). She/he may then want use portions of the discussion in the page above in the **Back-to-Basics Approach** section as a background and introduction to the training.

It is important that, early in the discussion of the Back-to-Basics training, the Warden discuss liability with the group.

**It is imperative that amnesty is given up-front for any policy or other violation acknowledged by the officer or brought to light by other staff.** The objective is honest and complete responses to key questions and other inquiries. Understanding that problems of performance are often *both* a performance problem and a failure to train and supervise, no one will be singled out for discipline or chastisement.

Following the Warden’s discussion, group discussion may be promoted through the use questions which may include:

- ▶ What has changed in our institution that may make it important for us to go Back-to-Basics?
- ▶ In what ways have these changes hampered good security?
- ▶ In what ways, if any, have we gotten away from attention to the basic fundamentals in security operations?
- ▶ Who is responsible for security? Is security a “program” or a “culture”? What does “seamless” security mean?

#### **Activity 2:**

It is recommended that the group now be divided into small groups of 8 - 10 staff and that each group select a group leader. Each group is charged to address the following question:

*If a major incident were to occur here in the prison in the next 6 months, what would the incident be and where would it occur?*

The group should be apprized of the following “ground rules”:

- 1) Each group member is to respond.
- 2) There is no “right” or “wrong” answer. Members may ask for clarification but there is to be NO disputing or arguing

- a member's contribution.
- 3) All responses are to be listed in full.

When the groups have completed their work, they will report their observations to the large group. The Warden and administrative staff should be present for this report. A full-group discussion of the responses may now take place as the administrative staff attempt to fully understand the nature and scope of the concerns that have been elicited from the group members.

#### **Activity 3:**

The Warden and administrative staff should review the concerns elicited from the group members apart from the group. An assessment should be made of each of them, determining if there is information of a nature that would dictate an immediate response to prevent the incident. The second level of assessment should be to select post-related concerns that can be further examined by the in-service training groups as a learning activity. For example, if a group members suggests that within the next 6 months an inmate is going to exit the rear sally port in a garbage vehicle, the posts responsible for this activity could be identified as a post for examination by a training group.

#### **Activity 4:**

After identifying post-related concerns, a packet should be prepared for the group examining the post. It should include policy and procedure, post orders, standards and regulations, schedules, and other information pertaining to post activity and the responsibility of the assigned staff.

#### **Activity 5:**

As the training group reconvenes,

they are divided into groups and each group should be commissioned to study and examine the operation of the post, including the policy, procedure, post orders, etc. that are included in the packet. These documents should be reviewed for clarity, comprehensiveness, consistency between documents, etc.. The group should then discuss the operation with the responsible staff, eliciting concerns and suggestions from them regarding the operation of the post. They will observe the operation for several hours during which time the concerns about the post brought forth in the earlier group meeting will be a focus.

Upon completion of their examination, the group should meet and prepare a report for the administrative staff. The report should include a review of their activities, a record of their observations regarding the documented responsibilities of the post as compared to the operation of the post, and their recommendations.

#### **Activity 6:**

Following a full review of the recommendations, the administrative staff should determine what changes, if any, will be made in the specific posts or operations and that feedback should be given to the group. Insofar as is possible, feedback should be face-to-face and to all staff who reviewed the post under consideration. Staff assigned to the post should, ideally, be included in the meeting and, if not, immediately informed of the outcome of the examination and the administrative staff's decisions.

The group should be informed of the way in which the concern is being addressed. If recommendations are not accepted, the group should be told why or what is being done instead of the recommended action.

The back-to-basics training should be more than an exercise and should demonstrate the belief that security IS everyone's business and that staff observations and recommendations are important and valid.

Much of the value of the back-to-basics in-service training, as in any training, can be lost in the administrative response or lack thereof. Failure to be inclusive, give feedback, give reasons, and give credit can quickly undermine the program. With each effort in which post examiners are not included as full partners, the meaning and value decreases – staff will feel that they are being “used” or the training will become perceived as a meaningless exercise.

### **Conclusion:**

“*Security is everyone’s business*” is a well-worn banner. Yet, we bear labels such as “security staff” and “civilians” or “non-security staff”. And we have the mystique of key control, emergency response, etc., the secrets of which we dare not share with “non-security” staff. And, we have the “Security Department” and “Programs Department” and myriad other terms and titles that belie our “everyone’s business” banner.

An effective security program is a program without “seams”. All institution operations and activities are inter-connected in a seamless system in which all parts “talk” to each other in ways that prevent inmates,

inmate needs and concerns, programs, security, operations, or administrative concerns from “falling through the cracks”.

Think about it. An effective security or treatment program is not a “program” – if it is truly effective it has become the culture of the organization. Until it becomes the culture of the organization it cannot be truly effective.

We would not say of our safety concerns for our children that we have a “security program” to ensure their safety – safety and security is a culture in our homes that pervades every consideration and every activity.

This back-to-basics in-service training has great potential to revolutionize our approach to security operations. It is “one small step” in sharing – acknowledging that staff at every level in all parts of the institution have interest and concerns about safety and security. And, it is a “giant step” toward inclusion – including those who have been “on the outside, looking in” in the responsibility for safety and security and enlisting their help in making critical decisions that effect the life of the institution and its residents.

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This paper is based in an operations assessment program that was presented in the Ohio Department of Correction and Rehabilitation by George Camp, Criminal Justice Institute, Inc. South Salem, NY. Gary Mohr is the Deputy Director/Administration for the OH DOCR and Dick Franklin is a Corrections Program Specialist for the National Institute of Corrections.

## **CONTEMPORARY ISSUES IN PRISON MANAGEMENT**

### **MANAGING PRISONS IN THE 21<sup>ST</sup> CENTURY**

Richard P. Seiter, Ph.D

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#### **Background**

**B**efore the 1971 Attica riot, the world of corrections was a simplistic system, and almost closed – undisturbed by outside intervention. Over the last 25 years, corrections has changed dramatically, is now a multi-billion dollar industry that is as complex and visible as any industry in the United States. The changes that will be necessary as we move into the new millennium will be even more dramatic.

In the 21<sup>st</sup> century, we will face many new challenges, or challenges that have grown in intensity or the approach required. A few of these challenges are noted below:

A. Even more intense scrutiny from the media, elected officials, and the public.

Increased scrutiny will, inevitably, lead to a greater “politicalization” of our correctional departments and institutions. Over the past five years, we have seen increased “invasion” by elected officials into our mode of operations. Whether we believed in the policies or not, we have established chain gangs, boot camps, and “super-max” prisons. Recreation, education, treatment programs, and “inmate privileges” have been stripped from our prisons. We have had to take a “reactive” approach to these activities, and in most cases were not a serious player in the discussion and decisions of whether these changes occurred or not.

As this scrutiny and invasion continues, so will the increased “politicalization” of correctional agencies. This will include the appointment of individuals without a background in prison management, but who are politically sensitive and involved, and will respond more to public and political perceptions rather than good correctional practice. Even those “correctional professionals” who stay in charge of correctional agencies will have increased pressure to make “political” rather than “correctional” decisions.

B. Incarceration rates will continue to increase, meaning more inmates, but not a proportionate increase in dollars or staff resources.

Even though there has been a flattening - or in many cases a reduction - in crime rates, the numbers of prisoners and money required by the correctional systems have continued to increase. The political response to the perceived public fear of crime and criminals has pushed long terms of incarceration as a sanction. The unfortunate thing is that while we continue to pour more money into building and operating prisons, there does not seem to be a rethinking about what choices we make. Therefore, the increase in incarceration rates will probably continue. What we do see, however, is a greater concern about the total amount of money directed toward correctional systems. It is reasonable to believe that legislatures will continue to expand prison populations,

yet not expand operating funds in proportionate amounts.

C. The number of young, violent, gang-oriented inmates will continue to rise.

Prisons are difficult to manage, even when there is much homogeneity among the population, and the inmates “just want to do their time.” But with more competing factions (street gangs) in prisons, there will be increasing strife and problems to confront. More violent acts among inmates (and against staff), will create concerns for staff safety. Where there are employee unions, they will become increasingly aggressive and challenging of prison management. Even where there are not strong unions, increasing tension and concerns about safety and security will lead to more questioning and reduced confidence in the prison administration’s ability to maintain proper levels of control.

D. The “Generation X” workforce will have different motivators, skills and need for involvement.

The workforce we supervise today (even more so in the future) is very different than the workforce when we entered corrections. In some ways this is very good. More of them will have some college or a degree in criminal justice. Most will be computer skilled, and have no problems with the rapid changes in technology. But they will be completely different in the way they expect to be managed, and the amount of involvement they expect in the workplace. There will be little of the old “chain of command” and “do as your told without asking questions” mentality. The workforce will not be as dedicated to the agency (more to themselves and getting ahead), they will want to be involved, and they will want to know the background and reasons for decisions.

E. There will be direct competition from the private sector.

We are no longer the “only game in town” when it comes to operating prisons. The private companies will lobby elected officials and argue that they can do just as good a job, and do it for less money. With the concern for reducing the cost of incarceration without reducing the number of people in prison, the private sector’s simple message will be attractive to elected officials, and there will be increased use of private facilities.

F. There will be continued rapid change in technology, management practices, and information availability.

The rapid changes in technology and information availability will continue. We are inundated with new technology and claims of what it can do for our prison management. But our basic approach to the

**The rapid changes in technology and ready accessibility of information is an opportunity to re-look at what we do, and see if technology and information can be better used to aid us in the accomplishment of our mission.**

management of prisons is quite old and even with technological advancements, we have had little change in how we operate prisons. The rapid changes in technology and ready accessibility of information is an opportunity to re-look at what we do, and see if technology and information can be better used to aid us in the accomplishment of our mission.

## **What Does All this Mean to Us?**

As daunting as these challenges may seem, they are really opportunities. You have all been wardens for at least five years. You do your jobs well, or you would not have been selected to come to this training. You have gotten very good at your jobs, even though you continue to have inmate and staff issues to deal with that challenge your time and abilities. But, don't you ever feel like you have more to offer beyond striving for the efficient and routine management of your prison?

Well, prison management in the 21<sup>st</sup> century will allow you to reach for new paradigms in how you do your job, and the type of leadership you provide. As a leader, it will be your continuing responsibility to be the command figure and the substantive expert within the prison, directing staff to carry out functions orderly and efficiently. You will need to hone your "external management" skills. You will have to lead staff through rapid change, confusing political directives, and public questioning of how well they do their jobs. You will have to empower them with a vision, and involve them in how to reach this vision.

As a public steward, you will have the opportunity to create new paradigms, and find a better way to carry out our mission. The pressures of competition and public accountability for what you do and how much it costs will drive you – allow you – to rethink how you spend the money, and how you accomplish your mission.

Finally, you will have the opportunity to look at issues differently, or "outside the box." There are many options available to you

on how we do what you do – the 21<sup>st</sup> century will open the doors and permit you to change where heretofore it was difficult, if not impossible. The criminal justice system and, especially the prison "business", doesn't adapt to well to change, and quite frankly, as prison wardens, you know how difficult change is for staff and inmates. **Routine is good!**

But change will be forced upon us, and we might as well get out in front of it. The forces that will push for change can be

harnessed, and used to find new paradigms for how we do things. An excellent organization is one

that "learns," and changes as it learns. You will have to be the forward thinker, and teach, mentor and grow your staff to think along with you.

The early years of the 21<sup>st</sup> century will be an extremely challenging time in prison leadership. However, they will be filled with opportunity and the most rewarding of times for those who want to expand their capacities as leaders. You will have to guide your staff through times of change, and times of questioning by others of how they do their jobs, and what they should do. You will have to learn to manage externally. You will have to create a vision for your staff, and empower your staff to carry this vision out. You will have the opportunity to shine as a public steward, finding more efficient ways to accomplish your missions. And, you can find ways to "reinvent" how we get where we are trying to go. The old paradigms are decades old, you have the opportunity to create new ones.

Have a cautious respect for the next decade. Be concerned and probably even scared about what to expect. But, be excited as well, for the opportunity to create something new does not come along every day. You will be the leaders who can move corrections forward into the next millennium.

### **Leadership in the New Millennium**

What is leadership, and what is expected of leaders in the 21<sup>st</sup> century?

Needless to say, leadership in the future will be entirely different than leadership in the past. Leadership in the past was generally associated with a position rather than a person. Leaders were those in the top position who exercised power by giving orders and making decisions. This was not necessarily leadership.

We defined leadership in the past as “transactional,” involving exchange relationships between leaders and followers. The leaders offer rewards and resources to the followers in exchange for assistance in reaching the organization’s goals. Transactional leadership consists of essentially immediate, short-run exchanges. It is often very limited, effecting the immediate organization only, and has little consideration for the public or society as a whole.

Transactional leaders were the traditional authorities - those with the position, power and generally knowledge (the experts) of a substantive area. We learned from early childhood to respect and follow our “authorities” - initially our parents - to protect us from harsh conditions and to resolve our problems. These leaders provided answers, clarity, and a critical path to follow to get

where we wanted to go. All this worked well in the fairly stable environment of the past in which we operated in a routine situation in which the answers to our technical problems were within the repertoire of the leader and the process for dealing with these problems was already well designed.

This has traditionally been the role of the warden. The warden is the substantive expert who has the experience and background to know how to deal with any situation. There are reams of policies and written procedures and the warden knows where to find them and how to respond to any circumstance that may arise. The warden is the person with power to assist or punish inmates or to promote or derail the career of a staff person. At least in this model of leadership, the person in the highest position of authority is expected to know more than they actually do. This puts pressure on the leaders and often forces them to “play the expert”, even when they know they are not, because staff expect them to be.

Fortunately, the leadership of the future will relieve some of this pressure but, in exchange, there will be demands for more sophistication and intellect in dealing with issues and followers. The challenges of the future will be based in the fact that there will be rapid change and therefore few guiding policies for how to deal with many issues. There will be few substantive experts with knowledge based in their history of dealing with like problems because, as we confront rapid change, most problems will be new or have a new twist to them.

Increasingly, observers are calling for a broader and more appropriate style of leadership for the future. Known as

transformational leadership, it is based on principles rather than practice and on motivating people to meet challenges together as they jointly find solutions to new problems. Since there is no authority or no set answer for the adaptive changes in society, there is no one who can simply say, "follow me."

Transformation leaders begin with a vision that has a set of values and principles as guidelines to use in responding to issues. Transformational leaders inspire staff to focus on the broader vision and higher-level goals and help staff and the organization to "learn" and work through problems in an adaptive manner. Transformational leaders know you generally can't jump to conclusions or to answers to issues.

They must involve staff in creative and innovative solutions. This conflicts with the style of the traditional leader and expectations by staff who want to get their problems off the table and find a quick fix. The future will require developing the ability to work together, to involve and empower staff, and to work with tough and frustrating issues without quitting.

**The emphasis of strategic management is on organizational adaptation to environmental demands and opportunities.**

organizations move beyond planning to develop mechanisms for implementation of strategies. The emphasis of strategic management is on organizational adaptation to environmental demands and opportunities. It requires the organizational capacities of managerial capability, culture, leadership and organization structure to inter-lock in pursuit of a shared mission.

Strategic management is an excellent framework for leadership in the 21<sup>st</sup> century. Emphasizing the linkage of scanning and understanding the ever-changing environment, it creates opportunities to move an organization forward and implementation of changes to respond to needs. It can be useful to analyze how leaders guide their agencies through challenges and opportunities, create support for their strategies and goals, and effectively motivate their staff to implement change.

Professor Mark H. Moore of the Kennedy School of Government at Harvard University has presented a conceptual framework developed by faculty at the Kennedy School to help public sector managers assess their potential and actively pursue initiatives.<sup>1</sup> The framework, called the strategic triangle, has each of the three points of the triangle define particular calculations that managers must make in deciding whether an enterprise is worth pursuing, and the particular activities that they must undertake to ensure the success of their venture.

### **The Strategic Management Triangle**

There is considerable confusion about what strategic management is and somewhat varying approaches are seen in its application. An accepted description of strategic management is "a process carried out at the top of the organization which provides guidance, direction, and boundaries for all aspects of operational management."

Strategic management exists when

The first aspect is to determine

whether there is *public value* in the results desired or imagined by the manager. Correctional administrators often take for granted that what they do has public value and is important to the taxpayers and citizens we serve. Obviously, protecting citizens from crime has public value. It is more difficult to determine which programs and operations have value or are worth the resources in time and money that are required to carry them out. Should an intensive probation supervision program be implemented? Should a literacy program be added to the county jail? Should serious juvenile offenders be bound over to adult courts and correctional agencies? Should "amenities" in prisons such as weights, college programs, and recreational activities be reduced?

The question to ask in each situation (point one of the strategic triangle) is whether making the change or implementing the program has value. In other words, is the correctional agency better able to accomplish its mission at a level that is worth the organizational resources expended on the change or program?

The second leg of the strategic triangle is to determine whether a goal or initiative will be *politically and legally supported*. Moore suggests "managing upward" toward politics to invest the agency purpose with legitimacy and support. This is particularly true in the corrections field where initiatives are often dealt with emotionally by many elected officials and response by the public to political rhetoric then becomes the determining factor as to whether there will be support.

This usually occurs without real facts and the "value" of the issue being defined in the public's mind. It is the responsibility of

correctional leadership to sell this in a responsible manner to all groups who will have an interest in the decision of whether to implement the initiative or not. This situation is perhaps the one which most challenges correctional managers and leaders who are extremely capable of determining what has value and implementing change. However, they are often not as capable in educating and forming opinions in the minds of interest groups.

The final leg of the triangle is to determine whether implementation of an initiative is *administratively and operationally feasible*. In Moore's words, this leg is to "manage downward, toward improving the organization's capabilities for achieving the desired purposes."

Strategic management assumes a changing political and task environment, and therefore implementation strategies must take into account an ever-changing landscape. Too often, public administrators take this step for granted, believing that by issuing policy changes, modifications in how line staff respond and do their tasks differently will follow. It takes a careful and steady hand at the wheel to ensure that policy change results in compliance and desired change throughout the organization.

### **Managing Externally**

Throughout the history of corrections, the public and elected officials have paid little attention to corrections. Few people cared about what went on in jails, prisons or even about how offenders were supervised in the community.

But times have changed. The media

plays up crime, fear of victimization is high, and elected officials respond with interest and sometimes even micro-management of correctional agencies and program. It is almost enough to make correctional administrators throw up their hands in frustration and give up. We now know the real feeling of an environment in which we are “operating in a fish bowl”.

We can't give up, however. We have to find ways to effectively manage in this public arena. We cannot let the fact that we are not consulted or that our professional judgements seem to count for little discourage us from becoming “players,” even if our correctional leadership and elected officials are hesitant about our involvement.

There are several elements to good external management that will determine the degree to which prison leaders will have a “say” in the course of prison operations in the 21<sup>st</sup> century.

- ❑ First, wardens must understand the point of view of elected officials.
- ❑ Second, they must show elected and appointed leaders that they can put in place programs that are effective and important to them and the public.
- ❑ Third, wardens must recognize that a consistent and clear message **can** impact public opinion.
- ❑ Fourth, they must know the measures of effectiveness of what they do, and where there are none, create them.
- ❑ Finally, they must understand compromise, and how to maintain the key principles of sound operations while modifying those that are not as important but impact negatively on public confidence and support.

Elected officials want to get re-elected – it is that simple. The most dedicated, ethical and sincere supporters of correctional programs will still go against what you want to do if it endangers their re-election. Elected officials listen closely to public attitudes and opinions regarding corrections and criminal justice.

Public opinion is an element in shaping policy, yet elected officials often get unclear signals about what the public wants. We do know, however, that there are certain issues about which the public is clear and that they want as a part of our criminal justice and correctional system. The public wants offenders punished and they want them to pay back society in some way for their crimes. In this regard, they support public works programs and prison industries if inmates produce goods or somehow repay society with a portion of their earning. The public wants criminals sent to prison, yet they know that every offender can't go to prison, and they support intermediate sanctions for the non-dangerous offenders. They do not want prisoners treated too well, and do not want to spend money on amenities they see as lessening the impact of prison as punishment. The public also wants there to be a focus on the victim, feeling victims deserve involvement in the process and to be informed about decisions made regarding the perpetrator of their crime.

Correctional administrators need to be sensitive to these issues, and be proactive in implementing such programs. At times, elected officials feel that correctional administrators do not support these programs, perhaps because the challenge of implementation is difficult, or they involve too many “outsiders” in the business of

corrections. We cannot let this happen. We need to understand which programs are important to the public and therefore to elected officials. We need to put them in place without urging by others to create a confidence that we care about the issues they care about and are acting in the public's best interest. By doing this, elected officials will trust and support us, as they believe we understand and support the issues important to them and, ultimately, their re-election.

Wardens are not always allowed to discuss personal positions on corrections with the media or the general public, at least formally. But, there are many opportunities to do so. There are few times when a warden's personal and professional views differ from those of the department or state correctional agency and they need to be expressed. All wardens talk to the press, are speakers at local service clubs, and are respected and listened to wherever they are - a restaurant, a party, in the grocery store, or at a child's little league ball game. Wardens are natural "opinion makers" because they are respected and everyone is interested in hearing about what they do and what goes on at the local prison. Often, however, the opportunity to give a clear, concise message about correctional policies and practices is not recognized and passes.

If prison management issues are to be addressed appropriately in the 21<sup>st</sup> century, wardens must assume an active, leadership role in influencing or managing the external environment. For this to occur, there are several prerequisites. First, wardens must know and be allowed to discuss the standard positions of the departments of corrections for which they work. Every department should have a general list of talking points concerning their positions on issues such as use of parole,

amenities in prisons, college classes for inmates, or public service programs. If not available, a warden should ask for it. By asking, with the explanation that these issues come up in tours of dignitaries, regular media interviews, or when speaking to public service groups, approved responses will be forthcoming. With the same message being repeated by all those in the department who speak in public, there will be education and conversion to the department's point of view.

Second, if wardens are not out speaking to the public about these issues, they should be. Part of the warden's responsibility is to be a leader in the community, and to help shape public opinion and confidence in corrections. By reaching out to the public, the media, and elected officials (if allowed by the department), there will be increased trust and support of what corrections does, even if not total agreement in how it is done. We cannot sit back and let public opinion be shaped by sensational media coverage of extreme cases, offender failures, and stories that the news media find interesting.<sup>1</sup>

For years, corrections officials have been hampered in arguing for certain programs by a lack of good research data to confirm that what we do is effective. Since the 1970's when Robert Martinson argued that "nothing works," we have been on the defensive. Until recently, there has been little information to say that certain programs do work. Slowly, but surely, this information is coming available. [Gaes study] As leaders in corrections, wardens should know this information and use it in their presentations. When there is no data, wardens should be advocates for resources to enable researchers to evaluate programs. We owe it to the

public to fully inform them as well as to spend money on those programs that are effective.

Corrections is a big business. In 1996, over \$26 billion was spent on adult and juveniles by correctional agencies. Yet, we have very little information to prove that some things are effective, or that archaic programs like chain gangs are ineffective. Dr. Allen Ault, former commissioner of corrections in three states and chief of the NIC National Academy of Corrections recently noted:

*"I do not believe that we in corrections will ever be a "profession," or that we in it will ever be considered professionals or listened to by the public or the politicians, until we have our own body of knowledge - the distinction of a profession - that is backed by solid research. We have adapted other knowledge from many other professions and attempted to apply it in the correctional setting, but too often we did not have any research component to consider if it worked or not. It is hard to sell programs when you do not have facts to back up their effectiveness."<sup>2</sup>*

Wardens must also understand how to work with other groups, with elected officials and with other policy makers in order to compromise while maintaining the essence of the programs and operations desired. Wardens are "kings of their small empires," and generally do those things they want in the way they want them done, though in more recent years central direction to ensure consistency, efficiency, and compliance with standards has become increasingly important. That will probably not and should probably not change in managing the internal environment of the prison.

But the skills to manage externally,

when you are not the decision maker are entirely different. Compromise, coalition building, and effective communication are keys to effective leadership and influence of external opinion. Wardens should do everything possible to practice and sharpen these skills. Wardens should do everything possible to practice and sharpen these skills.

**Compromise, coalition building, and effective communication are keys to effective leadership and influence of external opinion. Wardens should do everything possible to practice and sharpen these skills.**

Todd Clear goes so far as to advocate the use of "citizen partnerships," in which correctional doors are open to everyday citizens, so that public opinion about correctional work is informed by a broader array of experiences.<sup>3</sup> Clear suggests that citizen partners are developed and used to assist in influencing the correctional agenda. He notes that citizen partners can testify about legislation, speak to other citizen groups, write editorials, and advocate for change with political leaders. Correctional administrators should seek out such partners, they are out there wanting and waiting to help in any way possible.

### **Leadership and Empowering Staff: Another "Triangle"**

As noted above, leadership in the 21<sup>st</sup> century will require a very different way of interacting with employees. The transactional leader, one who sends commands down the chain of command through layer after layer of bureaucrats will not be successful in the next millennium. Having a very narrow sphere of influence

interacting with employees. The transactional leader, one who sends commands down the chain of command through layer after layer of bureaucrats will not be successful in the next millennium. Having a very narrow sphere of influence s/he will not provide real leadership.

The transformational leader, being more future-oriented, creating a vision, and “empowering” employees to fulfill that vision

is the model for at least the next decade. One way to structure this new leadership approach – the integration of leaders, managers and line staff – could be called the “Leadership and Empowerment Triangle.” The triangle does not conform to the hierarchy of an organization with an increasing number of employees from top to bottom. It relates more to the number of tasks for which each layer of the triangle is responsible.

#### **Leaders:**

##### How they act:

- Create vision/direction
- Create empowering environment
- Identify future challenges
- Build culture/character

**LEADERS**

**MANAGERS**

Operations

**-EMPOWERED EMPLOYEES-**

#### **Managers:**

##### What they do:

- Carry out agency mission
- Set goals & objectives
- Improve policy/procedures
- Develop/train/mentor staff

Decision making

*Linked to organizational culture, vision, & direction*

**-Leadership and Empowerment Triangle-**

#### **The Leader**

At the top of the triangle are the tasks that are key functions for leadership in any organization. Each of these tasks are focused on providing staff with tools and opportunities to better manage and operate the agency. The

leader's role has changed considerably over time, from directing actions to empowering employees to take the actions they recognize are necessary to carry out the agency mission. There are four key functions for today's public leader to carry out.

provide this for their agencies. This does not mean that the leaders do this **for** the organization: leaders involve employees in setting the vision. Leaders do not have a monopoly on understanding where the agency should go, or what the agency should be. Employees probably have more of a vested interest in the future of the organization than leadership. Practically, leaders are usually older and will retire or move on to another position in fewer years while the typical career employee continues to work for the organization. So, it is critical to involve employees in creating a vision, and setting the direction for the future of a public agency.

## **2. Create an empowering environment.**

Leaders have a unique opportunity to create an environment where employees can maximize their own skills and make decisions that enhance the agency mission and the involvement of the employees in operating the agency. Employee morale, commitment and enthusiasm for their jobs increase in direct proportion to their feeling of importance and recognition for what they have to offer.

Leaders not only need to recognize this, but need to create an environment that pushes decisions to the lowest level, shares information on a continuous basis (a guiding principal should be to provide those below you with as much information as you would those above you), and encourages the pursuit of excellence throughout the organization.

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## **3. Identify areas of challenge for the future.**

Leaders have the opportunity to see and hear information from other organizational leaders, from their political superiors, and from key constituents and stakeholders that employees often do not see and hear. As leaders process this information, they can identify trends and anticipate future challenges. We often believe that leaders must be smarter than line employees, as they seem to know the broader picture of how the organization fits into the political and public environment in which they operate.

This is not the result of more “brains” (even if some narrow minded and self-centered leaders want to believe this). It is the result of access to information and individuals that line employees do not have. It is the responsibility of leaders to pass on this information, and identify areas of future challenges to help employees make the best decisions in their particular areas of operations.

## **4. Build (or reinforce) the organization culture and character.**

There is considerable discussion about the importance of agency culture. Most agencies have developed a culture, hopefully one that encourages professionalism and dedication to the mission. However, negative cultures can also develop, and it is a true test of leadership to change a negative into a positive agency culture.

The character of leadership receives more discussion than it has in the past. This is partially due to the lack of character shown by President Bill Clinton, but also is a result of the public perception that many other public officials take advantage of their positions to benefit themselves. In 1765, John Quincy Adams noted, "Society's demands for moral authority and character increase as the importance of the position increases." Leaders are responsible for setting the tone and character of an organization. The organization takes on their moral personality and character in ways that even the leaders may not recognize.

### **The Manager**

The second level of the Leadership and Empowerment Triangle is the management level. Managers are said to be the doers; those who make sure we do the right things, the right way. Just as the role of leaders has moved beyond traditional tasks, the role of managers has also ratcheted up a level to take over some of these functions.

Managers should be those who see that the agency mission is accomplished. They do this by working within their divisions or departments to set goals and objectives, to refine and improve policies and procedures, to develop staff through training and mentoring, and to continually reinforce the agency mission in employees' minds.

The biggest change in functions in the Leadership and Management Triangle comes in the role of line employees. It has always been believed essential to clearly describe the tasks of employees, and for managers to hold them accountable to carry these out. Tasks, of course, must still be accomplished. However, it is seldom recognized that every line

correctional employee makes dozens of decisions during an 8-hour shift. How do they deal with a somewhat noncompliant offender?. How do they handle a minor security breach they identify? How do they counsel an offender who has an issue that needs immediate attention? How do they respond when they see a coworker being less than professional?

The end result of leadership in an organization is to empower employees to make decisions and respond to situations in a manner consistent with the culture, principles, ethics and values desirable within the agency. Through the four roles of leaders described above, employees will have the understanding of culture, organizational direction, and professional approach that is desired, and hopefully, their actions will be consistent with those. Leaders and managers cannot be everywhere, observing how operations are carried out, so by creating the proper empowering environment and ensuring that employees understand the vision and direction of the agency, employees will make proper decisions and function in this manner. Through the levels of the triangle, everyday actions will be tied to the vision of the organization.

### **New Paradigms for Public Management**

#### **Non-Traditional Management**

Government has always operated in a *bureaucratic* model. However, 100 years ago the word "bureaucracy" bore a connotation that was different – more positive – than the meaning most people have for it today. "Bureaucracy" connoted a rational, efficient method of organization. Bureaucracy was to take the place of the arbitrary exercise of power by authoritarian regimes. Bureaucracy

was seen as precision, speed and unambiguity. That is not the image today. Citizens believe that bureaucracy is unresponsive to their needs, inefficient, and self-serving. As candidates in 1992, Bill Clinton and Al Gore noted, "We can no longer afford to pay more for - and get less from - our government. The answer for every problem cannot always be another problem or more money."<sup>4</sup>

However, leaders for the 21<sup>st</sup> century do not have to continue to operate with a bureaucracy that is slow to change, lacks innovation, and is process-oriented. Osborne and Gaebler suggest that government become more "entrepreneurial" and think and operate more like a private sector business. Entrepreneurial governments promote *competition* between service providers. They *empower* citizens by pushing control of the bureaucracy into the community and they *empower* staff by getting them involved in the decision of what is done. They are driven by the goals - their *mission* - not by their rules and regulations. They redefine their clients as *customers* and offer them choices. They *prevent* problems before they emerge, rather than simply offering services afterwards. They try to *earn* money, not just spend it. They *decentralize* authority, and embrace participatory management. They prefer *market* mechanisms to bureaucratic mechanisms. They focus not simply on providing public services, but on *catalyzing* public, private and voluntary sectors - into action to solve the community's problems.<sup>5</sup>

Do these elements apply in a prison

environment? Absolutely. Prison administrators have a responsibility to think differently, and find ways to do the government's business in more efficient ways.

The challenge of the 21<sup>st</sup> century is not to avoid privatization. The challenge of the 21<sup>st</sup> century is to use more tools in the toolbox to focus on the mission and find non-traditional ways to accomplish it. Public stewardship in the 21<sup>st</sup> century will not just be following routine and bureaucratic ways of doing business. It will be involving others in finding the best way to efficiently meet the mission of government.

There appears to be declining interest in "reinventing government" as we near the new millennium. This is perhaps because of the good economic times. Chackerian has noted that the reorganization of large-scale state executive branch sectors are generally

associated with a poor economy and because of the strong current economy, reinvention "may well be near its end."<sup>6</sup> In fact, Brudney, Hebert and Wright have found that "less than 40 percent of state agencies have fully implemented the most widespread reform (strategic planning)."<sup>7</sup>

### **Public, Private and Nonprofit Prisons**

The debate rages on, should prisons remain a public responsibility or be privately operated? While most inmates are housed in prisons operated in the traditional public-sector way, almost 4% of all sentenced felons

are now housed in privately operated prisons. By all projections, the number and percentage will continue to climb.

There has been little research to compare the effectiveness of private versus public operations, and a recent GAO study generally found private prisons no less expensive than public prisons. However, privatizing prisons is very attractive to many legislators and other elected officials.

A recent Florida Corrections Commission strongly endorsed privatization, noting that management flexibility and innovation was prevalent in the private sector, and indicating that public prisons "appear hamstrung, or at least micro-managed compared to their private counterparts." While there is not necessarily evidence that these comparisons are true or fair, they do represent the perception of most people when they think of private and public prisons.

In an August, 1997 commentary in the New York Times, Professor Richard Moran of Mount Holyoke College and a commentator for National Public Radio's "Morning Edition," advocated a "third option" of nonprofit prisons. Professor Moran suggested that a "privately owned and operated nonprofit prison could maximize the advantages of both public and private prisons." He noted how successful not-for-profit institutions exist in health care, higher education, and other areas. He argued that nonprofit prisons would be freed from the expectations of shareholders, yet not bound by government rules, union and benefits packages, and would have the flexibility and efficiency of private business.

Professor Moran has a point in purporting the efficacy of the nonprofit sector

in operating prisons. It is also not a new idea. Almost all of the thousands of halfway houses that serve criminal offenders are operated by not-for-profit groups. Many of these organizations have been around for 30 or more years and have proven stable, effective, and serve to involve the community in the correctional process while maintaining programming and supervision necessary to protect the public.

It seems that every argument against the public operation of prisons focuses on the overlaying of bureaucracy and resultant lack of flexibility, inflated staffing and pay patterns caused by union negotiations, and an absence of innovation by public correctional administrators. This again may not be true or fair, but it is the perception of many. And, in the public eye, perception is reality.

Many people might say, "so what." If the private sector can operate successfully and at less cost, shouldn't the taxpayer benefit from these savings?

There are two problems with "overselling" the operation of prisons by the private sector. First, it should not be forgotten that most public correctional agencies have been around a long time, and have obviously been successful. They have developed core values and principles that are their guiding lights for operation. The private sector focus of the "bottom line is the bottom line" may be fine in the short term, but for a social service/law enforcement agency, it may not be broad enough in the long run if too many facilities are privately operated.

The second concern is the undermining of leadership in the development

of correctional innovations and managerial approaches. Thinking about the history of public corrections, there have been many innovations such as security procedures and technology, objective inmate classification, unit management, prison industries, staff training and career development which have benefitted federal, state, local and even international corrections.

The private sector's success in operating at less cost than the public sector could result in the "tail of cost cutting wagging the dog of professional operations."

As the public sector is continually forced to be compared against the cost of the private sector, both will be pressured to adopt more and more cost cutting approaches. It is possible that professional innovations which further correctional management may not continue to occur. The rewards and recognition for managers will be for cost reductions, not for "furthering the professional knowledge" of the field of corrections. Twenty years into the future, this could have a serious effect on correctional operations in this country.

All of this would lead one to believe there are three options for consideration: the traditional public prison, the private for-profit prison, and the nonprofit operation of correctional programs and facilities. *But there is another option.* The public prison operation does not have to be the sluggish and inefficient organization that they are made out to be. There are many public organizations that are accepting the challenge of competition

and going "head-to-head" with the private sector. This fourth option is-- *the reinvented public prison.*

#### **The Fourth Option: Reinvented Public Prisons**

**The public prison operation does not have to be the sluggish and inefficient organization that they are made out to be. There are many public organizations that are accepting the challenge of competition and going "head-to-head" with the private sector.**

As noted, there are public correctional agencies that are taking the challenge, and competing against the private sector in cost-effectiveness. Often cited is the state of Connecticut, which a few years ago returned \$46 million to the state treasury

and cut year-to-year spending by \$4 million. Director John Armstrong reflects that "competition is good," and shows how running a public corrections agency like a private business can create a new management paradigm.

The public sector must learn to benefit from private sector involvement, yet continue to emphasize the culture of social service, correctional "R&D," and career-oriented staff.

In the book, *Reinventing Government*, by David Osborne and Ted Gaebler, there is an excellent example of Phoenix, Arizona trash collection directly competing with private contractors.<sup>8</sup> When the city decided to contract out garbage collection to the private sector, the union protested and the public works department offered to "bid against" the private sector. The city was divided into seven districts and bids were accepted for contracts to collect trash.

After losing the first four bids to the private sector, the public works employees rethought the way they did business. They converted from three-person to one-person trucks with mechanical arms to pick up new trash barrels. Their drivers redesigned routes and work schedules to increase efficiency. Through innovative "partnership teams" of labor and management, they came up with other improvements, identified true costs of each work activity, created incentives for cost-savings suggestions, and continued to bring their costs down.

When they won the next bid, morale went up and they continued to identify new approaches to bringing down annual solid waste costs. The union was supportive, and while they would prefer the comfort of guaranteed jobs for employees, they recognized the requirement to keep costs competitive. They now note that morale, working conditions, and even pay have improved over that existing before competition.

### **A Reinvention "Pilot"**

True, public agencies are often "hamstrung" with rigid personnel and procurement policies. However, they can create a "reinvention pilot" and ask legislative bodies to give authority to establish "reinvention laboratories" to gain personnel, procurement, and operational flexibility and compete in a real "apples to apples" comparison with the private sector.

Why would any legislative group considering privatization not give the public agency the opportunity for competition?

These reinvention labs could operate

in the following manner. Each correctional agency would go through the kind of analysis that the Phoenix Public Works department went through. First, there must be a cost accounting system initiated that gives real information of how much various activities really cost. Second, there must be implementation of quality circle teams of labor and management to formulate plans for reinvention and bring costs down while maintaining positives aspects of public sector commitment to social service. Finally, there must be opportunities for flexibility in personnel and procurement that probably do not currently exist in government. In the federal government, there has been much publicity about the reams of requirements and specifications for personnel and procurement practices, and several modifications and simplifications have occurred.

The major opportunities for cost savings are in personnel and procurement. With the cooperation of unions (where they exist) and management, significant savings can be accomplished. Labor and management should work together to bring down costs to a target level - probably the percentage of savings shown by the private sector in any successful bids to operate public facilities in their jurisdictions. I doubt that there can be a dramatic change in the overall approach to staffing of most correctional facilities without undermining culture, values, and safety. However, a moderate change may succeed in reducing costs without weakening long-term culture and values.

One suggestion is that perhaps 75% of current staffing consist of the traditional public sector, career-oriented, full-time employees. For the remainder, public agencies should consider three alternative

approaches in whatever mix is most rational.

The first of these is greater use of contracting, either with individuals or private sector organizations in areas such as food service, medical, education or facility management.

The second is extensive use of temporary employees, hired without long-term commitment or payment of benefits. A tremendous resource is retired military personnel who may not require retirement or medical benefits but who can make an easy transition into correctional institution operations. These temporary employees can be considered for permanent positions as they become available, and since the temporary employees would have already proven themselves and made a successful adjustment to the correctional environment, there will likely be little lost or wasted resources because of turnover due to failures to perform in their role as correctional employees.

Finally, many staff can be scheduled to work a standard 44 - 48 hour work week, paying overtime and further reducing full-time employees. Private sector industry uses planned overtime as a regular cost savings, finding that the reduced cost of recruiting, training, and personnel benefits more than cover overtime payments.

The other source of savings is the increased flexibility of budget and procurement activities. Administrators of private prisons commend the flexibility of

their budgets and procurement processes. They are given a budget and told to complete certain tasks (the safe and secure handling of prisoners) with the money in their budget. It is not rigid in terms of categories, and administrators can move money to where they most need it to take advantage of innovation, investment in long-term decisions that will save money in the future, rewarding staff for exceptional performance, or paying the required rate to recruit individuals with special skills. They note how if a truck rolls into their parking lot with a load of chicken that the vendor needs to sell, they can make an on-the-spot deal – even negotiate the price – if it is good quality and can save money. Budget flexibility and the opportunity for investment is a key to success in the private sector.

Osborne and Gaebler discuss "results-oriented government" which funds outcomes rather than inputs. This type of flexibility should be built into these reinvention labs. For years, the bureaucracy has over-regulated the business of the public sector to prevent unethical behavior

and the result has been the increase in the cost of doing business. Simplify the process, give procurement staff flexibility in what they do (and reward them for cost-saving initiatives), and punish those who use the increased flexibility to their personal advantage. Most agencies have oversight groups and processes in place to identify ethical violations. The end result is that the public sector overspends in procurement and reduces opportunities for innovation, all to prevent any possibility of misconduct.

**These times and a changing environment offer great opportunities for public-sector entrepreneurs to excel, reinventing their agencies in ways that serve the taxpayer, the staff, the offenders, and all other customers and constituents.**

## **Getting Support for Reinvention**

Will the idea for reinventing public corrections be supported by the public, elected officials and other constituencies? I believe it will. The idea for a reinvention laboratory is simple, it has merit, and it should be seriously considered by public correctional agencies.

Agency administrators must show bold and aggressive leadership, create new paradigms, and avoid the nay-sayers who do not want to change. These times and a changing environment offer great opportunities for public-sector entrepreneurs to excel, reinventing their agencies in ways that serve the taxpayer, the staff, the offenders, and all other customers and constituents.

U. S. Senator Mike DeWine has suggested that correctional administrators understand “what is important” to the public

and seek to publicize those operations which the public supports.<sup>9</sup> This counters the negative perceptions by many correctional agencies. The opportunity to reinvent is an excellent example of this approach.

The public supports the idea of more efficient management of correctional institutions. The general consensus is that a private sector operation of prisons would increase efficiency and improve operations. Public sector agencies can *take advantage of* this perception, create a reinvented prison model, publicize it and seek legislative approval to implement it. There is little doubt that most of the general public, as well as elected officials, will be supported. Correctional administrators need to “manage outside the box”. Creating a new paradigm of prison operations, marketing it to customers, and implementing it successfully will truly be “managing outside the box” and will reap great rewards.

## Endnotes

<sup>1</sup>. Moore, Mark H., Creating Public Value: Strategic Management in Government, Harvard University Press, 1995.

<sup>1</sup>DeWine, Mike, "Public Opinion and Corrections: A Need to be Proactive," *Correctional Management Quarterly*, 1997, 1 (3), p.6, Aspen Publishers, Inc.

<sup>2</sup>Seiter, Richard P., "Managing within Political Comfort Zones: An Interview with Allen Ault," *Corrections Management Quarterly*, 1997, 1 (1), p. 74 & 75, Aspen Publishers, Inc.

<sup>3</sup>. Clear, Todd R., "Leading 'From' and Leading 'Toward'...Three Suggestions," *Correctional Management Quarterly*, 1999, 3 (1), Aspen Publishers, Inc.

<sup>4</sup>. Bill Clinton and Al Gore, *Putting People First*, New York: Times Books, 1992, p. 23.

<sup>5</sup>. Osborne and Gaebler, p. Xxx.

<sup>6</sup>Richard Chackerian, "Reorganization of State Governments: 1900 - 1985," *Journal of Public Administration Research and Theory* 6 (1), 1996, p. 44.

<sup>7</sup>. Jeffery L. Bradney, F. Ted Hebert, and Deil S. Wright, "Reinventing Government in the American States: Measuring and Explaining Administrative Reform," *Public Administration Review*, January/February 1999, 59 (1), p.28.

<sup>8</sup>. Osborne, David and Gaebler, Ted, Reinventing Government, Reading, MA: Addison-Wesley, 1992.

<sup>9</sup>. DeWine, Mike, "Public Opinion and Corrections: A Need to be Proactive," *Corrections Management Quarterly*, 1997, 1 (3), pp.6-9, Aspen Publishers, Inc.