

Hair Analysis for the Detection of Drug Use in
Pretrial, Probation, and Parole Populations *James D. Baer*
Werner A. Baumgartner
Virginia A. Hill
William H. Blahd

Tools for the Trade: Neuro-Linguistic
Programming and the Art of Communication *Richard Gray*

al Effects of the Status
..... *Charles Bahn*
James R. Davis

ing in Federal Pretrial Release *Timothy P. Cadigan*

ing in Florida *Joseph E. Papy*
Richard Nimer

n: Hard Realities and **NCJRS**
..... *Mark W. Osler*

ucation Success **DEC: 10 1991** *J.D. Jamieson*
William E. Stone

omen: A Cry for Help **ACQUISITIONS** *Anita Sue Kolman*
Claudia Wasserman

velopmental Perspective:
orrections *Ted Palmer*

ison Gang Development:
ssment *Robert S. Fong*
Salvador Buentello

MARCH 1991

U.S. Department of Justice
National Institute of Justice

133407-

133416

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Federal Probation

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME LV

MARCH 1991

NCJRS

NUMBER 1

MAY 16 1991

This Issue in Brief

Hair Analysis for the Detection of Drug Use in Pretrial, Probation, and Parole Populations.—Comparing the results of radioimmunoassay (RIA) hair analysis for drug use with urinalysis results and self-reports of drug use among aftercare clients in the Central District of California, authors James D. Baer, Werner A. Baumgartner, Virginia A. Hill, and William H. Blahd propose that hair analysis offers the criminal justice system a complementary technique for identifying illegal drug use. The study results are timely in light of the recent decision of a U.S. district court judge who accepted a positive RIA hair analysis result as valid forensic proof that a probationer had violated the conditions of probation (EDNY Dkt. No. 87-CR-824-3).

Tools for the Trade: Neuro-Linguistic Programming and the Art of Communication.—Whether viewed as a rehabilitative modality or a sanction, probation remains a person-to-person profession in that probation officers still deal with individuals. According to author Richard Gray, some recent developments in psychology may provide tools for investigation, assessment, helping, and, sometimes, healing. His article describes neuro-linguistic programming and how probation officers may use the technique to develop rapport and communicate effectively and consciously with clients.

Social-Psychological Effects of the Status of Probationer.—Authors Charles Bahn and James R. Davis report on a non-random sample of 43 probationers who were tested and interviewed in order to assess the social-psychological effects of probation in four areas: emotions; family, peer, and work relations; self-concept; and stigma. The authors administered an open-ended questionnaire, a scalogram, and a self-concept inventory and found, among other things, that probationers had the support of family, friends, and even some employers. The authors conclude that probation is

more than a "slap on the wrist" but that it does not overwhelm all aspects of a probationer's life.

Electronic Monitoring in Federal Pretrial Release.—Author Timothy P. Cadigan focuses on current use of electronic monitoring in Federal pretrial release programs, first discussing, in general, how to establish such programs and what to consider in doing so. Then, based on demographic data about Federal defendants on electronic monitoring, the article assesses whether

CONTENTS

[Hair Analysis for the Detection of Drug Use in Pretrial, Probation, and Parole Populations	James D. Baer Werner A. Baumgartner Virginia A. Hill William H. Blahd 3	133407
[Tools for the Trade: Neuro-Linguistic Programming and the Art of Communication	Richard Gray 11	133408
[Social-Psychological Effects of the Status of Probationer	Charles Bahn James R. Davis 17	133409
[Electronic Monitoring in Federal Pretrial Release	Timothy P. Cadigan 26	133410
[Electronic Monitoring in Florida	Joseph E. Papy Richard Nimer 31	133411
[Shock Incarceration: Hard Realities and Real Possibilities	Mark W. Osler 34	133412
[Predicting DWI Education Success	J.D. Jamieson William E. Stone 43	133413
[Theft Groups for Women: A Cry for Help	Anita Sue Kolman Claudia Wasserman 48	133414
[The Habilitation/Developmental Perspective: Missing Link in Corrections	Ted Palmer 55	133415
[The Detection of Prison Gang Development: An Empirical Assessment	Robert S. Fong Salvador Buentello 66	133416
Departments		
News of the Future	70	
Looking at the Law	73	
Reviews of Professional Periodicals	80	
Your Bookshelf on Review	92	
It Has Come to Our Attention	100	

The Detection of Prison Gang Development: An Empirical Assessment

BY ROBERT S. FONG, PH.D., AND SALVADOR BUENTELLO*

Introduction

SINCE THE mid-1960's, American corrections has been subjected to unprecedented scrutiny by the Federal courts (Martin, 1989). Through litigation filed under 42 U.S.C. 1983,¹ at an annual rate of 20,000, prisoners have successfully defended their claims to adequate protection from unconstitutional treatment behind bars (Cole, 1989; Turner, 1979). Today, nearly every prison system (Federal and state) is under court orders to correct inhumane conditions, ranging from overcrowding to poor medical care (The National Prison Project, 1988).

Without a doubt, court-mandated changes have brought about noticeable improvement in the correctional process (Turner, 1979). However, judicial intervention has not made prisons safer places for inmates or correctional personnel. In fact, there is evidence to suggest that judicial intervention has escalated violence in prisons. The bloody riot of February 1980 at the New Mexico State Prison serves as a reminder of the violent nature of institutional life (Senna & Siegel, 1990). Nationwide, about 100 inmates and 6 or 7 staff members are killed per year (Senna & Siegel, 1990).

While the increase in prison violence can be attributed to multiple causes, the main reason, as observed by some authors, is the intrusion of the courts (Jacobs, 1977; Eckland-Olson, 1986). Judicial intervention in correctional administration systematically strips away the legitimate authority of prison officials to discipline their inmates (Jacobs, 1977). The existence of this organizational crisis creates an atmosphere conducive to the proliferation of inmate groups, often referred to as gangs, for self-protection and power dominance (Jacobs, 1977; Beaird, 1986; Eckland-Olson, 1986). A national survey conducted by Camp and Camp (1985) revealed the presence of inmate gangs in 33 prison systems with an estimated membership of 13,000.

The emergence of prison gangs has added to the crisis already being experienced by many correctional systems. Prison gangs pursue more than self-protection; they have evolved into organized crime syndicates involved in such activities as gambling, extortion, drug-trafficking, prostitution, and contract murder (Fong, 1990; President's Commission on Organized Crime 1983).

Where there is organized crime, violence prevails. For example, in Texas alone, 56 (62.78 percent) of the 94 inmate murders recorded between 1979 and 1985 were committed by prison gangs (Buentello, 1986). Overall, prison gangs account for over 50 percent of all problems and violence in America's prisons (Camp & Camp, 1988). Recent reports from police agencies show that prison gangs have expanded their crime bases to the streets (Buentello, 1986; Fong, 1990). There is every reason to believe that prison gangs are here to stay, grow, and disrupt, which is a disturbing reality to prison administrators and law enforcement officials alike.

Although the escalation of prison gang violence is a fairly recent phenomenon, gang existence dates back to as early as 1950 (Camp & Camp, 1985). Yet, very little is known about prison gangs. One of the primary reasons for this lack of information, as observed by some researchers, is the secretive nature of prison gangs (Buentello, 1986; Fong, 1990). Unlike their street counterparts, prison gangs conduct their activities in the most secretive and silent manner so as to avoid official interception. This practice makes it extremely difficult for prison officials to gain access to gang intelligence. Equally severe is the absence of record-keeping and gang-monitoring systems in most jurisdictions (Buentello, 1986). California and Texas are among the few states that have recently begun to gather and record gang-related information.

Research on prison gangs also has been rare. Thus far, only two nationwide studies have been conducted (Camp & Camp, 1985; 1988). The difficulty in conducting prison gang research is three-fold: (1) the absence of official documentation on gang intelligence; (2) the reluctance of prison officials to allow gang-related studies due to security reasons; and (3) the lack of acces-

*Dr. Fong is assistant professor, School of Social Work and Criminal Justice, East Carolina University. Mr. Buentello is chairman, Prison Gang Task Force, Texas Department of Corrections.

sibility to the necessary source (gang members) as they are required to abide by a strict code of silence which is enforced by the threat of death (Buentello, 1986; Fong, 1990). So far, any available information on prison gangs has mainly been generated through prison staff. On some occasions, defected gang members (prison gang membership is for life) will exchange gang intelligence for official protection. Still, the need for further research is urgent and necessary.

As organized crime syndicates, prison gangs have evolved to become major disruptive forces in many correctional institutions and on the streets. Yet, the secretive and silent nature of prison gangs makes their inception nearly impossible to detect. In most instances, the existence of prison gangs is realized only after it has reached crisis proportions. What normally follows is a costly combatting process.

In the practice of medicine, it is generally believed that "an ounce of prevention is better than a pound of cure." This principle applies suitably to the subject of prison gangs. Correctional officials can no longer afford to take a reactive approach to prison gangs; prison gangs must be dealt with pro-actively. It was for this reason that the present study was designed: to construct a pro-active management model for the detection of prison gangs development based on empirical information derived from a survey of experienced gang specialists at the Texas Department of Corrections, the second largest and fourth most gang-infested prison system in this country.

Historical Review

The 1980's were a decade of turmoil at the Texas Department of Corrections. On one hand, prison officials were bombarded with Federal court orders to correct unconstitutional practices. At the same time, they found themselves at war with newly formed violent inmate gangs. In 1984, an all-time record of inmate violence was recorded (Fong, 1990). This sudden surge of gang violence, coupled with a severe shortage of staff, created a crisis situation where prison officials nearly lost control of their prisons (Beaird, 1986). In September 1985, a state of emergency was declared by the director of the Texas Department of Corrections, which led to the effective identification and confirmation of eight inmate gangs with a total membership of 1,400, making Texas' prison system the fourth most gang-infested in the United States (Fong, 1990). The uniqueness and relevancy of the Texas experience provided a resource base on which the present study was

conducted.

Methodology

In cooperation with the chairman of the Gang Task Force of the Texas Department of Corrections, who is also the coauthor of this article, a list of all security staff was developed. Individuals who met the following criteria were selected for this study:

- (1) Individuals who held the rank of sergeant or above (correctional officers were routinely excluded from gang-related decision-making processes);
- (2) The same individuals who had 5 or more years of service (prison gang problems in Texas were most serious in 1985, 5 years prior to this study); and
- (3) the same individuals who had 5 or more years of experience dealing with prison gangs.

This selection method resulted in a list of 196 individuals. During the next 6 months (May-October 1989), the coauthor personally delivered a questionnaire to each of the individuals as he visited each prison unit on official business. Personal delivery was preferred to mailing because: (a) a questionnaire arriving in the mail could easily be disregarded as prison officials are constantly overburden by paper work; (b) the personal delivery of the questionnaire by the coauthor, a well-respected official at the Texas Department of Corrections, would promote greater cooperation from survey participants who might otherwise be unwilling to respond because of their distrust of outsiders; and (c) the technique is more personable and could yield a higher response rate. However, in order to ensure research integrity and objectivity, each participant was asked to return the completed questionnaire via "truck mail" (free interdepartmental mail delivery service).

At the end of the survey period (December 1989), 181 (92 percent) of the selected individuals had returned the questionnaire. Among the respondents were 6 senior wardens, 3 wardens, 18 assistant wardens, 19 majors, 42 captains, 38 lieutenants, and 55 sergeants. Years of service ranged from 5 to 29 with $\bar{x} = 9.8$. Years of experience dealing with inmate gangs fell between 5 and 19 with $\bar{x} = 6$.

In the questionnaire, each respondent was asked to identify, based on his or her experience

TABLE 1. INDICATORS OF PRISON GANG DEVELOPMENT

4 = Very frequently 3 = Frequently 2 = Seldom 1 = Never

Indicator	% of Respondents	Frequency of Occurrence Needed (% of Respondents)			
		"4"	"3"	"2"	"1"
1. Inmate Requests for Protective Custody	98%	33%	55%	12%	0%
2. Finding of Gang-Related Tattoos on Inmate Bodies	97%	65%	32%	3%	0%
3. Inmate Disciplinary Violations of Contraband Possession	96%	48%	42%	10%	0%
4. Secret Racial Groupings of Inmates	95%	32%	61%	7%	0%
5. Inmate Informants Reporting Emergence of Inmate Cliques	93%	33%	58%	9%	0%
6. Inmate Physical Assaults on Other Inmates	91%	20%	78%	2%	0%
7. Police Agencies Reporting Gang Activities on the Streets	91%	18%	54%	18%	0%
8. Inmate Requests for Inter-unit Transfers	85%	13%	60%	27%	0%
9. Inmate Families Reporting Extortion by Inmate Cliques	85%	11%	49%	40%	0%
10. Verbal Threats Made to Staff by Inmates	71%	10%	45%	45%	0%
11. Physical Assaults on Staff by Inmates	71%	12%	39%	49%	0%

dealing with prison gangs in Texas, a list of 23 activities and determine which ones are *indicators* of prison gang development. If the respondent answered "yes" to a particular activity, he or she must then determine the frequency of occurrence, which is serious enough for that activity to be gang-related, by choosing from one of the following options:

4 = Very frequently; 3 = Frequently; 2 = Seldom; 1 = Never.

Findings

In retrospect, the respondents of this survey identified 11 relevant activities which they consider "indicators" of prison gang development. The first indicator, as assessed by 98 percent of the respondents, is "inmate requests for protective custody," followed by the "finding of gang-related tattoos on inmate bodies" (97 percent); "inmate disciplinary violations of contraband possession" (96 percent); "secret racial groupings of inmates" (95 percent); "inmate informants reporting the emergence of inmate cliques" (93 percent); "inmate physical assaults on other inmates" (91 percent); "inmate requests for inter-unit transfers" (85 percent); "inmate families reporting extortion by inmate cliques" (71 percent); "verbal threats made to staff by inmates" (71 percent); and "physical assaults on staff by inmates" (71 percent).

Several important factors must be considered in the interpretation of these findings. First, the 11 activities are not necessarily "indicators" of prison gang development in and of themselves. It is the "frequency of occurrence" that determines whether or not they are indicators. For example, in the

normal course of operations, prison officials routinely receive inmate requests for protection for various reasons—i.e., the inmate is a former police officer, the inmate is a police informant, the inmate is a former correctional officer, or the inmate has enemies on the same prison unit. Similarly, inmate assaults on other inmates occur on a regular basis; it is simply a fact of prison life. However, trouble results when the frequency of occurrence for each of the identified activities suddenly rises above and beyond the "usual rate."

Second, in the present survey, each respondent was asked to assess the frequency of occurrence for each identified activity on the scale of 4 = very frequently, 3 = frequently, 2 = seldom, and 1 = never. For the purpose of this study, "frequently" and "very frequently" are defined as "rapid increase to the level above and beyond the 'usual rate.'" What constitutes "usual rate" will vary from prison to prison and jurisdiction to jurisdiction depending upon such conditions as population size, classification of inmates, racial composition of inmates, inmate housing scheme, and staff-inmate ratio.

Third, when taken as a whole, the 11 activities function as indicators of prison gang development; it is not to say that they cannot serve as indicators independent of each other. Clearly, the frequent finding of gang-related tattoos on inmate bodies in and of itself should be taken seriously as an indication of prison gang development. What this means is that the 11 activities can only serve as a general model; the final determinant of success in the detection of prison gang development rests primarily on the skills of the prison officials in the effective execution of the model. To enhance such skills, the following rec-

ommendations are provided:

- (1) All 11 activities shall be monitored through the use of a centralized record-keeping system. Such a system shall be confidentially maintained by designated personnel only.
- (2) Full-time staff shall be deployed to gather gang-related intelligence. There shall be a general coordinator for the entire prison system and a designated staff member for each prison unit. Periodic meetings of these coordinators shall be conducted.
- (3) In-service training aimed at developing awareness and skills in detecting inmate activities that may lead to the formation of prison gangs shall be provided to all correctional employees.
- (4) Inter-unit communications regarding suspicious inmate activities shall be promoted. Such communications shall be recorded and centrally kept by the general coordinator.
- (5) Staff-inmate communications shall be encouraged so as to facilitate inmate cooperation in reporting suspicious inmate activities.
- (6) Thorough investigation of unusual or sudden increase in any of the 11 or other relevant activities shall be a matter of policy.
- (7) Designated points of contact with state, county, and local police agencies, prosecutors, and court personnel shall be established. Such arrangements shall result in the reporting of the arrest and incarceration of any street gang member so that preventive measures (i.e., appropriate classification of the inmate, appropriate housing assignment, monitoring of the inmate's activity while in prison, etc.) can be taken by prison officials.

Conclusion

Until recently, correctional officials have categorically ignored or minimized the emergence of prison gangs. Their hope was that by refusing to acknowledge their existence, prison gangs would eventually disappear, which has proven not to be the case. On the contrary, prison gangs have grown to cause a major correctional crisis in America. Still, many correctional officials take a reactive approach to the problem because of their lack of knowledge about prison gangs.

Although prison gangs remain a mysterious entity, reality dictates that they be dealt with proactively. The present study represents the first attempt at the exploration of pro-active prison gang management strategies. The general model constructed on empirical information derived from the Texas experience is the fruitful result of such

an attempt.

While pioneer in nature, there is every reason to believe the model will serve as a useful tool in the detection of prison gang development. However, further efforts should be made to study the topic of prison gang detection, to construct additional models, and to empirically test the efficacy of such models.

NOTE

¹Every person who, under color or any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in action at law, suit in equity, or other proper proceeding for redress.

REFERENCES

- Beaird, L.H. (1986, July). Prison gangs: Texas. *Corrections Today* 8, 22.
- Buentello, S. (1986). *Texas Syndicate: A review of its inception, growth in violence and continued threat to the Texas Department of Corrections*. Confidential and unpublished report, Texas Department of Corrections, Huntsville, Texas.
- Camp, G.M. & Camp, C.G. (1985). *Prison gangs: Their extent, nature and impact on prisons* (Grant No. 84-NI-AX-0001). United States Department of Justice, Office of Legal Policy. Washington, DC: U.S. Government Printing Office.
- _____. (1988, April 26). *Managing strategies for combatting prison gang violence*. South Salem, New York: Criminal Justice Institute.
- Cole, G.F. (1989). *The American system of criminal justice*. Pacific Grove, CA: Brooks/Cole Publishing Company.
- Eckland-Olson, S. (1986). *Judicial decision and social order of prison violence: Evidence from post-Ruiz years Texas*. Unpublished manuscript. The University of Texas at Austin, Department of Sociology.
- Fong, R.S. (1990). The organizational structure of prison gangs: A Texas case study. *Federal Probation*, 54(1), 36-43.
- Jacobs, J.B. (1977). *Stateville*. Chicago, IL: The University of Chicago Press.
- Martin, S.J. (1989). Prisoners' rights. *Texas Tech Law Review*, 1-14.
- President's Commission on Organized Crime. (1983). *Organized crime: Federal law enforcement perspective*. Record of Hearing 1, November 29. Washington, DC: U.S. Government Printing Office.
- Ruiz v. Estelle, 679 F.2d 1115 (5th Cir. 1982).
- Senna, J.J., and Siegel, J. (1990). *Introduction to criminal justice*. St. Paul, MN: West Publishing Company.
- The National Prison Project. (1988, Dec. 1). *Status report: The courts and prisons*.
- Turner, W.B. (1979). When prisoners sue: A study of prisoner Section 1983 suits in Federal courts. *Harvard Law Review*, 92, 600-637.