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CRIMINAL JUSTICE MONOGRAPH

Prevention of Violence in Correctional Institutions

This monograph consists of papers on related topics presented at the Fourth National Symposium on Law Enforcement Science and Technology, May 1-3, 1972 conducted by:

THE INSTITUTE OF CRIMINAL JUSTICE
AND CRIMINOLOGY
UNIVERSITY OF MARYLAND

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FOREWORD

This publication is one of a series of nine monographs extracted from the Proceedings of the Fourth National Symposium on Law Enforcement Science and Technology.

The principal Symposium theme of "Crime Prevention and Deterrence" was chosen by the National Institute as a reflection of LEAA's overall action goal - the reduction of crime and delinquency. Whereas previous Symposia examined methods of improving the operations of individual components of the criminal justice system, the Fourth Symposium was purposefully designed to look beyond these system components and focus on the goal of crime reduction.

A major conference subtheme was "The Management of Change: Putting Criminal Justice Innovations to Work." The Institute's overall mission is in the area of applied rather than basic research, with special attention being given to research that can be translated into operational terms within a relatively short period of time. We have therefore been interested in exploring the obstacles to the adoption of new technology by criminal justice agencies. Many of the Symposium papers identify these obstacles - attitudinal, organizational, and political - and discuss how they are being overcome in specific agency settings.

The titles of the nine Symposium monographs are: Deterrence of Crime in and Around Residences; Research on the Control of Street Crime; Reducing Court Delay; Prevention of Violence in Correctional Institutions; Re-integration of the Offender into the Community; New Approaches to Diversion and Treatment of Juvenile Offenders; The Change Process in Criminal Justice; Innovation in Law Enforcement, and Progress Report of the National Advisory Commission on Criminal Justice Standards and Goals.

In this monograph, the sources and alleviation of conditions that generate collective disorders in correctional institutions are described and evaluated. The question of priorities in correctional efforts as they relate to the immediate problem of handling prison riots is the primary focus. Ongoing research is examined in relation to the problems highlighted in recent major disturbances.

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INTRODUCTION

The Fourth National Symposium on Law Enforcement Science and Technology was held in Washington, D.C. on May 1-3, 1972. Like the three previous Symposia, it was sponsored by the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration. The Fourth Symposium was conducted by the Institute of Criminal Justice and Criminology of the University of Maryland.

These Symposia are one of the means by which the National Institute strives to achieve the objective of strengthening criminal justice in this country through research and development. The Symposia bring into direct contact the research and development community with the operational personnel of the law enforcement systems. The most recent accomplishments of "science and technology" in the area of criminal justice are presented to operational agencies - law enforcement, courts, and corrections - in a series of workshops and plenary sessions. The give and take of the workshops, followed by informal discussions between the more formal gatherings, provide the scholar and researcher with the all important response and criticism of the practitioner, while the latter has the opportunity to hear the analyst and the planner present the newest suggestions, trends and prospects for the future. In the case of the Fourth Symposium, these opportunities were amply utilized by over 900 participants from across the country.

The specific theme of the Fourth Symposium was "Crime Prevention and Deterrence." The content and the work of the Symposium must be seen against the immediate background of the activities of the National Advisory Commission on Criminal Justice Standards and Goals, which was appointed several months earlier and by the time of the Symposium was deeply involved in its mammoth task. Another major background factor was the National Conference on Corrections, held in Williamsburg shortly before. More generally, of course, the Symposium was one of many activities in the all-encompassing national effort to reduce crime embodied in the Omnibus Crime Control and Safe Streets Act of 1968, and the subsequently established Law Enforcement Assistance Administration.

A twelve-member Symposium committee made up of representatives of the Law Enforcement Assistance Administration and the Institute of Criminal Justice and Criminology of the University of Maryland was responsible for planning and arranging the Program. The program, extending over three days, was organized around three daily subthemes which were highlighted in morning plenary sessions. These

subthemes were further explored in papers and discussions grouped around more specific topics in the afternoon workshops.

The first day was one of taking stock of recent accomplishments. Richard A. McGee, President of the American Justice Institute, reviewed the progress of the last five years, and Arthur J. Bilek, Chairman of the Illinois Law Enforcement Commission, addressed himself to criminal justice as a system, the progress made toward coordination, and the ills of a non-system. The six afternoon workshops of the first day dealt with recent accomplishments in prevention and deterrence of crime around residences, violence in correctional institutions, control of street crime, court delay, community involvement in crime prevention, and the reintegration of offenders into the community.

The subtheme of the second day was formulated as "The Management of Change - Putting Innovations to Work." This is a reference to the frequently noted fact that the findings of many research projects all too often do not result in operational implementation, in spite of the funds, energy and competence invested in them. New methods that are adopted often prematurely die on the vine, with the old routines winning out and continuing on as before. The objective of the Symposium sessions was to identify the obstacles to change and to explore ways of overcoming them. Thus two papers given in the morning plenary session by Robert B. Duncan of Northwestern University and John Gardiner of the National Institute of Law Enforcement and Criminal Justice dealt, respectively, with attitudinal and political obstacles to change. The five afternoon workshops developed this theme further by discussing the change process within specific law enforcement and correctional settings. From there attention shifted to the role that public service groups play in the process of change, the pilot cities experience, and the diversion of juvenile offenders from the criminal justice system.

The third day of the Symposium was turned over to the National Advisory Commission on Criminal Justice Standards and Goals. The daily subtheme was listed as "Future Priorities." More particularly, however, this was a series of progress reports on the all important activities of the Commission, presented by the Executive Director, Thomas J. Madden, and representatives of the Commission's four Operational Task Forces on standards and goals for police, the courts, corrections, and community crime prevention.

Finally, there was a presentation on the management of change within the eight "Impact Cities" - a major program of the Law Enforcement Assistance Administration - by Gerald P. Emmer, Chairman

of LEAA's Office of Inspection and Review.

By reproducing the contributed papers of the Symposium, the Proceedings admirably reflect the current intellectual climate of the criminal justice system in this country. It should be kept in mind that the majority of these papers present the results of research and demonstration projects - many of them experimental and exploratory - which have been funded by State and/or Federal agencies and private functions. Thus these papers do not only reflect the opinions of their authors, but are also indicative of the total climate of action, thought, and quest for new solutions regarding the crime problem in this country.

No reproduction of the papers of a professional meeting can fully reflect the flavor and the total contribution of the event. The questions and remarks from the meeting floor, the discussions in the workshops, the remarks exchanged in the corridors, over meals, or in the rooms of the participants often represent the major accomplishment of such a gathering. New face-to-face contacts and awareness of things done by others - both individuals and agencies - is often the most important byproduct the participant takes home with him. This Symposium was rich in all of this. Close to one thousand persons from all over the country, representing all component elements of the criminal justice system mingled together for three days under the aegis of a major Federal effort to do something about crime and delinquency, which have risen to unprecedented prominence over the last decade. The Symposium provided the needed national forum for all those engaged in the crime prevention and control effort.

Peter P. Lejins, Director
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TENSION MANAGEMENT AND ORGANIZATIONAL ACTIVISM:
TOWARD A PREVENTIVE MEDICINE FOR PRISON RIOTS

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Introduction

It may well be that prison managers have too long been victims of their own archaic assumptions. One such assumption regularly voiced is that of the unpredictability of the prison riot. It is usually voiced in an expression such as "The place is pretty quiet, but it may blow at any moment." It seems hard to believe that institution officials have much of a relationship with inmates and yet have no inkling of present points of stress in their institution.

As a prison official, I have become more and more impressed with the need among my colleagues and myself for a new view of our role.

It seems that the rapid social changes of the past thirty-odd years have presented all managers with evidence that the major organizational need is for flexibility, in order to attain adaptability. In a recent speech in Denver, Marshall McLuhan pointed out the frightening implications of living in an era of "information overload," where we are bombarded with communications from all quarters and provided with instant images already defined for us. As a result, the public can no longer remain an uninterested observer. It becomes an almost instant

expert. The relevant and not so relevant facts are presented in a flash about almost any event. We can be, for example, a part of the battle in Vietnam yesterday or a participant of the latest prison riot and still remain in our living rooms by the television set. This condition adds a whole new set of adaptive requirements to life. The winner is often the man with the best information and the right concepts. Only he can respond with the immediacy required and be effective.

A New Orientation for Prison Managers

Beset as we are, we clearly need to have an orientation that is functional for our task. For lack of a better term, I call that orientation organizational activism and tension management. Much of our activity in prison is concerned with establishing routines which allow for the channelling of demands by men who have largely been unable to defer gratification of those demands on the street. In this present approach, we may well have created a monster. Institutional life can often be one long stretch of tedium and frustration for many inmates. Feeling frustrated and bored in the face of deprivation lays the groundwork for a fertile soil of discontent within an institution. When discontent runs high, small incidents and issues, that never should have gained much legitimate stature, suddenly become the most important considerations in the world. Since the institution is defined as a highly negative place by a group of inmates, it follows that some routine malfunction is really an attempt on the part of the staff to create further problems for them.

And what do we do? Most often, we sit around and react . . . prepared for the inevitability of the worst. An alternative is to make an aggressive beginning. Instead of waiting and preparing for the worst, we need to gear ourselves to bringing out the best in our inmates. Somehow, we have to re-define ourselves and our institutions. We have to be perceived as trying to "do something." While the ability to create such an image is highly individualized according to institutions, some fairly broad guidelines can be utilized.

First, most riots begin to show a pattern . . . particularly in an age where they happen fairly quickly and are reported fairly well. Without dwelling on the right or wrong or relative merits of either staff or inmate positions, we can see that certain elements seem to be inevitably involved.

There is usually the fertile ground of discontent I mentioned, in which the seeds of the riot are sown. Active people engaged in meaningful activity are not likely to riot, especially where there is the possibility of adjustment without the cost of rioting.

Second, there is usually some group of inmates who have an image of prison society within the setting that is negatively defined. Both the institution and the inmate group usually perceives intolerable threat. Each makes its own moves to get its way. Neither has usually been in genuine negotiation or has a reason to trust. Both through its own efforts and the implicit permission of the prison, the group has managed to become insulated; i.e., it has a little meaningful communication with the majority group. It is entirely possible that there may be a large number of such groups within a setting. The

danger is that having a different label implies differential treatment. The regular reactions of others is often initially determined by the label. For example, people often relate differently to an "Indian" than to Caucasians; differently to those perceived as "militants" than to others. If allowed to be off and apart, the group develops a consciousness of kind. This sense of identity is reinforced through participation in common channels of communication and interaction. The group develops its own set of interests and goals quite apart from the majority. If interference occurs, the group is likely to become active. That very interference is likely to make the group more close-knit, more insulated, more dangerous, more likely not to subscribe to conventional norms of conduct. The group can often provide the leadership, organization, and fear necessary to get support if the rest of the inmate group is high in its level of discontent.

Next is the "explosive incident," "issue," or "state of awareness." The incident may involve a disagreement that has happened routinely between staff and inmates or may be the result of staff oversight or failure. The issue can concern almost any condition at the prison that is negatively defined by inmates. The state of awareness is something akin to a psychological set, in that it incorporates an identity and a readiness to perceive and act on the basis of expectations that seem real and rigid. An example is the general feeling among inmates that they are "political prisoners." Rightly or wrongly, this is for them an acceptable identity to which they respond. Hence, inmates form an identification with other prisoners in other institutions with revolutionary groups, etc.

The prison official's task then becomes one of becoming redefined as people who are genuinely interested in inmate welfare. We can only do this by being genuinely interested and active in helping them. However grudgingly, this perception can become real for most inmates. It requires, however, that the institution's system itself must place its emphasis upon the creation of such an image. This is the aspect of organizational activism. If such an atmosphere is to prevail, prisons must become places of opportunity for society's outcasts.

Tension Management Research

A major requirement for this will be the evaluation of current operations in the light of what we are supposed to be doing . . . our organizational goals. Here, we will need fresh information on a routine basis. We need regular indicators of how things are going in the various areas in our setting. In what state is our physical plant? Do we have the facilities to do what we are trying to do? Are the roles of our units compatible so that they mesh smoothly or are various staff units in contradiction with each other? Do we, indeed, have a philosophy and set of goals? Are we trodding down a path of simple reaction to various changes without a master plan? What are the major social issues involved . . . in staff, inmate, or staff-inmate interaction? What are the meaningful groups in our population and how are they defined or labelled? For example, it was true years ago that the toughies in an institution gave the trouble. Today, these people are more likely to have new identities connected with some social or political issue. Also, they are more likely to show organization and to be aware of how the role is played through countless

examples from the papers, television, radio, or word of mouth. Better to know who they are, recognize their identities, and make efforts to communicate with them and to channel their destructive drives into constructive avenues. For all of this, we will need hard, factual information that will enable us to evaluate their potential; we need that information in detail. For example, certain groups may not normally associate together; yet, they share in one aspect a common identity. That common identity or interest may make it possible for them to coalesce or come together and to act in concert in a strength neither of them would have alone.

Adapting individual systems means radical change in them to provide for a systematic technology for helping inmates to respect and live according to the needs of people around them. Required change is often so at odds with the old fashioned routines now in effect that the term radical is necessary. However, in this sense, being radical means to observe the need for change and to have an effective and constructive program for doing something about it. Constructive change can occur only if prisons officials are not hoodwinked into believing the notion that they can still get away indefinitely by manipulation. The times will not allow it. If that means that you will have to educate the public and their representatives with hard information, then do it. In order to understand correctional needs, the public needs to know through their representatives in our legislatures.

Finally, to manage tensions and prevent disturbances, prison officials need a new set of operating assumptions. One is that the prison system may never be in perfect balance. This is one of the

effects of constantly heavy demands. Another is the notion that we must learn to look at the institution as a whole in which we must constantly juggle individual parts, but according to a specified plan. If administrators know their facilities, inmates, and jobs, they can constantly readjust the institutional climate in order to bring out the best. In each case, our object is to meet needs. For example, one component of inmate sentiment is to exert some control over the decisions that affect their lives. This may not be, and certainly does not have to be, a threatening posture. If we want to be helpers, this becomes an opportunity to redefine our staff in the inmates' eyes. Not all of them will agree, but most will. I generally frown on the establishment of permanent inmate councils unless there is extremely rapid turnover, since inmates (a) generally tend to be harder on their peers than we are, and (b) such councils often become corrupt spokesmen for a small dominant or aggressive group and not the entire inmate body. But, what is wrong with a six-question survey several times a year asking staff and inmates alike to indicate what three things are best and what three things are worst about your institution? When problems arise, how about instituting temporary staff-inmate task forces to solve an immediate problem and disband? This is being organizationally active with a plan from constructive evaluative information. This is tension management. This is prevention.

The ideas offered here do not constitute a panacea, but they do provide a useable outlook and orientation for the effective control of prison riots through preventive medicine. Robert Wright recently stated

the need for "organizational physiologists" who look regularly at the organizations functioning, even when things are perceived as being alright. Managers become "tuned in" to looking at the pathology of their organization, correcting where necessary. Having a plan means moving with a purpose and a notion of what we need to do. We become organizational activists. With information we become effective tension managers as well. The inmates will benefit. Since most inmates one day return to society, the society is in the long range the ultimate beneficiary.

WHY ATTICA?

Walter Dunbar
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Why Attica?

Why Attica? The question is appropriate and deserving of attention--our honest answer may disclose problems and hazards, which exist in some of the prisons throughout the country. And then, we should proceed with courage and wisdom to seek solutions!

Why Attica? In presenting my answer, it is my purpose to not appear defensive or critical, nor to pass the blame around.

Rather, I intend to present a summary interpretation of factors leading to Attica, September 9 through September 13-- a description of those five days of Attica, and what may prevent a future Attica.

I believe that I am qualified to share my perspective with you, not only because I was there, but also because I have been a worker and observer in prison and parole work in over one-half of the states during the past 30 years.

Before discussing with you the question--Why Attica?--let me outline an answer to the question What Was Attica?--September 9

through September 13?

What Was Attica - September 9 Through September 13?

Rather than label it, I present a summary description of it. Attica began when about one-half, or 1200, of the prison population became involved; 48 of the staff of over 400 were taken as hostages; some were injured; 10 were released; one died, three inmates were executed; buildings and property were damaged and destroyed; total amnesty was demanded; barricades and an array of dangerous weapons were fashioned; hostages were threatened, and the execution of some hostages was attempted by some inmates. Only after many and varied efforts had been made to solve the situation by negotiations and peaceful means in order to save lives, only then was the necessary force used.

Citizen observers and their negotiation efforts were ineffective. The inmates were adamant in demanding total amnesty, while threatening to kill all of the 38 hostages.

Control of the prison and of the recalcitrant inmates was established, in short order, by a unique and well-planned effort. This included the dropping of a gas bomb by helicopter in the yard area, coordinated with the action of the well-equipped and trained state police and correction officer forces. Excellent direction and self-discipline were demonstrated. Such was borne out by the facts that control was established in short order, and that there was a minimum of casualties.

Unfortunately, due to the nature of the operation, the exhaustion

of the many participants, observers, and press; and due to the complexity of the affair, some mis-information from these sources was given regarding the events and the causes of death of the hostages.

Why Attica?

My assessment of WHY ATTICA? permits me to review a number of factors. I begin by highlighting those external to the operation of the prison itself:

1. The changing nature of the prisoner profile and behavior as a reflection of the social, cultural, and economic conditions of our communities.
2. The influence and actions of crusaders for change.
3. Public and political priorities for investments in public service programs.
4. The inadequacies of our basic social "institutions" to prevent delinquency and crime.
5. The results of operation of the criminal justice game--some are caught; many are detained too long; many detention facilities do not meet minimum standards; plea bargaining is a frequent practice; there is much disparity in sentencing; and, while the conviction is documented, the sentence is not.

Now, I will talk about the Attica Correctional Facility as a reflection of the evolution and status of penology, its goals, role, setting, and programs.

1. What have we been trying to accomplish? Revenge, retribution, deterrence, and incapacitation by warehousing, or rehabilitation.

We have a heritage of conflicting goals, which may be described as legalistic-moralistic, or as operating the prison to be both a junk yard and a salvage yard.

2. Have we really chosen a proper location and an efficient setting?--plenty of land away out there --selected on the basis of political decisions. Features have included buffer zone area, farm land for products and work, walls to keep in and keep out, and prison design for safe and secure operations based on an insect type of mentality-- "a bee's honey comb."
3. Have we managed men as cowboys and generals would?

Herd them	vs.	Understand them
Guard them		Motivate them
Command them		Involve them
4. Have we been portraying the reformation myth? Examples are: 16 hours daily in cells, the snail's pace of operation, lick and promise programming, and accepting ineffective human relationships between staff and inmates.
5. Is Corrections an art or a science?

The status of knowledge and skill about human behavior is limited; there is the absence of choosing the right questions and seeking answers through research.
6. Should the essentials of humane care be provided prisoners?--food, clothing, bathing, and toilet articles.
7. Why have we neglected the most important resource --employees?

Effective personnel management as an ingredient of administration involves the concept of a career and merit service for employees; employees must be recruited and selected, organized, equipped, and trained.
8. What techniques should be used to influence human behavior?
9. Do pronouncements of new directions and better conditions by new leadership raise prisoners' hopes but increase frustration and make staff uncomfortable and resistive?

No one wants another Attica, so what should the strategy of prevention include? My findings and recommendations are:

1. Collaborate to establish agreed upon goals.
2. Reduce prejudice, discrimination and poverty in our communities.
3. Adjust our social and educational programs to adjust people.
4. Assist people in solving their problems.
5. Manage by objectives and results.
6. Diversify, both facilities and parole programs; classify clients and program them by prescription.
7. Shift some of corrections into the communities and use community resources.
8. Improve personnel management; a merit system must have merit.
9. Provide humane care.
10. Involve the inmates and parolees in planning and review of program.
11. Keep inmates busy as bees in meaningful activities.
12. Recognize, stipulate and emphasize both through rights and responsibilities of inmates.
13. Advance knowledge and skills by basic and applied research.
14. Provide a system of information gathering and dissemination for decision making.

The tragedy of Attica is a challenge to our wisdom, courage, willingness, and abilities to do that which is necessary to prevent another Attica.

The real tragedy of Attica may be found in the life to date of

one man who was one of the inmate leaders. He was white, not black, but the past 28 years of his life are black; and his future is bleak. He was in the Attica Correctional Facility because he had been convicted and labeled as a murderer. He killed a social scientist he did not know for his money. Why?

Was it because this man was conceived by a young unmarried woman? Was it because he learned as a teenager that he was a bastard?

In addition to society's label as a bastard, this young man acquired the labels, delinquent and criminal by his behavior. Following conviction as a murderer, he was described as a young man, socially maladjusted, emotionally unstable, violence prone, intelligent but unskilled.

The depth of his feelings are recorded--hatred of his mother and hatred of society.

His future, when he came to prison, was 26 years or in 1993 before he would be eligible for parole. Then he would be 50.

So what does society do with a young man with half his life span ahead of him, a young man who has demonstrated that he is both intelligent and dangerous, not only in the outside community, but also in the prison community?

While prevention and deterrence of violence are worthy goals, the present reality in this case is a challenge to not only prevent the emergence from society of similar young men, but also to prevent and deter violence in the prison setting.

SOURCES OF COLLECTIVE VIOLENCE IN CORRECTIONAL INSTITUTIONS

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Introduction

The specter of increasing violence and full-scale, bloody riots in this country's prison system has resulted in intensified efforts to identify some of the causes or correlates of prison violence. While there is a dearth of empirically verified information as to the exact causes of prison riots, there is a growing body of knowledge in the behavioral sciences, backed by the experiences of correctional administrators and on-site observations at institutions experiencing riots. The use of empirical information coupled with new knowledge in the behavioral sciences is sufficient to permit a tentative identification of some of the underlying conditions of prison riots and an approximation of some of the causal relationships between the patterns of institutional disorders. It is the purpose of this paper to examine this body of knowledge and analyze the state of the art in order to obtain a clearer understanding of the conditions that generate or elicit collective disorders, as well

as to suggest some directions for future research in developing more effective techniques for crisis intervention.

The Historical Pattern

A brief review of institutional riots and disturbances reveals not only a cyclical pattern of periodic flare-ups every decade or so, but also a steady increase in occurrences of disruptive behavior and a change in the seriousness of the riots in terms of more severe personal injuries and loss of life (1). Although information on earlier prison riots (1920-1950) is sketchy, violence was usually brief, it cost few lives, and involved few hostages. The years of 1929 and 1952 saw a rash of riots; in 1952 and 1953 there were more than 45 riots involving more than 21 states. Since 1954, the number of outbreaks has declined--until 1969, when violence and injuries increased in severity with each consecutive year. It is obvious from this account that prison violence is not a recent phenomenon; it has always been with us, even though some of its elements and characteristics have undergone noticeable changes in recent times.

The Reasons for Violence

An examination of official reports and publications on the subject of riots reveals a relatively consistent melange of the following reasons (2): poor, insufficient or contaminated food, overcrowding, excessive size and obsolete physical plants; insufficient financial support and public indifference; lack of

professional leadership, substandard personnel, inhumane prison administration, and brutality of prison officials; inadequate treatment programs or none at all; enforced idleness and monotony; political interference with personnel and programs; and groups of unusually refractory hard-core inmates. Most recent observations and reports tend to include conspiracy theories which involve both inside and outside agitators. The question needs to be raised as to exactly why these factors should be the reasons for riots and violent behavior when such conditions prevail in most institutions, not just in those experiencing riots. In view of this observation, it should be apparent that none of the standard complaints of administrators and inmate grievances can in themselves be considered sufficient to explain prison violence, although they are probably necessary, accompanying conditions. The explanation of riotous behavior, therefore, must go beyond the obvious, simple reasons into the deeper social fabric of the prison to examine the more fundamental structures and functions of the system and their relationship to prison violence.

The Informal Social Structure of Prisons

One of the most significant aspects of any prison system is the fact that it is run by the implicit and tacit consent of the inmates (3). Few administrators will dispute the fact that inmates could seize control over an institution at any given moment should they wish to take that risk. This is a possibility inherent in those

institutions in which large numbers of inmates are managed by small numbers of supervisory staff, and it results in the development of an informal social organization among the inmate population, complete with value system, stratification and informal social controls. All of which contribute to the maintenance of the institution. The prime mechanism of control, therefore, is not so much the use of force as it is an intricate web of informal and symbiotic social relationships between inmates and staff, motivated by the administration's desire to maintain order. Conformity to the rules of these relationships on the part of the inmates assures a predictable atmosphere for all concerned, facilitates such daily operations as the exchange of goods and services between inmates and sometimes even staff, and also assists custodial aims. While the existence of this network of relationships is denied by the formal structure and mandate of the correctional system, it is tacitly acknowledged by most of those working in the system; it is here that one of the primary sources for prison violence can be found. Any drastic change in administration which affects and alters these relationships or disrupts the routine can upset the precarious balance and enhance the probability of violence and disruptive behavior. It is important to note that this tendency to disrupt prevails regardless of whether the institutional change is for the better or the worse, a fact frequently misunderstood by the public and some administrators as well. Another important observation is

the fact that the actual outbreak of violence tends to be delayed because changes require time to reverberate throughout the entire system. As a result, spontaneous violent outbursts seem unfounded and irrational, frequently conceding the actual or predisposing causes under the facade of precipitating factors.

The first factor, therefore, in identifying conditions that generate collective disorders is to institute changes with the greatest of care and with continuous monitoring as to their effects at all levels for an extended period of time. It is here that a fully functioning system of communications is indispensable. Whenever communication patterns fail, disorganization and violence follow (4). In addition, implementation of any changes, however routine, in large scale institutions should always be viewed as potentially disruptive to the informal social structure and hence be regarded as a definite danger point. This observation is equally valid where mere announcements of forthcoming changes have been made to staff and inmates alike, since inmate anticipation of disruptions can be just as instrumental as accomplished change in eliciting riots. The first reaction in the face of this analysis may well be the temptation to maintain the status quo of our institutions as the best insurance for preventing riots, but this is impossible. First, it would be impossible to keep out the rapid and dramatic change taking place in society at large, since inmate populations reflect population shifts on the outside. Second,

ordinary personnel changes and the turnover of staff from warden on down must also be expected to effect changes. Finally, in view of the recognized failure of our institutions to rehabilitate, changing of present methodologies and procedures holds the only promise for improved performance.

Racial and Political Tensions

While the requirement for inmate cooperation in running institutions is just as true today as it was decades ago, the experience of the past few years indicates a dramatic change in the ground rules by which institutions function. There appears to be less willingness on the part of prisoners to exercise a controlling effect over other inmates, which is accompanied by an increased toleration of the use of violence on the part of fellow inmates. There are other important factors as well. Cumulative social and economic changes, reflecting increased political and racial tensions of society at large, have established conditions for revolt and unrest in our prisons at an unprecedented scale. While our institutions have always contained disproportionate numbers of minority groups, the growth of Black and Puerto Rican populations within our prisons and jails is adding a special dimension to an already difficult situation. First, the prison environment tends to exacerbate and magnify problems of race relations by pitching together almost diametrically opposed groups. On the one hand is the sophisticated urbanized Black or other minority member, keenly aware through the

influence of the mass media and literature of racism, differential opportunity, and civil rights movements in society; on the other hand is the lower echelon correctional officer who is characteristically rural, white, conservative, and reluctant to change. It is easy to see that such vast ideological differences not only preclude the formation of the necessary informal relationships but also present a potentially explosive mixture. Second, in view of the previously mentioned population shifts, prison populations reflect the general growth of militancy in the Black community. For example, there is accumulating evidence that Blacks increasingly view themselves of being capable of taking action on their own behalf. In addition, due to the relatively recent dramatic and militant politicization of minority groups, many exhibit a readiness to accept the concept of physical force. This latter phenomenon is rooted, of course, in the raised hopes of the early progress of the civil rights movement and the subsequent disillusionment when the "dream" did not materialize. Frustrated aspirations gave rise to full scale riots and provided, in addition, the motive for the large scale mobilization of Black youth. Since 1965, riots have had increasing political overtones, which, in fact, may serve to mask nonpolitical issues.

Of growing importance in the politicization of prison life, however, are militant separatists and radical ideologists of leftist and rightist persuasion. An analysis of the "profile" of the militant, based on available research of this group in the community setting, has relevance for the correctional system, not only because it holds

this type of prisoner in increasing numbers, but also because he represents a new breed of prisoner with whom administrators must deal. Stated briefly, racial militants are most often found among male youths, and they are more likely to be urban socialized, better educated and more politically sophisticated than comparative groups of Black conservatives (5). They tend to report higher rates of abusive reactions from police, are considerably more disenchanted with whites, and they are far more likely to assign full responsibility for changes in race relations to whites. Finally, they are more likely than nonmilitants to endorse the advancement of their cause by any method necessary, including violence as a legitimate last resort, and to engage personally in radical redress strategies that involve force. It is interesting to note that none of these characteristics are particularly anti-white. They are a far cry from the inveterate pronouncements of true radical revolutionaries whose primary goal is the total destruction of the American way of life.

While there can be no doubt as to the disruptive existence of radical ideologists and politically motivated agitators in our prison system, they are probably few in number, and hence less likely to be a significant problem in terms of control. Definitive answers, however, must wait the completion of empirical studies.

The second factor, therefore, in our search for improved means of controlling conditions conducive to collective disorders is the need to differentiate between ordinary militant minority members and

the true revolutionary of the New Left or similar orientation, who tends to use this inmate category for his own frequently covert and destructive purposes. In order to facilitate separation and differential handling of inmates in both categories, improved classification techniques, sensitive to these differences, are required. There can be no doubt but that the current composition of inmate population in our institutions of radical ideologists with common criminals has accelerated the politicization of minority members, to the detriment of the goals of rehabilitation and reintegration. Therefore it is necessary to refute categorically any notion or suggestion on the part of inmates, or vested interests outside, that ordinary criminal behavior should somehow be rationalized and dignified by labeling it political activity. The information exchange between the ordinary criminal and the radical ideologist results in the worst possible combination for society. Whereas radical ideologists absorb the criminal technology of common criminals, the latter are furnished with a ready-made critique of society and a complete set of rationalizations for their predatory activities. It is obvious that programs and rehabilitative efforts under these circumstances will be futile. In addition, this peculiar mixture of prisoners is probably one of the most unholy alliances and explosive combinations to be found anywhere in the world.

The Influence of Relative Deprivation

There can be little doubt that the renewed rhetoric and promise of reform of our prison system has greatly contributed to the raising of expectations of prisoners, only to disappoint them by token improvements or delays in implementation. A major precept of relative deprivation theory suggests that the degree of dissatisfaction among persons is not so much determined by the absolute level of their achievement or deprivation but by the perceived discrepancy between their achieved status and some important goal. Relative deprivation plays a major role in inciting ghetto riots whenever raised aspirations are not fulfilled or are fulfilled too slowly. Since prisons experience similar conditions, the hypothesis can be made that relative deprivation not only increases the general propensity for violence, but it also plays a significant role in prison violence and riots.

Relative deprivation theory appears to have particular relevance for understanding riots in view of the many investigative studies, commissions, and reports which have been launched and conducted thus far, for the explicit purpose of exploring prison violence and formulating recommendations for prison reform. Finding themselves at the receiving end of countless visits, surveys, and investigative inquiries, administrators and wardens can attest to the fact that prisons are being extensively studied while sufficient funding for the implementation of the recommended reforms never materializes. Inmates observe legislators, investigative teams, and

the press come and go, only to see real or perceived gains fade into psychological losses when they are compared with the harsh realities of their existence.

The third major factor, therefore, in our pursuit of sources that generate collective disorders is the need to recognize that a fair number of prison riots are generated by the frustration of inmates whose expectations have been raised too often and too long without being given the means to achieve such legitimate goals as decent levels of existence, the satisfaction of basic human needs, and a minimum number of programs.

The Treatment and Custodial Dichotomy

In the pursuit of improved correctional practice, researchers frequently point to an alleged inherent conflict between the objectives of treatment and reform and the correctional institution's demand for control. Basically, a dichotomy exists between the precepts of treatment and punishment, and it tends to emerge whenever the professional ideology of treatment staff clashes with that of custodial and administrative personnel. Role conflicts between treatment and custody staff are not so much a result of the incarceration process as such; rather, they are due to the particular environmental setting characteristic of large-scale institutions. The effects of size upon institutional climate are well known; the central features of total institutions, as epitomized by rigid schedules, mass movement, batch living, depersonalization and self-mortification, all function to produce an atmosphere antithetical to

the goals of resocialization, thereby precluding effective rehabilitation. As a result, institutionalization of environmental changes, smaller facilities in urban locations and modular treatment units to facilitate individualized program approaches appear to be the only solutions to an otherwise insoluble problem.

A closely related point in the light of the previous discussion is the fact that smaller facilities would preclude the need for excessive reliance on inmate labor for the running of institutions, which has been clearly identified as the primary cause of staff corruption. Reduced service and maintenance needs, along with the employment of rehabilitated offenders, would go a long way toward alleviating this perennial problem.

Any consideration of the traditional role conflict between treatment and custodial personnel would be remiss if it did not attempt to go beyond the question of the environmental and social changes required to avoid staff corruption and into an analysis of the importance of the attitudes, relationships, and experiences of staff in the performance of their duties. Whenever the staff acts oppressively and sadistically, or when it becomes obsessed with custodial containment, the foundation has been laid for violent retaliatory behavior by the inmates. The manner, therefore, in which staff resolves its own hostilities becomes vital to a well-functioning institution.

A final point concerning staffing needs to be considered. Some professionals, especially those new idealists fresh out of college, may unconsciously communicate their own ambivalence regarding their work and society in general to their clients. This ambivalence may be particularly aggravated whenever a pronounced dichotomy exists between treatment and custodial staff and whenever treatment and program recommendations are consistently overruled in favor of custodial decisions. The ensuing cynicism and frustration on the part of treatment staff can only be counterproductive to the overall goals of corrections, and such feelings may, in fact, be communicated to the inmates, thus supplying a sanction for violent behavior. It needs to be recognized that a person who is cynical or despairing of the system cannot be expected to work honestly and effectually within such a system. As a result, good staff development and training programs, combined with careful selection of personnel, will go far to improve this situation.

The fourth major factor, therefore, in alleviating violence-prone conditions is the recognition that social and physical environmental changes are needed to bridge the traditional gap between custody and treatment, and that these changes must be paired with improved personnel selection and training. Once the traditional differentiation between supervisory, line, and treatment staff is dropped in favor of one category, such as that of the correctional counselor, the problem of conflicting goals can be eliminated.

In conclusion, we must abandon superficial explanations of collective violence and examine intensively the fundamental processes and structures governing this complex phenomenon. It is the contention of this paper that the wave of collective violence currently experienced by our institutions can largely be attributed to the following distinct factors: (a) the excessive reliance by staff on the acquiescence and cooperation of a pervasive inmate infrastructure, a practice which seems to derive from the very nature of large-scale, total institutions; (b) absent or restricted communication patterns which seriously impair the airing of legitimate inmate grievances and the detection of impending unrest; (c) failure to recognize the root causes of racial and political tensions which are reflections of tensions in society at large; (d) insufficient differentiation between militant and revolutionary prisoners, paired with the failure to physically separate these inmates; (e) insufficient awareness of the fact that ordinary criminal behavior is often rationalized and disguised as political activity; (f) failure to consider the effects of frustrations and the perception of deprivation in the light of promised prison reform; and (g) perpetuation of social and physical environments which are antithetical to the goals of correction and resocialization.

In recognition of these factors, present practices and techniques must change. The problems and the directions for reform have been identified. What is needed now is the commitment to carry through.

NOTES

1. A comprehensive analysis of prison violence is currently being conducted as part of a research project on "Collective Violence" by the South Carolina Department of Corrections, William D. Leeke, Director.
2. Committee on Riots, American Prison Association, Prison Riots and Disturbances (New York: American Prison Association, 1953), p. 7; see also Riots and Disturbances (Washington, D. C.: American Correctional Association, 1970).
3. Hans W. Mattick, "The Prosaic Sources of Prison Violence," Occasional Papers (Chicago: The Law School, The University of Chicago, 1972).
4. Winston E. Moore, "My Cure for Prison Riots" (Chicago: Cook County Jail, 1971), unpublished.
5. T. M. Tomlinson, "Determinants of Black Politics: Riots and the Growth of Militancy," Psychiatry, Vol. 33, No. 2 (May, 1970), pp. 247-264; see also T. M. Tomlinson, "The Development of a Riot Ideology Among Urban Negroes," American Behavioral Scientist (March-April, 1968), pp. 27-31; and T. M. Tomlinson, "Ideological Foundations for Negro Action: A Comparative Analysis of Militant and Non-Militant Views of the Los Angeles Riot," Journal Social Issues (1970), p. 26.
6. Leonard Berkowitz, "The Study of Urban Violence: Some Implications of Laboratory Studies of Frustration and Aggression," American Behavioral Scientist (1968), Vol. 11, No. 4, pp. 14-17. See also Ralph W. Conant, "Rioting, Insurrection and Civil Disobedience," American Scholar (1968), Vol. 37, pp. 420-433; Philip Hauser, "Mounting Chaos at Home," Bulletin of Atomic Scientists (January, 1968), pp. 56-58; Otto Kerner, Report of the National Advisory Commission on Civil Disorders (New York: Bantam Books, 1968).

BIBLIOGRAPHY

- Adams, Stuart. Staff Perceptions of Inmate Characteristics: Implications for Correctional Progress. Washington, D. C.: District of Columbia, Corrections Department, 1970.
- Berkowitz, L. Aggression: A Social Psychological Analysis. New York: McGraw Hill, 1962.
- Berkowitz, L., "The Study of Urban Violence: Some Implications of Laboratory Studies of Frustration and Aggression," American Behavioral Scientist (March-April, 1968).
- "The Brown Berets, Soledad Report: One Year Later," The Black Politician (Summer, 1971).
- Buggs, John, "Report from Los Angeles," Readings in Crowd Behavior, (ed.) Robert R. Evans. Chicago: Rand McNally, 1969.
- Causes, Preventive Measures, and Methods of Controlling Riots & Disturbances in Correctional Institutions. Washington, D. C.: American Correctional Association, 1970.
- Cohen, N. (ed.). The Los Angeles Riots: A Socio-Psychological Study. New York: Praeger, 1970.
- Fendrich, James and Michael Pearson. Trans-action (March, 1970).
- Ferracuti, Franco and Marvin Wolfgang, "The Prediction of Violent Behavior," Corrective Psychiatry and Journal of Social Therapy, Vol. 10, No. 6 (1964).
- Fox, Vernon, "Analysis of Prison Disciplinary Problems," Journal of Criminal Law, Criminology, and Police Science, Vol. 49 (November-December, 1958).
- Fox, Vernon. Violence Behind Bars: An Explosive Report on Prison Riots in the U. S. New York: Vantage Press, 1956.

- Gilbert, B. Ten Blocks from the White House: Anatomy of the Washington Riots of 1968. New York: Praeger, 1968.
- Himes, Joseph A., "A Theory of Racial Conflict," Social Forces (September, 1971).
- Hundley, James, "The Dynamics of Recent Ghetto Riots," Readings in Collective Behavior, (ed.) Robert R. Evans. Chicago: Rand McNally, 1969.
- International Journal of Group Tensions (January-March, 1971).
- Johnson, Elmer H. and B. Brett. Self-Mutilations in Prison. Carbondale, Illinois: Southern Illinois University Center for Study of Crime, Delinquency and Corrections, 1967.
- Justice, B. Violence in the City. Fort Worth: TCU Press, 1969.
- Keniston, Kenneth. Young Radicals: Notes on Committed Youth. New York: Harcourt, Brace & World, 1968.
- Lieberson, Stanley and Arnold Silverman, "The Precipitants and Underlying Conditions of Race Riots," Readings in Collective Behavior, (ed.) Robert R. Evans. Chicago: Rand McNally, 1969.
- Lupsha, Peter, "Explanation of Political Violence: Some Psychological Theories versus Indignation," Politics and Society (Fall, 1971).
- "The Meanings of Black Power: A Comparison of White and Black Interpretations of a Political Slogan," American Political Science Review (June, 1970).
- National Advisory Commission on Civil Disorders. "Patterns of Disorder," Readings in Collective Behavior, (ed.) Robert R. Evans. Chicago: Rand McNally, 1969.
- Perlman, Harry S. (ed.) The Tasks of Penology: A Symposium on Prisons and Correctional Law. Lincoln: University of Nebraska Press, 1969.
- "Political Trust and Racial Ideology," American Political Science Review (December, 1970).
- Rainwater, Lee, "Open Letter on White Justice and the Riots," Readings in Crowd Behavior, (ed.) Robert R. Evans. Chicago: Rand McNally, 1969.

- Schrag, Clarence, "The Sociology of Prison Riots," American Correctional Association Proceedings (1960).
- Schuman, Howard, "Sociological Racism," Trans-action (December, 1969).
- "The Strategies and Tactics of An Afro-American Party," The Black Politician (Fall, 1971).
- U. S. Bureau of Prisons. Violence in Correctional Institutions: A Bibliography. Washington, D. C.: Government Printing Office, 1968.
- U. S. Labor Department. Detroit Riot, Profile of 500 Prisoners. Washington, D. C.: Government Printing Office, 1968.
- Wisn, G. A Critical Review of Collective Behavior Theory, with Special Reference to the Riots of the 1960's. Urbana; University of Illinois Press, 1969.
- Wolfe, Alan, "The Anatomy of Repression," Social Policy (November-December, 1971).
- Wolfgang, Marvin E. and Franco Ferracuti. The Subculture of Violence. London: Tavistock Publications, 1967.

WILL LEGAL RELIEF FOR INMATES PREVENT VIOLENCE
IN CORRECTIONAL INSTITUTIONS?

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Introduction

One solution which has been proposed for alleviating conditions in our prisons and for correcting abuses which lead to inmate riots and revolts is a legal one: to provide legal remedies to inmates, whereby they can air their grievances against the prison administration in courts and obtain relief. This seems to be the approach of the latest production of the National Council on Crime and Delinquency, the Model Act for the Protection of Rights of Prisoners, recently published. In the introduction to the Model Act it is stated;

If the abuses exist and the violations of rights are amenable to law, the courts must take jurisdiction, just as they do with persons who are not in prison and where litigation also 'burdens the court'.

What burdens the courts is not their power to correct an abuse but rather the abuse itself. When the abuses cease or become less heinous, fewer writs will be brought to the courts. But, for as long a time as attention is needed, it will be far better to have writs than riots . . . (NCCD, 1972).

In my opinion, this approach to remedying conditions, leading to violence in prisons, is mistaken for several reasons.

First, it is by no means yet settled in law that courts should intervene in all matters concerning the administration of prisons or even in the imposing of disciplinary measures. It is not a valid argument to say that because some courts, in the main, lower federal district courts, have done so, it is right for them to have done so, or that it is too late to mount a campaign of opposition and resistance to their continuing to do so in the future. If, on closer examination, it turns out that their interference will in the long run be productive of more harm than good, perhaps their efforts are more destructive than constructive.

Second, insofar as the legal approach is justified on the theory that providing legal remedies for the correction of discrete abuses in prisons will somehow have a soothing effect on the tensions which exist there and will prevent riots, it is based on a vain hope, unsupported even by the scant evidence we have as to the sources of that discontent. If it were based on the justification that justice demanded some correction of these abuses, the legal approach would be more solidly grounded. This, however, forces one into considering curious discrepancies between the rights of due process said to be due prisoners under recent decisions and the lesser rights to due process conceded to students and members of the armed forces by these same courts. The rationale is not immediately apparent why prisoners should be accorded greater rights

to due process than are currently enjoyed by students or servicemen who have committed no crimes and who are in lesser need of discipline.

Third, one must confront the fact that many courts are guided today, as they have been in the past, by a penological philosophy which is opposed in principle to the goals of corrections and which reflects a hostility to its methods and procedures. A new and remarkable idea in the contemporary setting is that the judicial philosophy also seems to be at odds with public opinion, leading to the unsettling prospect of a major confrontation between the courts and the representatives of the public in the legislative and executive branches of government. If the courts attempt to back up their reformatory decrees with threats to release hardened and dangerous criminals into the community unless extensive reforms are made and financed, the conflict between the judicial system and public opinion could become even more acute.

The Expanding Field of Prisoners' Rights

To a very considerable extent, prisoners have already availed themselves of existing legal remedies under the federal Civil Rights Acts (1) and other laws and have hewn out for themselves a number of important rights, such as:

1. The right to practice one's religion in prison without interference, even if that religion may be antagonistic to the existing order (2).

2. The right to communicate with and receive communications from the press, lawyers, the courts, and public officials without censorship (3).
3. The right to have adequate library materials and use them for the preparation of petitions (4).
4. The right to have reasonable access to legal advice and assistance from other inmates (5).
5. The right to minimum due process before disciplinary punishments are imposed or substantial privileges denied or forfeited, including, according to some courts:
 - (a) specific charges as to the infraction of specific regulations, (b) advance notice of these charges in writing sufficiently in advance of a hearing to prepare an adequate defense, (c) a hearing before an impartial tribunal, (d) the right to summon witnesses in one's behalf and the right to confront and cross-examine adverse witnesses, (e) the right to have the assistance of appointed counsel in serious cases and in others the right to a counsel-substitute, such as another inmate acting as lay defender, (f) the right to have a decision based on the evidence adduced at the hearing, and (g) the right of appeal to a higher authority within the prison, and the right to be advised of that right (6).

Many courts, in response to these prisoner petitions, are expanding their jurisdiction to cover an ever-broadening ambit of matters which were once thought to be within the exclusive domain of the prison administrators (7). For instance, they have recently begun to impose limits on disciplinary measures taken, such as the time spent in solitary confinement (8) and have begun to impose civil liability in damages on prison administrators for injuries inflicted

on inmates by custodial personnel (9). Moreover, the courts are responding to the urgency of prisoner complaints by fashioning their decrees to cover the rights of all inmates within the prisons and not merely those of the petitioners (10). In a few cases, the courts have gone so far as to threaten to close down prisons or to refuse to commit convicted persons to them unless abuses were corrected. For example, in 1970 an Arkansas district court held the entire Arkansas prison system to be unconstitutional and threatened it with closing unless abuses were speedily rectified (11). Although some of the grosser abuses have been remedied, the Arkansas prison system still exists today, and people are still mysteriously dying in it (12). Recently, U. S. District Judge Gesell warned that he would cease referring any more juvenile offenders to Lorton in the District of Columbia unless measures were taken to relieve overcrowding at the institution and to ensure treatment (13). The decision may soon be implemented, but some fellow judges of the same court have refused to follow Judge Gesell's decision (14).

The United States Supreme Court has yet to render any decision which clearly approves or disapproves these rulings by the lower federal courts, or one which adumbrates prisoners' rights to due process in a correctional setting. Moreover, the movement of the courts over the country is not uniformly in the direction of substituting judicial decision making for that of trained prison

administrators. A year ago some doubts as to this process were expressed by the majority of judges on the Second Circuit federal bench in the case of Sostre v. McGinnis. There they said:

Most important, we think it inadvisable for a federal court to pass judgment one way or another as to the truly decisive consideration, whether formal due process requirements would be likely to help or to hinder in the state's endeavor to preserve order and discipline in its prisons and to return a rehabilitated individual to society. It would be too simplistic to dissociate the impact of punishment meted out after a disciplinary hearing from the method by which the hearing is conducted. As one court observed: 'The association between men in correction institutions is closer and more fraught with physical danger and psychological pressures than is almost any other kind of association between human beings.' Edwards v. Sard, 250 F. Supp. 977, 981 (D.D.C. 1966). It is sad but true that the study of the prison subculture by psychologists and sociologists has until recently been largely neglected. Those who have looked into the problem, however, do not gainsay the volatility of relationships among prisoners and among prison officials. See, e.g., Corrections 46-47; Gibbons, Changing the Law Breaker 200-12 (1965). We would not presume to fashion a constitutional harness of nothing more than our guesses. It would be mere speculation for us to decree that the effect of equipping prisoners with more elaborate constitutional weapons against the administration of discipline by prison authorities would be more soothing to the prison atmosphere and rehabilitative of the prisoner or, on the other hand, more disquieting and destructive of remedial ends. This is a judgment entrusted to state officials, not federal judges (15).

This kind of judicial humility and appreciation of the complexity of the problems facing prison administrators is becoming harder to find in the superheated atmosphere of present-day discussions of prison reform; and yet, it indicates that the battle

is not lost providing a reasonable argument can be made in opposition to courts interjecting the adversary model into the prison milieu. The time has come to make such an argument and to put to rest the idea that purely legal solutions are sufficient to stem the tide of violence that is engulfing our prison institutions.

Writs Will Not Prevent Riots

The idea that providing legal remedies for alleviating conditions which exist in prisons and for correcting injustices can prevent prison riots and revolts and can have a calming effect on the inmate population is contradicted by several things we already know about the causes of riots and disturbances in prisons. Admittedly, the sources of dissatisfaction are numerous and the causes of disturbances are complex, but no knowledgeable person would seriously contend that they arise solely from discrete grievances, such as bad food, arbitrariness in imposing disciplinary measures, or even from the kinds of disciplinary measures employed. All of these have existed in the past and have not given rise to prison revolts; sometimes prison revolts have occurred in the absence of these conditions. They may be contributing causes, but it would be generally agreed by those who have studied prison riots that they are not sufficient causes.

A frequently cited cause of prison riots is the belief of prison inmates that rioting over prison conditions and practices is the only way that they can arouse an indifferent public to an awareness of these conditions and their plight. A recent publication of the

American Correctional Association, entitled Riots and Disturbances in Correctional Institutions (1970), quotes with approval this passage from Christian Century magazine:

The riots result, we believe, not from bad prison conditions or practices but from the belief of prison inmates that the only way in which they can gain public interest in improving such conditions is by rioting. Non-violent protests or requests for remedial action, prisoners believe, never accomplish anything. Riots sometimes do. (A.C.A., 1970, p. 66)

Will not, then, the opening of the courthouse doors to prisoners' complaints and the affording of judicial relief tend to eliminate the need for riots? It is possible, but doubtful. For one thing, court-decreed reforms take time to implement. If they require the appropriation of additional funds by the legislature, the building of additional facilities, and the hiring of additional personnel, the process of change takes even longer. Some considerations, such as the attitudes of custodial personnel and the conditions of confinement, cannot be changed by judicial decree. The inmate is likely to find conditions remaining just about the same after he has won his case in court as before. As the French say, plus ça change, plus c'est la meme chose the more things change, the more they remain the same.

Secondly, effecting change through court proceedings is a sedate and well-mannered way of bringing grievances to public attention, one hardly in keeping with the personality characteristics of violence-prone inmates. Court proceedings do not serve to convey to the public adequately the emotional urgency underlying inmate

demands. A full-scale prison riot does. Prisoners feel--perhaps realistically--that only a dramatic incident will awaken the public sufficiently to the fervor of their demands and produce the kind of instant response that will bring swift and observable changes.

Thirdly, it is also quite possible that underlying the prisoners' grievances may be one condition which the courts are powerless to remedy, and that is the deprivation of freedom which imprisonment entails. Indeed, as conditions steadily improve in prisons, the prisoner's awareness of his continuing deprivation of this precious commodity may become more and more acute and intolerable. It is a well-known principle in sociology that riots and revolutions are often preceded by improving conditions for dissatisfied groups. The closer they come to the realization of their desired objectives, the more intolerable is anything falling short of, or delaying, those expectations (16).

Fourthly, we cannot lose sight of the fact that many prisoners have been politicized and see themselves as victims of a repressive society and political system. They regard themselves as "political prisoners," imprisoned because they constitute some objective danger to the state and not for their misdeeds. In this atmosphere rioting is not undertaken for limited reformatory purposes, but as a political act, raising the revolutionary consciousness of persons on both sides of the prison walls. No court-decreed change in prison conditions can alter the potential for riots which the politicizing of inmates has created.

Another common cause of prison riots is conflict between staff members over the goals of penology and disruptions in the inmate social system caused by these conflicts, particularly during a period of transition from one policy to another (17). Every prison administrator is familiar with the problems caused by these sudden changes in institutional policy. This is one cause of riots that is likely to be stimulated, rather than reduced, by court-imposed reforms.

The situation may be further exacerbated by the less-than-enthusiastic responses of the top levels of administration to these forced changes. Without the forceful leadership and the full support of administrators in implementing court-decreed changes, only indecisiveness and confusion can result. Inevitably, the effect of superimposing yet another level of command over the prison administrator is to reduce his authority, not only in the eyes of the inmates but also in the eyes of the staff, and hence to reduce his ability to provide strong leadership.

Still another cause of riots, which is perhaps not mentioned enough, consists of the prisoners' grievances over the inequities and injustices of the court system in handling their cases and complaints (A.C.A., 1970, p. 16). First among the grievances listed by the inmates of the ninth floor of the Tombs city prison in New York City prior to the riot which occurred there on August 12, 1970 were complaints concerning the shabby treatment they received from the courts and the appointed lawyers in the

handling of their cases (American Friends Service Committee, 1971). It is a well-known fact that the great majority of petitions for post-conviction relief which emanate from prisons are not even granted a hearing by the courts which receive them. It has been difficult for prisoners to get adequate counsel for the preparation of these petitions. When petitions are granted, they are often granted for reasons which must seem bizarre to the average prisoner. In the recent case of Loper v. Beto (18), for instance, the United States Supreme Court granted the habeas corpus petition of a professional writ-writer filing his umpteenth writ, who claimed constitutional error was committed in his 1947 trial for rape. Records of prior felony convictions dating from the 1930's, in which cases he had no appointed counsel representing him, were used to impeach his credibility as a witness. This was held to violate the rule recognizing right to counsel of Gideon v. Wainwright, decided in 1963, sixteen years after his trial for rape. Justice in our courts today is definitely a hit-and-miss affair, and nobody is made more acutely aware of that fact than the average prisoner who seeks relief in the courts.

In none of the instances just cited is there a basis for a reasonable belief that writs will prevent riots. On a contrary, introducing adversariness and legal game-playing into the prison regime may do more to stimulate violence in prisons than to suppress it.

The Emerging Doctrine of "New Liberalism"

There has been a movement growing in legal circles during the last ten years which might be called the school of "new liberalism," in order to distinguish it from the classical liberalism of such early penal reformers as Beccaria and Bentham. New liberalism is anti-corrections, hostile to the whole idea of scientific modification of human behavior, and fanatical on the issue of extending legal due process into areas which were once considered reserved for the exercise of knowledgeable administrative discretion. A theme of the "new liberalism" school in penology, and in other related areas, e.g., the treatment of the mentally ill, is that scientific claims as to the efficacy of treatment of rehabilitative methods in altering behavior for the better are bunk, and that compulsory forms of treatment have become thinly-disguised efforts to punish people for merely being different, or being truculent in the face of authority (19). It seems to be believed by members of this group that, basically, all criminals are good people, and that the only reason why they are in conflict with society and in prisons is that they have never been accorded due process or given their "rights." If criminals were treated as responsible, self-respecting and self-determining human beings and given their "rights," they would be automatically converted into law-abiding citizens, presenting no threat to anyone.

In the face of this movement--which has penetrated the thinking of the courts in recent years--the corrections people have been,

to say the least, defensive and apologetic. They have openly admitted the failure of their attempts at reform and conceded the awful conditions existing in prisons and jails today. They have defended themselves merely with the argument that they have been inadequately funded by the state and federal governments, and that innovations in the treatment of criminals and delinquents might work if adequately funded and staffed. To be sure, their feelings in the face of this challenge are ambivalent: they, too, deplore the conditions which exist in their institutions; they, too, would like to see less emphasis placed on custody and discipline and more on education and other methods for improving the self-image, responsibility, and autonomy of the prisoner; they would like to have greater latitude in releasing some inmates for treatment in the community. Perhaps, some even feel that they and the "new liberals" are on the same track in attempting to force a reluctant public or legislature to spend more money on prisons and jails under the threat of having them closed down by the courts. I submit that this alliance, if there is one, can be no more than a marriage of convenience; one which will end in divorce once it becomes apparent that their goals and the goals of new liberals are incompatible. For the latter aim at nothing less than the total dissolution of the experiment in corrections which began two hundred years ago with the Walnut Street jail.

It is very unlikely that maximum security prisons will disappear from the scene in the near or distant future; there will

always be the extremely dangerous offender whom it would be folly to release into the community. It is also doubtful that the public will ever be willing to expend a much larger share of the budget than is now expended on the improvement of correctional facilities. If courts attempt to force additional appropriations for such purposes, the legislatures are not without means of resistance. The legislature has had from time immemorial the power of the purse; it has been its principal line of defense against tyrannical and arbitrary rule. If the courts threaten the legislatures with non-commitment of offenders or their release, legislatures could retaliate by cutting off all funds for the courts themselves; or they could secure the passage of constitutional amendments reducing the courts' powers in these cases. Let us hope that such a confrontation never takes place, but it serves to remind us what can happen when the philosophy of the courts becomes too far removed from public opinion.

It is not clear how many judges today share what I have described as the philosophy of "new liberalism." Recent decisions would seem to indicate that on the lower federal bench, at least, their numbers are growing. What I have attempted to show in this paper is that this is not an area for judicial activism. Until our society coalesces around a consistent and unified philosophy of crime and punishment, whatever reforms and changes are made in prison systems should come from legislatures and should be implemented by trained administrators with expertise in the field.

NOTES

1. In particular, the 1871 Civil Rights Act, 42 U.S.C. § 1983.
2. Fulwood v. Clemmer, 206 F. Supp. 370 (D.C.D.C., 1962); Cooper v. Pate, 382 F. 2d 518 (7 Cir., 1967).
3. Fortune Society v. McGinnis, 319 F. Supp. 901 (S.D.N.Y., 1970) (the right to receive newsletters and publications); Nolan v. Fitzpatrick, 451 F. 2d 545 (1st Cir., 1971) (the right to correspond with the news media); Palmigiano v. Travisono, 317 F. Supp. 776 (D.C.R.I., 1970) (the right to communicate with attorneys, courts and public officials without censorship); McDonough v. Director of Patuxent, 429 F. 2d 1189 (4th Cir., 1971) (the right to correspond with and attempt to obtain assistance of psychiatrist).
4. Younger v. Gilmore, 404 U.S. 15 (1971).
5. Johnson v. Avery, 393 U.S. 483 (1969).
6. See Sostre v. Rockefeller, 312 F. Supp. 863 (S.D.N.Y., 1970), modified in Sostre v. McGinnis, 442 F. 2d 178 (2d Cir., 1971); Cluchette v. Procnier, 328 F. Supp. 767 (N.D. Cal., 1971); Landman v. Royster, 333 F. Supp. 621 (E.D. Va., 1971).
7. Until the mid-Sixties the courts generally followed a "hands-off doctrine", (Note, "Beyond the Ken of the Courts: A Critique of Judicial Refusal to Review the Complaints of Convicts", 72 Yale Law Journal, 506 [1963], citing decisions which held that, absent unusual circumstances, courts were without the power to supervise prison administration or interfere with the ordinary prison rules or regulations. Banning v. Looney, 213 F. 2d 771 (10 Cir., 1954), cert. den. 348 U.S. 859 (1954); Snow v. Gladden, 338 F. 2d. 999 (9 Cir., 1964).
8. Sostre v. Rockefeller, supra, reversed in this regard by Sostre v. McGinnis, supra; McCray v. State, 40 Law Week 2307 (Md. Cir. Ct., 1971).
9. Sostre v. Rockefeller, supra, affirmed in part on this point, Sostre v. McGinnis, supra; Roberts v. Williams, 39 Law Week 2590 (5 Cir., 1971).

10. Cluchette v. Proconier, supra; Landman v. Royster, supra; Inmates of Attica v. Rockefeller, 453 F. 2d 12 (2d. Cir., 1971).
11. Holt v. Sarver, 309 F. Supp. 362 (D. C. Ark., 1970), affirmed 422 F. 2d 304 (8 Cir., 1971).
12. N. C. Chriss, "New Chapter in Horror: Cummins Prison Farm," Nation, Vol. 214 (Jan. 10, 1972), pp. 49-50.
13. United States v. Alsbrook, 336 F. Supp. 973 (D.C.D.C., 1971).
14. United States v. Lowery, 335 F. Supp. 519 (D.C.D.C., 1971) (Ritchie, J.).
15. See Footnote 6, 442 F. 2d at p. 197.
16. See James C. Davies, "The J-Curve of Rising and Declining Satisfaction as a Cause of Some Great Revolutions and Contained Rebellion," in H. Graham and T. Gurr, eds., Violence in America, 1969.
17. John B. Martin, "Why Did It Happen: The Riot at Jackson State Prison," Saturday Evening Post, Vol. 225 (June 6, 1953), p. 48; Richard H. McCleery, "The Governmental Process and Informal Social Control" in Donald R. Cressey, ed. The Prison: Studies in Institutional Organization and Change. New York Holt, Rinehart & Winston, (1961), pp. 149-88.
18. 40 Law Week 4314 (3/22/72).
19. American Friends Service Committee, Struggle for Justice: A Report on Crime and Punishment in America, (New York: Hill and Wang, 1971), especially chapter 3. (E.D. Wis., 4/6/72)

BIBLIOGRAPHY

- American Correctional Association. Causes, Preventive Measures and Methods of Controlling Riots and Disturbances in Correctional Institutions, 1970.
- American Friends Service Committee. Struggle for Justice: A Report on Crime and Punishment in America, 1971.
- Chriss, N. C., "New Chapter in Honor: Cummins Prison Farm," Nation, 214, 1972.
- National Council on Crime and Delinquency. A Model Act for the Protection of Rights of Prisoners, 1972.
- Yale Law Journal, "Beyond the Ken of the Courts: A Critique of Judicial Refusal to Review the Complaints of Convicts," 1963.

PREVENTION AND DETERRENCE OF VIOLENCE IN CORRECTIONAL
INSTITUTIONS - RESEARCH EFFORTS TO DATE

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Introduction

Just as the inmate population has been steadily increasing over the years, so has the occurrence of incidents of violence in correctional institutions. Ironically, as modern penology has brought about innovative changes in correctional philosophy and techniques, riots and disturbances in correctional institutions in recent decades have also acquired new dimensions and character. The 1971 chain of incidents, culminating in Attica, has aroused unprecedented and sustained public interest, criticism, and fear. Among correctional administrators, the need for further knowledge on the prevention and deterrence of violence in our institutions has become more critical than ever.

Trend of Development

Violent and disruptive behavior is by no means novel to correctional institutions. However, riots and disturbances sweeping through our institutions in the last two decades have successively

unveiled unique features and presented new threats. To mention these briefly:

Incidents of violence have been increasing sharply in the last two decades.--An overwhelming majority of the riots and disturbances recorded in American correctional history occurred in the last two decades. Only approximately one-half of the total number of known prison riots took place before 1952. In 1969, a total of 39 riots occurred. In 1970, a total of 59 occurred, representing a 51 percent increase over 1969.

The contagious nature and pervasiveness of riots and major disturbances is a recent phenomenon.--When riots do occur, they are likely to come in series. Jackson, Michigan, in 1952, marked the beginning of an epidemic of riots that lasted until 1953. During that time, more than 25 riots occurred. In 1955, another series of outbreaks began in Walla Walla, Washington, and swept across the country. Following the Attica uprising in September, 1971, there were at least four more incidents of violence in the same month, two more in October, four in November, and two in December. Conceivably, the series has not subsided, for another was experienced in Massachusetts just recently.

Riots and disturbances in correctional institutions began to be coordinated with the "outside community".--San Quentin, California, was the first to have experienced a unique happening in institutional disturbances in 1968. Although the incidents could not be rightly termed "riots," they were unique in that they were coordinated with

members of the "outside community." The disturbances consisted of striking and refusing to participate in weekend recreational activities.

The Branch Queen riot in October, 1971, was another notable incident where coordination with outside "revolutionary" or militant groups was definitely identified. Other recent incidents also involved so-called "political prisoners" and "militants," and negotiation procedures new to correctional experience.

Thus, it is evident that "militant," and possible "revolutionaries" have emerged and caught correctional administrators in various degrees of unpreparedness. Moreover, just as the trend on college campuses and the community at large seems to be one of protest over national development and social reform, so the trend in correctional institutions appears to follow a similar direction.

Violence in correctional institutions has become a public issue.--In the past, there was a lack of public interest in prison riots and this disinterest was reflected in the absence of published material on riots. A series of riots in 1929 and then again in 1952 generated a short-lived interest in riots in institutions by news agencies, but other than this, it was not until the recent 1971 wave of incidents that an intense public and institutional interest manifested itself. Today, through television coverage, riots and disturbances are presented live and in action to the public. Never before has the public been brought so close to institutions and inmates and felt such prolific impacts. Amidst

mixed public reactions and emotions, the consensus of thought is drawn to a need for concrete and concerted efforts to isolate the causes of riots and disturbances in order that meaningful measures may be devised for preventing and controlling such incidents.

Impact of Riots and Disturbances

Even without acquiring its new dimensions, disastrous, destructive violence in correctional institutions has long been recognized as traumatically damaging. This kind of explosive release of confined emotion, in my opinion, is too ephemeral in nature to do the inmate any lasting psychological good. On the contrary, the sanctions it forces may hurt all concerned.

When the confined, thwarted, and frustrated inmate population does erupt, the resultant loss of life and property is significant. For example, in the 1952-53 series of riots in Michigan, Pennsylvania, and Ohio, each resulted in approximately \$2,000,000 damage. The property damage incurred during the Attica uprising was estimated to be more than \$3,000,000. More significant is the number of lives lost--33 inmates and 10 guards were killed, and 200 inmates were wounded during those four days.

Even more important are the long-term effects and implications of riots and disturbances on correctional policy and practices. As a result of a major disturbance, the progress of corrections is hampered not only in the area where the riot occurs but also in other parts of the United States. Since violence in correctional

institutions creates, to some extent, fears and distrust among the public, the necessary community support for innovative treatment programs, work and study release, and diversionary measures could possibly decline. The setting back of progress is both detrimental to inmates as well as frustrating to correctional administrators.

Conceivably, for all practical purposes, it is vital that adequate and systematic research into this area is undertaken in order that a successful program can be developed to ensure the maintenance of a peaceful and productive atmosphere in penal systems throughout the country.

Revision of the American Correctional Association's Riot Manual

The beginning of a new series of riots and major disturbances in correctional institutions in 1968 prompted the American Correctional Association to revise the Association's official paper, A Statement Concerning Causes, Preventive Measures, and Methods of Controlling Prison Riots and Disturbances. Accordingly, a committee, the Committee on Riots and Disturbances, was selected to develop the revision, and the publication, Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions was completed in October, 1970. This work of the Committee was supported by discretionary funds (DF-005: \$11,550) from the Law Enforcement Assistance Administration, the funding request being submitted and granted through the South Carolina Department of Corrections.

The manual was directed to correctional personnel at all levels-- administrators, middle management, and line officers, aiming at preventing over-reaction at the outbreak of violence. It represented a summary of the available information and experience on disturbances in correctional institutions with balanced coverage on causes, preventive measures, methods of control, and institutional design and construction.

While the manual contained considerable information, which many have reported to be useful, and its popularity is indicated by the 5,500 copies in circulation, the fact remains that this publication was a first step toward a fruitful understanding of the causes, prevention, and deterrence of collective violence in correctional institutions. By its original intention of providing pragmatic expertise guidance to correctional personnel, this initial project of the Committee on Riots and Disturbances did not incorporate empirical research techniques and processes.

Nevertheless, the publication of the Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions signified the recognition of the problem area among correctional administrators even before the latest surge of violence in correctional institutions.

Follow-up Study Pursuant to the Publication of the Riot Manual

Upon completing its initial designated responsibility, the Committee on Riots and Disturbances then assumed the role of a

clearinghouse for the American Correctional Association in the collection, synthesis, and dissemination of information relative to riots and disturbances in correctional institutions. Accordingly, in November, 1970, a follow-up to the publication was attempted. Reflecting a dual role as committee chairman and as the Director of the South Carolina Department of Corrections, a letter was sent to the heads of all state, county, and city correctional systems listed in the American Correctional Association's Director and requested information on the incidents of disturbances in their institutions since January 1, 1969.

In all, 185 letters were sent: 56 replied that there were no incidents in their system, 28 reported incidents, and 101 did not respond at all. Inevitably, reports from only 28 institutions represent insufficient information upon which to base valid conclusions concerning riots and disturbances.

Based on this, approximate 45 percent response, some general trends were evident in the information received; but there was no indication, in any case, as to why these trends had developed. For example, disturbances occurred most frequently in the last six months of the year; but there was no indication why. Objectives of the disturbances were numerous; but what may have caused a disturbance in one institution may have had no effect in another institution. This fact is one that needs to be individually investigated. Not only should this investigation obtain the view of the administration, but also it should obtain the inmate's view as well.

Although general trends could be detected, there was not sufficient information to draw any substantiated conclusions concerning causes and preventive measures because of the type of information received from our first request. For the most part, the data were in narrative form and did not lend itself readily to quantification. All reports concerned only a specific incident from an administrative point of view, and precipitating factors were frequently unknown or omitted. Greater details of this follow-up study can be found in "Collective Violence in Correctional Institutions," American Journal of Corrections, 1971.

Accordingly, this follow-up study had revealed more unknowns and raised more questions than answers obtained. Nevertheless, an inevitable and unanimous conclusion from this attempt was clear. Under the critical shortage of empirical knowledge on the prevention and deterrence of violence in correctional institutions, a much greater and sustained research effort was imperative.

Collective Violence Research Project

This comprehensive research project is expected to provide answers to the many question raised in the follow-up study, emanating from the publication of the Causes, Preventive Measures, and Methods of Controlling Riots and Disturbances in Correctional Institutions. Although this 18-month in-depth empirical study was funded by the National Institute of Law Enforcement and Criminal Justice to the South Carolina Department of Corrections (Grant # NI-71-155G at

\$88,192 with supplemental funds of \$33,641), it is a national effort coming from within the national structure of correctional administrators.

While other inquiries into the subject of violence in correctional institutions might have emerged and are carried on in academic and other circles following the Attica uprising, the Collective Violence Research Project, begun in August, 1971, is undoubtedly the major pioneering effort on a national scale. The project is also significantly unique in that it is the only concerted internal endeavor from within the correctional area to deal with this problem. We feel that this research effort, being headed by a state correctional administrator who serves additionally in the capacity of Chairman of the American Correctional Association's Committee on Riots and Disturbances, and President of the Association of State Correctional Administrators, perhaps will engender more confidence, support, and greater response than would otherwise be accorded it. It is hoped that with the project leader being in the same situation as his counterpart in other correctional systems that much of the stigma associated with riots and disturbances and impeding research procedures could be omitted.

Research Design and Progress.--The Collective Violence Research Project is an empirical study utilizing many different modern research techniques. The research procedures employed will embody the following general methodology.

Consultant services.--Other than a research staff working full-time on the project, a team of qualified consultants was appointed.

Among the consultants are a correctional administrator, a warden, a sociologist, a social psychologist, a political scientist, an attorney specializing in labor negotiation and arbitration, and a data processing specialist. They contribute a continual role by providing professional expertise in developing, improving, and implementing research procedures and interpreting or analyzing research results.

Library research.--Research on library and other documentary resources is an important and ongoing phase of this project. The attempt is to collect, coordinate, and analyze available literature on the subject. Such topics as historical development, related theories, current "movement" literature, and suggested alternatives in the prevention and deterrence of violence in correctional institutions are included.

At an early stage of the research project, a full-time research assistant began to document the history of prison riots. As there was no complete, detailed account of riots anywhere, the microfilm library of the New York Times was considered the most accessible and the principal source of information. A few other newspapers and some special reports obtained from various states were also consulted. At this point, a preliminary documentation of the history of riots between 1900-1972 has been prepared. This will be expanded and refined as information collection continues. Materials on other directly related topics are also being studied and will be incorporated in the final report.

Questionnaires.--With the assistance of consultants, the project staff developed seven sets of questionnaires to survey and obtain data from the following groups:

1. Attorneys general
2. State correctional administrators
3. Assistants to correctional administrators
4. Wardens
5. Wardens' assistants
6. Line personnel
7. Inmates

The questionnaires included information on all appropriate aspects of the correctional process as well as specific incidents of disturbance or riot. Additionally, these questionnaires were designed so correctional administrators could provide comprehensive data in a form that will facilitate a rapid, objective analysis of the incidents or related information.

The first set of questionnaires to 50 state attorneys' general was sent out in November under cover letters from the South Carolina Attorney General, The Honorable Daniel R. McLeod. Through his association with other Attorneys' General offices, the project staff was able to receive 25 responses initially. With further assistance and cooperation from state correctional administrators, 14 more responses were added, yielding a response rate of 78 percent (39 out of 50).

The project staff utilized a special meeting of the Association of State Correctional Administrators in Atlanta in January, 1972, to distribute the second set of questionnaires to some 30 participating

correctional administrators. Others, not represented in the meeting, received questionnaires by mail. At this stage, 51 responses have been returned out of a total of 74 sent out. The response rate at this stage is approximately 70 percent.

Questionnaires for administrative assistants, wardens, and their assistants were mailed in March, while those to line personnel and inmates were mailed in mid-April. Although some responses have been received, even a partial report at this time would be premature.

Interviews and on-site institutional visits.--An investigation team consisting of project staff and consultants will perform an in-depth, on-site study of six institutions, three having a history of riots and disturbances in the past several years and the others being free of such incidents in the same time period. Other than the occurrence/absence of riots and disturbances, these two groups will represent institutions of comparable basic characteristics. The investigation will provide a more detailed explanation of answers to the questionnaires, both from the administrator's point of view and from the inmate's point of view.

Recognizing full well the basic sensitive nature of project activities, these visits will be conducted under great care and discretion. A low-key profile, with no public announcement or publicity, is our mandatory guideline. They will occur only with complete agreement and cooperation of administrators concerned and under conditions of their specifications.

Computerized data-processing and analysis.--Information from questionnaire responses will be computerized to a maximum point. Statistical study of the data will allow correlation analysis of correctional practices and riots. It is hoped that this will provide empirical insight into the causes and suggest ways for prevention of violence in correctional institutions.

At the present stage, the questionnaire returns are being coded for keypunching so that programs may be developed for analysis of the data collected as soon as possible. Preliminary tallying of the first two sets of questionnaires sent out in November and January respectively have been completed. In the near future, full-fledged computerization and data analysis will commence as soon as data collection is close to completion.

In-depth study of special problems.---To deal specifically with the problems of militant or revolutionaries and/or guerilla-like tactics which have emerged in recent correctional institution riots and disturbances, special efforts are being developed. While part of the required information was incorporated in the questionnaires, the elements of militancy and "revolutionist" tactics in institutions are being studied specifically, again with great emphasis on confidentiality of source data.

Project staff and consultants are working in this area. Three monographs entitled Revolutionary Tactics and Profiles, Militancy and Corrections, and Grievance Resolution will be completed.

Overall Review of Project at Present Stage.---The Collective Violence Research Project is presently in its eighth month of operation. Throughout this time period, the project staff was rendered appreciable assistance from consultants and correctional administrators who have responded patiently to the many requests and endured the many interruptions to their normal duties. Although the project is scarcely halfway through and concrete results are hardly visible, the efforts of the last eight months have reinforced and substantiated some previous suppositions and hopes.

An attempt to document the history of riots and disturbances in correctional institutions re-affirmed the lack of records in this problem area. Letters of inquiry were sent to 50 state press associations, of which 22 responded. Except one agency which provided a useful source of information, all the respondents suggested contact somewhere else.

Even under the most favorable settings, an extensive in-depth research project on stigmatized issues, such as violence in correctional institutions is a painstaking task. The Collective Violence Research Project has been expedited to a considerable degree by its internal approach to correctional administrators. Throughout, the project staff has also emphasized and re-emphasized that information from the questionnaires will be kept strictly confidential and individual states will not be identified in the final report. At present, 78 percent response was registered from Attorneys' General and 70 percent from correctional administrators from different parts of the nation. This percentage is not perfect,

but it is encouraging as a remarkable improvement over the 45 percent response in the follow-up study in November, 1970. While members of the project staff deeply appreciate the assistance and support they are given, it is also vital to research success that sustained cooperation from all levels of correctional systems are ensured. Research findings will only be sound and meaningful if supported by sufficiently high responses; only when research findings are sound and meaningful will they lead to effective measures for the prevention and deterrence of violence in correctional institutions.

At the present stage, it is difficult and too early to assess the outcome of this research project. However, supported by the dimension of progress so far, recognizing the long-existing lack of information in this problem area and given some degree of uncertainty about future responses, our research project stands in this perspective: Even at its worst, when our final report is ready early next year, the research results will be the first and the largest volume of extensive and in-depth information on the subject ever collected at one place. This in itself will be a considerable advancement. BUT, we will strive for the best, and, with the support and cooperation from all parties concerned, we will make the best from our present endeavor--meaningful research findings which will enable all of us to increase our effectiveness in corrections. Undoubtedly, as a spin-off effect, we will be able to identify areas which deserve additional research attention.

Conclusion

For two decades, our correctional institutions frequently have been menaced by epidemic rashes of riots and disturbances. Despite its serious damages and pervasively adverse effects, violence in correctional institutions remained a dismal subject, capturing merely fleeting public curiosity and piecemeal reactions from correctional administrators. This problem area was not scrutinized in its proper perspective until 1968 whenever the American Correctional Association's Committee on Riots and Disturbances was established and completed in October, 1970; and the revision of the Association's position paper, Causes, Preventive Measures and Methods of Controlling Riots and Disturbances in Correctional Institutions was completed. Presently, emanating from this publication and its follow-up survey study in November, 1970, the South Carolina Department of Corrections' Collective Violence Research Project aimed at providing systematic and meaningful research findings in the prevention and deterrence of violence in correctional institutions. Although this research project had been in too early a stage of its implementation to have prevented tragedies like that of Attica, it is recording progress today; and, we hope will smooth the way for maintaining a productive and peaceful atmosphere in our correctional institutions.

END