

## A CONVICT PERSPECTIVE ON THE CLASSIFICATION OF PRISONERS

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Clear wrote in the foreword to McCleary's (1992: ix)

*Dangerous Men: The Sociology of Parole:*

"Why does it seem that all good efforts to build reform systems seem inevitably to disadvantage the offender?"

### INTRODUCTION

Convicts are rarely asked to comment on prison policy or procedure. They have little voice in correctional decisions. This essay attempts to give the men and women who live in cages a voice in how they are classified. This is no small issue for convicts. Although prisoners may not be considered "stakeholders" (as Berk et al. point out), they may stake their very lives on how they are classified and in which security level they are confined.

Typically, new prisoners enter prison systems through "reception centers" or in what the Federal Bureau of Prisons (FBOP) calls "Receiving and Departure." Although intake procedures differ, they never receive a pleasant welcome. The prisoners arrive scared and worn, wearing handcuffs, belly chains, and dragging leg irons. Standing in line, they are ordered to strip, searched, sprayed or dusted with delousing chemical, issued clothes, and ordered to submit to a battery of token medical and psychological examinations administered by guards pretending to be medical staff. Convicts call this "kicking the tires." If it's not flat, don't fix it. It makes no difference if the prisoner is HIV positive, ready to have another stroke, or near death. The line marches on.

The new prisoners may spend weeks or months at the "reception center," housed in cells or dormitories. Eventually, they are ordered to a classification meeting where an officer announces what has already been decided: their official security level and prison assignment. Some time later, they are transported to their new home: a penitentiary, correctional institution, or camp.

Prisoner classification is reviewed once or more per year, depending on

the system. In the FBOP, this is called “team meeting.” A prisoner with a major disciplinary report may be reclassified in the blink of an eye and transferred to administrative segregation (the hole) or cuffed up and transported to a high security prison. To no surprise, being reclassified to lower security takes more time, is rarely initiated by staff, and may require repeated requests by the prisoner. In the upside down world of prison, you fall up fast and climb back down ever so slow.

## THE PROBLEMS WITH STATE-SPONSORED PRISON RESEARCH

Fair warning, beware any research that discusses men and women as “offenders” or “inmates.” This is the official language used by prosecutors, judges, jailers, prison administrators, and the media to degrade and dehumanize. Even persons with better intentions use these words because they are so rarely challenged. Still, the words we use are important.

It is no surprise that most prison research reflects the language and special interests of the prison bureaucracy. After all, the government funds the research and therefore sets the agenda, limits the parameters, and decides if the final report will collect dust on a shelf or be read and used to inform new policy and procedure. Nevertheless, correctional administrators must be reminded that public taxes pay for their prison budgets, their personal salaries, and the research (Ross, 2002). The public would be horrified to know that their tax money is being spent on human warehouses, where little attention is paid to rehabilitation, treatment, or providing prisoners with the opportunity to better prepare themselves for a law-abiding life (Ross and Richards, 2002).

Regardless of whether the research is state-sponsored, statistical analyses typically mean that researchers do not have to get their “hands dirty” by interacting with convicts or ex-convicts to have a better contextual understanding of their findings. Simply analyzing “inmate files” and observing classification hearings does not explore the full dimensions of the problem under study. Using ethnographic or qualitative research can be employed to get a better understanding of the real issues involved (Ross and Richards, 2002, 2003).

## EXPERIMENTS WITH PRISONERS

Social science has used mice, pigeons, and monkeys as experimental subjects. When using human beings, we need to give them a voice. At the very least, it would be interesting to know what the prisoners thought of the alternative classification system. After all, they are the experimental subjects that will reap the benefits or suffer the consequences of the changes proposed by the research. Interviewing the convicts might also

raise important questions. For example, why do prison systems now house so many prisoners in maximum-security penitentiaries, super-maximum control units, administrative segregation detention, and protective custody? Is this overuse of high-security incarceration the result of increased rates of prison violence, disciplinary violations, prisoner refusal to program, or the reclassification of prisoners designed to fill new maximum-security penitentiaries? Is this the result of overcrowding, the lack of constructive prison programs, or the failure to “do corrections”? How has mandatory minimum sentencing, the implementation of longer sentences, three strikes legislation (Austin and Irwin, 2001:184–218), and the “rising tide of parole violations” (Austin and Irwin, 2001:143–159) contributed to prisoners doing more time in prison? How has the reclassification of prisoners created the “perpetual incarceration machine” (Richards and Jones, 1997, 2003), where prisoners are recycled from prison to parole and back to prison? The system feeds, getting larger, on its own failure to properly prepare prisoners for reentry and legal citizenship. These are the questions that prisoners might suggest need to be addressed before alternative schemes for classification.

### STATISTICAL ANALYSIS DOES NOT SOLVE THE REAL PUZZLE

There is an implicit belief that better data and statistical analysis will somehow improve things for prisoners and correctional staff alike. The problem is that convicts and guards are different constituencies with competing concerns. The prisoners want less restrictive classification (minimum or medium-security), where they might have better living conditions (more time out of cell, less restrictive family visits, better access to programs, and less violence). In comparison, prison staff may want prisoners to be housed in more restrictive environments (maximum-security, control units, segregation) where they are “locked in” and have little freedom of movement, thus giving the guards more control and less exposure possibly to assault and injury. Statistical analysis does not solve the real puzzle: How does prisoner classification, which decides where individual prisoners will be designated to live, impact the day-to-day routine of prisoners and staff? How is prison classification reflected in the design and construction of new facilities and the remodeling of existing institutions?

A second problem, implied by the discussion above, is that “inmate files” (which usually include presentencing investigation reports, criminal offenses, institutional reports) should not be the sole determinate of classification decisions. Although evaluating prisoners individually is one important criteria, it fails to look at the bigger issues, such as the growing

incarceration of minorities and women, conditions of confinement, and problems with reentry (Austin et al., 2001).

For example, using disciplinary reports as the primary criteria for reclassification of prisoners may lead to the construction of more maximum-security prisons. It costs more to house prisoners in high-security institutions. Prisoners that serve time in these institutions suffer more deterioration and are less prepared for release. Do we want correctional departments to spend more tax dollars on concrete and steel or rehabilitation programs?

## FBOP PRISONER CLASSIFICATION

To further illustrate the complexities of classification, we provide the following discussion of the FBOP. Notice, that the FBOP had six levels and now five levels, compared to only four levels for the California Department of Corrections. The FBOP uses an “inmate classification system” as a means to segregate, punish, and reward prisoners. This is a “classification ladder” with maximum security at the top and minimum security at the bottom. Ideally, if the FBOP operated to facilitate rehabilitation, prisoners would work their way down the ladder with good conduct and program participation. As they completed their sentences and got “short” (which means a year to release), they would be moved to minimum-security camps or community custody. Unfortunately, most men and women move up the ladder from minimum to medium, or medium to maximum, rather than down. Few medium- and maximum-security prisoners ever make it to the camps.

The classification designations have changed over the years to accommodate the growth in FBOP prisons and population. The old system had six security levels, with 6-5 being maximum, 4-2 being medium, and 1 being minimum. USP Marion (the first super-maximum penitentiary) was the only level 6 institution. U.S. penitentiaries were level 5 (e.g., USP Atlanta, USP Leavenworth, USP Lewisburg, USP Lom Poc); the federal correctional institutions ranged from 4 to 2 (e.g., FCI Talladega, FCI Sandstone, FCI Oxford, etc.), and the federal prison camps were 1. Security levels 6-2 are “in” custody, which means inside the fence or wall. Level 1 is “out” custody, which means federal camps that do not have serious security fences. Level 1 community custody refers to prisoners in camps that were eligible for community programs—work assignments or furloughs.

In the 1990s, the FBOP collapsed these six security designations into five: high, medium high, medium low, minimum, and administrative. The BOP prisoner population is approximately 10% high (USP), 25% high medium (FCI), 35% low medium (FCI), and 25% minimum (FPC), with

the rest not assigned a security level; many of these men and women are in administrative facilities (medical or detention), transit, or held in local jails or private prisons. "Administrative" refers to Administrative Detention Max (ADX) Florence (CO) (the highest security prison in the country), FTC Oklahoma City (a medium-security transport prison), and the federal medical centers (which may be maximum, medium, or minimum security).

## THE CENTRAL INMATE MONITORING SYSTEM

There are additional variables that may not appear on official classification forms. Some of these categories are unique to the FBOP. Prisoners complain these labels adversely affect their ability to reach low-level security prisons, despite good conduct records and short time to do on a given sentence. FBOP staff must check the Central Inmate Monitoring System (CIMS) before any prisoner is reassigned to a new cellblock, dormitory, or prison. Convicts may not know they have been singled out for such attention.

CIMS is a computer system that tracks nine special categories of prisoners: (1) "Witness Security" prisoners are government informers that have testified, are testifying, or will testify in court cases; (2) "Special Security" prisoners are prison snitches cooperating in internal investigations; (3) "Sophisticated Criminal Activity" prisoners are those inmates identified as being involved in large-scale criminal conspiracies, for example, organized crime, drugs, or white collar. They may be men or women who were targets of the federal Racketeer Influence and Corrupt Organization (RICO) or Continuing Criminal Enterprise (CCE) prosecution, which carry life sentences (Richards, 1998:133). Many of these convicts are suspected of being connected to major drug-smuggling organizations or they refused to plead guilty, cooperate, and inform on other persons.; (4) "Threats to Government Officials" prisoners have been convicted of writing letters, making phone calls, or issuing verbal remarks that convey the intent to do bodily harm to public officials; (5) "Broad Publicity" prisoners are those inmates involved in high-profile cases; (6) "State Prisoners" are inmates serving state sentences that were transferred into the fed system because they were "difficult"; (7) "Separation" prisoners those who have been moved to another institution because they are government witnesses, institutional snitches, gang leaders, or persons in danger of being killed or killing someone else; (8) "Special Supervision" prisoners are police, judges, and politicians that are provided protective privilege (Richards and Avey, 2000). These men and women are usually designated to camps (they may not live long in a penitentiary). (9) "Disruptive Groups" prisoners may include members of organizations, such as street or prison gangs and political groups (i.e., Black Panthers, Communists).

The point is that classification includes additional variables that may not be amendable to statistical number crunching. Some of these variables may not even be known to the research team or the prisoner.

### CLASSIFICATION MAY BE USED FOR UNOFFICIAL PURPOSES

Officially, prison systems design classification systems as a means to designate prisoners to different security levels. Typically, the hard-core violent convicts serving long sentences are assigned to maximum security, the incorrigible prisoners serving medium-length sentences are sentenced to medium-security prisons, and the relative lightweight men serving short sentences are sentenced to minimum-security camps, farms, or community facilities.

Women prisoners are also subject to "classification." Still, women make up less than 10% of the correctional population. They are usually confined in one or a few institutions in each state. These prisons may hold women prisoners classified for different security levels in various sections of the same institution. Exceptions include the large states and the FBOP where women with different security levels may be imprisoned in separate institutions. In any case, the dramatic increase in the incarceration of women may result in the further differentiation of women's prison. We predict there will be future studies of classification systems for women prisoners.

Classification may load up high-security prisons with minorities. African-American, Hispanic, Latino, and Chicano prisoners are more likely to be "young," gang affiliated, and collect bad conduct "tickets." This is readily apparent to most observers of prison, including DOC and FBOP administrators. The FBOP and many states have struggled for years with schemes to "racially balance" institutions. Like school busing programs, they bus prisoners from prison to prison trying to somehow racially integrate prisons as dictated by some policy directive addressing the problem. The public does not like to read in the newspaper that maximum-security prisons are mainly occupied by underclass minorities, whereas minimum-security prisons are reserved for middle- and working-class European-Americans.

Depending on the prison system (budget, number of institutions, population counts, level of disorder), prisoners are shuffled from one institution to another. These transfers may or may not reflect official classification schemes. When a given prison is bursting at the seams, with men sleeping in hallways, three to a one man cell, or on bunk beds arranged in recreational areas or classrooms converted into make-shift dormitories, the "correctional fairy" (Jon Marc Taylor) waves his magic wand, tears up official

policy, and transfers bus loads of prisoners to whichever facility has empty beds. "Population Over Ride" is commonly used.

Classification consists of reviewing any "disciplinary actions" and "demonstration of positive participation in an inmate program." However, convicts will tell you prison guards issue "write-ups," what are called "shots" in the FBOP, "115s" in the California Department of Corrections, or simply "tickets" in many prison systems (disciplinary reports), every chance they get. Prisoners housed in overcrowded cellblocks or dormitories may collect minor "tickets" for petty infractions or major tickets for defending themselves against predatory or aggressive individuals. Many prisoners claim disciplinary committees rule against prisoners without due process. There have been a number of studies that suggest prison staff disproportionately find minority prisoners guilty in disciplinary hearings. Write a letter to a newspaper, call a congressional office, or complain about staff or the lack of medical services, and you collect tickets, get dragged to the "hole," and are reclassified and shipped out to the penitentiary or super-maximum.

Using prisoner participation in prison programs as a second measure has similar problems. Convicts will tell you prison activities (work, vocational training, education) include custodial duties (washing dishes, mopping floors, cleaning bathrooms), duties that masquerade as vocational training (cooking in the kitchen, mowing lawns, painting and repair), and token education programs (ABE, GED). Few of these activities elicit prisoner enthusiasm or are considered real opportunities to learn new skills. "Positive program participation" is usually defined by prison staff as the convict showed up, did not refuse direct orders, and make a good show of pretending to work or study. In many institutions, what programs exist are considered token, as they serve few prisoners, while the rest wait years to participate. Then again, correctional authorities have to have some institutional programs, at least to silence naïve academics, and give themselves something to brag about in year-end reports and to the news media. Of course, when push comes to shove and the correctional budgets are cut, what programs do exist are the first to get the axe.

A more important problem, briefly alluded to in the article by Berk et al. is that the prison system may no longer expect prisoners to participate in programs, as the programs no longer exist. Most U.S. prison systems do not pretend to provide vocational or educational programming. Prison administrators limit their responsibility to operating orderly institutions, trying to control contraband and violence and prevent escapes. The most efficient way, although incredibly expensive and destructive, is to build high-security institutions and fill them with reclassified prisoners.

## CONCLUSION: PLACING A FINGER IN THE DIKE

Redesigning classification reminds us of the old “placing a finger in the dike” story. In the United States massive numbers of people are incarcerated on a daily basis. And there is a belief, sometimes unstated, that better classification procedures will to a greater or lesser extent minimize our problems with incarceration; at the very least, it may save the taxpayer the increased costs of housing prisoners in more restrictive settings. Nevertheless, as long as classification of prisoners is based entirely on out-dated measures of individual behavior (criminal offense, institutional conduct, gang affiliation), without references to the bigger structural issues (poverty, racial discrimination, drug war) that have created the boom in prison population, or prison programming that could lower the rate of disciplinary reports and predictable parole failure, very little will change. Meanwhile, the little boy has his finger stuck in the hole, whereas many states are awash in the budgetary debt rushing over the wall from the construction and operation of new prisons.

Perhaps we can expect no more from research sponsored by the government with such limited vision. At best, the research will result in policy review that merely tinkers with how prisoners are classified. And so it goes, across the country, millions of Americans live in cages, academics do studies that appear like they are rearranging the chairs on the Titanic when it is sinking, departments of corrections talk of policy reforms, prison conditions worsen, and the taxpayers drown in red ink. Maybe it is time to close some prisons, send men and women home to their families, and spend the public dollars saved on economic and community development (Clear and Cadora, 2003)? Research on prisons needs to explore these wider contexts and implications.

## REFERENCES

- Austin, James, Marino A. Bruce, Leo Carroll, Patricia L. Mc Call, and Stephen C. Richards  
 2001 The Use of Incarceration in the United States. American Society of Criminology National Policy Committee. *Critical Criminology: An International Journal* 10:17–41.
- Austin, James and John Irwin  
 2001 *It's About Time*. Belmont, Calif.: Wadsworth.
- Clear, Todd and Eric Cadora  
 2003 *Community Justice*. Belmont, Calif.: Wadsworth.
- McCleary, Richard  
 1992 *Dangerous Men: The Sociology of Parole*. New York: Harrow and Heston.

- Richards, Stephen C.  
 1998 Critical and Radical Perspectives on Community Punishment: Lesson from the Darkness. In Jeffrey Ian Ross (ed.), *Cutting the Edge: Current Perspectives in Radical/Critical Criminology and Criminal Justice*. New York: Praeger.
- Richards, Stephen C. and Michael J. Avey  
 2000 Controlling State Crime in the United States of America: What Can We Do About the Thug State? In Jeffrey Ian Ross (ed.), *Varieties of State Crime and Its Control*, Monsey. New York: Criminal Justice Press.
- Richards, Stephen C. and Richard S. Jones  
 1997 Perpetual Incarceration Machine: Structural Impediments to Post-Prison Success. *The Journal of Contemporary Criminal Justice* 13:4–22.  
 2003 Beating The Perpetual Incarceration Machine. In Shadd Maruna and Russ Immarigeon (eds.), *Ex-Convict Reentry and Desistance from Crime*. Albany: State University of New York Press.
- Ross, Jeffrey Ian  
 2002 Grants-R-Us: Inside a Federal Grant-Making Research Agency, *American Behavioral Scientist* 43: 1704–1723.
- Ross, Jeffrey Ian and Stephen C. Richards  
 2002 *Behind Bars: Surviving Prison*. Indianapolis, Ind.: Alpha.  
 2003 *Convict Criminology*. Belmont, Calif.: Wadsworth.

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