

# Federal Bureau of Investigation

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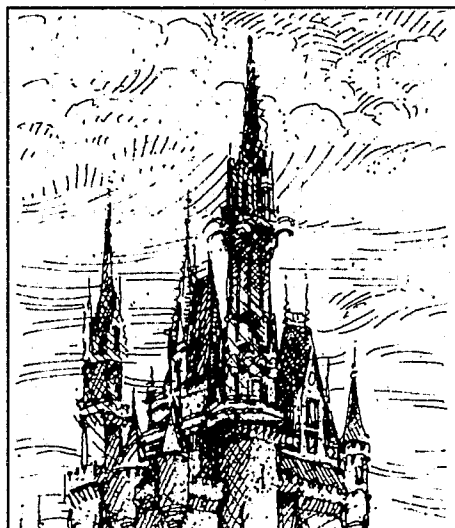
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# Marion

## Separating fact from fiction

Raymond Holt and Richard Phillips

An emerging reality of modern correctional administration in America is that most prison populations include a number of extremely violent, predatory individuals. To some extent, this is due to the advent of prison gangs that try to control drug trafficking and other rackets, and who seek to have their way in prison by threats, intimidation, assault, and murder. Drug offenders who have immense outside assets, or head up sophisticated criminal organizations with resources that make outside-assisted escape a real possibility, constitute another threat group.

The problems these inmates create are grave. Leaving them in traditional institutions subjects other inmates and staff to predatory behavior. These offenders, and others who have unusually high escape potential, cannot be confined indefinitely in detention or segregation units. This briefly arrests their activity, but does not free the institution from their influence; neither does it prevent them from resuming their activities when they are put back into the general population.

High security environments are intended to prevent such behavior, but also to permit a reasonable amount of access to necessary programs, while offering a way to progress back to a more normal institution. As highly controlled as these facilities are, they provide access to more programs and services than are available in a typical detention or segregation unit, where most of these dangerous, aggressive inmates otherwise would spend much of their time.

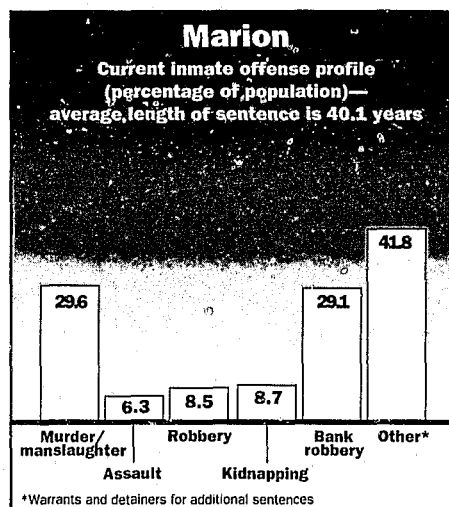


Figure 1

The vast majority of inmates designated to these special high security facilities, of course, do not like them. They would be willing to trade the intermittent restrictions of typical segregation or detention for the complementary time they would have in open population to prey upon others and work their "rackets." Consequently, inmates who seek to "do their own time" will, in a candid moment, admit that long-term high security confinement for the few truly dangerous inmates makes life safer for all other inmates (and, of course, for staff).

High security operations also provide a humane response to the problem of finding an effective deterrent to prison murders. They provide the inmate convicted of a murder while in prison (who in many jurisdictions has nothing to lose by killing again) with access to some programs and services. But at the same time they are designed to negate his ability to kill again.

The high security needs presented by this category of prisoner are very real. At the United States Penitentiary in Marion, Illinois, where most such Federal offenders and some State boarders—

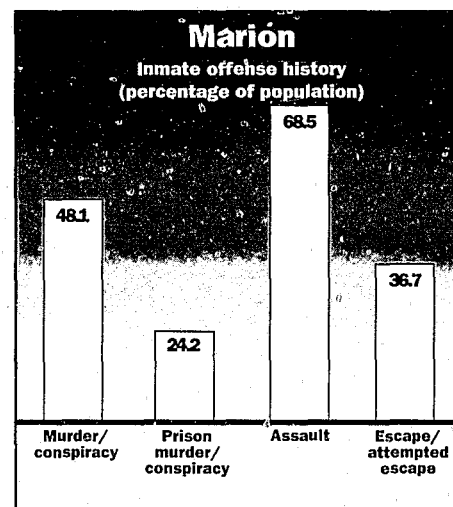


Figure 2

inmates held in Bureau institutions on a contract basis because they present unusual management problems—are confined, the inmate profile is sobering (see Figure 1 and 2).

Most Marion inmates (both Federal and State) have demonstrated highly assaultive, predatory, or escape-related behavior. Only 5.7 percent have no history of escape, assault, or murder in prison.

### Dispersion or concentration?

Certainly, many inmates in the past have been violent, predatory, escape-prone, or especially hard to handle. To deal with them, prison systems evolved two basic strategies—*dispersion* and *concentration*.

Dispersion entailed scattering high security offenders with unusually dangerous histories or behavioral patterns throughout a correctional system. Staff in each institution shared the burden and dangers of controlling these inmates. Other inmates learned to avoid them, ally themselves with them, or protect themselves from these inmates' predatory

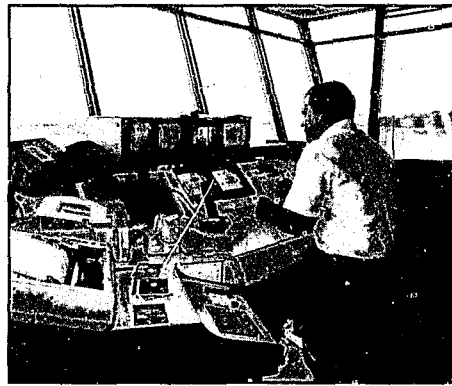
activities. In smaller prison systems, their aggressive conduct would often result in assignment to long-term segregation or detention. In larger systems, frequent transfers between institutions often disrupted their alliances and gave staff relief from the stress of supervising them. As a rule, entire institutions were managed in a much more rigid manner to reduce the threat posed by this relatively small number of disruptive inmates.

The benefits of the dispersion model included the fact that no single institution would be required to deal with a large number of problem cases, so that it would be easier to manage small groups of inmates of this caliber. Some also thought that a number of institutions, each holding a few such individuals, would require fewer security-related resources overall.

In contrast, the concentration model involved placing all inmates defined as being highly dangerous at one location, and controlling them using heightened security procedures. In the Federal system, Alcatraz was the prototypical concentration-model institution.

Under the concentration model, staff training for managing this more homogeneous group is simplified, and operational procedures can become extremely refined. But, more importantly, staff and inmates in other institutions throughout the system are (and feel) far safer once predatory individuals are removed to a single location.

The potential drawback of a concentration model is that this institution necessarily has a dramatically different routine and will likely require additional staff to maintain higher security. However, by



*The message center at Marion. The officer identifies visitors, monitors surveillance cameras and communications equipment, and controls entries and exits.*

focusing these resources on a single location, their application is theoretically far more effective.

Use of either the dispersion or concentration model first presumes that a prison system is capable of accurately identifying dangerous cases. Inmate classification enables staff to identify offenders who have similar characteristics and confine them in institutions with appropriate security levels and programs.

In 1978, the Bureau of Prisons adopted a new classification system that incorporated the collective professional decision-making techniques of hundreds of key managers. This was a much-needed refinement; at the same time the Bureau was seeking ways to curb a surge in violence associated with then-emerging prison gangs. Penitentiaries in Atlanta, Lewisburg, Leavenworth, and Lompoc, as well as other Bureau facilities, were the scenes of major problems of this type in the mid-1970's.

Thus, in 1978, for the first time, the Bureau had a highly sophisticated tool providing guidelines for assessing the real security needs of its population. The

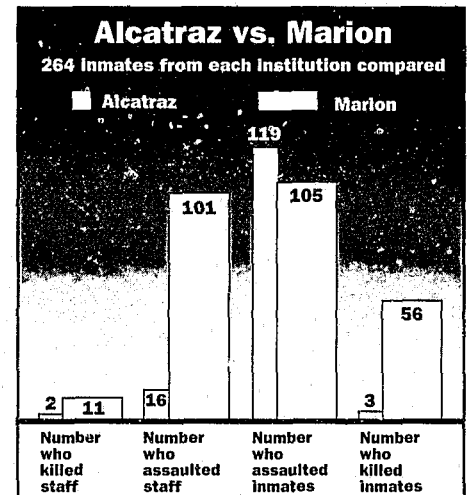
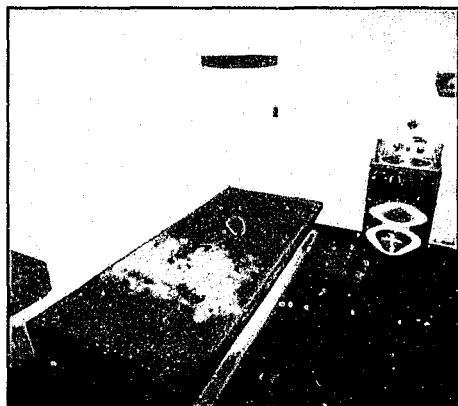


Figure 3

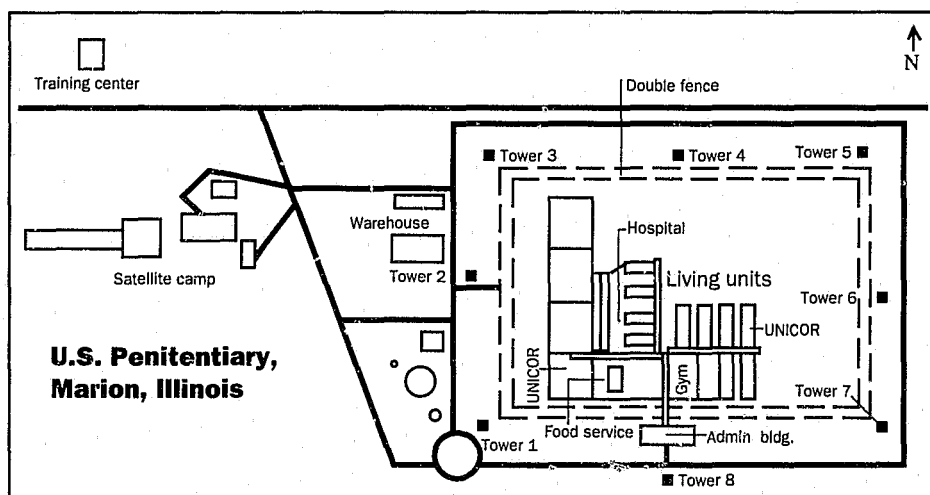
new system categorized inmates on the basis of quantifiable security needs, from level one (the lowest) to level six. It also gave staff the flexibility to adjust institutional assignments to meet actual security needs, not just the six numerical levels. The system depends on specific, objective criteria easily explained to and understood by staff and inmates. While the numerical scale has since been revised, this classification system is still in use.

The system identified a core group of inmates who had unusually high security needs.\* The question then became whether to apportion significant resources to all major institutions to control these inmates in different locations, or to

\*Because no classification system—which is actually a behavioral prediction instrument—is 100 percent accurate, some individuals initially classified at a level below "maximum" (previously level 6) demonstrate by their predatory activities while incarcerated that they require maximum custody. Thus, the Bureau's system provides for reclassification and reassignment to different security levels when necessary.



A typical cell at Marion, with stainless steel toilet fixture and concrete furnishings (mattress not shown).



concentrate both inmates and resources at one institution. The decision was made to begin to transfer the most dangerous of the Bureau's inmates to the U.S. Penitentiary at Marion, which had been designated the only level six facility in the Bureau. This classification change represented a significant philosophical shift from dispersion back to concentration, which had been abandoned when Alcatraz closed.

The Bureau of Prisons is one of many correctional agencies now using the concentration model. While the Bureau pioneered programs of this type, 36 other jurisdictions have implemented similar operations. Nationwide, more than 13,000 inmates are estimated to be confined in highly controlled institutional settings.

Although concentration had not been an explicit consideration in the decision to adopt a new Federal classification system, it was evident by 1980 that these changes had resulted in a de facto return to the concentration model. This invites a comparison of Marion's inmates to those

confined at Alcatraz years ago. Professor David Ward of the University of Minnesota has compared the two populations and found that the Marion population is, by virtually every indicator, a far more dangerous group.

Dr. Ward compared 264 general population inmates at Alcatraz in 1960 to 264 inmates in Marion's general population in 1984 (see chart). The comparison can only lead to one conclusion: the staff at Marion contend with a far more dangerous population.

Alcatraz never confined State offenders, who typically are far more difficult to manage in the Bureau of Prisons because they represent a distillation of the most dangerous inmates from a variety of jurisdictions. In addition to highly dangerous Federal offenders, the Bureau presently confines at Marion about 120 inmates from States, including about 60 from the District of Columbia, each of whom is considered too dangerous to be safely held in his respective State's facilities. These State offenders constitute about one-third of Marion's population.

## Marion's early history

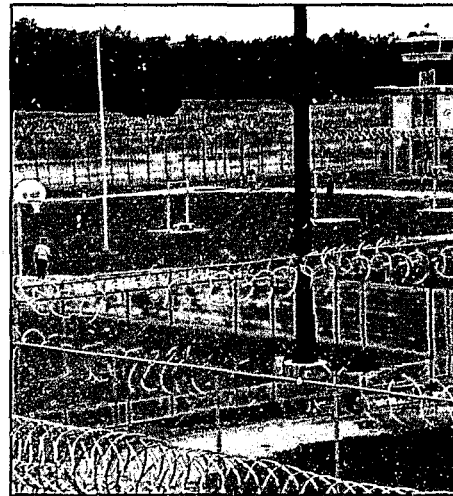
Marion opened in 1963, and has been the center of an unusual level of attention throughout its history. Although popularized as the "replacement Alcatraz," it did not immediately assume Alcatraz' mission; Alcatraz inmates were transferred to other penitentiaries. Marion was at the time—and remains—the newest Federal penitentiary.

Marion's physical plant consists of a self-contained complex of reinforced concrete buildings, with all functions except outdoor recreation accessible to inmates without going beyond the building envelope. It was originally constructed with six general population housing units, five of which had from 68-72 single cells. The sixth general population unit, with multiple-occupant rooms, was used early in the institution's history as a semi-honor unit and more recently for

inmate programs; it is the present site of the Federal Prison Industries (UNICOR) operation. Three restricted, or locked, units, a high security protective custody unit, and an infirmary compose the rest of the housing. The institution's housing and program areas are arrayed along four corridors that have at their junction a control center. A reinforced double fence, overseen by eight towers with armed staff, supported by electronic detection devices and perimeter patrols, surrounds the compound. An adjacent, minimum security Federal Prison Camp provides maintenance and other inmate manpower for the facility's operation.

Two of the locked units are used for typical administrative detention, disciplinary segregation, and protective custody functions. The third houses the Control Unit, which, since the early 1970's, has been used for long-term confinement of inmates considered to be the most dangerous in the entire Bureau. Inmates housed in this unit are placed there after due process hearings, and are subject to a classification and regular review procedure different from that used for Marion's general population. The high security protective custody unit (constructed in the early 1980's) is a housing area for inmates who require both high security and protection from other inmates.

Between 1963 and 1978, Marion was used as a traditional high security facility for several types of inmates, including youthful offenders. By 1978, the facility was essentially a regional penitentiary housing adults from the Midwest. It was distinguished from other penitentiaries primarily by the fact that all inmates



lived in single cells, and that there were somewhat closer movement and perimeter controls. As a result, high security inmates who were deemed to function better in a smaller facility were also sent there.

Marion's selection in 1978 as the Bureau's only level six institution reflected the fact that its design, while not ideal, was more suitable for high security operations than that of other penitentiaries. They were older, larger, and more spread out; Marion was smaller and compact. Most other Federal institutions were crowded and double-bunked; Marion was single-bunked. Marion's perimeter was more heavily reinforced, not only with towers, but with an electronic intrusion detection system and armed mobile patrols. The Control Center had good visibility down each of the four interior corridors. Interior security was aided by remotely activated gates and closed-circuit TV. A second, separate Control Center, with override capability for critical security grilles, ensured to the extent possible that these systems were not compromised. Recreation and other inmate programs, including an industrial work program,



*Top: Inmates being moved to a housing unit from inside recreation, in restraints and with a one-on-one staff escort. Left: The recreation yard, available to all general population inmates on a closely supervised basis.*

were available, but under close supervision. Marion's inmate-to-staff ratio was relatively low, affording an enhanced degree of supervision.

### **Implementing the concentration model**

The Bureau was aware that its de facto move toward the concentration model had its risks. While the benefits in terms of overall system safety and order were clearly worthwhile, the dimensions of those risks soon became evident. In 1979, a series of serious assaults and inmate murders, and the attempted murders of two staff in the institution dining room, demonstrated the volatility of the new population mixture. A task force convened in the aftermath of the latter incidents recommended that Marion be converted to a fully controlled institution; however, that recommendation was deferred, and Marion's daily routines continued to resemble those of a traditional institution, albeit with enhanced security and movement controls.



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**"Mr. Chairman, we need to distinguish between the lockdown situation... and the notion that somewhere in a penal system there is going to be a place where a small number of inmates, for certain periods of time during their sentence, are going to be kept under very tight controls. The evidence for this conclusion can be found in the existence of control units in penitentiaries in every State prison system and in the high security prisons to be found even in countries the most enlightened in penal policy and practice."**

—Dr. David Ward, before the House Subcommittee on Courts, Intellectual Property, and the Administration of Justice, 1985

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By fall 1980, Marion's operation clearly began to show stresses. Assaults on inmates and staff had continued throughout the year. There were major disruptions in the administrative detention unit. Three work stoppages were staged. These episodes provided a clear indication of the inmate population's intransigence, as it tried to influence management prerogatives and security procedures. The strikes were propagated by threats and intimidation; during them the inmate population was "locked down" to prevent escalation into widespread violence.

The third work stoppage, which began in September, was the longest strike in the history of the Bureau. The inmates were still refusing to work 4 months later in January 1981, when the decision was made to remove industrial operations from Marion and convert the institution to the more highly structured operation envisioned earlier. This was done by prudently expanding the restricted movement and program procedures used during the strike. The operation during this period was the forerunner of the present Marion program.

Additional security enhancements had been made as the transition to the level six population progressed. Remotely activated locks were added to the corridor grilles. Additional ballistics glazing was added to the perimeter towers following an armed assault by civilians assisting an escape attempt. After the violent events of 1983, even more physical plant changes were made. New recreation areas were added to facilitate small-group activities. New food service techniques were introduced to improve meals (see the article "Innovations in Satellite Feeding" in the Winter 1991 *Federal Prisons Journal*).

Prison administrators understand better than most the difficulty of operating a reduced privilege, maximum control facility. As a result, even though numerous serious incidents underscored the dangerous nature of the inmate group at Marion, the staff made attempts to return the institution to a semblance of normalcy throughout 1982 and most of 1983. A series of normalization efforts—increased out-of-cell time and expanded group activities—was accompanied by additional violence. In October 1983, two staff members were murdered on the

same day in the Control Unit. Days later, an inmate was murdered in the general population.

This series of crises finally crystallized the realization that the type of inmates confined at Marion could not be managed in the same manner as typical penitentiary inmates. The decision was made to convert the institution to a long-term, highly controlled operation. Since then, operating procedures have been gradually modified, first and foremost to reflect sound security practices, and only then to safely expand inmate access to programs.

### **How Marion works**

Marion has been incorrectly characterized as a "lockdown" institution. It is not. Lockdowns are relatively short periods of time during which all inmates are confined to their cells because of an institutional emergency, or for some other overriding reason such as a facility-wide "shakedown" (search for contraband). During a lockdown, all but the most basic services are suspended.

Alcatraz was not a lockdown institution, and it is important to note that concentration-model facilities are not locked down.

Marion inmates are offered a range of programs and services through a strictly controlled internal movement system. Inmates start their time at Marion under relatively close controls; they spend most of their time in their cells or in the cellhouse. But they are not locked down in the typical sense, and on- and off-unit recreation, visiting, medical care, in-cell television, religious activities, education, and other self-improvement programs are available immediately after arrival.

Beginning with their first day in the institution, inmates are offered an opportunity to gradually demonstrate nondangerous behavior through compliance with institutional rules. As they do, they progress through a graduated housing and work plan that allows carefully regulated personal activities. Sustained positive performance leads to increased freedom and privileges, and remaining free from misconduct in this program results in eventual transfer to less highly controlled institutions.

Inmates do not spend their entire sentences at Marion. The program is based instead on the premise that every inmate will be given the opportunity to show he doesn't need to be there. Of the 373 inmates there at the time of the 1983 incidents, all but 25 have been transferred out. Only 55 of the 378 releasees since 1983 have returned. Even though most of the inmates are serving exceptionally long sentences (an average of 40 years), of the approximately 700 transferred from Marion since 1983, the average stay has been only 35.6 months.

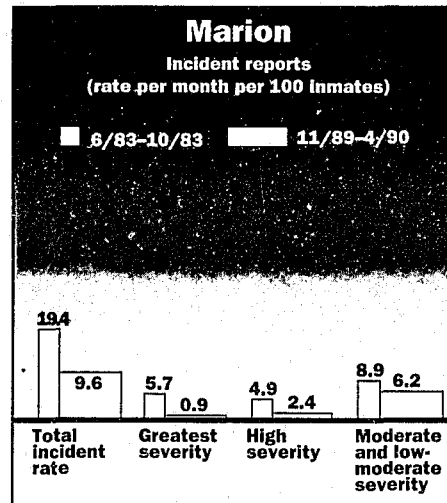


Figure 4

One concern raised about the closely controlled operation at Marion is that inmates may begin to experience detrimental mental health effects. This is premised on the belief that inmates have very few programs and activities, and are held for long periods of time in cells that create the equivalent of sensory deprivation. In fact, inmates in general population do not stay at Marion indefinitely. They do not live in closed-front cells; they receive mail and visits (albeit noncontact visits); they may make phone calls; and they have individual TV's through which they may access both commercial and educational programming. The daily routine emphasizes out-of-cell time to the extent it can be provided safely, and small-group recreation enables inmates to be in regular contact. Staff tour the units regularly, and provide counseling and other advice as necessary. In short, the conditions of confinement simply do not constitute the type of deprivation that could produce such effects. This conclusion was confirmed by Dr. William Logan, Director of Law and Psychiatry of the Menninger Foundation, who has conducted numerous interviews with Marion inmates.

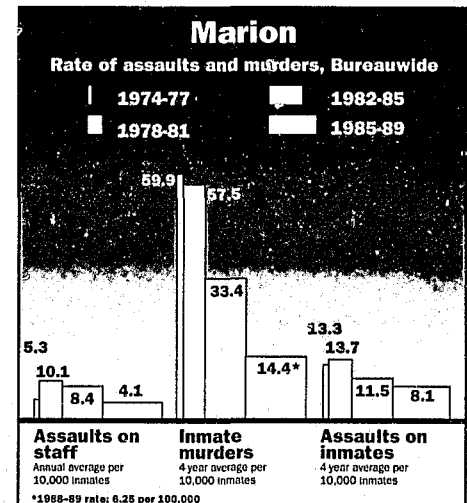


Figure 5

Marion's operations have been continually refined and have been extensively challenged in Federal court over the years. An early test of Marion's operation came in *Bono v Saxbe*, a lawsuit filed in the 1970's, which challenged the institution's Control Unit. The Court found certain facets of the unit's management objectionable; those procedures were modified accordingly. The Control Unit has, in subsequent court tests, been found to be operating within Constitutional bounds.

The most recent major case was that of *Bruscino v. Carlson*, a lawsuit decided in the Southern District of Illinois and upheld by the Seventh Circuit Court of Appeals. *Bruscino* challenged virtually every aspect of Marion's operation, from its inception to the time of the litigation. The Court ruled that the procedures in use were Constitutional. The Supreme Court declined to further review that case, letting stand a ruling that supported every element of the current high security program.

## Does it work?

The central question about Marion's program is whether it works. Naturally, the answer depends on how one defines success. At Marion, the Bureau seeks primarily to provide a safer environment for staff, increase order and safety for inmates, and reduce violence at other Bureau facilities. By those standards it is a success.

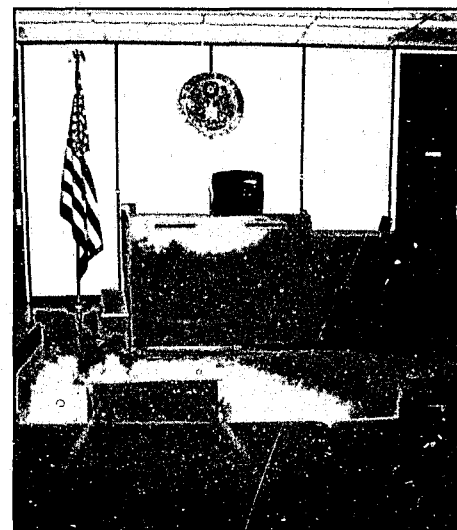
The most important test of Marion's mission is whether it provides a safer environment for staff. The proof of Marion's operational success by that measure is reflected in diminished incident report rates (see Figure 4).

This outcome meshes with the second goal of increasing the level of institutional order and inmate safety at Marion. In addition to the lower rate of overall incidents, the number of murders at Marion provides a dramatic indicator of improved safety. In the period prior to the high security operation, 15 inmates and 2 staff were killed. Since the inception of the high security operation, there have been five inmates and no staff murdered.

A third area of concern is reducing the incidence of violence in other Bureau facilities. During the current period of rapidly increasing inmate populations, in which increased tensions and violence might be expected, this rate has actually declined. Moreover, while it is impossible to prove the deterrence of events that did not occur, Bureau administrators, including its penitentiary wardens, believe that overall violence has been reduced systemwide as a result of Marion's incapacitating and deterrent impact. Figure 5 illustrates that trend.



*Top: Warden John Clark (right) with his top staff on a regular tour of an administrative detention unit. Right: The U.S. District Court hearing room, in Marion's administration building.*



Another indication of the success of Marion's operation is in the control of drug trafficking within the institution. Drugs are a great motivator for inmate gang organization, extortion, and violence. Marion's controlled (noncontact) visiting program and its close controls on all aspects of inmate movement have reduced the level of drug use in the institution (as reflected in urine tests) to virtually nil.

Finally, in assessing the success of the Marion program, one might look at the repeat rate for Marion inmates. The figures reflect that of the original group at the institution in October 1983, only 9 percent have returned. The cumulative rate of return over the last 5 years is only 17.8 percent.

Even though the data clearly show that overall murder and assault rates in the Bureau have dropped in a time of explosive growth, it is difficult to assert that Marion is the only cause of this trend. Perhaps the best way to understand these findings is not to look at Marion in isolation, but as an essential part of a carefully crafted inmate and institutional classification system that is having its intended effect.

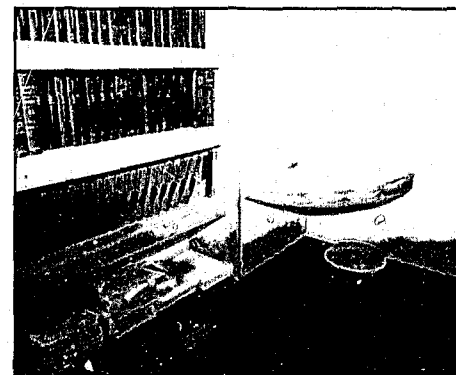
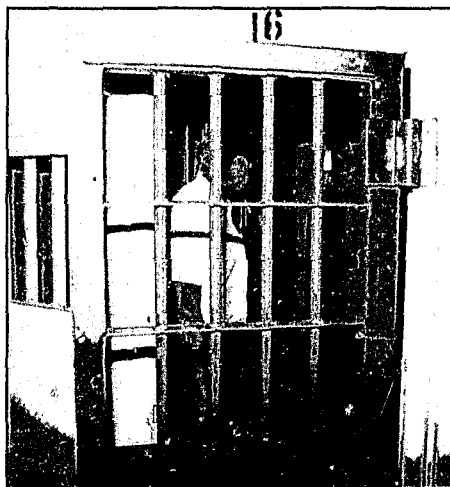
## Future high security operations

Marion is not ideal for its high security mission because of its adapted facility design, but this is true of all but the newest high security institutions nationwide. The architecture in older institutions simply does not allow safe inmate movement, given the kinds and numbers of programs that contemporary correctional standards require.

For understandable reasons, most high security operations limit staff contact with unrestrained inmates on the ranges of the housing units. Inordinate amounts of staff time are consumed by escorted movement and applying and removing restraints, procedures that hamper recreation and other programs that require movement out of the cell. This staff-intensive structure, in turn, makes these institutions extremely expensive to operate.



*Top: Commissary being distributed in a general population housing unit. Right: A "closed-front" cell used for inmates who are highly disruptive or require an unusual level of separation from other inmates on the unit.*



*A satellite law library in a converted cell. Each living unit in Marion has its own law library; additional law materials are available on loan from the main law library.*

The advantages of an optimally designed high security institution are many:

- Day-to-day activities will be more readily available to inmates; proper design will allow easy, safe movement from program to program without cumbersome handcuffing procedures.
- It will be operated by fewer staff, therefore more cost-effectively.
- The amount of direct physical access necessary to manage potentially disruptive inmates can be reduced, making life and work safer for inmates and staff.
- Safe staff contact with inmates will increase the ability of employees to effectively interact with inmates and create a more normal atmosphere.
- In a well designed facility, inmates themselves feel safe, and therefore respond to staff more normally.

For these reasons, the Bureau has undertaken the construction of a new administrative maximum security (previously "level 6") facility, which will be built in Florence, Colorado. This

institution will incorporate design features that were not available when Marion was built, and for which Marion cannot be economically adapted—showers in each cell, the ability to safely move inmates to recreation and other programs without restraints, and capability for staff to safely interview and counsel inmates without restraints. The Florence institution will provide for both staff and inmate safety, while enhancing the normal contacts, communication, and interpersonal relationships that typify Bureau operations elsewhere. Once this institution is fully activated, Marion will be converted back to a more traditional penitentiary, in line with its original design.

### Conclusion

It is important to remember that operations such as Marion and Florence are not typical of Federal correctional facilities, nor of most State correctional systems. In fact, it is the Bureau's position—and that of most corrections professionals—that as few inmates as possible should be kept in such a facility. Marion confines less than 1 percent of the Federal prison population, and is the only secure institution in the Federal system that is not operating above its

capacity. At any given time, about 375 offenders are held there, despite the fact that it has more than 550 single cells. This is especially notable given that the Bureau's population has doubled since 1978. The Bureau ensures through careful review that Marion is used for only those offenders who clearly need the controls available there.

The management challenges posed by these inmates are very real, as are the dangers they pose to staff, other inmates, and the public. With this type of offender, humane treatment starts with safety—both for staff and for inmates. The challenge of Marion, and Florence in the future, is to properly balance staff and inmate safety against the important Constitutional and correctional management principles that govern prison life. ■

*Raymond Holt is Correctional Services Administrator and Richard Phillips is Chief of Communications for the Federal Bureau of Prisons. Both have worked at Marion.*