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Prison buildup and disorder

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Abstract

In contrast to the predictions of many, the prison buildup in the USA did not lead to dramatic increases in chaos behind bars. Instead, prison riots have become rarer, the homicide rate among inmates has declined dramatically and a smaller proportion of inmates are held in segregation and protective custody. Escapes are less common. What caused, then, the trend toward greater, rather than less, order? Neither demographics nor the development of supermax facilities are found to be responsible for much of the improvement. Rather, the data are consistent with the position that political and correctional leadership made prison institutions more effective. There may well be many negative social consequences of the prison buildup, but diminished prison order was not one.

Key Words

disorder • prison buildup • prison programs

INTRODUCTION

During the course of the US prison buildup and even toward its end, many criminologists began to argue that the buildup would be extremely difficult if not impossible to implement, and that they expected a crisis of order exemplified by high rates of riots, violence and escapes. Criminologist John Hagan (1995: 520–4) warned that ‘increased imprisonment will lead to more disruptions and riots in prisons’. Based on this prediction, as well as a belief that prison does little to reduce crime, Hagan advocated that we should ‘have as few of these inherently unstable institutions as possible’. Similarly, Thomas Blomberg and Karol Lucken (2000: 132) asserted that we reap what we sow, now and into the future:

It does not appear likely that prisons will fare any better in the future. Rather, and quite the opposite, it appears that prisons will worsen in conditions and inmate consequences. . . . Prison riots, hostage taking, gang warfare, and inmate to inmate, inmate to staff, and staff to inmate violence are all increasingly routine aspects of everyday operations.

Loïc Wacquant (2001: 111) reports that an 'often unsafe and violent social jungle' has replaced the relative safety of the old order.¹ The new order is characterized by 'increased levels of interpersonal and group brutality'.

At least *during* the buildup period, no one could have known what would happen behind bars as the number of prisoners climbed toward, and eventually surpassed, the one million mark. Loïc Wacquant *is* right that the scale of imprisonment achieved during the buildup is a novelty in human history. One possible outcome would have been the near collapse of authority, followed by chaos and a free-for-all struggle. Small islands of inmate solidarity, in the form of racial groups and gangs, would be pitted against each other. The rates of violence would escalate, and armed rebellion would be common. This is the outcome that the critics feared.

As an analogue, increasing scholarly and policy attention is being given to 'failed states', societies in which there is a partial or near total collapse of the central government (Goldstone et al., 2000; King and Zeng, 2001; Fukuyama, 2004; Rotberg, 2004). Weak or failing states typically experience violent civil strife, escalating crime rates and an inability to control non-state actors, such as tribal warlords, terrorists and criminal gangs. They are tense, dangerous, chaotic and lack credibility. US corrections may have features of failed states writ-small, although its million-plus residents would (if congregated in one geographic area) be larger than the population of 45 countries and its annual corrections US\$38 billion spending is on a par with the national budgets of Austria, Taiwan and Poland.

Another possibility would have been a successful transformation: the prison system would be much bigger, but no worse for it. Institutional leadership may have risen to the occasion, devising creative, new solutions. Perhaps they forged conditions in which the rates of prison violence might even decline. An optimistic – but perhaps wholly unrealistic – forecast would be an absolute decline in disorder, as measured by the per annum number of riots or inmate against inmate murders.

A third possibility would be the imposition of the Leviathan – Thomas Hobbes's answer to the anarchy of a free-for-all war. State officials, facing a collapse of authority behind bars, would impose increasingly strict controls. We might expect that a growing proportion of inmates would be placed in maximum security, rather than lower security, prisons. Supermax prisons, extremely high-security 'prisons within prisons' would be increasingly used to solve the problem of order. Rules would be tightened in other types of facilities. To again use a society-wide analogue, the core feature of a revolutionary situation is uncertainty about whom and what policies will rule in the future (Stinchcombe, 1999). The Leviathan is one way to get out of a revolutionary situation, ordinarily chosen not as a matter of political philosophy, but because many people are sickened by the lack of order and nothing else seems capable of restoring it. A correctional Leviathan may have been the only way to solve the problem of order wrought by the buildup.

Has the prison system become increasingly disorderly, dangerous and insecure under conditions of buildup? The answer to this question is crucial. In the first place, there is the human toll of those injured or killed under conditions of disorder. Perhaps more importantly, prisons are instruments of law. What legal institutions do (and how they do it) may signal society's underlying attitudes and establish norms (Kahan, 1996; McAdams, 2000; Sunstein, 2003). If prisons themselves are lawless, their expressive value in asserting the rule of law is lost or even in the negative. Hagan's *premise* is right:

if prisons on a mass scale create high rates of disorder, then these failed institutions should be limited in scale.

But Hagan and his fellow critics have not given their argument the simplest empirical test. We do this below.

Before turning to the data, we review several studies of the conditions that produce order behind bars. This review reveals that prisons are *not* inherently unstable institutions, but neither are they inherently stable. Prisons can change from order to disorder, and the reverse, rather rapidly. To assess the effect of the buildup on order, we examine multiple indicators of order simultaneously to see how they perform together over time.

PAST RESEARCH ON PRISON DISORDER

The field of prison studies is only slowly coming to an understanding of how to create order behind bars while achieving other moral and collective goals such as the elimination of decrepit living conditions, protection of the public purse and rehabilitation of inmates. Perhaps the fundamental insight, developed by a first generation of researchers such as Gresham Sykes (1958, 2003), Erving Goffman (1961) and Richard Cloward (1960), is that prisons are a political community. They are, before they can achieve anything else, a system of cooperation – although a system that is authoritarian and hierarchical.² Those in command – from the correctional officers in the cell blocks, up the chain of command to the prison's middle managers and the warden, to the commissioner in the state capital – decide upon and judge the course of action. The subordinates, the inmates, may experience many policies and procedures as unpleasant and acts of force, but typically accept the overall legitimacy of the situation. While inmates may perform isolated acts of resistance, some degree of voluntary cooperation on the part of inmates is both necessary, and normally obtained, for prisons to operate.

The noteworthy defect of the early formulations of prison order was the position that state authorities could do little to affect the degree of political legitimacy, except by restraining their own managerial activism. This pessimism was visible in Gresham Sykes's (1958) theory of prison riots. Sykes (1958: 123) argued the following:

1. The legal rewards and punishments that prison authorities can offer inmates are too few to secure their cooperation. Additionally, prison authorities are hampered by the fact that prisons are required to pursue two conflicting goals. The need to maintain security interferes with efforts to rehabilitate inmates, and vice versa.
2. Given these difficulties, prison officials obtain inmate cooperation by a system of illicit rewards. Correctional officers allow contraband to circulate and disregard petty infractions by inmates. Inmates accept these minor illicit benefits, in return for which they keep the order. Inmate leaders, while never more than the best of a bad lot, help the administration to preserve order by restraining the more violent inmates.
3. From time to time, prison officials attempt to regain control over the prison by eliminating corruption and strictly enforcing rules. The reassertion of custodial control disrupts the inmates' incentive to cooperate and undermines the established inmate leaders. Unstable, riot-prone inmates fill the power vacuum.
4. Ironically, the harder prison officials try to manage 'by the book,' the less stable the system. Writing better procedures is not an option, because of the inherent defects in prison: 'The system breeds rebellion by attempting to enforce the system's rules'.

The central policy lesson of Sykes's analysis, upon which John Hagan draws for his buildup prediction, is that prison officials can do little to limit disorder once it is underway. The system is inherently frail. If you put more people behind bars; expect exponentially more disorder.

Research over the last decade and a half has sustained the basic insight that prisons are political communities requiring cooperation before they can achieve anything else. Prisons cannot operate by force alone. But it has also shown that the degree of cooperation: (1) varies greatly from one prison to the next, from one correctional system to the next, and from one time to the next; (2) cannot be predicted based on abstract principles of prison social organization; and (3) depends upon the will, strategies and resources of the political community and correctional leadership. Studies advancing these points include the following.

Governing prisons

In *Governing prisons*, John DiIulio (1987) examined prison management and the quality of prisons in Michigan, Texas and California. Prison quality was measured using three criteria: *order* (rates of assault, murder and riots); *amenities* (availability of wholesome food, clean cells and recreational opportunities); and *services* (availability of vocational training, education and work opportunities). These three outcome measures were not independent of each other, but rather clustered together. Some prisons and prison systems were safe, humane and treatment-oriented, while others were tense, dangerous and unproductive in changing inmates. This variation was observed: (1) among prison systems, by comparing Michigan, Texas and California (intersystem variation); (2) between prisons within a single state, by comparing two California prisons (intrasystem variation), and (3) across time, by comparing Texas prisons at time, t , to Texas prisons at $t + 1$ (historical variation). The non-findings were significant. The intersystem, intrasystem and historical variations in amenity, service and order could *not* be explained by these factors: the dangerousness of inmates, per-inmate spending, crowding levels, inmate-to-staff ratios, length of officer training, ethnic and racial composition of inmate population or of correctional officers, and newness of prison and equipment. There was no evidence that prison disturbances were associated with efforts to tighten administration and eliminate corruption. Instead, the quality of correctional management appeared to be the key factor that could account for the variation. Specific features of 'good management' included: leadership by a strong, stable set of correctional executives; commitment to a well-specified organizational mission; effectiveness in dealing with relevant outside actors, such as key legislators and community activists; and management in a security-driven manner.

Finally, whereas Sykes and coworkers had argued that prison's task to rehabilitate inmates was undone by the need to maintain security, DiIulio's findings suggest the opposite. Prisons with high levels of order and amenities provide more effective programming. This is because: (1) order, amenities and service share a common cause in effective management; (2) prisons with high levels of order can provide more effective programs; and (3) programming facilitates order by providing an opportunity for inmate-staff communication.

Governing prisons paints a negative picture of judicial intervention in prison management, holding it partly responsible for a breakdown in institutional order in Texas's

prisons.³ Leo Carroll's (1998) study of Rhode Island's maximum-security prison, *Lawful order*, challenges DiIulio's specific point about court intervention, while affirming his general position that the prison quality rests largely on the quality and strategy of management. This management can include the federal courts, which also may manage well or poorly.

Governing Rhode Island's maximum security prison

From 1972 through 1977, Rhode Island's only maximum security prison, Adult Correctional Institution (ACI), experienced chaos and near total collapse (Carroll, 1998: 73–96). A federal court had intervened, undermining the patriarchal authority that had previously been the basis of order. This was followed by a sharp upsurge in the level of inmate assaults against other inmates and staff, security lapses and collective disorders. In September 1972, four inmates escaped, followed by a report that found security incredibly lax. In April 1973, inmates rioted, taking six hostages and causing US\$1 million in damage. By July 1975, almost 20% of the population was in protective custody. The chaos was reported in the press: 'scarcely a day passed without a major story in the newspapers concerning disorder in the prison. . . . Disturbances, riots, escapes of dangerous convicts, murders and job actions by correctional officers kept ACI in the headlines' (Carroll, 1998: 316).

These conditions of disorder were instrumental in causing, and were caused by, a deep division within the correctional polity. Correctional officers, organized in a strong union beginning in 1971, believed the administration to be weak and given to inmate appeasement. This forced officers to take security into their own hands, as they saw it. The administration attributed their inability to restore order to the usurpation of management prerogatives by the union. For example, the union controlled the assignment of officers to their posts. As a result, the most experienced officers typically had the least amount of contact with inmates. From time to time, tensions boiled over. In October 1975, for example, correctional officers expressed outrage when the administration lightly punished an inmate who had assaulted a correctional officer. Officers walked off the job and defied an order from the governor to return to work. The National Guard was brought in to run the unit for two days. Later the same month, four inmates brutally beat two other inmates with baseball bats. The incident occurred in the presence of 10 officers, who refused to intervene out of fear that they might be assaulted. The administration took the position it 'is impossible to discipline and control inmates until you can discipline and control employees,' with the latter unattainable given the protections afforded to officers by their union (Carroll, 1998: 94).

Order began to be restored in 1978, again associated with a major legal intervention. In this period, however, the administration and the courts worked in alliance. Under new departmental leadership, staff training was increased, new talented middle managers were recruited, and lines of authority and responsibility were strengthened. Old facilities were renovated. The new leadership – judicial and correctional – took a strong stand with correctional officers. Those accused of brutality were suspended and indicted. When job actions followed, the courts issued injunctions and, when disobeyed, found the officers and unions in contempt. Eventually, management/labor relations were stabilized. All measures of disorder plummeted. By 1990, ACI became 'remarkably safe and secure' (Carroll, 1998: 314).

To conclude, federal court intervention was a constant feature in Rhode Island's correctional system over the period from 1970 to 1990. In the first half of that period, ACI had features of a failed state. In the second half, a unified, mission-driven management effort, now including the federal courts, restored order.

Prison Riots as Revolution

In two essays, Goldstone and Useem (Goldstone and Useem, 1999; Useem and Goldstone, 2002) argued that a state-centered theory of revolution, developed to explain revolutions in entire societies, could also help account for prison riots. Specifically, prison riots were hypothesized to occur when prison administrators are unable to balance external demands imposed by state and national governments with internal demands from staff and inmates regarding conditions within prisons. This imbalance, in turn, is a byproduct of five factors. They are: (1) state, national or judicial authorities impose new or increased demands on prison administrations without augmenting prison resources; (2) dissension and alienation among correctional staff; often resulting in high absenteeism and turnover, failure to follow prison routines or harsh confrontations between officers and administration; (3) grievances among inmates that the conditions of their confinement are far worse than they should be, according to broadly visible and externally validated standards; (4) spread of inmate ideologies that undercut the legitimacy of the prison and unite inmates by providing them a common framework for opposition and justifying rebellion; and (5) actions by prison administration that are widely seen as demonstrating the administration's injustice, ineffectiveness and vulnerability to inmate challenges. The two essays tested this argument against 16 instances of prison riots, drawing on existing case studies and presenting newly collected data.

The first essay examined 13 riots that occurred in medium- and high-security prisons from 1952 to 1993 (Goldstone and Useem, 1999). While the case studies were not a random sample, they did provide a reasonable variety in terms of type of facility and geography. They include all of the most notable riots over the last 40 years, such as those at State Prison of Southern Michigan (1952), Attica (1971), Penitentiary of New Mexico (1980), Camp Hill, Pennsylvania (1989) and Lucasville, Ohio (1993). Operational indicators were developed for each of the five key variables. Using these indicators, the conditions were rated in the 13 prisons immediately prior to the riot and during a more stable time period some years before the riot. Quantitative analysis found that the five conditions were not equally present in all riot cases. However, in no case did a riot occur without at least three of the five conditions being present.

The second essay used the five-variable model to explain two cases of prison reform in the 1990s with widely divergent results (Useem and Goldstone, 2002). In the 1990s, the state of New Mexico privatized several prisons and two prisons soon experienced riots. At about the same time, the New York City Department of Correction (NYCDOC) brought about reforms that ended many years of extremely high rates of individual and collective violence.

New York City Department of Correction

Although NYCDOC is a jail system, rather than a prison system, it is larger than 35 state prison systems, holding as many as 20,000 inmates. The majority of inmates are

housed on Rikers Island, located on the East River. From 1990 to 1995, the Department had failed-state features. Inmate stabbings and slashings were routine occurrences; averaging 137 incidents per month for the first six months of 1990. Correctional officers and inmates alike described conditions as extremely dangerous – graffiti covered the walls, and the quality of medical and other services was abysmal. As a low-level indicator, correctional officers found it necessary to dry clean their uniforms often, because they would absorb the prison's foul odor. A major riot occurred in August 1990, precipitated by correctional officers blocking the only bridge to the island. They were protesting the administration's overly restrictive (at least in their eyes) use-of-force policy and lenient treatment of several inmates who had assaulted an officer.

Starting in 1995, a new prison administration turned this around. The number of assaults decreased by more than 90%, and the fears of riot turned from rampant to nearly non-existent. The quality of services improved dramatically. The transformation was achieved by the actions of the new administration attacking the root causes of disorder by: (1) successfully balancing resources and demands on the administration and ending conflict with the city and the courts; (2) requiring wardens to be accountable for order in their prisons which, in turn, won the support of middle managers and correctional officers; (3) clamping down on inmate violence and gang membership, while improving medical and other services; (4) undercutting an inmate ideology that the system is out of control and therefore anything goes; and (5) skillfully managing the implementation of these reforms, so that both inmates and officers perceived the restoration of order as in their interests.

Privatization of New Mexico prisons

As a result of the 1980 riot at the Penitentiary of New Mexico, New Mexico's prisons were some of the most expensive in the country, despite the state's ranking near the bottom on most economic indicators. To control costs, the state in 1998 decided to build new private prisons. This effort led to two major riots in the private prisons under state authority. The efforts faltered for these reasons: (1) state government was divided over the legitimacy of putting state inmates in private correctional facilities; (2) staff loyalty in the private facilities was low; corrections staff were newly recruited and given less pay and less training than were officers in public prisons; (3) inmates in private prisons, as a matter of state policy, were afforded fewer amenities than inmates in state prisons; (4) in one prison, Native American inmates developed an ideology that the private prisons were illegitimately interfering with their religious practices. The ideology was reinforced by the state legislation giving Native American inmates specific religious rights. In both prisons, an ideology of deprivation was amplified by continuing debate over the legitimacy of privatization; (5) prison authorities and state officials were lax in responding to provocations and violent behavior by inmates.

Useem and Goldstone concluded that prisons do have characteristics of societies, a point returning to Sykes and his colleagues. In contradiction, however, they argued that prison order could be deliberately forged, without turning power over to inmates, by addressing the five conditions for stability.

RESEARCH SUMMARY

Over the last 40 years, researchers have made significant gains in understanding the social dynamics of prisons. We believe that this body of research yields several insights that are helpful for thinking about the effect of buildup on prison order.

First, prisons are systems of cooperation. Those in power – a line of authority running from correctional officers on prison floors, through the warden, to the commissioner in the state capitol, the governor, and ultimately to free citizens – make decisions and evaluate the course of events. Their subordinates, the inmates, may find those decisions unpleasant, but accept their legitimacy most of the time. Inmates recognize that they would do little different if they were in power. When legitimacy declines – when inmates come to believe that they would do things differently if in power – both individual and collective resistance may mount. Resistance may further impede, disrupt, or even threaten to destroy the system of cooperation.⁴

Second, there is a great deal of variation in the degree of order achieved by US prisons. At one extreme, some prisons are a Hobbesian world of unrelenting strife. Like failed states, these prisons are tense, unpleasant and dangerous. Buildup critics were well founded in their concern that the buildup will produce mass disorder. Things do fall apart. At the other end, some prisons are safe, orderly and productive. Things may come together. It is possible that the correctional and political leadership may have met the challenge posed by the buildup.

Third, the causes of disorder do not lie in the inherent defects of prison, unalterable 'structural' conditions or even the violent nature of inmates. This is implied by the fact that prisons and prison systems can turn from order to disorder, or the reverse, fairly rapidly. Agency looms large: people running prisons can change the conditions that produce order. It can be created, or destroyed, by altering the relationships among prison management, staff, inmates and outside authorities.

Finally, two big questions can be asked about order behind bars. One is what causes variation in order from one prison (or prison system) to the next. Researchers answer this question by identifying the factors that distinguish prisons (or prison systems) that have high rates of disorder from those that have low rates. A second question – not reducible to the first – is if corrections as a whole has become safer, or more dangerous, over time? This can be answered by tracking indicators of order over time, which is our next task.

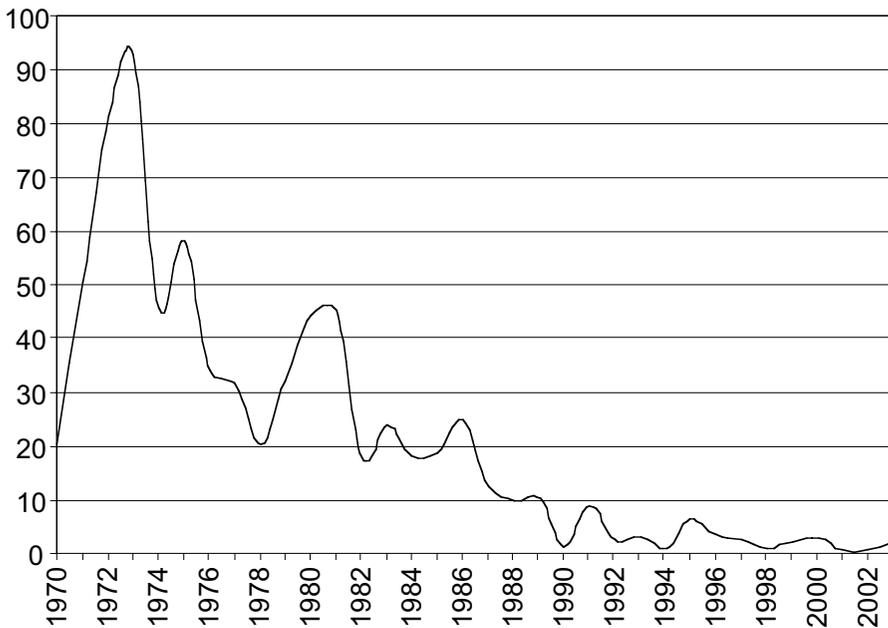
To summarize, buildup critics suggested that prisons would collapse under the weight of more and more prisoners. In our view, this position does not take advantage of recent empirical work on the conditions of prison order. This work offers no specific prediction about whether order will decrease or increase with a substantial population increase. Rather, the research suggests that the outcome will depend upon institutional leadership and whether it can solve the problems that the buildup poses. This research also predicts that various measures of order should track together, because of the operations of a causal variable of broad scope. We first consider the incidence of prison riots, and then turn to individual level indicators of order.

WHAT IS A PRISON RIOT?

Dual power – having two political blocs claim sovereignty over the same territory – is the core feature of a revolutionary situation (Stinchcombe, 1978; Tilly, 1978). Likewise, the central feature of a prison riot is dual power: inmates constitute a second government, at least for a time. Accordingly, we use the following operational definition: a prison riot occurs when prison authorities lose control of a significant number of prisoners in a significant area of the prison for a significant amount of time. The task of prison authorities is to end the institutional confusion with a minimum of casualties and other costs to the state. The task of prison rioters is to perpetuate the chaos, at least until they are exhausted or have achieved their collective or personal goals.

We used the following indicators to identify prison riots that occurred over the period 1970 to 2003. A prison riot is an incident (1) involving 30 inmates or more; (2) lasting 30 minutes or longer; (3) resulting in serious injury or significant property damage, and/or (4) involving inmates taking hostages or using force to expel correctional authorities from a section of the prison. The data are from four major newspapers that are indexed over the relevant period: the *New York Times*, *Washington Post*, *Chicago Tribune* and *Christian Science Monitor*.⁵

The prediction that society should expect an escalation in the number of prison riots with the buildup could hardly have found greater disagreement. Both the absolute number of riots and the ratio of inmates to riots declined (see Figure 1).⁶ By the century's end, prison riots had become increasingly rare. What explains this?



•Figure 1 Prison riots per 1,000,000, 1970–2003

Sources: *New York Times*, *Washington Post*, *Chicago Tribune* and *Christian Science Monitor*

The simplest explanation is demographics: the buildup brought into the prisons increasingly less violent offenders. Such inmates, in turn, are less likely to riot. While there may be something to this explanation; it does not get us very far. While the *proportion* of inmates who had committed violent offenses declined somewhat over the buildup period, this group grew in absolute numbers more than any other category.⁷

If demographics were the driving force, there would have been a large increase in the absolute number of riots and a modest decline in the ratio of riots to total inmates. In fact, the decline in the number of prison riots was steep and the decline in the ratio of riots to inmates was even steeper. In the period under consideration, there is a strong *negative* association between imprisonment numbers and frequency of prison riots.

An alternative hypothesis is that riots declined because prison and state authorities improved their political and management capability to meet the buildup challenge.⁸ If prison riots are a sign of state disorganization, then the declining incidence of riots suggests greater political capability. It would be impossible to measure, at least retrospectively, political and management capability across the many jurisdictions and many years involved in the buildup analysis. Here, however, we can rely on the earlier studies cited above. A key finding of this work is the existence of covariation between riots and individual rates of disorder. This is because they share a common cause: the quality and degree of government. At one end are prisons as failed states; at the other is a coherent stable, effective management team supported by external political authorities. If indeed, we observe the incidence of riots and rates of individual disorder change together over time, this would suggest the operation of this same common cause. This interpretation will gain credibility if we can rule out alternative explanations for the covariation, which we will do below.

INDIVIDUAL-LEVEL DISORDER

Critics of the buildup hypothesized that the buildup would cause increases in both the rates of collective disorder and signs of individual level disorder (Wacquant, 2001: 97).⁹ The figures and tables to follow show trends in the rates of inmate homicides, staff homicides, escapes and inmates in protective custody. The denominator in all four rates is prison population of the reporting jurisdictions. (Some states have missing data for some years.) We believe that this is the right denominator for the purposes at hand, even though the prison population became somewhat less violent in this period.

First, the critics argued that the buildup would result in a prison population that is ungovernable. Wacquant (2001: 97), for example, claims an 'increased entropy and commotion that characterizes prison life today'. This position implies that prison life was becoming degraded, on average, across all inmates. Second, the purpose of these performance measures is to capture whether prison authorities can govern the prison populations assigned to them, whatever their size and composition. If the relevant question is whether prisons are doing what they have been asked to do, this is best measured by the ratio of incidents to total population.

Table 1 shows a large decline in the rate of inmate homicides over the period 1973 to 2001. In 1973, there were 62.7 homicides per 100,000 inmates. In 2000, there were 4.6. The chances of being murdered behind bars decreased, not increased, with the

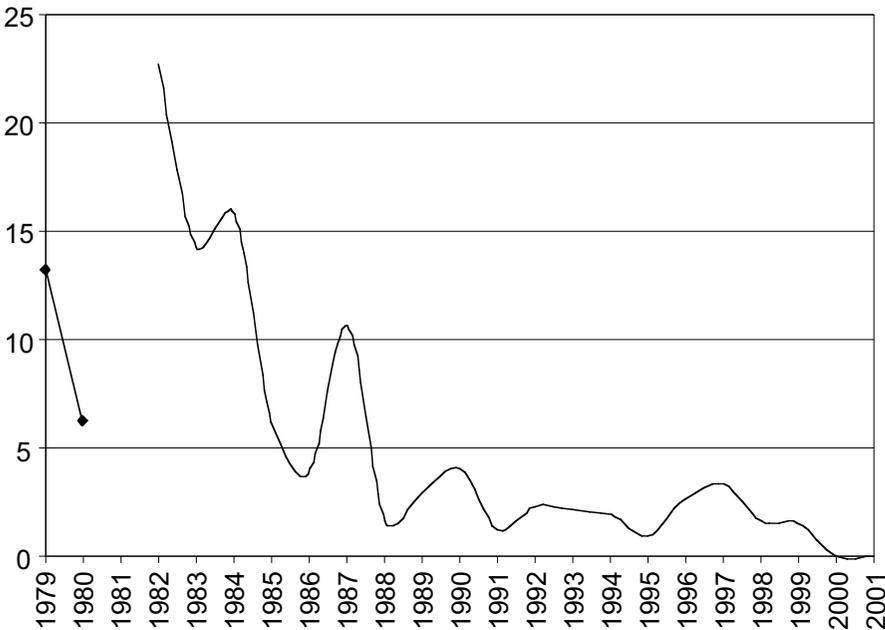
TABLE 1 Inmate homicides in state correctional facilities, 1973–2000

	1973	1979	1984	1990	1995	2000
Homicides	128	84	90	57	74	49
Homicides per 100,000 population	62.7	31.9	23.6	8.9	8.1	4.6

Sources: Bureau of Justice Statistics (1987); James J. Stephan (1997); James J. Stephan and Jennifer C. Karberg (2003). The 1974 census did not collect information on inmate homicides. The 1973 figure is from Sawyer F. Sylvester et al. (1977).

buildup. This decrease could not be accounted for by prison demographic. While the drop in homicide rate was large, the change in the composition of inmates was small.

Figure 2 reveals a similar drop in the rate of staff killed by inmates. In 1979, four staff members were murdered, or a ratio of 13.3 murders per 1,000,000 inmates. In 1982, nine staff were murdered, or a ratio of 22.3 murders per 1,000,000 inmates. There followed an almost steady decline. By 1999, there were two staff murders, or a ratio of 1.6 staff murders per 1,000,000 inmates. In 2000 and 2001, inmates murdered no staff.



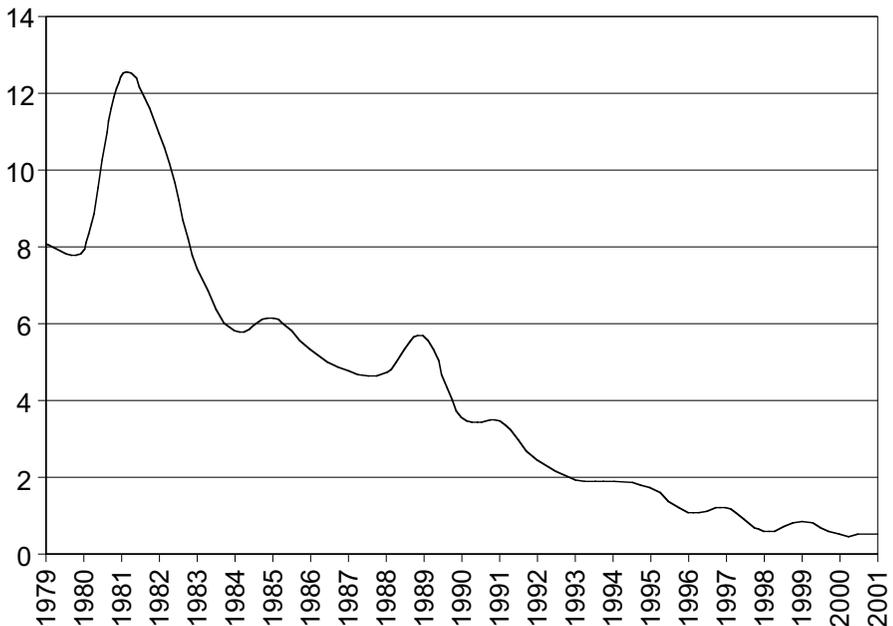
•Figure 2 Correctional staff murdered per 1,000,000, 1979–2001

Sources: *Corrections yearbook* and *Corrections compendium* (various years). The two sources report different figures for several years. For those years, *Corrections yearbook* figures are considered more reliable. Regardless, both data sources show the same overall trend

The same pattern holds for escapes, an obvious indicator of weak security. Figure 3 shows that, in 1981, there were 12.4 escapes per 100,000 inmates in US prisons. By 2001, the ratio had declined to 0.5 per 100,000 inmates. Figure 4 shows the proportion of inmates in protective custody.¹⁰ In 1980, there were 27 inmates in protective custody per 1000-inmate population. By 2001, there were eight inmates in protective custody per 1000 inmates.

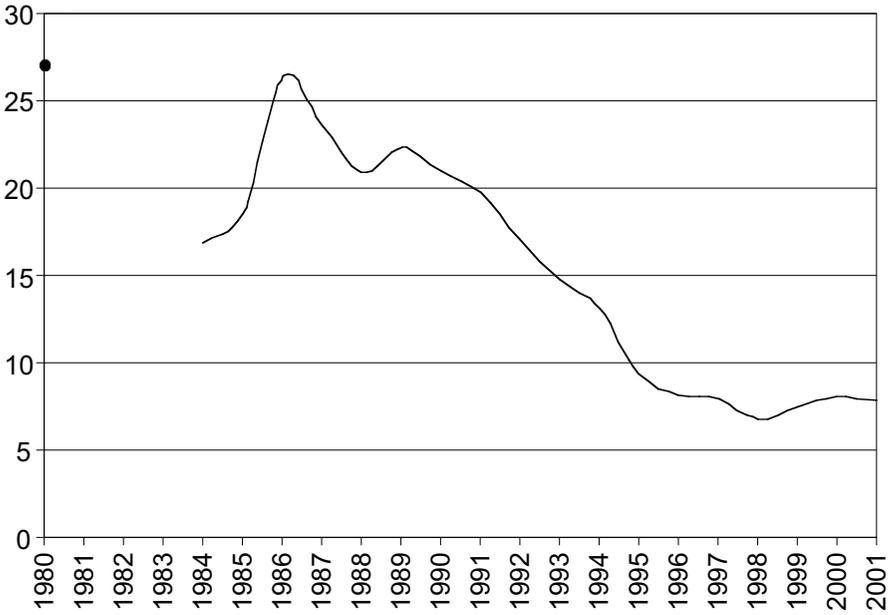
As a final check on these trends, Table 2 reports data collected by the US Bureau of the Census for the Bureau of Justice Statistics (BJS). These data have been collected in five or six year intervals. Although the first census of prisons was conducted in 1974, disorder-data were first gathered in 1984. The 1984 census collected data from state prisons only, so we exclude data from federal prisons, which were not collected until 1990 – well into the buildup.

Table 2's first two rows show that while the number of inmate assaults against other inmates and staff increased with the buildup, the ratio of assaults to inmates declined. In 1984 there were 41.1 assaults on inmates per 1000 inmates; this declined to 29.2 by 2000. The number of assaults against staff changed very little, holding constant at about 15 assaults per 1000 inmates. The third row reports data on the incidence of predominantly low-level collective disorders. We collapse together three categories of disorders: (1) 'major disturbances' or 'riots' (incidents involving five or more inmates which resulted in serious injury or significant property damage); (2) arson incidents (deliberately set fires that resulted in damage exceeding US\$200); and (3) 'other disruptions' (e.g. hunger strikes and work slowdowns). We believe that the BJS defined 'riot'



•Figure 3 Number of escapes per 1000 inmates, 1979–2001

Source: *Corrections yearbook* (various years)



•Figure 4 Inmates in protective custody per 1000 inmates, 1980–2001

Source: *Corrections yearbook* (various years)

TABLE 2 Inmate violations in state correctional facilities, 1984–2000

	1984	1990	1995	2000
Assault on inmates	17,573	21,184	24,959	34,355
Assaults per 1000 inmates	41.1	30.9	25.2	29.2
Assaults on staff	6696	10,562	13,041	17,952
Assaults per 1000 inmates	15.7	15.4	13.2	15.3
Disturbances and arsons	3188	6587	2941	1588
Disturbances and arsons per 1000 inmates	7.4	9.6	2.9	1.3

Source: US Department of Justice, Bureau of Justice Statistics (BJS), *Census of state and federal correctional facilities* (various years).

Note: The ratios reported here are slightly different than those in BJS publications because BJS revises its population counts and we rely on the revised populations estimates.

Regardless, the differences are slight and do not affect the overall trends.

so broadly, that it is sensible to use the more inclusive category of disturbances. For example, a fight among five inmates would qualify as a ‘riot’ – not an event that we would normally recognize as a riot. Although some of the events captured by this category will be full-fledged riots, the vast majority will not. In any case, there was a

substantial increase in the number of disturbances and arsons between 1984 and 1990. This growth was more than reversed, however, by 1995. In 2000, the ratio of incidents to inmates was about one-fifth of its 1984 level.

To conclude, all measures point in the same direction – away from the position that the prison buildup caused increasing rates of individual-level and collective-level disorder. In fact, quite the opposite: most measures show that prisons became safer and less likely to experience riots and disturbances. This trend, in turn, suggests that correctional management became more effective in organizing their activities. We should consider an alternative explanation.

CREATING ORDER THROUGH THE LEVIATHAN

We noted at the outset that one solution to the problem of order is to create an increasingly repressive prison system. The rates of disorder may have shown improvements over the buildup period, not because of improved governance, but because prison authorities imposed increasingly repressive circumstances, a correctional Leviathan.¹¹

One step toward the Leviathan would be to increase the proportion of inmates in maximum-security facilities. Table 3 shows a modest trend running in the reverse direction. In 1974, about 41% of the inmates in state confinement facilities¹² were housed in maximum-security prisons; by 2000, this percentage declined to about 36%. It would be incorrect to argue, from these data alone, that US prisons were becoming less repressive; the shifts may reflect the changing character of the inmate population. The relevant point, however, is there is little evidence of a correctional Leviathan as the instrument achieving order.

Another indicator of repressiveness is the proportion of inmates in administrative segregation. The trend is in the wrong direction to support the idea that order was achieved through repression. As shown in Figure 5, in 1982, there were 5.4 inmates per 1000 inmates in administrative segregation. By 2001, this proportion had dropped slightly to 5.2%.

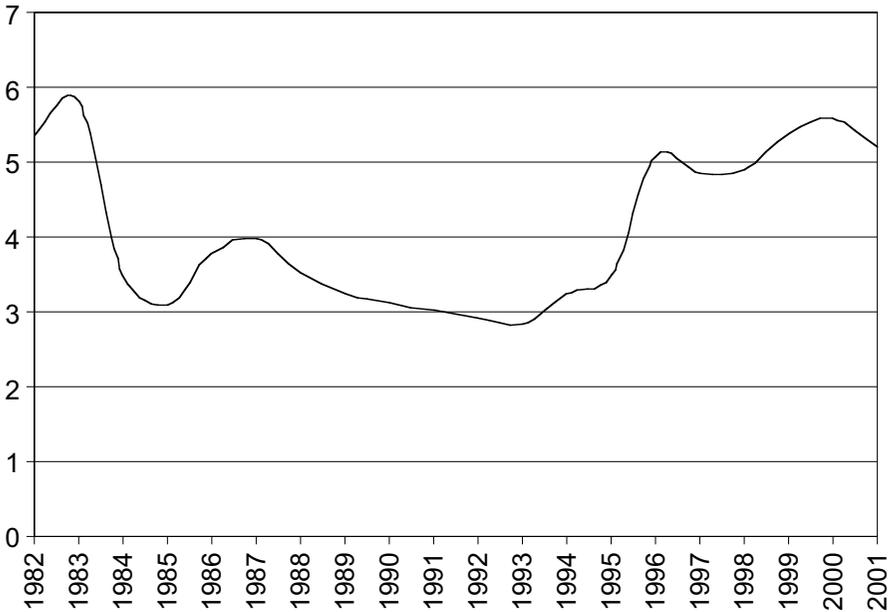
Finally, we need to consider the proliferation of super-maximum (supermax) security prisons in the late 1980s and 1990s as an explanation for the decreasing rates of disorder. Supermax prisons are extremely high security facilities, in effect, prisons within prisons

TABLE 3 Percentages of inmates at each security level in state confinement correctional facilities, by security level of facility, 1974–2000

	1974	1979	1984	1990	1995	2000
Maximum security	41.4	51.7	43.7	38.0	38.9	35.7
Medium security	35.5	37.4	44.3	49.2	49.6	47.6
Minimum security	23.0	10.8	11.8	12.7	11.5	16.6

Sources: Law Enforcement Assistance Administration (1975); Bureau of Justice Statistics (1987); James J. Stephan (1997); James J. Stephan and Jennifer C. Karberg (2003).

Note: The early-year censuses excluded federal prisons. To achieve comparability, federal prisons are excluded for all years.



•Figure 5 Inmates in administrative segregation per 100 state inmates, 1982–2001

Source: *Corrections yearbook* (various years)

(National Institute of Corrections [NIC], 1999; Ward, 1999). Inmates typically spend 23 hours a day locked in their cells and have little or no contact with other inmates. Services to inmates, such as food and medical care, are provided to inmates in their cells. When inmates are taken out of their cells, they are typically handcuffed, shackled and escorted by a four-person team. Inmates usually exercise in a small fenced-in yard.

Supermax prisons, once a novelty, have become common. In 1984, the United States Penitentiary in Marion, Illinois was the only supermax prison in the country. By 1999, 34 states and the Federal Bureau of Prisons had supermax prisons, holding just over 20,000 inmates or 1.8% of the total prison population (King, 1999). How much of the decline in disorder in US prisons can be attributed to their proliferation?

Supermax prisons certainly incapacitate those so confined, and they may deter general population inmates from committing in-prison crimes, trying to escape or starting prison riots. This is their organizational mission. Conversely, some have argued that supermax prisons may actually contribute to disorder and prison riots. This position has been developed most fully by Leena Kurki and Norval Morris (2001). They state that prison order is achieved by engendering a sense of justice among inmates. But, according to Kurki and Morris, inmates do not see supermax as just, because they are unduly harsh. Hence, rather than creating order, supermaxes paradoxically undercut it. Similarly, Roy King (1999: 183) hypothesizes that, 'ever more repressive response to violence – of which supermax is but the latest expression – sets up a vicious circle of intolerance which is doomed to make matters worse'. Hans Toch (2002: 24–5) notes that supermaxes may brutalize correctional officers by having them treat inmates as

objects rather than people. Jesenia Pizarro and Vanja Stenius (2004) attack supermaxes from a somewhat different angle: they damage inmates' mental health, making order more difficult to achieve. While these authors adduce little evidence to support their argument that supermaxes have *negative* effects on order, the point here is that it should not be taken for granted that supermaxes have *positive* effects on order.

To date, Chad Briggs et al. (2003) conducted the only test of effect of supermaxes on order in correctional systems. They selected four correctional systems to study, primarily based on the availability of reliable data on violence over time. Three of the systems (Arizona, Illinois and Minnesota) had opened a supermax in the time period covered. A fourth system (Utah) had not, providing a comparison system. They asked whether inmate-against-inmate and inmate-against-staff violence declined, system-wide, after a supermax facility opened. A formal data analysis found little effect. Specifically, the opening of a supermax did not reduce the level of inmate-against-inmate assaults. Inmates were no safer after the opening of a supermax than before. The opening of supermaxes had mixed effects on inmate-against-staff violence. The opening of a supermax left unaffected inmate-against-staff assaults in one prison system, decreased it in another, and increased it in a third.

The Briggs et al. study, based on a small number of states, cannot definitely answer the question of whether supermaxes have a marginal negative effect on prison violence. Not only is the number of sites small, but also the states implementing supermaxes are unlikely to be a random sample of states, and the timing may be non-random as well. Far-sighted correctional administrators may open a supermax when they anticipate an increase in violence. Thus, the finding that inmate-versus-inmate violence did not change after supermaxes were introduced may be because they suppressed otherwise increasing rates of violence. Yet even if supermaxes do have a marginal negative effect on violence, which somehow went undetected by Briggs et al., the effect would be small. If supermaxes really were a major causal force in the broader trend toward order, some trace of that effect should have shown up in Briggs's excellent analysis. While this claim is somewhat speculative, less so than the assertion that supermaxes caused a decrease in disorder.

OTHER DEVELOPMENTS DURING THE BUILDUP

The case studies cited above of correctional reform, from Sykes to DiIulio to Carroll and Goldstone and Useem, all suggest that the quality of prison moves with the quality of prison management. In this section we elaborate on this point in the context of the prison buildup.

Prison buildup and judicial intervention

A great deal of work has been done on court intervention in prisons during the buildup period. Courts get involved in regulating or even taking control of a prison or prison system in response to inmate litigation, which can be filed by an individual or on behalf of a class of inmates. Sometimes this litigation addresses a rather limited concern, while in other cases the list of concerns is so broad that the court may attack the 'totality of conditions'. In these broader situations, courts attempt 'structural reform' of a prison or set of prisons. Inmate suits may be filed in state or federal courts; and there are many,

many inmate suits filed each year, many of which are dismissed. Those that proceed may result either in a settlement before trial or in a court judgment.

The most systematic and deep reaching studies are by Malcolm Feeley and Edwin Rubin (1998), who examined prison reform cases that occurred between 1965 and 1980 and by Margo Schlanger (2003), who reported on more recent experience in her recent essay. Without delving fully in to this impressive body of scholarship, several points can be made about it with regard to the issues at hand.

First, surprisingly little headway has been made on the issue most relevant to us; whether judicial intervention as a whole has been a major independent variable causing the prison system to transform itself. This lacuna is forthrightly noted by Rubin and Feeley (2003: 617), who in a recent essay, comment about their earlier book, 'We did not . . . advance any claim about whether judicial policy making, either in prison reform cases or in general, is actually effective'. Rubin and Feeley go, in this recent essay, to try to fill this lacuna, but the evidence adduced focuses on the effectiveness of specific interventions, rather than the effect of judicial intervention on corrections as a whole. Indeed, Rubin and Feeley (2003: 657) comment, after describing the effectiveness of a particular intervention (Arkansas Department of Corrections), '[p]risons throughout the United States remain brutal institutions, permitting inmates to be subjected to sexual predators and violence'. They provide no aggregate evidence on this point.

Second, the main thrust of Schlanger's (2003: 1664) very important study is that 'litigation is about compensation for injured parties'. That is, the proof is whether the judicial system allows inmates to express their legitimate grievance in court and receive a fair hearing. She assesses whether 1996 legislation intended to reduce frivolous litigation, the Prisoner Reform Litigation Act, achieved its purposes or has had perverse consequences. She (2003: 1694) adduces considerable quantitative and qualitative data to show that the Prisoner Reform Litigation Act reduced (by about 40%) inmate litigation, but it failed to distinguish meritorious from bad cases.

Schlanger goes on to consider the broad effect of inmate litigation on the correctional system. She argues that inmate litigation has had two major effects on the prisons system. One is to require prison officials to govern in a more rational manner, rather than exercising rule arbitrarily and according to whim. She asserts that prisons improve their performance when they must follow written rules, stated policies and procedures for accountability. Second, inmate litigation deters prison officials from violating rules and engaging in other acts that would otherwise damage inmates. Prison officials seek to avoid litigation, if only because of its monetary costs, which causes them to straighten up their act. Schlanger, however, does not directly address the issue most relevant to this paper, the aggregate effect of litigation on prison order over time. For what it is worth, the correctional officials who she interviewed, on a whole, told her that inmate litigation is effective 'mostly around the edges' (2003: 1690).

To sum up, Feeley and Rubin, and Schlanger, as well as many other scholars, make a strong argument – richly detailed in case studies and some quantitative evidence – that judicial intervention has been a progressive force in transforming the prison system during the buildup period. Prisons have improved because inmates sue and judges take control over them when conditions are egregious. This position, however, is consistent with the one developed here – the crucial role of correctional leadership – *if* one broadens the concept of 'correctional leadership' to include the judiciary in its role in managing prisons.

This is a reasonable position. It is supported by the Leo Carroll's case study of the transformation of the Rhode Island's maximum-security prison. Order and safety came to the prisons system only when an alliance was struck between the judiciary and correctional officials. Rubin and Feeley's extended case study of the transformation of Arkansas Department of Corrections also support it. Feeley and Rubin (1998: 655), observe that the judges in this case became thoughtful, skilled administrators. They learned to break complex problems into manageable component parts; used both carrots and sticks to prompt sluggish corrections officials to act; required detailed reports to establish progress and accountability; and infused the change process with a sense of moral worth. Judges became part of the extended correctional polity, and some were quite skilled in that role.

To conclude, to the extent that judicial intervention has contributed to a more coherent and effective prison polity, and thereby reduce disorder behind bars in the period under study, this becomes an elaboration of our argument. What is important is the creation of a coherent regime of prison governance. Strong, effective state institutions are the key independent variable. It is not obvious how much to credit the judiciary, and the advocates who worked to involve the judiciary in prison reform, with improving correctional practices. While this is a project for the future, it can stand on a great deal of excellent empirical and theoretical work.

Prison buildup and changing prison architecture and physical security measures

Another set of factors that may have caused a decline in prison disorder in the buildup period is improvement in the conditions of plants, architectural designs and physical security measures. John DiIulio (1987: 294–323) notes that 'correctional officials are in uniform agreement that architecture matters a great deal, and some believe that it "makes or breaks" the operation'. DiIulio (1987: 86) argues that his evidence contradicts a position of 'architectural determinism'. For example, included in his sample of prisons in three states, the Michigan Huron Valley Men's Facility (HVMF) facility was newly opened, small in size, organized into a progressive college-campus design, not overcrowded, and advantaged by a low inmate-to-staff ratio. Even though accredited by the American Correctional Association, HVMF experienced major riots and frequent stabbings and escapes.¹³ The Huntsville prison in Texas, in contrast, achieved a high level of order 'despite a decrepit physical plant, inhospitable to security' (1987: 86).

Other case studies, in contrast, suggest that prisons may be made safer through stricter security measures and architectural designs. Howard Bidna (1975) examined efforts by the California Department of Corrections to lower inmate violence through new operational procedures. They included additional gun coverage, canceling evening activities, tighter controls on visitation, and a reconfiguration of offices and shops to enhance security. He compared, before and after the reforms, stabbing rates of inmates against inmates and stabbing- and assault-rates against staff. Bidna found a significant decline in inmates-against-inmate assaults, but reforms did not lower the rate of assaults against staff.

Useem and Goldstone (2002), in their study of the New York City Department of Correction, found the 90% decline in prison violence had little to do with changes in Riker Island's underlying architecture or physical plant. Stricter security measures were implemented, including special red-colored identification cards for violent inmates;

more frequent searches and pat-downs of inmates, especially of those with red identification cards; greater separation of violent inmates in housing areas and on transportation vehicles, and the use of metal detectors to monitor the movement of inmates. However, these reforms were a part of a larger effort to bring order, safety and better services to inmates. Significantly, following major riots in 1986 and 1990, the official investigations called for major reforms, including tighter security (New York State Commission of Correction [NYSCC], 1987, 1991). These reforms appear not to have been implemented, and the rates of violence remained high through the mid-1990s. The improvements in security measures were achieved only as a part of a more comprehensive managerial reform.

Finally, Richard Sparks et al. (1996) compared two English prisons with different architectural designs and emphases on security. Long Latrin had a more open architecture and looser set of control, including permitting inmates to meet in groups of two or more in their cells. The Albany prison was managed through a tighter set of physical controls and more conservative approach to inmate movement. The results were mixed. Long Latrin's more liberal approach engendered greater legitimacy among inmates. This legitimacy, in turn, helped Long Latrin avoid major disturbances. Long Latrin, however, experienced high rates of inmate assault on other inmates compared to Albany. In addition, inmates were also freer to associate in gangs and hostile cliques, and engage in illicit activities such as drug dealing and gambling (1996: 322). Albany's tighter controls reduced the opportunities for assaults of individuals and other forms of trouble, but the intrusiveness came at the expense of a reduced legitimacy among inmates. Large-scale collective disorders seemed to loom on the horizon. From this contrast, Sparks et al. (1996: 322–3) argue that prison regimes must balance the need to achieve legitimacy against the need to impose stricter measures that reduce the opportunities for disorder. Achieving this balance takes a form of statecraft, in which prison officials seek to reduce the short run opportunities for criminal activity (as at Albany) while simultaneously supporting the legitimacy of the social order (as at Long Latrin).

To conclude, this body of research suggests that improvement in the physical characteristics of prisons and tighter security may reduce prison violence. Unfortunately, no work has sought to isolate the effect of this set of factor across many prisons during the buildup period. Moreover, the physical and operational conditions of prison may be best thought of as an element of correctional management.

Rehabilitation programs and prison buildup

The central conclusion of this article is that the US correctional regime has not caved in to the pressures of prison growth. This is no small accomplishment, and not one predicted by criminologists, such as Hagan, and Blomberg and Lucken. Yet we have considered a narrow set of measures of order. Most would agree that prison should offer programs that would provide the opportunity for self-improvement. And it is possible that other aspects of correctional practice suffered during the buildup in order to allow for improvements to physical security. To return to the failed-state analogue, while a state's first responsibility is to provide security, a strong state will deliver a full range of high quality services to its citizens (Rotberg, 2000: 4).

Although a detailed analysis of the range of potential and actual program offerings (or other services) is beyond the scope of this article, it is essential to consider the issue

in general terms. It is controversial whether many offerings have lasting beneficial effect for the majority of inmates. Still, some programs (especially education) appear to have positive effects for the general population and, if appropriately targeted, benefit subsets of the population. Were efforts to provide educational programming, substance abuse treatment, and other services curtailed during the buildup a consequence of the effort to maintain and improve security?

Whereas order can be straightforwardly measured, the aggregate effectiveness of programs is difficult to measure. This is in part because the quality of services varies greatly from one prison to the next. For example, Ann Chih Lin (2000) studied rehabilitation programming, including educational programs, in five medium security prisons. All five prisons in Lin's study had mandatory GED classes for inmates without a high school education. Real education took place in three of the prisons, but in the two others classes amounted to little more than required attendance and busywork. In the latter, according to Lin, staff's first priority was to protect one another, especially from inmate assaults and manipulation. Any relaxation of this culture solidarity, which might be fostered by staff-inmate communication, threatened to initiate a spiral toward disorder. While staff was obligated to provide inmates with programs, it was up to inmates to take advantage of those opportunities. The staff culture in the former (the prisons that provided effective programming) emphasized fluid staff-inmate communication. While there was never doubt about the social divide, staff sought to understand inmates' problems and dilemmas. Staff felt responsible that inmates took advantage of programs. To get to these conclusions, Lin observed and attended meetings for 10–12 hours per day for three weeks in each of the five prisons studied.

While we cannot measure program quality over time, we can track the proportion of inmates who receive various programs while in prisons, though the data do not provide good indications of the quantity of services. Joan Petersilia (2003) has observed that participation in prison programming has declined in recent years. She, however, looks at changes over a relatively short period, from 1991 to 1997, more than half way through the buildup period. For data on program participation, Petersilia draws on surveys of representative samples of prison inmates conducted by the US Census Bureau for the BJS. Petersilia's (2003: 41) overall conclusion is that the 'data suggest that U.S. prisons today offer fewer services than they did when inmate problems were less severe, although history shows that we have never invested much in prison rehabilitation'.

The data reported in Table 4 are also from BJS-surveys of inmates, but provide a longer timeframe. In addition to the 1991 and 1997 surveys, conducted in both state and federal prisons, surveys of state-only inmates were conducted in 1974, 1979, and 1986. Table 4 reinforces the observation of declines in programming in recent years. From 1991 to 1997, in both state and federal prison, the proportion of inmates receiving academic training decreased by about 10%, from 46.5 to 36.5% in state prisons and from 56.6% in federal to 37.8% in federal prisons.

While these declines are significant and worrisome, it should be pointed out the long-term trend has an inverse U-shape. In 1974, before the onset of the buildup, only 26.9% of the inmates received academic training. The proportion increased through 1991, reaching a peak of 46.5% in that year. The trend in vocational training is far more even, and shows no recent drop off. Over a 30-year period, the proportion of inmates receiving vocational training has been about 31% in both state and federal prisons.

TABLE 4 Participation in education programs since most recent incarceration and current work participation

	STATE					FEDERAL	
	1974	1979	1986	1991	1997	1991	1997
In prison education							
Academic	21.8%	27.0%	45.1%	46.5%	36.4%	56.6%	37.8%
Vocational	25.2	30.9	—	31.2	32.2	29.4	31.0
ESL	—	—	—	—	1.2	—	9.7
Other	—	—	1.5	2.6	2.6	8.4	5.6
Work assignments							
In prison	74.2%	72.6%	65.9%	62.8%	60.2%	91.2%	87.0%
Work release	5.3	8.8	8.9	9.6	10.4	0.4	4.2

Source: *Survey of inmates in state and federal correctional facilities* (various years). United States Department of Justice, Bureau of Justice Statistics and Federal Bureau of Prisons.

Table 4 shows a long-term decline in the proportion of inmates in work programs. In 1974, 74.2% of US state inmates had work assignments. By 1997, only 60.2% of the inmates had such assignments. In federal prisons, the proportions, in the two years for which we have surveys, are higher and more stable. In 1991, 91.2% of the inmates had work assignments; in 87% of the inmates did. Significantly, the percentage of state-inmates participating in work release increased almost twofold, from 5.3% in 1974 to 10.4% in 1997. A significant increase in work release among federal prisoners also occurred, from 0.4 to 4.2%.

It is a caveat that we cannot assess the content or intensity of these efforts. It is possible that relative effort in parts of the correctional environment other than physical security deteriorated even more than is suggested by these statistics.

CONCLUSION

If prisons continually produce lawlessness – a chaotic free-for-all war – then this is but another reason to abandon the buildup. Buildup critics were quite certain that they saw disabling flaws; they were wrong. The prison buildup has been associated with a sharp decline in chaos behind bars. Compared to an earlier period, prison riots have become rare; the homicide rate has declined dramatically; and a smaller proportion of inmates are held in segregation and protective custody. Escapes are less common. If we want to have mass-scale imprisonment, we can have it without out-of-control conditions behind bars. This is central empirical conclusion of this article.

What caused, then, the trend toward greater, rather than less, order? The data are consistent with the position that the political and correctional leadership made the institution more effective. This consistency has a number of aspects. First, a substantial body of evidence, based on in-depth case studies, shows that level of order depends crucially upon the quality of political and correctional leadership. If this is

fundamentally true, then the incidence of riots, homicides, escapes and the like are all sensitive indicators of managerial effectiveness. Second, although changing demographics of the inmate population might account for a small portion of the decreasing ratio of homicides to total inmates, it cannot account for the large drop in the absolute number of prison riots and even larger drop in the ratio of riots to inmates. Third, the proliferation of supermaxes might account for some portion of the decline in violence, but the best evidence suggests that this is a minor factor. It is quite possible that there were many negative social consequences of the buildup, but diminished prison order was not one.

Buildup critics were worried that a very large prison population would be wholly ungovernable. On this point, they were plainly wrong. Institutions do sometimes work well. Yet, perhaps their forecast helped motivate institutional leadership to get it right. Some prophecies are self-fulfilling; others, thankfully, allow us to see several steps down the road and make adjustments where necessary. The critics may have provided the vision need to see that unless society invested greater resources in their prisons, disorder would be rampant.

No effort has been made in this article to identify the features of effective correctional management. The data do not lend themselves to this task. Case studies, such as those by DiIulio and Carroll, provide examples of effective correctional agencies and leadership playing a constructive role. But these case studies provide useful clues, rather than a comprehensive picture, of the core features of good correctional management. Our understanding of 'good management' is still a work in progress.

The prediction that the correctional system would fall apart under the weight of the buildup was clearly wrong. We now need to develop a more differentiated view of how some corrections systems succeed and others fail, while housing over a million of our fellow citizens.

Acknowledgements

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Notes

- 1 Wacquant (2001: 111) quoting Johnson (1996).
- 2 We draw on Walter's (1969) insightful discussion of authoritarian regimes as cooperative systems.
- 3 For additional discussion along the same lines, see Hagedorn and DiIulio (1999).
- 4 Another line of research, focusing primarily on British prisons, similarly emphasizes both the central role of legitimacy in maintaining prison order and its variation across prisons. Building on the work of Richard Sparks et al., Alison Lieblich (2004: 289, original emphasis) states, 'Prisons begin with an inherent legitimacy deficit, but some make up this deficit more than successfully than others . . . [T]he case we wish to make [is that] there is a *moral dimension to penal practice*'.
- 5 Electronic retrieval services, such as Westlaw and Lexis-Nexis, permit a more comprehensive listing of riots using regional papers. However, they began indexing regional newspapers in the mid-1980s. Thus, to use that information for the later

years, but not have it available for the earlier years, would introduce the sort of bias we most want to avoid. We are more interested in trends over time than the absolute number of riots.

- 6 A data spreadsheet, showing the calculations behind the figures, is available from the authors.
- 7 If there has been a large change in the composition of the inmate population, especially toward the imprisonment of increasingly large proportion of non-violent offenders, then the use of total prison population would be an inappropriate denominator. This is not the case. Between 1980 and 2001, the number of state inmates increased from 294,000 to 1,205,100, a four-fold increase (BJS, 2004). This growth can be divided into increasing numbers of violent offenders, property offenders, drug offenders and public order offenders. Violent offenders contributed most to buildup. Violent offenders grew by 422,800 inmates, from 173,000 to 596,100; property offenders by 143,700, from 89,300 to 233,000, drug offenders by 227,100, from 19,000 to 246,100; and public-order offenders by 117,500, from 12,400 to 129,000. Thus, the combined category of non-violent offenders (property, drugs, public order) added fewer inmates to the prison stock (403,500) than violent offenders (422,800). Thus it would be fair to say that a slight majority of the prison buildup in state prisons was due to increases in violent offenders.

As a consequence of these changes, over the period 1980 to 2001, the proportion of violent offenders and property offenders declined, respectively, from 59 to 49% and 30 to 19%. Filling the gap, drug offenders increased from 6% in 1980 to 20% in 2000; public order offenders increased from 4% in 1980 to 11% in 2000. Expressed this way, the data provide mild support for the idea that the buildup caused a decline in the seriousness of the prison population. This assumes, of course, that drug offenses and public order offenses are not serious offenses. Sevigny and Caulkins (2004) report that a very low percentage (< 2% federal and < 6% state) of incarcerated drug offenders in 1997 were unambiguously low level. But the more dramatic claim, that the overwhelming majority of state inmates had committed no violent crimes after the buildup, is not supported.

The data for Federal prisons shows a different pattern, although it should be kept in mind that state prisons hold about 92% of the country's prison population. Between 1980 and 2002, the number of drug offenders increased from 25% of the population to 55% of the population (Federal Bureau of Prisons, 2004). Seasoned observers of BOP prisons, however, uniformly describe this change as to a more contentious and violent inmate population, away from the traditional 'white-collar' criminals who are less difficult to control (Morris, 1995: 238).

- 8 Our argument parallels the one developed by Matthew Silberman (1995: 121). He states 'professionalism in American prison contributes to the overall reduction in the incidence of violence'.
- 9 There is considerable debate in the literature on the collective action about whether collective action and crime covaries negatively, positively, or not at all. Examples include excellent studies by LaFree and Drass (1997) and Gould (2003).
- 10 Protective custody units segregate inmates from the rest of the population to protect, rather than to punish, them. They are typically single cells, labor-intensive for staff and expensive to operate. Although systematic data are unavailable, veteran

- corrections administrators assert that protective custody was used little before the 1960s (Angelone, 1999).
- 11 For a broader discussion of the effects of supermaxes on prison order, see Daniel P. Mears and Michael D. Reisig, 'The Theory and Practice of Supermax Prisons' in this issue.
 - 12 The Census Bureau defines a confinement institution as one in which less than one-half of the prisoners are permitted to leave the prison unaccompanied by staff.
 - 13 DiIulio uses the experience of Michigan facility to argue against architectural determinism. He points, however, to weaknesses in the Huron valley's architecture. For example, the gun towers were poorly positioned and the control centers were open, allowing inmates to move around the desks that officers sat at.

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TABLE A1 Details for data underlying figures in article

Year	Riots ¹	Riots per 1 million inmates	Staff murdered ²	Staff murders per 1 million inmates	Escapes per 1000 inmates ³	Protective custody per 1000 inmates	Administrative segregation per 100 inmates
1970	4	20.36					
1971	10	50.49					
1972	16	81.59					
1973	19	93.04					
1974	10	45.77					
1975	14	58.19					
1976	9	34.24					
1977	9	31.53					
1978	6	20.38					
1979	7	23.22	4	13.27	8.10		
1980	14	44.31	2	6.33	7.95	27.03	
1981	16	45.24			12.44		
1982	7	17.70	9	22.76	10.96		5.36
1983	10	23.85	6	14.31	7.42		5.82
1984	8	18.04	7	15.79	5.81	16.87	3.49
1985	9	18.73	3	6.24	6.19	18.47	3.08
1986	13	24.90	2	3.83	5.33	26.32	3.79
1987	7	12.48	6	10.70	4.80	23.65	3.99
1988	6	9.94	1	1.66	4.73	20.94	3.54
1989	7	10.28	2	2.94	5.68	22.34	3.25
1990	1	1.35	3	4.05	3.56	21.03	3.14
1991	7	8.87	1	1.27	3.49	19.74	3.02
1992	2	2.36	2	2.36	2.49	17.02	2.92
1993	3	3.22	2	2.15	1.96	14.73	2.85

TABLE A1 Continued

Year	Riots ¹	Riots per 1 million inmates	Staff murdered ²	Staff murders per 1 million inmates	Escapes per 1000 inmates ³	Protective custody per 1000 inmates	Administrative segregation per 100 inmates
1994	1	0.98	2	1.97	1.91	13.09	3.24
1995	7	6.45	1	0.92	1.73	9.37	3.48
1996	4	3.52	3	2.64	1.08	8.13	5.07
1997	3	2.51	4	3.35	1.21	7.95	4.86
1998	1	0.80	2	1.61	0.60	6.78	4.89
1999	3	2.30	2	1.53	0.87	7.49	5.38
2000	4	3.00	0	0.0	0.51	8.04	5.58
2001	1	0.74	0	0.0	0.51	7.90	5.21
2002	1	0.74					
2003	3	2.17					

¹ *New York Times*; *Washington Post*, *Chicago Tribune* and *Christian Science Monitor*.

² *Corrections Yearbook* and *Corrections Compendium* (various years).

³ *Corrections Yearbook* (various years).