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International Summaries

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From The United Kingdom

The Management of Dangerous and Difficult Prisoners

Scotland looks at experiences of Canada and United States in seeking clear objectives and definitions to guide handling of "a few desperate fellows"

By Andrew G. Coyle

In a prison, as in many places in the outer world, there are commonly a few desperate fellows who set all ordinary means of control at defiance, and who are only to be restrained by physical means. But under good regulations a great majority of prisoners are quite tractable, and make no attempt to escape; and a skilful Governor soon becomes acquainted with their different characters.

Inspector of Prisons
for Scotland 1837, p. 18.

The problem of how to manage these "few desperate fellows" is one that has come to exercise our minds at great length. This article contrasts control strategies for such prisoners in Canada and the United States with the Scottish style of control. Depending on the definition, "difficult" prisoners can vary between 0.2 percent and 5 percent of the prison population—a small group demanding a disproportionate level of management input.

Summarized from "The Management of Dangerous and Difficult Prisoners" (in English) by Andrew G. Coyle, Governor of Her Majesty's Prison, Greenock, Scotland, by permission of *Howard Journal of Criminal Justice*, Oxford, v. 26, n. 2 (May 1987): 139-152. NCJ 106448. Summary published May 1989.

The vast majority of prisoners serve their sentences quietly, do not actively seek the means to escape, and will not continually battle authority. As a result, an increasing number of rights and liberties have been ceded them—a move towards what is called the "justice model of imprisonment," in that they lose only those rights implicit in the fact of imprisonment. For the dangerous or difficult, the matter is different.

Canada's Special Handling Units

Federal prisons in Canada hold all prisoners sentenced to 2 years or more. In 1975 Canada decided that its most difficult prisoners should be concentrated in units with specially trained staff and explicitly designed facilities. This removal of dangerous prisoners would allow remaining prisoners and staff a safe environment without the strict security necessary for prisoners considered a threat.

The first such unit opened in 1977 in Millhaven Correctional Centre, a maximum-security prison near Kingston, Ontario. Shortly afterwards a separate unit in Quebec was converted to Special Handling. In 1985 a purpose-built unit was completed in Saskatchewan and the unit in Millhaven closed.

One attractive feature of the Canadian arrangement is its clear definitions. Any prisoner placed in a Special Handling Unit must have committed or demonstrated an intention to commit one or more incidents, such as, but not limited to—

- a. abduction, hostage-taking, forcible confinement or attempts;
- b. serious incidents of violence;
- c. escape or attempted or planned escape, with violence;
- d. conviction for the murder of a peace officer, inmate, or other person, while under sentence;
- e. manufacture, possession, introduction or attempted introduction of firearms, ammunition, high explosive, or any offensive weapon;
- f. incitement or conspiracy to kill or riot; and
- g. substantiated serious threats against the life of a staff member, inmate or other person.

The units' stated functions are to provide adequate protection for staff, inmates, and public; protect the inmate from the consequences of his dangerous and violent inclination; and provide each inmate an opportunity to return to the general prison population.

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When a warden places a prisoner in a Special Handling Unit, the prisoner must within a day be given written reasons why he is considered particularly dangerous. The prisoner then has 3 days to reply in writing. If the warden remains unconvinced, the transfer recommendation goes to the National Special Handling Unit Review Committee.

Special Handling has four phases: assessment, limited association, increased association, and conditional transfer to a mainstream maximum-security prison.

The first three phases normally take a minimum of 2 years, with phase 4 lasting another year. The prisoner's status is reviewed at least twice each year, and the prisoner is permitted to appear and speak to the national committee.

When I visited Millhaven in October 1984, it held 30 prisoners (though its capacity was 90). Cells were divided into three wings of 30 grouped around a central observation post, whose armed officer controlled all movement electronically. To minimize communication between cells, windows were covered by a double steel plate with perforations to permit some light. The electrical supply was reduced to 12 volts. When prisoners left their cells for whatever reason the doors opened electronically. Proceeding under visual supervision, they had no physical contact with staff. If a prisoner was to leave the wing, he put his hands through a grill to be cuffed.

After an alarming number of inmate murders and serious assaults, the Commissioner set up a study group with Dr. James Vantour as chairman. The Vantour Report pointed out that some 90 percent of the Special Handling population was serving sentences for violence and that violence within the units should be expected. The report characterized the milieu as one of "idleness, tension, and fear." Prisoners were labeled as "particularly dangerous," staff responded to the labels, and prisoners expected violence.

During the 15 months under study, there were 104 major and minor incidents in Millhaven, only 10 in Quebec. The Van-

tour Report found three dramatic differences between the units:

(i) **The physical facility.** The unit in Millhaven was a converted wing of an ordinary prison whereas that in Quebec was purpose-built. Millhaven's surveillance, thus, was much more difficult and contraband could pass from the main prison to the unit exercise yard.

(ii) **Philosophy.** The Quebec management placed much greater emphasis on control, certain that the unit's purpose was incapacitation. Millhaven management seemed less certain of its purpose.

(iii) **Supervision.** In Quebec the warden and his associates were responsible first and foremost for the unit population. At Millhaven the warden and his associates were in charge of a difficult maximum-security prison and the daily running of the unit was left to a senior discipline officer.

The report made 10 recommendations for Millhaven:

1. Special Handling Units to protect staff and other inmates.
2. Preparation for eventual release of inmates; the concept of a human warehouse should be rejected.
3. Some inmates do not belong in Special Handling; all cases should be reviewed.
4. The 2-year minimum should be removed to provide hope and incentive.
5. Inmates should have a chance to progress through clearly distinct phases towards release to a regular population.
6. Communication with inmates must be an integral part of the program.
7. Special Handling must have a separate staff with an identifiable head—an associate warden.
8. A separate training program, including interpersonal relations, for staff.
9. Staff members assigned to a small group of inmates to improve communication and ensure consistency in treatment.

10. A nonsecurity staff member designated "inmate liaison officer," to avoid blowing minor events out of proportion.

The Strategic Planning Committee of the Correctional Service of Canada, in the latest planning statement for 1984-1989, commits the Correctional Service to develop and audit the operation of purpose-built facilities and processes for selection and release.

United States

Any discussion of violence in prisons in the United States has to take account of their high level of violence, which would not be tolerated in this country [Scotland]. I encountered a staff nurse who had been raped in a 700-prisoner county jail in Ohio. In the opinion of the director of the jail, the incident was "satisfactorily concluded" because it ended without a fatality.

There are armed officers in almost all medium- and maximum-security prisons. In Attica, New York, some 4 weeks before my visit, a prisoner who was attacking an officer was shot in the leg by an officer. In other incidents in preceding months, warning shots had been fired and prisoners were beginning to suspect that officers would not shoot to hit.

None of the jurisdictions which I visited condoned violence. They simply adopt a fatalistic attitude. At Stateville, in Illinois, a great deal of the violence appears to be related to gang violence outside the prison. I witnessed an incident in which four prisoners were stabbed in a feud that began in another prison some 300 miles away.

Violence is often the price paid for relatively few staff and considerable freedom of prisoners. Lewisburg, Pennsylvania, holds 1,300 prisoners. In Scotland, all would be held in maximum security in single cells. In Lewisburg, only 46 percent are. The remainder are in multiple cells or dormitories. I was told that classification and unit management systems had significantly reduced prisoner

violence, but one or two prisoner killings each year are normal. Cells are left unlocked all day. We would not consider locking 80 prisoners in one dormitory each night with no staff oversight, but Federal staff told me society was not perturbed at "an acceptable level" of prisoner murder.

Control Unit, Marion. The Federal penitentiary at Marion, Illinois, which was opened in 1963 to replace Alcatraz, is generally regarded as the most secure prison in the Federal system. Within the main prison is a control unit with 72 places for the most dangerous. The staff includes an associate warden, one case manager, one correctional counselor, one education adviser, and 10 correctional officers—in Scotland, a very low staff level.

Each cell has a television set linked to internal education programs as well as normal channels. Prisoners are allocated to the unit by a central review committee. The initial allocation is for 2 years, but breaches of discipline can lead to extensions.

Until October 1983, all prisoners outside their cells were cuffed with hands to front. At that time, a prisoner being escorted by two officers was able to collect a homemade knife passed through the grilled front of another cell and stab one of the officers to death. Unbelievably a similar murder was committed the same day by a prisoner determined to outdo the first one.

Since that time prisoners outside cells have had their hands cuffed behind their backs, and prisoners spend 23 hours a day in their cells. At the time of writing [almost 4 years later] the unit remains "locked down." There is now a 10-place segregation unit within the control unit.

Federal Correctional Institution Butner. At the other end of the spectrum, yet still dealing with a difficult group of Federal prisoners is FCI Butner, North Carolina. The regime is based directly on the vision of Norval Morris: a secure prison environment in which a prisoner, aware of a release date and a

graduated release plan, could focus his attention on acquiring self-knowledge and control.

Morris' model came to be known as the justice model of imprisonment. He wrote:

"Rehabilitation," whatever it means and whatever the programs that allegedly give it meaning, must cease to be a purpose of the prison sanction. This does not mean that the various developed treatment programs within prisons need to be abandoned . . . There is a sharp distinction between the purposes of incarceration and the opportunities for the training and assistance of prisoners that may be pursued within these purposes. . . .

Education, vocational training, counselling, and group therapy should continue to be provided but on an entirely voluntary basis. There should be no suggestion that the prisoner's release may be accelerated because of participation in such programs, nor that it might be delayed or postponed because of failure to participate. . . .

The prison at Butner, opened in 1976, contains three separate populations. The first combines ordinary prisoners with a few witness-protection prisoners and some long-sentence difficult placement prisoners. The second consists of 150 prisoners referred from other institutions as mentally ill, or who are referred to decide their competency to stand trial.

The third group comprises 150 "research" prisoners, aged between 18 and 35, within 1 to 4 years of release, and with records of violent offences. They are paired for study against control prisoners of similar profile in other prisons. Research conclusions are that they assault each other half as often as those in comparable institutions although there was no significant effect on seriousness of disciplinary reports. Reconviction rates were no different, but the research group had a better employment record.

Research prisoners go through 2 weeks' classification during which a series of voluntary programs is offered. The prisoner joins a small living group and spends an hour a week with a counselor. Progress is reviewed in 45 days and again at 60. Now the prisoner can opt out and return to another institution. If the prisoner remains, his progress continues to be reviewed at 60-day intervals. The institution is laid out in campus style with 30-40 prisoners to a unit. Each block is self-contained and there are two units to each block with free movement within it. Prisoners also make their own way to workshops or to education departments, sports hall, and medical facilities. Prisoners wear their own clothes. Counts are taken five times daily and census at least once a week. Room doors are opened and closed by prisoners although staff members carry master keys.

Butner is described as "the jewel of the Federal prison system." The staff members from the warden on down appear clear as to their role. A full-time chief researcher with two full-time assistants conduct an ongoing assessment of the Butner project.

The Scottish context

Although the problem posed by dangerous prisoners in North America far exceeds experience here, the bases of the problem are identical. An increasing number of prisoners—subversive, violent, or both—are at such odds with society that they seize any opportunity to cause maximum disruption. The traditional response has been punishment or loss of privileges. These forms of control have proved insufficient.

Because of the small number involved, the Scottish service has not had to cope with the choice between concentration or dispersal of these prisoners. The only option for most of them has been Peterhead, the one maximum-security prison. The basic strategy of the Scottish service has been to break the prisoners into small groups of between 5 and 10, and pay particular care to develop the relationships between staff and prisoners.

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Comment

The objective of an alternative unit for difficult prisoners should be stated in advance and the subsequent operation continuously assessed. The control units in the United States appear to have developed pragmatically, without any firm theoretical base. The control unit at Marion has developed a regime of simple warehousing. Now the very tight containment threatens to become self-perpetuating without having any effect on its inmates' violent tendencies.

FCI Butner, however, was set up as a form of applied research. An eminent criminologist was permitted to apply his theories to the operation of a prison, and results over the last decade underwent continuous evaluation.

The Special Handling Units in Canada were established on a relatively firm theoretical base, with an effort at the outset to quantify the problem and develop considered responses. A series of violent incidents led to more precise operational criteria.

The Scottish tradition is pragmatic, making the prison service suspicious of

research and evaluation. New developments come at a local level because they are needed; if they work they are perhaps expanded. The Scottish service could only benefit from assessments like those at Butner.

The Canadian Vantour Report identified one reason for the number of serious incidents at Millhaven, then identified the less oppressive regime at Quebec as the reason for less violence there. Having done so, the report goes on to recommend that the latter type of "warehouse" is not acceptable.

The report asks staff to balance on the delicate tightrope between firm control and the progression of individual prisoners. We must seek the same objectives. If we in Scotland must choose between Marion and Butner, we must choose the latter.

We should develop criteria as to what constitutes a difficult, subversive, or dangerous prisoner. One danger of our pragmatic tradition of identifying prisoners after incidents is that we then build units with a capacity based on a "guesstimate"; they subsequently remain either half-used or filled.

The public increasingly realizes that the punishment of imprisonment lies primarily in the deprivation of liberty and that prisoners should forfeit only those rights implicit in the fact of imprisonment. The increasing number of secondary rights and privileges accorded prisoners are more extensive in North America than in Scotland.

Arguably the Scottish tradition until recently has meant that, because of the threat posed by a small number of prisoners, all have been subject to unnecessarily severe restrictions. Many of these are now being lifted, but there is a minority of prisoners for whom they cannot be raised.

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