

Societal and Correctional Context of Prison Gangs

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This paper addresses six points. First, information on prison gangs and violence should be contextualized, only then can data be interpreted. The term contextualized means that data on prison gangs should be interpreted within their geographic, institutional, chronological context in order to use such data as indicators of correctional institution management. Second, the determination of offenders' gang classification spreads over multiple criminal justice agencies. Classification errors can have a long-term influence on offenders. Third, the proximal cause of prison gangs lies in inner-city impoverishment. Prison services provide inmates social and material services inside that are hard to obtain outside. Fourth, a social exchange relationship between inmates and staff create an informal balance of social control. Prisons offer a variety of services if inmates tacitly agree to follow rules. Disruptive, violent prison gangs create chaos and affect the lives of all inmates. Good prison management empowers inmates to maintain social order. Fifth, modern law enforcement intelligence systems add high-risk to prison gang criminal activities. Thorough gang intelligence enables correctional personnel to prevent and intervene on prison gang activities. Sixth, prison gang data gathered at a specific period, such as the 1960s and 1970s, should not generalize to similar conditions in modern prisons in 2006. Research on prison gangs should begin anew with correctional agency-researcher collaborations.

Contextualization and Interpretation

The Gypsy Jokers were the first known American prison gang formed in the 1950s in Washington state prisons¹. The term “prison gang” traditionally meant both prison gangs, such as Mexican Mafia and *Nuestra Familia*, and prison counterparts of street gangs (hereafter, prison street gangs), such as Gangster Disciples. In modern prisons the number and types of criminally oriented groups expands beyond prison gangs and prison street gangs. Today prisons hold domestic and foreign terrorists, hate groups and criminal motorcycle groups, and so on. The term prison gang has been substituted by Security Threat Group and Inmate Disruptive Groups² to account for a wide variety of groups posing special risks, but in this paper we’ll use the terms prison gang and prison street gang.

This paper goes beyond customary statements about prison gangs, such as Camp and Camp’s 1985 study on prison gangs, which reported that, “prison gangs were three percent of the [national] prison population but contributed more than 50 percent of prison violence.” Such reports haven’t given the types of data and information needed to understand what the 50 percent statistic means in context of prison gang social structure and social dynamics and prison climate. In such reports, even ‘violence offenses’ are ill-defined. Even disregarding problems of data validity uncertainty abounds about the nature of violent offenses, their cause, and their effects on other areas of prison life. In short, the information necessary to truly understand prison gangs and violence remains absent.

¹ Orlando-Morningstar, D. (1997, October). Prison gangs. *Special Needs Offender Bulletin*, 2, 1-13. Stastny C., and G. Tyrnauer. 1983. *Who rules the joint? The changing political culture of maximum-security prisons in America.* Lexington Books.

² Fleisher, M.S. (2005). *Gang Management in Corrections.* In *Prison and Jail Administration: Practice and Theory*, 2nd edition. Peter M. Carlson and Judith S. Garrett, editors. Gaithersburg, MD: Aspen.

This paper argues that our contemporary knowledge and beliefs about prison gangs arise from a rather shrouded history of prison violence and, as a result, the accuracy of their research findings lay unfounded and such findings promulgated over the generations as if indisputable reveal themselves as unsupportable. The new research findings come from rigorous social science interpreted within a broad institutional context. The findings show prison violence doesn't occur in a social vacuum. Real conclusions cannot be ascertained from previous data given the lack of context in those data. Without understanding the institutional context of prison gang or any type of violence we cannot yield a valid interpretation of the act within its contextual meaning.

Institutional responses to violent acts should address specific institutional contexts that generate violence. Over the past twenty years correctional agencies made significant advances in technology and architecture, which add to institutional tacit social control. Prisons no longer build cell blocks housing 1,000 inmates. Instead residence units may house 60 who are under continuous direct observation of staff and cameras. Thus, comparing prison gang violence of 1960 to 2006 leaves us without an interpretative context.

Decisions about Gang Classification

Our knowledge of prison gang criminal activity depends almost exclusively on access to criminal justice data. Professor James Jacobs, New York University School of Law, a criminal law professor wrote:

Police and prosecutors, for example, keep sensitive information from witness interviews, grand jury testimony and confidential informants in personal files that may not even be available to office colleagues. Trial transcripts are not computerized. Prison officials may maintain manual *intelligence files* on gangs and terrorists. For every kind of file and database, automated or manual,

there must be an explicit or implicit decision (policy) about creating, storing and sharing the information.^{3 4}

An arrestee's first and subsequent contacts with law enforcement officials influence decisions made about an offender's progress in the criminal justice system. Often, a gang classification decision enters a defendant's file when he or she is arrested the first time. To be sure, upon entry into prison, inmates' bodies are mapped, noting scars, tattoos, and other distinguishing markers. A gang tattoo alone can be sufficient to put inmates on a gang 'hot' list, which makes them objects of increased scrutiny. To some degree, prison gang membership depends less on crime than on classifications made by criminal justice personnel.

When prison gang members commit an offense, institutional procedures ascribe some responsibility to gang affiliation. But what holds credit when prison gang members don't commit crime? Similarly, if a prison gang member does offend, what motive hides behind his offense? Will the institution link the offense to gang affiliation to enhance a prison gang's image, to further criminal enterprise or stemming from drunkenness, or mood and personality disorders.

There are gangs in prison. No doubt gang affiliation makes a measured effect on violent behavior. Inmates self-report gang affiliation. We count gang members. We have catalogues of gang tattoos. However, no one thoroughly understands what 'membership' means. No statistical data exist to disprove the adage 'blood in, blood out.' No proofs exist that prison gang membership actually accelerates violent acts in frequency and magnitude beyond an expected level of offenses committed by a matched group of high-risk inmates.

Community and Prison Conditions

American popular culture strongly influences the public image of American prisons. American culture distorts, twists, and exaggerates perspectives on prisons and creates frightening

³ Jacobs, James (2005). Criminal Records: An Introduction. Manuscript. New York University School of Law.

images of prison inmates. American culture depicts images of cruel men and women who deserve whatever shoddy conditions they find behind prison walls and razor-wire fences. These images permeate the American cultural psyche. Who doesn't know the meaning of 'going up the river'? Over the centuries the concept of the 'penitentiary' symbolically represented in the collective consciousness of American culture the worst of everything human. Ideas of vicious criminals and sadistic wardens, to some degree, function in our culture to scare citizens away from a criminal lifestyle.

The proximal cause of prison gangs stands outside prison in the economic neglect of inner cities. Nevertheless, state and federal legislators talk about getting tough on crime without conscious recognition that America's economically neglected poorest elementary and middle-school children await tough sentences. Tax dollars reluctantly and clumsily flow to support schools, medical care, family health, and job training for those at highest risk of youth and prison gang affiliation. Gangs and crime, drug addiction and homicide, spousal and child abuse produce the children of poverty who will be the next generation of prison gangs.⁴ Unsurprisingly our prisons keep filling with substance abusing, mentally ill young and adult men and women who were reared in communities legislators neglected.

These men and women find help but at a terrific cost to human life. Hidden behind prison walls and razor wire, we find the irony of modern American prisons. Prisons are relatively safer and healthier places to live than inner-city neighborhoods. Prisons should be safe and healthy. Healthy inmates cost less to house. Critically ill inmates receive state-of-the-art

⁴ Krienert, J., and Fleisher, M.S. (2001). Gang Membership as a Proxy for Social Deficiencies: A Study of Nebraska Inmates. *Corrections Management Quarterly: Responding to the Threat of Gangs: Leadership and Management Strategies* 3(1), 47-58.

medical attention. A close look at a contemporary American prison would enrage citizens who want to exact an 'eye for an eye.'

Over the past 20 years of street research in impoverished black communities, and prior to that, on impoverished Indian reservations, and also in employment in American corrections, I've learned that American prisoners benefit from, and have come to expect, a quality of life measurably safer and cleaner and with more personal growth opportunities than their home neighborhoods. If we want to search for people who have been damaged most by legislative failure and resource inequality we need only walk around a penitentiary.

This brings us to the latent tragedy of imprisonment. The men and women who enter safe and clean prisons carry the psychological and physical injuries and educational deprivation suffered in American communities. If there are gangs and violent acts outside prisons, there'll be gangs and violent acts inside. Drug addiction occurs on both sides of the fence.

Drug addiction and mental illness don't automatically end upon imprisonment. Rather imprisonment merely displaces them. Inside, prison inmates have the ability to control their own life course more facilely than outside. Options are available. Personal choices are open. Inmates can choose work, school, vocational training, therapy, drug counseling, and receive medical care for ailments which outside would have gone untreated.

Life inside prison in some ways parallels life for the poor and destitute in European social welfare states, such as the Netherlands. Instead of only a prison system, a nation-wide system prevents hunger, homelessness, and a lack of medical care and drug treatment. The government's response limits the extent of damage, which behavioral dysfunction would create. Intervention aims to reduce harm. Harm reduction encourages citizens to live a healthy lifestyle

but recognizing that people won't, harm reduction displaces suppression with healthy options.

Modern prison management operates similarly: a harm reduction system.

Modern prison management evolved over the past thirty to forty years into a unique professional service industry. The customers are inmates who live in an environment designed to facilitate reduced harm. Prison harm reduction comes in many passive forms: small residential groups; continuous staff supervision; regulated movements of the inmate population; access to support services; and intelligence gathering, especially on high-risk inmates who are most likely to be violent and commit serious crime. Crime deterrence comes in the form of cell searches, an institution 'police department' that locks up rule violators, and graduated misconduct sanctions. Staff watch inmates; cameras watch them both.

Social Exchange as Informal Social Control

The investment model of social exchange theory argues that people keep in balance support relationships and that people invest in relations (measurable through diverse exchange relations in social support, friendship, affect, communication, among others) that have the lowest cost and highest benefits, and the longest duration. Relationship duration is the best predictor of balance in relations. Relationship duration between an institution and inmate population lasts decades. A careful balance has to be maintained to create the best cost-benefit ratio.

Prisons could burst out of control were it not for inmates' tacit cooperation and desire for a safe 'community.' Housing two to five thousand prison inmates in a single prison requires inmates who agree to be managed, that is, accommodate the rules, and directly or indirectly sustain a safe environment.

Social exchange theory suggests correctional suppression would be less effective to control violence than consensus management. Consider gang affiliation as a type of complex

investment. Research shows that penitentiary employment programs have led to low rates of serious inmate violence among high-risk inmates who earned relatively high incomes.⁵ This finding suggests that active, high-risk members of prison gangs, potentially the most disruptive inmates in a prison, may be best controlled by implementing programs that strengthen inmates' ties to prison programming.

Inmates can think rationally. Why fight a system if the system controls every detail of your life, and provides what you need? The oft-heard adage that lifers can do anything because they have nothing to lose cannot be farther from the way lifers' think. Of course there are non-rational thinkers. They can be found in super-maximum security penitentiaries.

Take as an example an exchange with a 23-year-old man serving life on a drug-related murder. On the street, he led a drug-based inner-city gang. Talking to this young man, knowing he would live his entire life inside a penitentiary, the question arose: 'how do handle knowing you're going to be in prison forever?' He responded: 'you just have to make the place your home, take advantage of what's here, and forget about the outside—this place is home.'

Living in a modern prison takes foresight, rational decision making, and a personal commitment, as inmates say, "to go along with the program." "To go along with the program" means enjoying as much freedom as a penitentiary allows: walking the yard, watching television, going to recreation to lift weights or play pool, eating meals in the chow hall with cronies, and earning some money if there are jobs available. The pay whether it's five cents or

⁵ Fleisher, M.S., and R.H. Rison (1999). Inmate Work and Consensual Management in the Federal Bureau of Prisons. In *Prison Labour -- Salvation or Slavery? International Perspectives*. Dirk Van Zyl Smit and Frieder Dunkel, editors. London: Dartmouth Onati International Series in Law and Society: 281-296.

one dollar an hour matters a great deal—access to pay means an ability to shop in the prison commissary, buying chips, soda, hygiene items, soup, packaged meats and so on.

In my experience as a correctional worker and as a researcher inmates told me again and again that correctional suppression doesn't enable safer prisons.⁶ Inmates and staff work passively together, each knowing their respective role in maintaining institution safety. Every inmate watches every other inmate. With a sign of reward, information passes to staff at the drop of a hat. Escapes are foiled; potential killers are snatched off; and drug selling scams, which might have locked down a cell house or an entire prison, causing inmates to lose freedom and employment income, are soon busted. As ironic as it may sound, inmates, like staff, want to go to a safe 'home' at day's end even if home is a cell or dorm cubicle.

Over the decades traditional prison gangs, such Mexican Mafia, Black Guerilla Family, *La Nuestra Familia*, had their ups and downs in prison and were nourished by weak management, poor prison architecture, ill-trained staff, and corruption. The collective opinion of hundreds of inmates about violence was that violence diminished as prison management improved.

Inmates prefer safety over danger. In a real sense, good correctional management empowered inmates to strengthen informal social control by giving them confidence that staff would respond to curtail and prevent violence. However, inmates only feel a sense of safety when institutions create an overall cultural context conducive to safety.

Gang Intelligence and Information Dissemination

In the last 20 years, major managerial improvements arose from ever more sophisticated general gang intelligence systems linked to local and state police as well as federal

⁶ Fleisher, M.S. (1989). *Warehousing violence*. Newbury Park, CA: Sage Publications.

law enforcement. Gang intelligence flows from prison to the street and back to prison.

Twenty years ago IBM 286 computers were just beginning to replace typewriters. Technology seriously impaired gang intelligence in the 1970s and 1980s as information transfer was slow or inadequate or didn't happen. The National Major Gang Taskforce (NMGT) brings together all levels of state and federal law enforcement for the specific purpose of gang information transfer. The National Institute of Corrections, a federal training agency, provides training on correctional administration and management to mid- and upper-level staff. Police have access to up-to-date management information on gang suspects inside or outside prison. In such a climate of intelligence sharing and sophisticated information management systems, wardens and their staffs stay keenly aware of the dangers posed by violent prison groups.

Allegations of prison-gang organized drug distribution, prostitution, gambling, and contract murder in correctional institution cannot pass the test of face validity—in other words, an array of such crimes in modern prisons would be a highly improbable occurrence, given architectural security designs, inmate classification systems, technical and staff supervision, and inmate discipline systems, which would quickly transfer inmates engaged in homicide to a super-max where they'd stay for an indefinite period.

Research Collaboration

A better understanding of prison gangs will be achievable when research reports of the 1970s and 1980s were not interpreted as if they represent modern prisons. Prison gang crime should be contextualized and interpreted within the parameters of prison management. Prison conditions of the 1960s and 1970s do not characterize 2006 prisons. We surely shouldn't assume that inadequate management blindly passed between generations of prisons managers.

We need to restart our effort to understand prison gangs using research designs appropriate to specific correctional settings. Prison researchers have an obligation to provide correctional officials with data and interpretations useable for the improvement of prison conditions. Correctional agencies through collaborations with researchers can play a major role in an effort to join theory, research, and practice for the betterment of the criminal justice system.