

Serious Prison Infractions

Differences between the 70's and 80's

Loren Karacki

While the Federal inmate population has nearly doubled since the early 1970's, incidents of serious infractions have increased only slightly. The Bureau of Prisons' Office of Research and Evaluation recently completed an analysis of inmate infractions in the BOP for fiscal years 1985, 1987, and 1988, and compared it with similar information for the years 1970 through 1973.¹ This article presents key findings from both analyses and offers some explanation as to why the type of infraction most likely to occur today differs from that which was more common during the early 1970's.*

For purposes of the recent study, a "serious infraction" was defined as "any concerted act of rule violation" involving five or more inmates, excluding the few instances when the violation was an assault by a group of five or more inmates on another inmate (as opposed to a fight among two inmate groups).⁺ These acts of inmate-on-inmate assault were excluded because they seemed to fall outside the scope of "infractions" defined as a group phenomenon directed against prison officials or other inmate factions (and because no such acts were reflected in the earlier survey). However, even if these assaults had been included in the present survey, there were not enough to significantly affect the survey results.

*For a copy of the full report, contact the Office of Research and Evaluation, 202-724-3118.

+The definition of "infraction" used for the earlier study was not available; consequently, we established a new definition that sufficiently overlapped with the earlier definition to allow reasonable comparisons.



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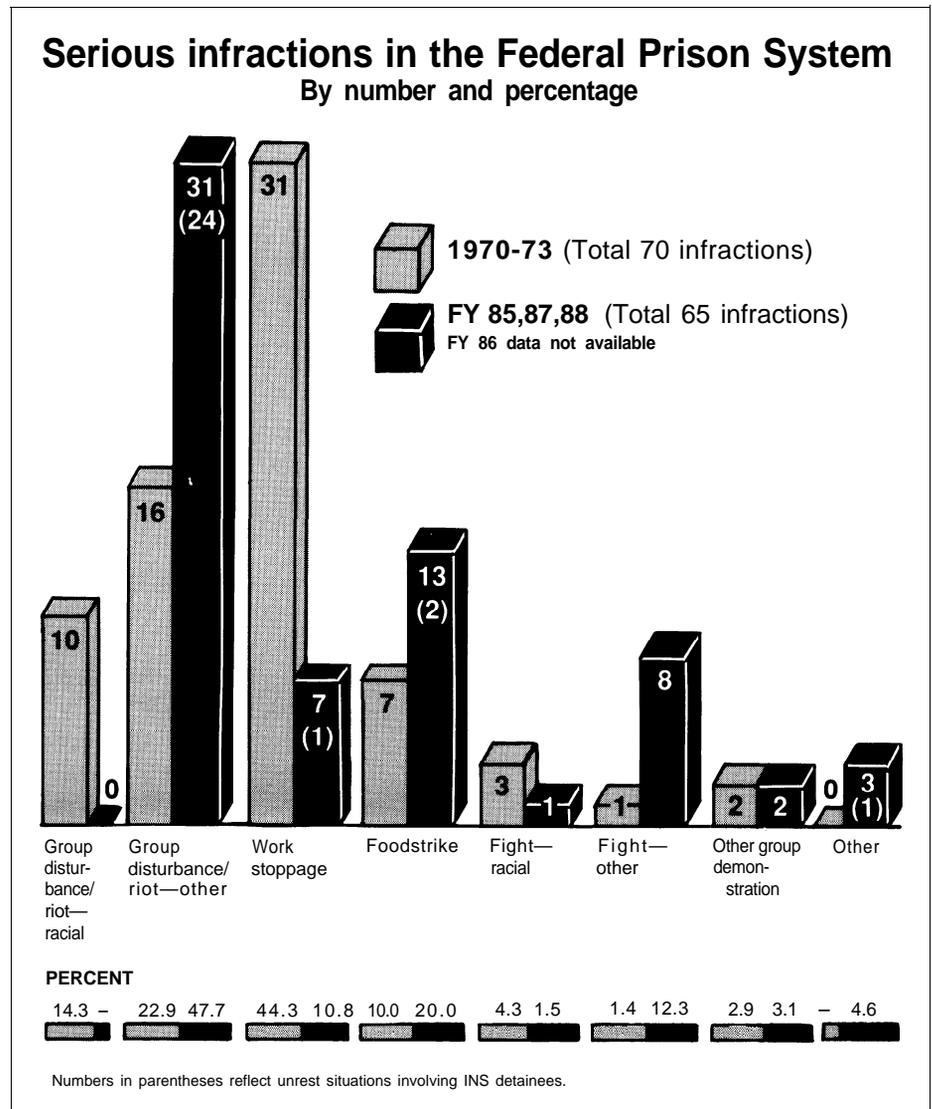
Information for the present survey was obtained primarily from reports of serious incidents sent to the Bureau's Central Office from various institutions. This information was augmented by other data to try and provide a complete picture of infractions for the current period. As undoubtedly was the case with the 1970-1973 survey, we can't be sure that this is a complete accounting of inmate infractions. However, the information is complete enough to provide a good synopsis of infractions in BOP facilities for fiscal years 1985, 1987, and 1988.

Number of infractions

As shown in the graph at right, 70 serious infractions were reported from 1970 through 1973, an average of 17.5 per year during the 4-year period.² Sixty-five serious incidents were identified for the 3-year period covering fiscal years 1985, 1987, and 1988, an average of 21.67 per year. While the current figure of 21.67 per year is somewhat higher than the 17.5 per year figure for 1970-1973, note that the prison population has increased considerably; during 1970-1973, it averaged more than 21,000, while during the more recent period, the average was close to 40,000.

Type of infractions

When type of major infractions is considered, as presented in the chart at right, there is a substantial decrease between the two reporting periods in inmate work stoppages and racial disturbances/fights. During 1970-1973, almost 44.3 percent of all serious infractions involved work stoppages, while the current figure fell to 10.8 percent. In the case of racial disturbances, 13 were recorded during 1970-1973 (18.6 percent of the total) while



only 1 was reported during the FY 1985, 1987, and 1988 period (1.5 percent). In contrast, the percentage of food strikes increased from 10 percent of the total inmate infractions in 1970-1973 to the current 20-percent figure.

Incidents involving INS detainees

Of the 65 incidents identified during FY 1985, 1987, and 1988, 28 (43.1 percent) involved Immigration and Naturalization

Service (INS) detainees, most of whom (27 of 28) were Cuban detainees held at Atlanta or elsewhere. Most of these incidents (24 of 28) fell into the group disturbance/riot category; the figure includes, of course, the November 1987 riots at Atlanta and Oakdale.

The number of incidents involving Cuban detainees is disproportionate to their numbers in BOP facilities—well under 10 percent. These instances reflect the enormous difficulties faced by staff in dealing with the Cuban population, given their uncertain status, their often long periods of confinement, and their history of disruptive behavior over time both in Federal confinement and elsewhere. Indeed, had this population not been in BOP confinement, the average number of infractions for the current period would have been only 12.67 per year, instead of 21.67.

Changes in type of infractions

The figures reported in this survey appear to reflect the tenor of the times. The early 1970's was a period of prisoner rights movements and confrontations as well as greater racial awareness and demands for equality on the part of various minority groups, especially blacks; not surprisingly, therefore, we find in the 1970-1973 figures many instances of prison work stoppages and racial conflicts.

Some observers attribute the occurrence of prisoner work strikes to the Attica riot on September 9-13, 1971, and the impact this had on prisoners throughout the country. Bagdikian, for example, in his book on the February 1972 work strike at USP Lewisburg, stated that "strikes were breaking out all over the country after Attica's exposure of prison conditions gave prisoners self-consciousness."³ He added that in a 6-month period, eight Federal institutions had strikes or prison protests.

While his figures on work strikes in the Federal system are correct, he failed to

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mention that of the eight work strikes, five actually occurred in the 2 months preceding Attica rather than afterwards. Indeed, information for 1970-1973 for the Federal system, while indicating a fairly substantial number of work strikes, does not support any notion that Attica provided the catalyst for these strikes; they were as likely to occur before September 1971 as after.

If Attica had any impact at all on the Federal prison system, it may have been in the area of race relations. Of the 13 racial disturbances/fights during 1970-1973, only 1 occurred in the 20 months before Attica, while 12 occurred in the 28 months following.

More recently, with the exception of the Cuban detainees who have been a particularly troublesome population, the figures on serious infractions appear to reflect a more benign prison system. Food strikes have replaced work stoppages as the most common form of group demonstration, and only one incident of racial unrest was reported in the 3-year period of FY 1985, 1987, and 1988.

We suspect that much of the change between the two time periods is attributable to the efforts made over time to improve relations between staff and inmates and to enhance living condi-

tions—in particular, the adoption of the human relations approach in dealing with inmates, the emergence of unit management, emphasis on staff professionalism, initiation of the Administrative Remedy procedure as a means for inmates to voice complaints, and steps taken to reduce barriers to the free community. This is, of course, speculative, but one can argue that these actions and others have served to reduce tensions between staff and inmates, lessen or eliminate some of the deprivation of confinement, and improve the atmosphere of institutions. These positive changes, in turn, are reflected in the figures on inmate infractions in BOP prisons.

Unfortunately, efforts to work with the Cuban population have been less successful. The language and cultural barriers and the Cubans' prolonged and uncertain status in confinement have made dealing effectively with this population a serious challenge for staff.

Conclusions

The comparison of instances of major inmate infractions in BOP facilities during 1970-1973 and during FY 1985, 1987, and 1988 generally reflects favorably on current operations. It shows only a small increase in the average number of such incidents between the two periods—from 17.5 to 21.67 per year—despite a doubling of the Federal prison population. Moreover, many of the more recent incidents (27 of 65) are concentrated among the Cuban detainee population, whose backgrounds and circumstances present a particularly difficult challenge for prison staff and

other Government officials. Absent this population, there would have been a substantial decline in the annual average number of infractions (17.5 vs. 12.67).

The figures in this survey appear to reflect changes that have occurred over time in society and in prison operations. Thus, the decrease in racial disturbances/fights from 13 in 1970-1973 to 1 in FY 1985, 1987, and 1988 probably mirrors the changing circumstances of blacks and other minority groups in society. Similarly, the substantial decrease in inmate work stoppages from 31 to 7 probably reflects both a decrease in inmate militancy and the improved prison conditions noted above. If one excludes the special problem of the Cuban detainees, these figures suggest a more benign prison environment marked by better relations between staff and inmates and improved conditions. ■

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Notes

¹Fiscal year 1986 is not included in the survey because of problems encountered in gathering information.

²The actual figure for 1970-1973 was 71; however, one incident appeared to involve only four inmates and, consequently, fell outside the definition of prison unrest.

³Bagdikian, Ben H., *Caged: Eight Prisoners and Their Keepers*, New York: Harper and Row, 1976, p. 35.

Some examples of prison infractions, 1985-1988

The examples that follow are drawn from the chronicle of 65 incidents of serious inmate infractions recorded in Fiscal Years 1985, 1987, and 1988 (as noted in the article, data for 1986 are not available). This sampling gives an overview of the types of incidents Bureau of Prisons staff must deal with. It should be noted that the takeovers by Cuban detainees in late 1987 of the U.S. Penitentiary at Atlanta and the Federal Detention Center in Oakdale, Louisiana—the two most serious examples of “infractions” in the history of Federal prisons—are included in the list of 65.

Fight

*Federal Correctional Institution
Englewood, Colorado
October 1984*

Following Saturday brunch, inmates began to gather in front of two of the institution’s housing units. Inmates in front of Lower East rushed toward the group by Lower West, exchanging blows and entering the living unit where more inmates were attacked. Thirty inmates were placed in Administrative Detention (AD). Nineteen received injuries, including a possible broken arm and puncture wounds to the chest.

Group disturbance

*U.S. Penitentiary
Atlanta, Georgia
October 1984*

During the evening of October 15, Cuban detainees who were confined in their cells threw personal property on the tiers, broke many windows,

damaged plumbing, and set fires in front of their cells, causing \$100,000 worth of damage. Staff confiscated all combustible material and detainees were ordered to place personal belongings in individual lockers, which were removed and placed in storage. Disruptive activity continued throughout the next month.

Work stoppage

*Federal Correctional Institution
Petersburg, Virginia
November 1984*

Only 40 inmates reported for work, while the remainder went on a work stoppage, apparently in protest of the more restrictive use of telephones recently put in effect. Emergency procedures were ordered, staff began to interview all inmates, and four were placed in AD for investigation.

Work stoppage

*U.S. Penitentiary
Terre Haute, Indiana
May 1985*

At 7:30 a.m., some 300 inmates in two units conducted a work strike because they believed staff had killed an inmate who had committed suicide by hanging on May 15. At 10:45 a.m., they were persuaded by staff to return to work and the institution returned to normal.

Work/food strike

*Metropolitan Correctional Center
Chicago, Illinois
August 1985*

At 4 p.m., staff received a letter signed by 30 Cuban inmates housed on the 13th floor jail unit that indicated there would be a work/food strike because they

disagreed with BOP policy regarding their management at Chicago. The unit was placed in lockdown status, detainees were interviewed, and suspected leaders placed in AD.

Fight

*Federal Correctional Institution
Ray Brook, New York
October 1986*

At 1:30 p.m., an inmate was accidentally hit by another inmate while playing flag football. Both teams and spectators rushed onto the field and had to be separated by staff. Two inmates were placed in AD for fighting. After the inmates had returned to their living units, an inmate accompanied by a number of others went to another unit to fight an inmate there; it was necessary to place two more inmates in AD before the situation was resolved.

Group disturbance

*Federal Correctional Institution
Milan, Michigan
June 1987*

At 11:30 p.m., an inmate in AD started yelling obscenities at staff and beating on his bed. Others in the unit joined in the demonstration, which lasted until 1 a.m. At 11:30 a.m., the inmate threw a cup of urine on a segregation officer. He was moved to the hospital and placed in four-point restraints.

Fight

*Federal Correctional Institution
Alderson, West Virginia
December 1987*

At approximately 7:40 a.m., an argument developed between two roommates, which escalated into a fight involving

five inmates. Information indicated that three inmates had weapons fashioned from razor blades; one inmate accidentally cut her hand. Those involved were placed in AD.

Commissary break-in

*Federal Correctional Institution
Terminal Island, California
January 1988*

At 7:45 p.m., seven inmates were detected as having broken into the commissary and taken such items as shoes, coffee, and cigarettes. All were placed in AD pending FBI investigation and disciplinary hearings.

Group disturbance

*U.S. Penitentiary
Lompoc, California
January 1988*

At 12:01 a.m., a small disturbance occurred in the special housing unit when inmates began yelling, flooding their cells, and throwing items onto the range floor. These inmates were moved to disciplinary segregation. One refused to move and had to be wrestled under control, with two staff receiving minor injuries. The inmate then refused to allow the cuffs to be removed until 12:40 p.m.

Disruptive conduct

*Federal Correctional Institution
La Tuna, Texas
July 1988*

During the evening meal, a Cuban detainee in the AD unit threw his food tray on the range, complaining the meal was cold. He then placed his arms out through the food slot and grabbed an officer's wrists, resulting in a struggle

before the officer was able to free himself. The detainee then showed the officer a cut on his right arm and stated that the officer had cut him. He encouraged other detainees to flood the cell block and to throw liquids on the range and on staff. Six other detainees joined in, throwing urine and water and flooding the range. A squad of officers was assembled and entered the range to place the detainees involved in restraints. Some complied but others did not and had to be forcibly removed to other cells and put in four-point restraints. Silent Partner tear gas was used. Two detainees were treated for minor injuries.

Hostage taking and escape plan

*Federal Correctional Institution
Talladega, Alabama
August 1988*

Staff uncovered a plan by Cuban detainees to take over one of the ranges of their living unit in order to seize hostages as a means to get out of the U.S. before they could be deported to Cuba. Two leaders of the plan were placed in segregation and a full investigation started.

Food boycott

*Federal Correctional Institution
Memphis, Tennessee
December 1988*

All but 100 of 981 inmates avoided the noon meal in protest against bans on Christmas packages and large portable radios. Staff met with the inmates and agreed to review both issues, as well as other complaints. ■