

Journal

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## **Federal Bureau of Prisons Mission Statement**

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

## **Cultural Anchors/Core Values**

### ■ *Bureau family*

The Bureau of Prisons recognizes that staff are the most valuable resource in accomplishing its mission, and is committed to the personal welfare and professional development of each employee. A concept of "Family" is encouraged through healthy, supportive relationships among staff and organization responsiveness to staff needs. The active participation of staff at all levels is essential to the development and accomplishment of organizational objectives.

### ■ *Sound correctional management*

The Bureau of Prisons maintains effective security and control of its institutions utilizing the least restrictive means necessary, thus providing the essential foundation for sound correctional management programs.

### ■ *Correctional workers first*

All Bureau of Prisons staff share a common role as correctional worker, which requires a mutual responsibility for maintaining safe and secure institutions and for modeling society's mainstream values and norms.

### ■ *Promotes integrity*

The Bureau of Prisons firmly adheres to a set of values that promotes honesty and integrity in the professional efforts of its staff to ensure public confidence in the Bureau's prudent use of its allocated resources.

### ■ *Recognizes the dignity of all*

Recognizing the inherent dignity of all human beings and their potential for change, the Bureau of Prisons treats inmates fairly and responsively and affords them opportunities for self-improvement to facilitate their successful re-entry into the community. The Bureau further recognizes that offenders are incarcerated as punishment, not for punishment.

### ■ *Career service orientation*

The Bureau of Prisons is a career-oriented service, which has enjoyed a consistent management philosophy and a continuity of leadership, enabling it to evolve as a stable, professional leader in the field of corrections.

### ■ *Community relations*

The Bureau of Prisons recognizes and facilitates the integral role of the community in effectuating the Bureau's mission, and works cooperatively with other law enforcement agencies, the courts, and other components of government.

### ■ *High standards*

The Bureau of Prisons requires high standards of safety, security, sanitation, and discipline, which promote a physically and emotionally sound environment for both staff and inmates.

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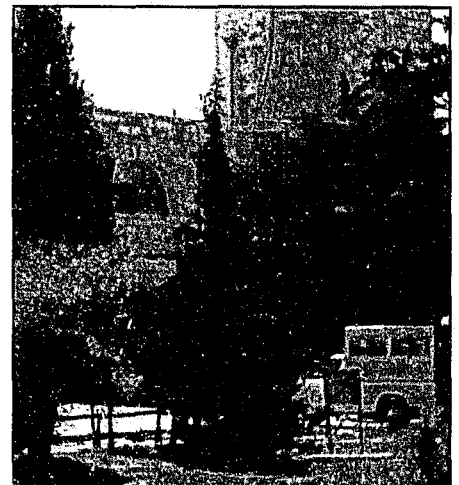
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# Managing Protective Custody Units

*James D. Henderson*

Correctional administrators nationwide have been dealing with a decade of unprecedented population growth in their institutions. There has been a corresponding increase in the number of inmates who, for a variety of reasons, are unable to cope with the day-to-day routines of prison life—inmates who request protection and are placed in special housing status. Whether there is a causal relationship between increased prison crowding and protective custody is a matter best left to researchers. This article addresses the reality that faces prison staff each day as they work to provide the necessary programs and services to this special population in their facilities.

In general, the management of protective custody (PC) cases is becoming more professional and systematic. Prevention as well as after-the-fact management are increasingly recognized as the keys to keeping the PC population to a minimum. Individual management strategies differ from institution to institution, but a few principles are worth mentioning:

- The personal involvement of top staff in the oversight of this critical section of the institution distinguishes the best of these units.

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- Unit management is generally considered the most advantageous way of handling PC operations.

- In facilities where unit management is not used, the assignment of a mid-level manager, such as an experienced correctional supervisor, to full-time supervision of the PC operation helps pinpoint responsibility.

- Individualized attention to intake screening, case reviews, and regular efforts to reintegrate inmates into the general population should be the function of specific staff members.

## **Classification issues**

Inmate classification is indispensable to effective correctional management, and a PC unit is no exception. Program and security decisions regarding each PC inmate can best be made when based on well-founded classification data. Good classification reduces assaults and threats, "pressure" activity, and personality conflicts.

Once a given offender's security and supervision needs are identified, decisions can be made as to which institution is best for him or her. Separate institutions in a system, units in a single institution, or even wings or pods in a single unit may be used to effect separation of PC inmates from the general population. This systematic separation will greatly reduce internal tensions and conflicts, which often cause inmates to "run for cover."

Indeed, proper inmate classification will prevent unmanageable combinations of weak and strong, sophisticated and unsophisticated, old and young inmates from interacting. Such disparities can often lead to the need for further PC commitments.

Developing criteria for protective custody placement is difficult. Each jurisdiction must operate within statutory and regulatory guidelines, as well as the limitations presented by staffing and physical plant. To a certain extent, protective custody categorization depends on these factors.

Once typical security and custody classifications are made, two broad groups of PC inmates can be identified: verified and unverified cases. Verified protection cases should be given top priority for program resources, with a secondary emphasis on those who have not been forthcoming about the reasons for their self-declared PC status. In either category, it is vital that staff fully document the reasons for placement or non-placement in PC status in the event of later complaint or litigation.

■ **Verified protection cases.** Victims and other verified protection cases need protection, whether on a short- or long-term basis. They should be treated differently from offenders separated for administrative or disciplinary reasons—that is, in a way that ensures that the same kinds of programs and services can be delivered to them as to the general population.

Administrators are often faced with the decision to lock up either the victim or the aggressor. Sadly, the policies and procedures that safeguard inmate rights in other areas work against equitable treatment in this area. Due-process requirements, limits on the amount of disciplinary time that can be imposed, and the realities of prison life with respect to associates taking up the cause of a segregated inmate—all argue in favor of removing the victim who appears unable to survive in the general population.

There will always be cases of this type. To deal with them, institutional staff must develop counseling and relocation strategies that will, to the degree possible, reduce the number of long-term protection cases.

■ **Unverified protection cases.** The second type of PC case also causes major concerns—the very large number of inmates who claim PC status but refuse to reveal the source of the alleged threat against them. Their intransigence prevents staff from verifying the alleged threat. Many of these inmates adopt this strategy in order to manipulate inter-institution or interstate transfers for personal motives.

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One might ask, “Why worry about unverified protection cases—why not just let them sit in the PC unit?” The answer is that PC cases and the operation of a PC unit are resource-intensive. More staff are required to run such a unit. Serving meals in the unit, or through elaborate escort and separation routines, is time-consuming and staff-intensive, as is virtually every other program provided to PC cases. Also, only a certain number of PC beds are available at any given time. The fewer inmates confined in PC status, the more efficiently the unit will operate, and the better the services and programs offered to legitimate PC cases.

In addition, an unverified protection case admitted to a PC unit could very easily be an assailant. This person would seek placement in the unit in order to kill an informant or other PC inmate. This tragedy is most likely if proper screening is not used and if proper separation is not effected between verified and unverified PC cases.

For inmates who refuse to name the party or parties who they fear will harm them, some agencies use a waiver form. If the inmate will not identify the source of the alleged threat, he or she signs the release form and may then (depending on circumstances) be put back on the compound. Other systems hold that inmates who refuse to cooperate in verifying their needs for protective custody do not warrant true PC programming. These inmates may be subject to disciplinary reports for refusing to go to population or to accept a program assignment, and can be held in administrative segregation status. This ensures that improperly classified cases do not enter the unit, and that program resources are properly used for those who actually need them.

■ **Racial concerns.** Short of clearly impermissible discrimination, the state may administratively dictate inmate classification to the degree it deems appropriate. Separation of inmates based on race, even for protection, cannot be accepted as a standard practice (*Wilson v. Kelly*, 294 F. Supp. 1005 [N.D. Ga. 1976]). However, even racial segregation, when implemented to relieve racial tensions and prevent assaults, may under extreme circumstances be permissible as a temporary measure (*Mickens v. Winston*, 462 F. Supp. 910 [E.D. Va. 1978]).

■ **Homosexuality.** One of the more severe protective custody problems in a jail or prison setting is the difficulty of handling aggressive and submissive homosexual inmates. There have been questions raised regarding the practice of segregating homosexuals without demonstrating the likelihood of each individual having some difficulty in the general population.

However, it can often be shown that without preventive action, the likelihood of sexual assault or other severe management problems provides a reasonable basis for some differential treatment.

■ **Gangs.** Separation of gang members by affiliation is another issue. It may be a sound tactic for internal management reasons, but still raises legal questions because these groups are often organized along racial or ethnic lines. If, however, the reasons for that form of segregation are rationally based and articulated in policy and do not have discrimination as their purpose, separation is permissible (*David K. v. Lane*, 839 F.2d 1265 [7th Circuit 1988]).

In the last decade, gangs have become a significant factor in many prisons. Originally, many gangs appear to have been formed for self-protection; in recent years, however, gang-oriented activities have been organized along the lines of community, racial, or ethnic boundaries. Gangs use community ties to bridge the prison walls, contributing to the solidarity of the gang organization and its effective operation. These more sophisticated organizations have become involved in brutal "wars," often over drug trafficking; their tactics include extortion, threats, assaults, murders, and staff intimidation. Some gangs that have extended influence into surrounding communities make efforts to compete with more traditional organized crime.

Prison gang activities create tensions that can lead weaker inmates, or those who give information about gang activity, to request PC status. These pressures often focus on smuggling or holding drugs, providing sexual favors, conveying

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messages for gang members (either by inmates or their families), or doing other gang errands. Pressures can be exerted in the visiting room, against family members on the outside, or in other areas of the institution. Gangs can create a true climate of fear in an institution; to the degree their activity can be suppressed, fewer inmates will seek protection.

■ **Drug trafficking.** The institutional drug trade can create conditions that force inmates to seek PC status. Inmates are sometimes pressured into introducing or holding drugs or inducing relatives to assist them in introducing drugs into the facility. When they refuse, or fail, they may be pressured into seeking protective status. An inmate who is holding a drug "stash" and loses it may be forced to make good the cost of the drugs or seek refuge in a PC unit. Informants revealing institutional drug trafficking may seek protection if their identities become known. As with gangs, to the degree that

administrators can reduce the level of drug trafficking, the fewer such PC cases will emerge.

■ **Gambling.** Some PC cases can be prevented if gambling is curtailed. Inmates losing large amounts of money may be pressured for sex, payment through outside sources, or other favors. To avoid these alternatives, protective custody may be seen as a workable solution, if only to buy some "safe" time until the gambler can come up with the resources to pay the debt.

**Separation from the  
general population**

Each agency should maintain detailed, specific procedures for evaluating a request for PC status, admitting a PC case, providing periodic release counseling, and regularly reviewing the case for status changes. The initial segregation decision may be made by a first-line supervisor, but should be reviewed by a higher authority the next day. Once in PC, an inmate cannot be consigned there indefinitely. A regular review process, with specific time limits, should have as its goal returning every possible PC inmate to a general population setting.

Inmates in a PC unit should be housed with some degree of sophistication, not just placed in cells at random. The institution's custody classification system may very well provide a starting point for housing assignments. Another factor may be internal separation needs, due to gang associations or other factors. Units with their own internal segregation/detention sections will, of course, operate those areas differently.

An important factor to bear in mind in considering internal assignments is that in many correctional systems PC inmates will be living in close proximity for long periods of time. Tensions and disparities can create problems and aggressive actions within the unit—and aftereffects that may last for years.

The personal presence of top staff—wardens and associate wardens—in a PC unit is often the key to its successful operation. In some ways the most important factor in PC unit operations is the visibility of management. In addition to unit staff and security supervisors making daily rounds, administrators need to visit the unit at least weekly to assess living conditions as well as staff performance and inmate morale.

### **Support services**

Staff who have worked with PC inmates know how demanding a subpopulation this can be. Some PC inmates, because of their personal inadequacies and general approach to life, are full of deep-seated anxieties. Others, in genuine fear for their lives, place unusual demands on staff. Still others see the PC unit as a manipulative opportunity and try to “play it” for all it is worth.

The keys to successfully managing this diverse, demanding population are professionalism and management oversight. Professional staff must be attuned to the needs of this population and prepared to deal with them in ways that will help inmates adapt to their circumstances. Inmate psychology programs, counseling, and other contacts should be principally geared toward the possibility of reintroduction to a general population unit whenever feasible and safe, not just adjustment to life in the PC unit.

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The behavior of line staff in the unit, and in the rest of the institution, is just as important in the operation of a PC unit. Inmates in the unit must not be treated as “snitches” or “rats.” They should be accorded the same respect and humane treatment applied to every inmate. In particular, disparaging remarks by staff in the presence of non-PC inmates can make it even more difficult to reintroduce PC inmates to the general population; such comments reinforce the kind of animosities that generate violence.

No unit in a correctional setting can function without complete operational procedures. Widespread knowledge of post orders, well-developed standard operating policies, and comprehensive training are vital parts of a successful PC unit’s operation, but not just for unit staff. Every employee who has contact with the unit, or who may potentially be assigned there, should be familiar with the rationale, concepts, and operating

principles that make its management different.

### **Transfers**

In larger correctional systems, transfers to another institution can be an option for helping an inmate get a new start in the general population. However, it is not hard for inmates in one facility to obtain information from other locations, so PC inmates’ reputations often follow, not long after their transfer.

There also is the option of transfer to another correctional system under a contractual agreement. This option can be costly, but it is sometimes considered in high-profile cases or for long-term inmates for whom there is little chance of a successful reintroduction to any general population in the home State. In at least one case, a Federal appeals court ordered the transfer of an inmate from a State system to the Federal system because of the inability to ensure the inmate’s safety in any State facility (*Walker v. Lockhart*, 713 F.2d 1378 [8th Circuit 1983]).

### **Case monitoring issues**

The lack of well-defined staff information-gathering and documentation can be the cause of PC-related problems. Systems should be devised to track the whereabouts of inmates who have testified against each other, or who for other reasons (a serious fight or stabbing in the past, for example) must be permanently separated. Computers can be used to good effect for this purpose, and the largest systems have online, immediate access to the location and status of all separatees.

For smaller institutions, file card systems, unit records, and other methods can help ensure that inmates with serious animosities do not live in the same units



or work in the same shops. These records must be protected against inmate access (as must computers).

### **Receiving and discharge**

Staff in the receiving and discharge area should have access to information about separatees in the institution and the system as a whole, so that separatees are not processed together or sent out on the same transport.

Initial intake screening in the receiving area can also alert staff to potential problems. By screening incoming inmates for factual information about testimony against others, codefendant conflicts, and similar background information, many problems can be prevented. At a minimum, this kind of information is valuable for augmenting the inmate's central file and preventing the arrival of a potential adversary.

Early screening also should include a thorough review of all official records arriving with the inmate—past testimony, codefendant conflicts, and problems in other institutions are often reflected in official documents. Even if the inmate is not willing to disclose these data, staff can use official records to effect necessary safeguards.

### **Recreation, work, and other congregate activity**

A principle repeatedly enunciated by the courts in recent years is substantially equivalent access to programs for PC inmates. That does not mean that access has to be identical, but it may be modified only in ways that bear a reasonable relationship to legitimate correctional needs.

In the PC unit itself, most activity can be scheduled in a way that maximizes the

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use of available facilities without jeopardizing safety. Inmates should be screened so that any congregate activity—recreation, education, religious programs, even TV viewing—is approved for compatible groups.

For activity off the unit, the same type of screening must take place, even though there will be no contact with the general population. Two members of opposing gangs can just as easily harm each other off as in the unit.

### **Visiting**

Even though the visiting room is considered "neutral ground" to some extent, the risks of mingling PC and general population cases there are still quite high. As a result, scheduling and supervising visiting for PC inmates can be very difficult. If the designated visiting area is in the unit, visitors must be brought (under escort) into the secure area of the institution, with the accompanying risk to

personal safety and potential introduction of contraband.

On the other hand, if the institutional visiting room is used, the PC inmates must be moved through the compound, creating safety concerns and the need to shut off all other inmate traffic during those movements. If a separate PC visiting area is not available, separate visiting hours for PC cases is suggested.

### **Minimizing the problems**

There are no pat solutions to the problems presented by protective custody inmates. Every institution will develop a different response to their needs, based on the available physical plant, the specific inmates involved, and the policies and traditions of that facility and its governing agency.

However, if one generality can be applied to all PC-related issues, it is that they are best addressed as an integrated whole. By acknowledging the fact that most institutions have a small number of inmates who cannot remain in the general population, by accepting that they should be treated as humanely as possible, by promoting the premise that they must be provided basic programming, and by designing a unified, closely supervised program for them, the many problems inherent in PC operations can be minimized. ■

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*James D. Henderson is a criminal justice consultant and retired regional director of the Federal Bureau of Prisons. A different version of this article appeared in Protective Custody Management in Adult Correctional Facilities, developed by the American Correctional Association for the National Institute of Corrections.*

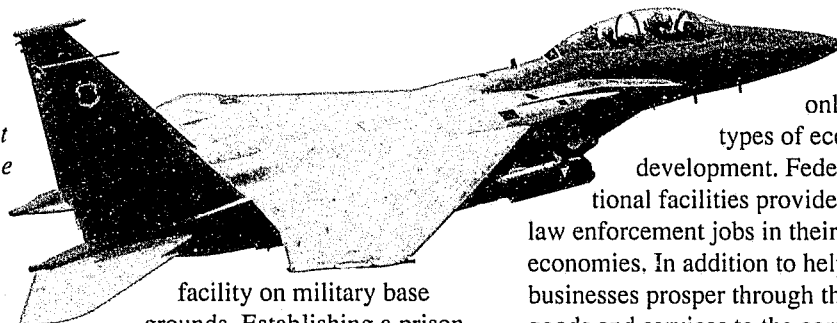
# Reusing Military Bases

This correctional option can minimize community disruption

**Kevin McMahon**

*Editor's note: The following article first appeared in slightly different form in the January/February 1992 edition of the NAID News, a publication of the National Association of Installation Developers. It has been updated to include information relating to all Federal Bureau of Prisons locations on both active and deactivated military bases or former military properties.*

Finding uses for a closed military base can be a daunting task. The reuse of a military base slated for closure would be an ideal way to minimize the disruption to the surrounding community brought on by the loss of civilian and military jobs and reduced Federal expenditures for goods and services. One of the surest ways to maintain Federal dollars and Federal jobs in such a community has been to establish a Federal correctional



facility on military base grounds. Establishing a prison can be built into most reuse plans without excluding other potential uses for the site.

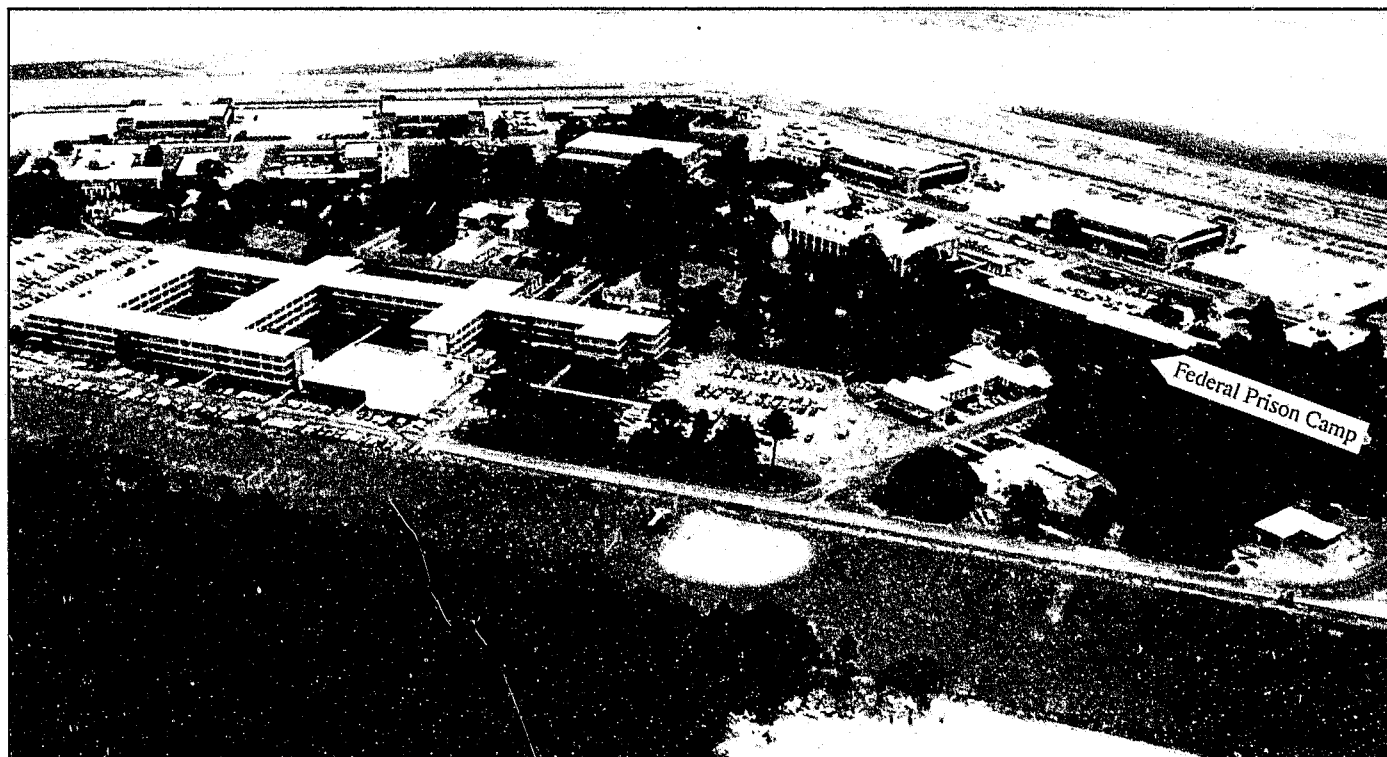
The Federal Bureau of Prisons has a long history of successfully operating correctional facilities on both active and former military bases, and has shown it can help soften some of the negative effects associated with base closure actions.

This is accomplished by keeping Federal jobs and dollars in the local area and by providing economic diversification to communities that might otherwise be

limited to only certain types of economic development. Federal correctional facilities provide numerous law enforcement jobs in their local economies. In addition to helping local businesses prosper through the sale of goods and services to the correctional facility, the institution itself can also serve as a magnet to attract new support businesses.

Acquiring portions of bases scheduled for closure for correctional use is appealing to the Bureau of Prisons as well. There are certain built-in advantages to acquiring military facilities—for instance, they have adequate infrastructures, including water and sewage treatment facilities.

Tougher sentencing laws, aggressive responses to illegal drug use, and the



Courtesy FPC Pensacola