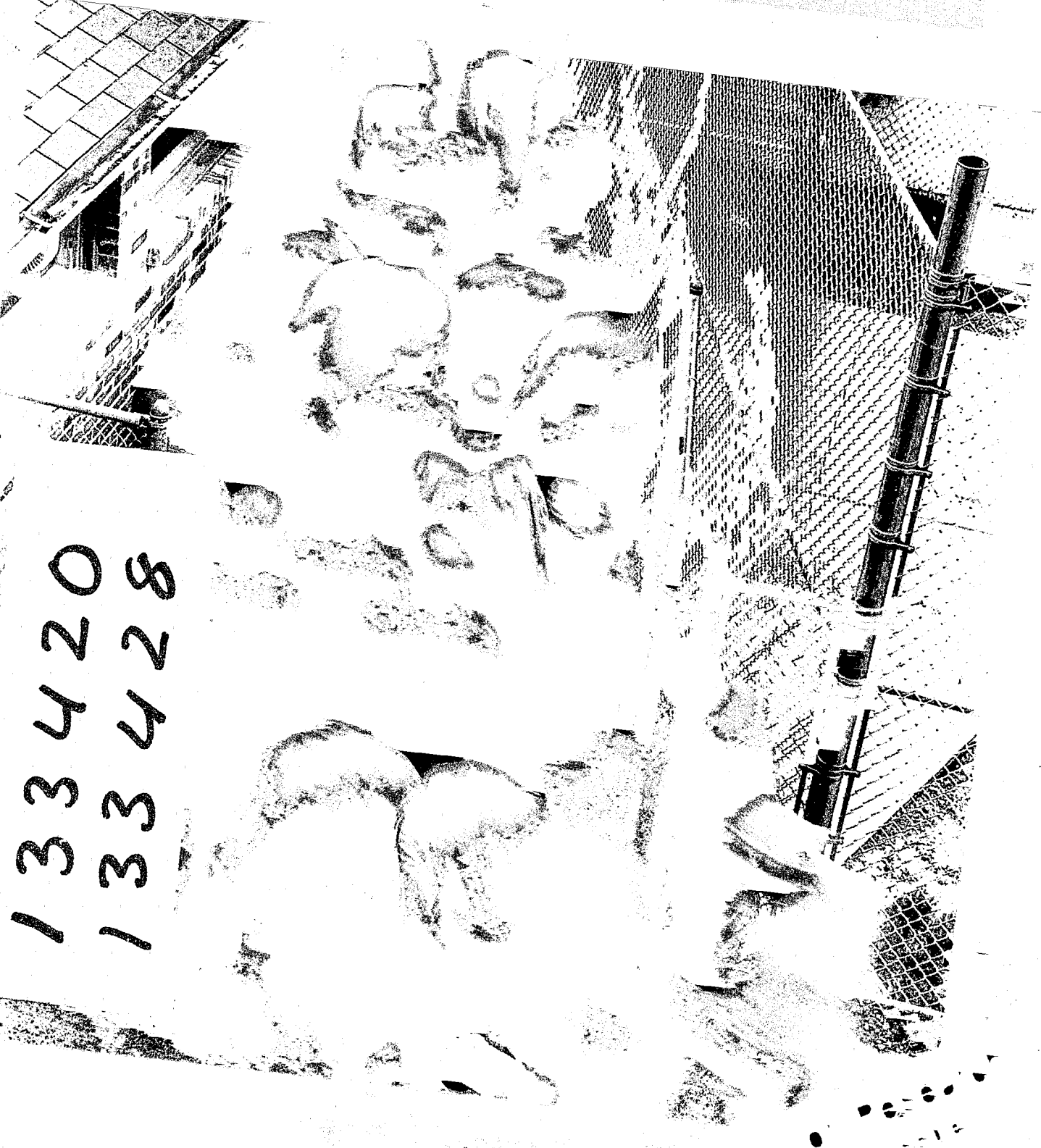


Federal Prisons



U.S. Department of Justice
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Mission of the Federal Bureau of Prisons

It is the mission of the Federal Bureau of Prisons to protect society by confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

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Challenging Beliefs About Prison Crowding

Gerald G. Gaes

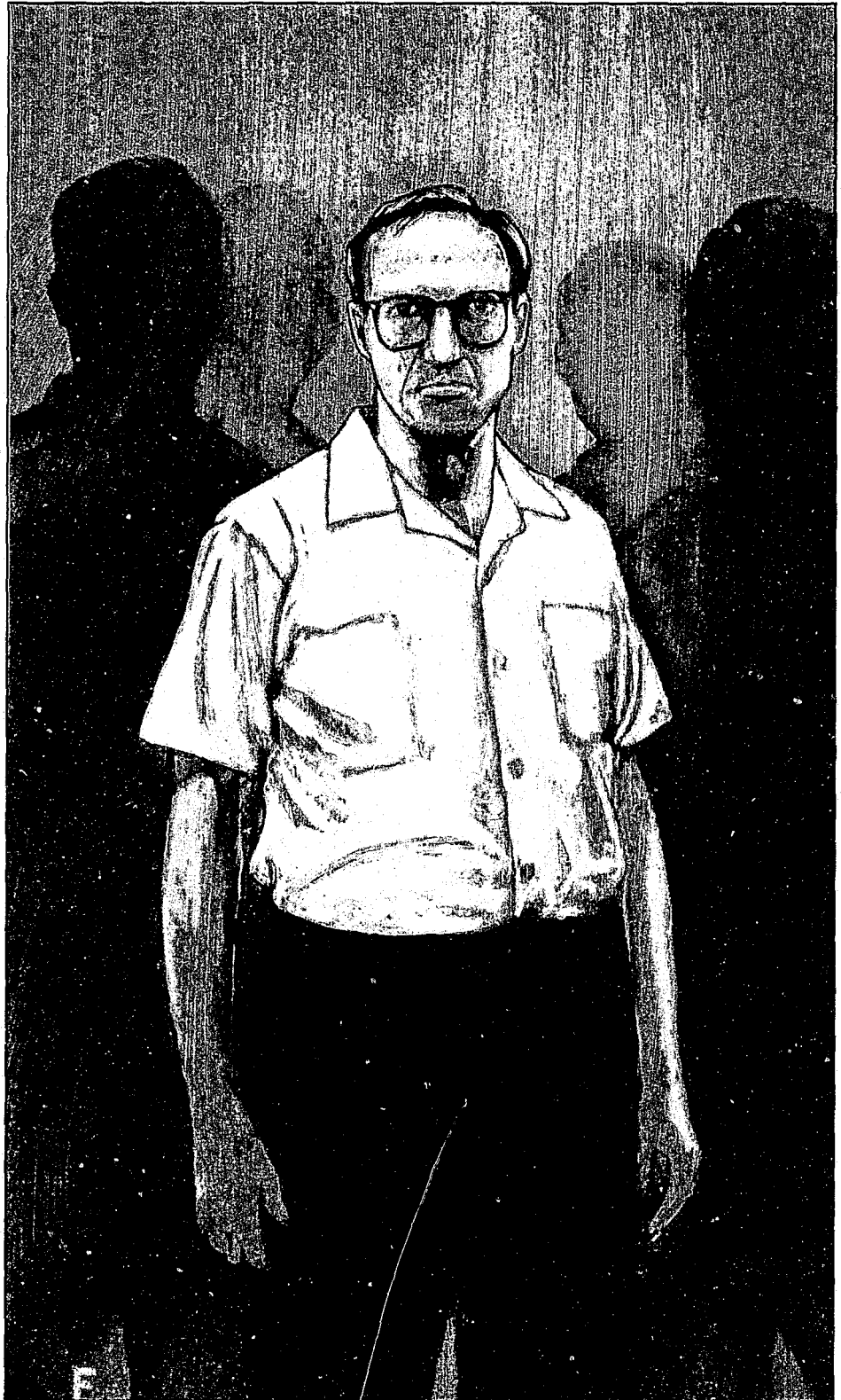
Many people suppose that crowding is the primary cause of most problems in prisons, a belief that is echoed in media accounts of prison disturbances. When a sensational prison incident occurs, media coverage usually suggests that crowding was one of the root causes. However, it is not just the media that seem to have adopted this premise as conventional wisdom. As Jeff Bleich has pointed out in his recent article, "The Politics of Prison Crowding,"¹ almost every participant in the crowding debate has a vested interest in promoting the idea that crowding will inevitably result in serious inmate management problems or a degeneration in inmate quality of life. This belief serves the interests of all parties—prison administrators, correctional officers and their unions, prisoners' rights advocates, prison reformers, and the inmates themselves.

Bleich cites three reasons why prison administrators might promote the crowding-leads-to-pathology doctrine:

- They can request more resources.
- They can exercise more control over the prison environment.
- They can explain incidents that occur within the prison.

Thus, an administrator can buffer criticism by warning of impending problems that might be caused by crowding or may even avert criticism of a crisis by basing an explanation on crowding.

I propose an alternative viewpoint to bring some balance back into the debate over the relative contribution of crowding compared to *other* causes of prison



problems. I am not ruling out the possibility that prison crowding can lead to fewer services available to inmates, a deterioration in inmates' quality of life, and poorer working conditions for staff. However, I would like to bring into perspective the many other conditions that can lead to prison problems.

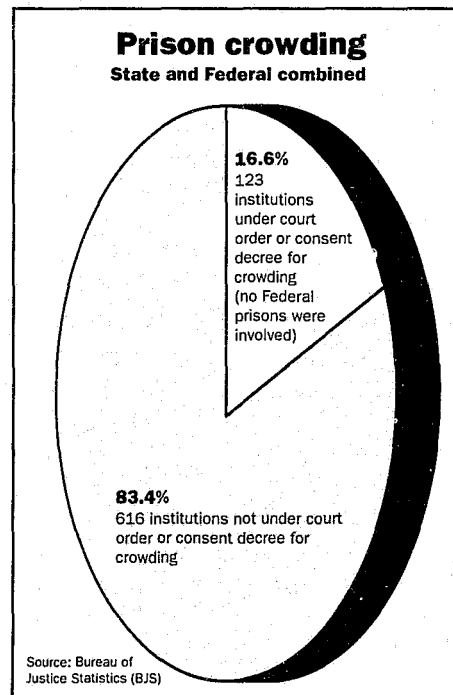
Is crowding the major source of prison problems?

Let me start with a proposition that many correctional administrators and criminologists would consider misguided, if not patently false: *prison crowding is rarely the sole cause of serious inmate problems.* I will consider three main objections to this proposition, then conclude with suggestions for future research on crowding and other institutional factors.

The argument based on conventional wisdom

Skeptics might reply that it is intuitively obvious that my assertion is wrong. The conventional wisdom among administrators, jurists, prisoners' rights advocates, and others is that crowding must eventually result in some kind of problem. They point to the numerous successful suits against crowded State prisons and to prison riots, some of which have occurred in crowded State prisons and local jails.

In December 1988, the American Civil Liberties Union (ACLU) reported that 10 entire prison systems and 30 other jurisdictions with a major prison were under a court order or consent decree in which crowding was cited as a primary issue. To give some perspective to



crowding litigation, we must rely on data collected by the Bureau of Justice Statistics (BJS). In the most recent BJS census of State prisons, administered in 1984, 123 out of 694 prisons were under court order or consent decree for crowding. No Federal prisons were involved in such litigation. If we add Federal prisons to the 1984 total, 123 out of 739 prisons, or 16.6 percent, were under court order or consent decree.

There are several reasons why the extent of litigation should not be taken as evidence that crowding is the primary cause of a decline in prison conditions. In prison crowding suits, the aim of the litigation is to demonstrate that prison conditions have deteriorated to the point that they should be considered cruel and unusual. Thus, what is often demonstrated is *not* the causal relationship between crowding and poor conditions, but the fact that prison conditions have become unconstitutional.

In fact, relief of these conditions usually goes beyond setting population caps or reducing the population. In the extensive Texas crowding suit, relief involved specific remedies concerning medical care, grievance procedures, and other inmate issues. Because it is necessary to bring relief to these types of prison systems, I do not question these court interventions; rather the issue here is determining cause and effect. Many prisons have been well managed with equally high or even higher populations than those under court order or consent decree. If prisons are poorly managed, or if administrators and staff are deliberately indifferent to inmate needs, egregious conditions can exist in the absence of crowding. Thus, the fact that judicial intervention has been at least in part based on crowding is not proof that crowding has been the basis of the prison problems. Judicial intervention, even if based on false assumptions and naive theories of crowding, can still improve inmate conditions.

The second intuitive assumption is that prison disturbances are primarily the result of crowding, a notion that has been popularized in media accounts. Bert Useem and Peter Kimball² have studied some of the major prison riots in the last 2 decades, including Attica, Santa Fe, and Joliet. They contend that many of the tensions and deprivations that existed in these prisons prior to the riot, including the level of crowding, were also present in many other prisons throughout the country. Useem and Kimball argue that the major causes of such riots were breakdowns in the administrative control and operation of the prison, the conviction among the rioting inmates that their demands were legitimate, and the perception that State authorities were likely to capitulate to at least some inmate demands.

A prison can house only so many inmates!

A second objection is the argument that there must certainly be some level of crowding at which an institution can no longer deliver services, and staff can no longer ensure inmate safety, or even their own safety. Those on both sides of the debate about the extent to which prison should be used as punishment often agree with this presumption. Proponents argue for increased prison construction. Opponents argue for increases in alternative sanctions.

When the argument is stated this way, and it often is, it is a proposition no one can disagree with—it is in fact tautological. It assumes that some level of crowding, by definition, will result in poorer prison conditions, and it circumvents the more difficult practical problem of determining the level of crowding that inevitably leads to inhumane conditions. Social scientists have tried to study this more difficult problem by analyzing the relationship between levels of crowding and variables that measure the decline in quality of life, such as assault rates or health deterioration.

The real issue can be posed in the language of economists. What is the *marginal effect* of increased density on prison problems? Or, for each additional unit of inmate density, what is the unit decrease in inmate quality of life? There are two theoretical approaches to this problem. Some advocate the “critical mass” theory, which says that each additional inmate degrades the system only slightly, until there is a level of population density—the critical mass—that results in a precipitous decline in

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quality of life. It may be that the population density has to remain high for a long time before problems ensue. Others argue that each additional inmate degrades the system. Perhaps the decline in services becomes more severe as higher levels of density occur, but there is no specific level of crowding at which the system precipitously disintegrates.

Although reasonable people will agree that there is some level of crowding that will bring any correctional system to its knees, it is difficult to establish the precise level at which a decline begins. There is no evidence showing a consistent relationship between institutional levels of crowding and measures of inmate quality of life. My sense is that in most prison systems, as crowding increases, management responds with additional resources or different program approaches. There are instances in which prison populations have doubled or even tripled with no appreciable changes in the quality of inmate care or safety.

However, responses to population increases may be limited by a variety of factors. With regard to infrastructure, some prisons may be designed with very little flexibility for expanding operations such as sanitation, dining, and medical care. Furthermore, some prisons operate under tight budget constraints that restrict their flexibility. Finally, the higher the custody level of the inmate population, the more difficult it is to counter population increases. These factors will determine the relative responsiveness of different prison systems to population increases, which, in turn, affects the population level at which additional inmates might cause a problem. The search for this magical level is further complicated by staff attitudes and the administrative will to cope with increased density.

Because all of these factors confound our analysis of the relationship between density and inmate conditions, it is extremely difficult to demonstrate a relationship between the two and even more difficult to set some standard of “maximum population capacity” appropriate for every institution. If prison density, regardless of these other factors, was the most important determinant of inmate safety and care, it is likely that research would have demonstrated the impact of crowding in spite of the variations in the other factors I’ve discussed. Thus, to return to the argument that some level of crowding *must* cause problems, the counter-argument says that the maximum population capacity of an institution is variable and depends on factors other than the particular rated or design capacity of its housing space. The implication of this argument for prison conditions suits is that future litigation must continue to

emphasize all aspects of prison life. Furthermore, the population cap imposed by the court should be based on the specific institution's capability to ensure inmate safety and to provide all other important services.

Crowding effects are real, but difficult to uncover

A third objection to my proposition is that crowding does cause many problems; however, the reason that it is difficult to find a relationship between density and a decline in quality of life is that crowding is difficult to define and is not measured consistently, either across different institutions or over time. I have some sympathy for this argument. There is indeed great variability in the definitions of rated or design capacity and there is probably some error in their measurement. Crowding has also been defined as the difference between inmates housed in single-bunked cells versus double-bunked cells or dormitories. There are many other definitions and measurement issues as well.

I have recently completed a review of all prison crowding studies (Gaes, 1990).³ I concluded that even when some attempt at precision in measurement is made, there is no very convincing evidence that crowding is related to serious degradation in the quality of inmate life. Thus, the failure to date to find convincing research evidence for the effects of crowding is not just a problem of definition and measurement. To emphasize this point, there are studies that minimize the definition and measurement errors associated with comparing different institutions using different

Social scientists rarely address matters that most concern prison administrators: the strategies and procedures that are useful in managing institutions having more inmates than their rated capacity.

crowding criteria by examining the quality of life in a specific institution that has undergone a large population increase. Even in such institutions, there is no consistent research evidence indicating serious effects of crowding.

Crowding research and its implication for managing prisons

While social scientists who study prisons and the administrators who manage them have a common interest in the topic, they rarely share perspectives. Prison managers approach the administration of a prison as a series of strategies that allow them to maintain order, fulfill program goals, and provide basic services. Social scientists are interested in causal relationships that may or may not meet the information demands of managers.

I will briefly summarize crowding research issues from the perspective of both administrators and social scientists. Research on crowding has thus far focused on three main themes: inmate

health, inmate violence, and recidivism. There have been many secondary themes, such as the perception of crowding and other quality-of-life issues; however, these have usually been studied either to explain the primary themes or to bolster researchers' confidence in the results concerning health, violence, and recidivism.

By far the most studied parameter of inmate health has been the rate at which inmates use the prison clinic or report for sick call. Some studies have looked at blood pressure and other biological indicators of health; however, in my opinion, results from these studies are not convincing due to poor methodology or reliance on small inmate samples.

In my research review of the crowding literature, I concluded that there is no consistent evidence that crowding affects any of the three major variables—health, violence, and recidivism. Other researchers would disagree. However, regardless of which side's arguments you find compelling, on this issue, social scientists rarely address matters that most concern prison administrators: the strategies and procedures that are useful in managing institutions having more inmates than their rated capacity.

As institutions become more crowded, the primary response of managers is to extend services—food, medical, training, and case management—to the larger populations. This must be done in coordination with the concern for both inmate safety and continued public safety. Social scientists seem uninterested in the strategies administrators adopt and focus instead on the problems, as if the managers were sitting still while their institutions were deluged by additional inmates. A survey and site

visits conducted by George and Camille Camp attempted to examine the strategies used by administrators to manage crowded prisons. These authors found that institutions were adopting procedures that allowed them to continue providing standard services to inmates despite the increase in population. Prison administrators accommodated increases in population through different strategies; for example, some suggested tighter internal security, such as a pass system, while others suggested improvements in grievance procedures. However, despite the Camp study's documentation of these issues, none is currently being studied by social scientists involved in crowding research.

What do we know about the determinants of prison violence and inmate health?

As a practical matter, crowding research has contributed very little to our understanding of the relationship between population density and quality of life. It has not, however, been a fruitless exercise. Psychological research on prison clinic utilization and crowding has taught us that inmates who first arrive at an institution and inmates who change housing units within an institution are more likely to seek health care in a prison clinic. This fact alone can be used to anticipate clinic demand and is leading to a better understanding of why inmates use the clinic for reasons independent of or only marginally related to their health.

As regards violence, one of the lessons learned from crowding research is that individual factors seem to have a much more potent effect on inmate violence than do institutional factors. This needs further exploration. Many environmental

Crowding research can lead to a better understanding of why new inmates and inmates who change housing units are more likely to seek health care for reasons independent of or only marginally related to their health.

factors other than crowding—age, size, direct versus indirect supervision, type of institution control, type of internal inmate classification system, staffing ratios, inmate turnover, program participation, and even management style—should be studied in relation to inmate characteristics and their combined effect on violence. This distinction between the effect of crowding and other institutional and inmate characteristics on the quality of inmate life is not an academic exercise. A focus on specific crowding levels, if it diverts attention from crucial management variables, may interfere not only with our *understanding* of the quality of inmate life, but with the *actual* quality of inmate life.

Bridging research and practice

By challenging some of our commonly held assumptions about the nature of prison crowding, I hope to broaden our understanding of the issues. The debate and research on prison crowding will, no doubt, continue. Both perspectives, the

political and the analytical, are necessary. The political perspective, as represented by Bleich's paper, brings to bear different views on the purposes of incarceration and forces us to reevaluate correctional objectives. Crowding research may eventually lead to a more definitive answer on the nature and effects of crowding.

It is also important to realize that many other environmental or management influences may have a more dramatic influence on the quality of inmate life. These should not be excluded from either the political debate or the research efforts. Researchers need to take advantage of this opportunity to provide practitioners with the type of information they want and need to do their jobs effectively. Such studies will not only help forge a stronger bridge between research and practice, but may also provide important and unexpected answers concerning the effects of crowding. ■

Gerald G. Gaes is Director, Office of Research and Evaluation, Federal Bureau of Prisons.

Notes

1. Bleich, Jeff, "The politics of prison crowding," *California Law Review*, 77(5), October 1989.
2. Useem, Bert and Kimball, Peter, *States of Siege: U.S. Prison Riots, 1971-1986*. Oxford University Press: New York, 1989.
3. Gaes, Gerald G., "Prison crowding re-examined." Office of Research, Federal Bureau of Prisons, Washington, D.C., 1990.