

CHAPTER 1

Introduction

The prison population of the United States is currently at an all-time high and continuing to rise. Altogether there are more than 2 million individuals in prisons and jails across the country. Around 160,000 of these offenders are housed by the Federal Bureau of Prisons in a nationwide system of some 100 establishments, many of which operate numerous institutions on the same site, bringing the total number of federal prisons to more than 160. This figure does not include community corrections centers or other arrangements for short-term, minimum-security offenders, many of whom are held in house arrest. Nor does it include a series of contract arrangements in which federal inmates are held in state and local facilities.

The surging penal population has deeply affected U.S. society as more and more individuals find themselves or their friends and family members imprisoned. Yet despite the number of people being locked up, practical information about the prison system remains difficult to find. Other than personal experience, scattered details on the Internet, or directions given at court and information from lawyers, there are few sources to consult in order to learn what to expect from a prison sentence.

Some examples exist. Ellis and Shummon (1999) have published a guidebook to all federal prisons describing their facilities. Some former inmates, such as Jimmy Tayoun (1997) and Tracy Humble (1993), have also written accounts of how to deal with a prison sentence. Yet none of these books contain much about women's prisons or about life in maximum-security facilities (on this latter issue, see Santos, 1995, in press). The Federal Bureau of Prisons regularly publishes annual reports as well as a brief summary of the national system in *About the Federal Bureau of Prisons*. It also produces a *Judicial Guide* with information about the Bureau and sentencing options available to courts. Finally, it posts all Bureau policies and updated prison statistics on its Web site (www.bop.gov).

This book draws on these and other resources to outline and interpret current policies in federal prisons. It also summarizes the historical development of the

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Federal Bureau of Prisons to show where contemporary ideas have come from. Most chapters start with a brief historical survey demonstrating how practices have developed over time.

History of the Federal Bureau of Prisons

The U.S. Congress formally established the Federal Bureau of Prisons in 1930. By then, a fairly considerable federal corrections system already existed. Courts had been created in 1789, and seven prisons had been gradually established from the last decade of the 19th century. Individuals found guilty of federal offenses could be fined, given corporal punishment, or held in state, local, or federal facilities. The federal correctional system, although predominantly a 20th-century creation, has its roots, in other words, in the 18th and 19th centuries.

The so-called Three Prison Act, which was passed in 1891, began the process of creating the federal prison system by identifying three sites around the country for its first penitentiaries. Development, however, was slow, and 6 years passed before ground breaking began on the first of the penitentiaries, U.S. Penitentiary (USP) Leavenworth. All told, it took inmates 25 years to build Leavenworth Penitentiary. They lived in an old military fort, appropriated by the federal government, while they were engaged in the construction of a modern building, designed to hold 1,200 men (Keve, 1991, p. 38).

Leavenworth was followed by Atlanta in 1902 and then, in 1909, by McNeil Island in Washington State, which had originally been founded as a territorial jail in 1875. These three institutions made up the entire system for many years. They gradually became heavily overcrowded when new laws, such as the Volstead Act in 1918, which introduced Prohibition, caused the federal population to grow exponentially. In response to the increased numbers of federal offenders of both sexes, Federal Prison Camp (FPC) Alderson, the first women's prison, was opened in 1928, and Alcatraz, commonly viewed as a precursor to today's supermaximum secure facilities, followed in 1934. Within 10 years of the creation of the Bureau of Prisons, the federal prison population and the number of facilities had almost doubled. The inmate population then remained more or less stable until the 1980s.

During the second part of the 1980s, various laws, such as the Sentencing Reform Act, were passed that ended parole¹, established determinate sentencing, and created mandatory minimum sentences. As a result of these legal changes, the inmate population grew dramatically, more than doubling between 1980 and 1989, from over 24,000 to almost 58,000. In response, 20 new prisons opened between 1987 and 1992 alone. The system continued expanding during the 1990s, with the population reaching 140,000 in early 2000 (Federal Bureau of Prisons, 2001a).

Federal Prisons Today

According to the most recent weekly population figures at the time of writing, the Federal Bureau of Prisons currently takes care of just over 157,000 inmates.

Approximately 126,000 of these inmates are confined in Bureau-operated correctional institutions or detention centers; the rest are held in state, local, and private institutions. Despite a continuing reliance on state and other facilities, the federal prison system remains heavily overcrowded, incarcerating 32% more people at the end of 1999 than it was built to contain (Beck & Karberg, 2001, p. 1).

Overall, the majority (57.6%) of prisoners in federal institutions are white, 39.1% are black, 1.7% are Asian, and 1.6% are Native American. About one third (31.5%) are known to be of Hispanic ethnic origin. Almost 30% of all prisoners are foreign nationals, with more than 15% from Mexico alone. Since the 1980s, all are adults or juveniles who have been charged as adults. There are no juvenile facilities in the federal system (Federal Bureau of Prisons, 2000c). Women now make up 7.4% of the total population, which is greater than their proportion in state prisons. This figure reflects an increase of 182% in the number of female inmates since 1988. In comparison, the number of male inmates grew by 158% during the same period (Federal Bureau of Prisons, 1998).

More so than in most state systems, a disproportionate number of individuals in the federal prison population are serving time for drug offenses. Currently they constitute 58.3% of the total population. Other crimes include robbery (8.0%), violent offenses (2.3%), and offenses against national security (0.1%). The most frequent sentence being served by federal inmates is 5 to 10 years, with the next common period being 10 to 15 years (19.4%). Very few (1.7%) serve less than 1 year, and not many serve life (2.9%). As these figures suggest, the majority of federal inmates are assigned minimum (24.5%) or low (34.2%) security levels, and the rest are labeled as medium (22.8%) or high (11.1%) security (Federal Bureau of Prisons, 2000c).

The facilities operated by the Bureau of Prisons take many forms, from penitentiaries to prison camps (see Chapter 4). Each institution is imbued with a different ethos, depending on its security level and population type. Some, such as Federal Medical Centers, provide specialized treatment for inmates with HIV/AIDS or other physical and mental health issues. Many women's facilities offer specific opportunities to enhance family ties. Almost half of all the institutions (42) now have residential substance abuse treatment programs as mandated by the Violent Crime Control and Law Enforcement Act of 1994 (Federal Bureau of Prisons, 1999d).

Making Sense of Prison

Prisons are places of punishment, but they are also subject to certain standards. These standards are outlined in the Bureau of Prisons' official mission statement. This administrative document sets out the Bureau's goals:

It is the mission of the Federal Bureau of Prisons to protect society by confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and to provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. (Federal Bureau of Prisons, 2000c, p. 5)

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Although this statement suggests a somewhat ideal situation, it provides a first step in understanding prisons because it defines the official goals of the federal prison system. Prisoners should be safe, they should work, and they should be given access to programs and other resources designed to help them succeed after release. Each of these factors must not cost too much to implement and should not put the community at risk.

In the terminology of criminologists Richard Sparks, Tony Bottoms, and Will Hay (1996), these aims are the baseline requirements for the “legitimacy” of the federal prison system. They provide, in other words, goals that both the administration and prisoners expect to be honored. When such expectations are not met, it is reasonable to assume that trouble or tension may result. As a result, prisons that are not safe, or cannot provide employment to all, or do not offer prerelease courses, may suffer certain problems. The mission statement also guides public expectations of the federal prison system. If the Bureau of Prisons overspends its annual budget, it can expect to be criticized by Congress.

Of course, the mission statement does not provide the only source of legitimacy for the system. Nor is it the only set of ideas shaping the governance of federal prisons. Many different issues help prisoners to decide whether the institution in which they are confined is legitimate. At the most basic level, treatment must be fair, just, and consistent. When rules are applied inconsistently, prison no longer makes sense, and prisoners become dissatisfied. In the experience of Seth M. Ferranti, “*it makes you crazy*” when you feel as though

the rules change from prison to prison, from warden to warden, and from officer to officer. One month something is okay, the next it isn't. They enforce different parts of policy at different times. They let you slide, and then they slam you.

For Ferranti, as well as Sparks, Bottoms, and Hay, rules need to be clearly described and applied equally to all.

In determining the justice of any regulation or its implementation, prisoners also draw on expectations and views they bring with them from society. Women may look for more contact with their children because they were probably living with them before their confinement. Non-English speakers may need help in understanding basic regulations. Notions of justice and fairness do not exist unaffected by people's personal views and expectations. Rather, people tend to interpret the legitimacy of an institution through their race, gender, education level, age, and economic class.

The Bureau of Prisons has expectations too, and most of these also concern the desire for predictability and consistency. Security measures, staff training, and classification are some of the strategies by which prison administrators try to reduce potential risks to prisoners and staff. In other words, “Instead of going ahead and doing things, and then coping with the problems this might create, when they arise,” the Bureau of Prisons seeks “to anticipate problems and avoid them” (Shearing, 2001, p. 207). As part of this strategy, gathering information becomes a means by which future troubles can be preempted. As a result, correctional officers keep daily logs and routinely gather and enter information about all aspects of daily

life into systemwide computer databases. The Bureau of Prisons also records facts about staff, job satisfaction, and daily costs. Administrators regularly fill out forms when requesting new equipment, food, sick leave, and so on.

The ideas of both legitimacy and risk management feature in much academic literature. They are particularly useful for interpreting prison life and penal policy because they reveal similarities between how prisons and other social institutions are managed and experienced. They demonstrate, in other words, that prisons do not stand alone in our society but rather are part of a continuum of ideas, practices, and establishments—a theme that will recur throughout this book.

How to Use This Book

This book is designed as an aid for those entering the federal prison system and their family and friends, as well as for those who conduct research on prisons in the United States. The following chapters provide an overview of current policy and practice in the Bureau of Prisons. Views and experiences of a selection of individuals who are incarcerated in the U.S. federal prison system are also mentioned. The book ends with specific information about each facility (Appendix A), a comprehensive list of organizations and charities that work with and for inmates and their loved ones (Appendix B), references, and a list of further readings that may be consulted.

The book may be read in totality or else dipped into when clarification is sought. Most of the practical information comes directly from the Bureau of Prisons, the American Correctional Association, or the National Institute of Justice. Wherever possible, I have expanded on their information in light of other academic studies and in response to comments from prisoners. Much information about individual establishments, such as visiting hours and directions, is subject to constant change and should be confirmed with the prison using the contact details that are included.

Inevitably, some topics do not appear. There is, for example, no discussion of penal law. Nor is there much detail about arts and crafts courses and other hobbies, other than the information provided about courses available in individual establishments. A book of this nature, which attempts to sketch the parameters of the current federal system, can only include so much. I am limited in large part by the availability of official and academic accounts, as well as by the difficulty of gaining access to the establishments themselves (see Chapter 21). To overcome some of these problems, I have sought, where possible, to verify points with inmates through personal correspondence. Their views are represented throughout the text in italics.

In reading this book, it is important to remember that there are many different possible versions of the prison experience, none of which alone will provide the absolute “truth” about imprisonment. Often the accounts of prison, whether from a prisoner, a professor, or a prison official, may conflict with one another. Within these groups there are varying opinions as well. What is of significance to one person—such as a concern with prison violence—may be of less importance to another, depending on his or her fears, hopes, and experiences. I cannot resolve these conflicts. Instead, I hope merely to weave together information gathered from a range of sources.

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Writing from within the university system, I tend to emphasize academic literature and interests. For that reason, the book includes in-text citations, the occasional footnote, and a bibliography. I also analyze, where possible, current policy in light of relevant academic studies. At the end of each chapter, I note the relevant Bureau of Prisons program statements and the prison rules as they are set out in the Code of Federal Regulations (CFR).

Over the course of this book, I argue that much prison policy reflects current beliefs in “actuarial justice,” according to which the Bureau seeks to manage risk rather than to attempt to rehabilitate or reform. As many other commentators before me have observed, such obsession with risk not only plays on and reinforces societal fears of offenders but also conveniently casts the prisoner as fully responsible for his or her actions, thereby absolving the wider community from any joint liability. We must be wary of such simplistic notions of responsibility. Though indeed offenders should consider the choices they have made, society needs to remember that such choices are formed within a context that seems to penalize young, minority men more than other groups of people.

Conclusion

As the nation’s prisons continue to expand, there is greater need for public information about what goes on inside them. As public institutions, they themselves must be held accountable. They must be seen to be legitimate by those inside them as well as by those looking on. Their policies and procedures must, as a result, make sense and be just and fair.

By documenting in detail what current practice looks like in the federal prison system, I aim to assist prisoners, their loved ones, and other interested parties to hold informed opinions about the prison. I hope not only to help families, friends, and prisoners make sense of the prison system as a whole but also to provide some means of judging what goes on inside. As one prisoner, Dennis Akervik, points out, “*Society is deluded into believing that building prisons in every town in the U.S. is the right thing.*” Only by opening prisons to public scrutiny may we challenge this belief and change punishment for the better.

Note

1. Parole was abolished in the Sentencing Reform Act of 1984, which did not come into effect until 1987. Individuals sentenced after 1987 are not eligible for parole, but there are still numerous individuals sentenced before the Act was passed who are eligible for parole.