

# Inmate Involvement in Prison Governance\*

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**F**EW OXYMORONS sound to most people as silly and naive as that of prison democracy—and with reason. In fact, with two opposite reasons. For one, one wants offenders punished, and democracy sounds like a reward. For another, few citizens are enchanted with what passes for democracy elsewhere, and one can conceive of the liabilities of representative governance enhanced, corrupted, and caricatured in prison settings.

How do we see democracy misfiring?

- We may feel the wrong people dependably get elected.
- To get elected, we see them making promises that we believe are not seriously intended.
- We feel that when political candidates get elected they start looking out for themselves and their sponsors instead of those who elected them.
- These perceptions make many of us cynical about politics.<sup>1</sup>
- And as people lose interest they stop participating, which one suspects makes it easier for the wrong people to get themselves elected.

Time and again, prison politicians have been blamed for the demise of prison governance experiments, and with unseemly delight. Carefully documented worst-case scenarios have made it possible for penologists to indulge in 20/20 hindsight and discouraging extrapolations.<sup>2</sup> Their jaundiced accounts, however, are only one side of the story. History can supply—if need be—scenarios which show that prisoner involvement can work<sup>3</sup>—that it need not create vehicles for the ascendance of self-appointed subcultural spokespersons who are oily, smooth, and psychopathic, or loud and angry and unconstructively obnoxious, nor need participatory management widen the gap between prisoners and staff or corrections and the public.<sup>4</sup>

Prisoner involvement, constructively envisaged, can be the very opposite of cynicism-enhancing game play-

ing. It can be—as one Scottish prisoner put it to me—about becoming active instead of passive. It can be about creating community. It can be about prisoners having sound and practical ideas about improving life in the prison, about proposing these ideas and working hard to implement them. It can be about staff and prisoners working together, or as closely together as possible, about prisoners working together, and staff working together, to solve problems.

Prisoner involvement can enhance prison regimes by reducing the dependency of dependent prisoners, the alienation of alienated ones, and the ambivalence to authority of most others. It can help to motivate constructive involvements in civilian life through experiences in which the prisoner sees improvements—as a result of actions he or she has taken—in the quality of his or her institutional life and that of other prisoners.

## *Commitment and Trust*

Prisons gain from prison democracy when prisoners become committed to the improvement of prisons. The development of this commitment, of course, hinges on the degree to which we can provide the prisoners with opportunities for involvement that make sense to them from their perspective, as well as making sense to us from ours.

Commitment also varies with the degree to which opportunities permit each prisoner to successfully display and rehearse skills along areas of his or her interest. For all participants—including prisoners—mindful activity is preferable to mindless activity, and it is satisfying to do something that one feels qualified to do. The same holds for the benefit of collaborative activity. Working with others allows for the exercise of interpersonal skills and can enhance the competence in the exercise of these skills. This, many prisoners and staff find useful. Collaborative activity also provides a respectable setting for people to interact with people they would ordinarily avoid. One can sneak up on offenders and subject them to constructive staff and peer influence at work. Persons who are sources of prison problems can even be enlisted in this way in the solution of prison problems.<sup>5</sup> At minimum, those who have been enlisted to help solve a problem will be less likely to resist the implementation of solutions. Where prisoners and staff collaborate, problems can be solved in ways that are acceptable to prisoners and staff, and

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the resulting actions will make sense to prisoners and staff.

But no one can argue that any of this is easy.

The principal impediment to initiating any experiment in prisoner involvement is the "them versus us" culture of prisons, which is shared—or rather, reciprocated—by prisoners and staff. Where a group of prisoners is convoked to consider involvement, one hears variations on themes such as "they don't trust us," and "we don't trust (expletives to taste)," and "we don't trust them to let us do anything," meaning, to trust us. Counterpart issues for staff are: "Can we trust offenders to behave responsibly without constant monitoring and supervision?"

Trust issues are related to the fact that even in the most benevolent prisons—and there are such institutions—transactions between staff and prisoners are essentially parental. Prisoners request, demand, or protest. Staff members concede or refuse, circumscribe, delimit, monitor, and order prisoners about.

The transition from these sorts of transactions to adult-adult transactions is unbelievably difficult and strangely painful for both prisoners and staff. Among other things,

- Prisoners must give up structure, the support inherent in dependence, and the luxury of blaming staff for every conceivable adversity, and
- Staff members must give up structure and prized assumptions about the immaturity, incapacity, and intrinsic untrustworthiness of prisoners.

To threaten to violate these vested assumptions of prisoners and staff invites expressions of anxiety from both groups to varying degrees. Anxiety is also evoked by the prospect of unknown challenges with which one feels one might be unable to cope. And then there is the prospect of hard work, which may not be unambivalently welcomed by some.

Anxiety, unfortunately, can be expressed in a variety of ways, and none of these is delicate, civilized, or attractive. This is especially true where anxiety translates into anger, and the change agent is at the receiving end of this anger. Such are stormy seas, and interventionists must reliably weather them at early stages of implementation. They must also deal with the next stage of the process, where staff and prisoners wake up in the cold light of morning from their initial commitment and ask, "How can we undo it?"

### *A Prison Constitutional Convention*

In the remainder of this article I will summarize efforts to stimulate the inception of democracy in two Scottish prisons. One of these interventions was an intensive 2-day convocation in an open prison, a prison without walls for prisoners who are on the last lap of

long sentences. The prison contained some 70 prisoners and 37 staff members.

The person who designed the convocation in this prison was the regional director of the Scottish Prison Service responsible for the region in which the prison is located. Also involved was the prison's warden. Half the prisoners in the institution were present for the 2-day meeting and participated in it. So did 12 staff members—mostly uniformed officers.

The first day opened with a session in which the results of an opinion survey of staff and prisoners were presented to the group.<sup>6</sup> A discussion of these findings was led by the head of the Research Branch of the Scottish Prison Service. The discussion highlighted perceived problems in the prison that could hypothetically benefit from remedial action. It also pointed up the fact that the climate of the prison is seen as a relaxed one which would make it conducive to collaborative relationships.

The convocation was subdivided into task forces after a second presentation by the regional director about the Prison Service's commitment to empowerment of officers and of prisoners.<sup>7</sup> The director stressed the opportunity offered to the prison to become a pioneering experiment in self-governance, in subservience to this philosophy.

A staff group and three prisoner groups were first formed around the issue of assigning and taking responsibility. The officers dealt with the question, "What do we do that they can and should do for themselves?," while the prisoners considered, "What do they do that we can/should do for ourselves?"

During an ensuing plenary session, spokespersons for the groups explicated their suggestions, which decorated the front of a dining hall and varied considerably in legibility. The reports also varied in content. The staff manifests ranged from justificatory statements (such as, "Why all the boundary rules? [Answer:] Protection of residents.") through cautious bids (such as, "Don't you trust us? [Answer:] Yes—given trust.") and concessions varying in generosity from making residents responsible for cleanliness and tidiness to letting them allocate the recreation budget and coordinate visiting arrangements.

One prisoner group brought a roster of requests for autonomy or discretion, and a second included new privileges in a laundry list. The third group, by contrast, offered several detailed, constructive proposals, some of which implied a strongly task-oriented outlook and an uncompromising commitment to the Protestant ethic.

The group suggested that "educational trips be organized by prisoners committees." It proposed "a meeting between a town committee and a prisoners committee every month to improve relationships be-

tween prisoners and town folk with a view to enhancing (work and volunteer activity) placement schemes." It recommended a system of "work allocation (for work on prison grounds) by a prisoners committee made up of skilled or experienced prisoners." The group also asked that "people with work or recreation skills (be given the opportunity to pass on experience to others who are interested" and that "prisoners be consulted about job creation within the prison." They requested that prisoners be permitted to "organize (their) own lunches for (outside) placements by given budget for the week," to organize and supervise their own visits—again, by committee—and that they be allowed to run the inmate canteen "with accounts available for inspection at all times."

The prisoners emphasized that "all committees (would have to) be democratically elected" and added a proposal for "an open day for town folk to visit the prison and talk to prisoners and staff about the aim of the prison to improve relations," with the possibility of "having town folk visit any time to see the jail working."

An idiosyncratic element in the report was mention of a vote of no confidence in the prison social worker, but not much was made of this passing reference in the discussion of the group's report. A concluding talk—by me—dealt with the need for meticulous detail and careful documentation in proposals to be drafted.

### *The Second Day*

The second day opened with a speech by the prison's warden, who emphasized his receptivity to responsible proposals. The warden extended this offer to include proposals for the allocation of portions of the prison budget. The regional director also spoke, enjoining the group to be productive and offering support.

The next set of subgroups were asked to consider "the other side's" perspective, with officers considering the prisoners' views, and prisoners, those of staff. The officers responded valiantly to this mandate, reviewing the impact on the inmates of minor rules and redundant security rituals and discussing the need for greater flexibility and open communication. Several of the staff showed remarkable empathy in characterizing prisoner reactions to frustrating prison routines.

No such empathy was forthcoming from the three prisoner groups, whose summarized reports were discursive and off the point. The discussion was similarly tangential and degenerated into attacks on the prison social worker. The rest of the reporting period was taken up with demands that the social worker be fired and the director's rejection of this demand. This dialogue sounded like a parent-child exchange in which

limits are tested and parents have to react to set boundaries.

The juncture proved to be a turning point in the intervention: A transmutation into attentiveness to business occurred in the next session, during which prisoners and staff dealt with the question, "What's in it for us?," presuming that the program were implemented.

The group of officers indicated that if they were freed of surveillance obligations and permitted to expand human service activities this would make their jobs more interesting and worthwhile. They welcomed the opportunity of changing from a custody role to a facilitator-counseling role and of enhanced "opportunity for interaction." They also recognized that their jobs would become more demanding and that training might be in order to ensure that they were qualified to do what was expected of them.

The officers discussed the risks and benefits of the impending changes for themselves as a group. To participate in a pioneering venture could advance one's career, but less so if the institution were seen as unrepresentative. Officers in other prisons might subject one to derision, and the public might become concerned about safety issues. A single escape could work to damage the program.

In response to the question, "What's in it for us?," the officers listed:

- Job satisfaction.
- Free the staff to do other more worthwhile productive tasks.
- The opportunity for more interaction.
- A more demanding role for staff.
- "Because it is a pioneering project (it can) further your career."
- Gives staff opportunity to change from conventional role.

One of the prisoner groups answered the same question with a counterpart list of benefits:

- The chance to get rid of the them and us attitude.
- More relaxed community atmosphere.
- More integration with staff, i.e., joint ventures with staff. One example could be the football team, i.e., any staff want to join in, as in driver to the games, they should be allowed on team.
- Less boredom.
- Less paranoia about release.
- More rehabilitation factor.
- Less bitterness against system on release.

- Learning to be more responsible for ourselves and each other.
- More problems for us to deal with through which we are given the opportunity to prove ourselves able to cope.
- More family contact.

It will be obvious that the roster reflects commitment to collaborative activity and reintegration. The prisoners said they wanted to multiply joint activities with staff, including recreational activities. They saw the possibility of a useful bridging experience from the prison to the community. They saw activities as a way to reduce boredom and acquire and rehearse coping skills. The groups also saw value in improving the prison for future generations of prisoners.

### *Creating an Organization*

To this point we had experienced dramatic movement, which included all-night debates in prisoners' dormitories. It now remained to capitalize on this enthusiasm by designing the structure of the new governance machinery. To this end, prisoner groups were tasked with listing desired interest groups or committees; a mixed prisoner-staff group was asked to deal with the overall organization and structure of governance.

The products of the groups turned out to be remarkably congruent. Joint staff-inmate committees were envisaged by the prisoners, except for groups representing housing units. These committees were envisaged as carrying responsibility for various functions, such as advising on culinary matters, running the commissary, coordinating visiting arrangements, and disbursing recreational funds. Each drafting group also suggested setting up a public relations committee to cement relations between the prison and the public.

In the overall structure, the committees were seen as reporting to a council of six officers and four inmates, who in turn were to report to a managerial group comprising the warden and two senior officers. This system was set up to deal with budgetary and policy decisions at various levels. Also envisaged was a monthly community meeting including all prisoners and staff of the institution.

The convocation ended with the appointment of a prisoner-staff coordinating group charged with the implementation of the design, which was to begin work at once. The prisoner representatives to this group were chosen among those who had played leading roles in the convocation.

The coordinating group went on to define its mission to include drafting a constitution. In this constitution the prisoners and staff streamlined the organization that had been suggested, consolidating proposals from

the various groups. The constitution also spelled out procedures for elections and committee deliberations. Excerpts from the document read as follows:

1) The community council will consist of one executive committee and four sub-committees. The executive committee will be known as the council committee and will consist of four residents, one senior officer and one officer who have been duly elected to serve.

The four sub-committees will be known as:

- 1) House Committee
- 2) Visits and Family Welfare Committee
- 3) Sports and Recreation Committee
- 4) Public Relations Committee

Each sub-committee will consist of two residents and one officer who have been duly elected to serve. The executives reserve the right to increase the size of any sub-committee to look into different aspects of any changes or problems which may arise and also to co-opt anyone who has specialised knowledge to help to solve problems in their field.

### SUB-COMMITTEES

Each sub-committee will meet at least once per week. Relevant time is to be allowed.

Any issues that cannot be resolved at sub-committee level will be forwarded to the council committee.

It will be the responsibility of each sub-committee to put forward reasoned arguments backed by relevant documentation, where appropriate, when forwarding issues to the council committee.

### COUNCIL COMMITTEE

It will be the duty of the council committee to review all proposals put forward by the sub-committees and to try to resolve all issues at council level. Any issues that cannot be resolved at council level will be forward to the Governor (Warden).

The council committee will elect a chairman at each meeting who will have the power of a casting vote where required. All decisions must be substantiated.

The council committee will have access to relevant documentation, stationery and equipment in order to put forward properly formulated issues to the Governor. The council committee will meet once every two weeks to discuss and resolve any issues put forward by the sub-committees.

The council committee will meet once per month with the Governor to update him on any relevant decisions taken and to put forward to him any issues they could not resolve.

### ELECTION OF COMMITTEE

All officers and residents will be eligible to serve on the council committee or any of the four sub-committees.

Notice for forthcoming elections and for willing candidates will be posted on the notice board at least 7 days prior to the election. Anyone interested will put their name on the posted sheet. All candidates will be subject to a ballot with those attaining the highest number of votes being elected into office. If any positions are not filled from the notice board, then proposals will be accepted from the body of the hall. All officers and residents are eligible to vote.

All committee members will serve for a period of three months, when they will be subject to re-election. If, during a term of office, anyone decides to drop out, the candidate with the next highest

vote (relevant to the specific committee) will be co-opted until the end of that term.

Any alterations or additions to the constitution can only be passed by a majority vote at an election.

The council committee will have the right to call an extra-ordinary election by giving the appropriate notice.

#### CO-ORDINATOR/RECORD KEEPER

It was decided at the inaugural meeting that an election should take place for a co-ordinator/record keeper, whose post will include the duties of keeping the flow of information between the various sub-committees and the council. And also be responsible to the council for the preparation of proposals from all the committees to the Governor. And of course the keeping of records and decisions made for future reference. The post will be on the same terms as the posts on the council and sub-committees.

A month later the prison's newsletter reported results of elections to the committees and the council. The paper reported that "the Community Council held their first meeting last week" and pointed out that "the sub-committees meet every week and report to the Council who assemble on a fortnightly basis.... Minutes of each meeting are taken, then submitted to the coordinator who will keep a record of them."

Of course, this does not end the change process, and problems could still develop. The governance structure could be deemed superfluous and become underutilized. Fresh trust tests could be devised in the shape of proposals and demands that invite rejection. Personality conflicts could also arise that preempt serious business. New political entities in prisons are at first vulnerable, and they must be monitored and nurtured to ensure their survival.

#### *A Grass Roots Mission Statement*

It remains for me to describe a briefer experiment, which proved instructive but less conclusive. The target in this instance was a prison cell block in a multi-purpose prison, which functions as a detention facility for the west coast of Scotland. The cell block contained long-term inmates and lifers in the mid-stage of their careers and is relatively new.

Twenty prisoners and three staff members participated in an afternoon meeting presided over by the principal officer of the cell block who was serving as its acting warden. This officer is a respected staff member who volunteers as coordinator for the prison religious fellowship and has a loyal following among inmates.

Given the time available for the intervention, I proposed that the group draft a mission statement for the cell block. Mission statements are taken seriously in Scotland, where quality management strategies are popular. The Prison Service has a mission statement, as do all prisons and autonomous special units. But no cell block—in Scotland or elsewhere—has drafted a

mission statement, and none has originated with a group of prisoners and officers.

I started the session noting that mission statements had traditionally been vapid public relations ploys, but that they have in recent times become embodiments of the central concerns of organizations, which guide and inform what they do and serve as reminders of what they stand for. This proved to become a problem when I cited the Prison Service mission statement, and the prisoners questioned whether this statement guided the agency's actions. (Rumors had circulated about impending cutbacks in furlough arrangements.)

Other objections from the group took familiar forms. One inmate reviewed a long and checkered prison career to document his reluctance to place trust in new initiatives. Another prisoner cited societal and systemic constraints to make a case for the proposition that local reform was futile. Other prisoners opined that mission statements should be drafted after more fundamental concerns had been addressed.

Eventually, the discussion drifted to mission statement planks that appeared to have some group support. Among these, one dealt with the desire to have the cell block operate as a community; another dealt with the involvement of prisoners in decisions; a third suggested that rules be enforced with "flexible consistency"; a fourth proposed that a climate be created to make family visits pleasant and profitable; others dealt with the use of time, the planning of prison careers, and the control of serious drugs in the prison. This topic proved especially controversial and sparked a spirited debate.

The debate next turned to issues of a housekeeping nature and focused on assignments to double and single cells. The ostensible issue was the prioritizing of single-cell assignments, but the concern revolved around a specific individual and his assignment, with pressure to exact a decision in this matter becoming quite intense. The senior officer resisted the concerted campaign to force this issue, which presupposed the eviction of an inmate who was not present at the meeting.

At this stage the mission statement had to be tabled, but the group expressed satisfaction at the opportunity for what they saw as an open and honest exchange. This satisfaction was somewhat tempered when the prisoner on whose behalf cell-assignment pressure had been exercised exploded in anger and left the meeting in a huff. It was subsequently resolved that the mission statement project would be resuscitated at a more strategic juncture.

I relay the second account with the first to point up the difficulties one encounters in pursuing the task of making prisons more normalized, humane, and participatory environments. Inmate cultures—and some-

times staff cultures—are obdurate, and persons who have learned to fear, resent, and mistrust members of other groups are apt to respond to trust bids with reluctant misgivings. The process of facing, surfacing, and disarming such resistances is slow, painful, and emotionally laden. But given skilled and committed allies, such as my friends in the Scottish Prison Service, reform can eventually be achieved, and prisoners and officers can learn to work together to improve the settings in which they live and work.

### Postscript

Whether American corrections is ready for this challenge is a difficult question. U.S. prisons are larger than those in Scotland. Our public appears more retributive. But inmate councils exist in American jurisdictions, and their role can be expanded. So can the involvement of prison staff in working with inmate councils. And in the U.S. functional prison units exist, which can serve as settings in which community can be fostered.

Both American and Scottish correctional philosophies presuppose that offenders can be challenged to take responsibility for their lives upon release.<sup>5</sup> This challenge—if it is taken seriously—is better met if prisoners are provided with opportunities to undertake responsibilities while in prison than if they are deprived of such opportunities. The point is to find acceptable ways for prisoners to shoulder and discharge responsibilities in the prison.

### NOTES

<sup>1</sup>A recent news story, for example, was headlined "Voters disgusted with politicians as election nears." The writer reported that "voters are profoundly alienated from their elected representatives and from the political process and confess to a deepening powerlessness and pessimism over the future of the nation.... Disgust with Congress is near the recorded high" (K.Q. Seelye, *New York Times*, November 3, 1994).

An even more recent newspaper story detailed results of a nationwide survey of 237,700 college students, concluding that "something about the 1994 political campaigns seems to have soured an already embittered and indifferent younger generation. The one-year drop in interest from the previous year's already low levels was nothing short of 'remarkable,' said (the) survey director" (*Albany Times Union*, January 9, 1995).

<sup>2</sup>See J.J. DiIulio, *Governing Prisons: A Comparative Study of Correctional Management* (New York: Free Press, 1987). For an early pessimistic appraisal, see J.E. Baker, "Inmate self-government," *Journal of Criminal Law, Criminology and Police Science*, 1964, 55,

39-47. Baker points out that "of all the concepts in corrections, inmate self-government is most likely to arouse partisan feelings" (p. 39) and reports that "in 1960 the Wardens' Association of America went on record as being in opposition to inmate self-government" (p. 47).

<sup>3</sup>T.O. Murton, *The Dilemma of Prison Reform* (New York: Holt, Rinehart and Winston, 1976). An example of an innovative prison democracy experiment is provided in Doering, C.R. (Ed.), *A Report on the Development of Penological Treatment at Norfolk Prison Colony in Massachusetts* (New York: Bureau of Social Hygiene, 1940). For earlier examples, see M. Harris, *I Knew Them in Prison* (New York: Viking, 1936) and F. Tannenbaum, *Osborne of Sing Sing* (Chapel Hill, University of North Carolina Press, 1933).

An encomium to early experiments with prisoner governance appears in the monograph, *On the Penitentiary System in the United States and Its Application in France*, by Gustave de Beaumont and Alexis de Tocqueville, which was published in 1833. Beaumont and De Tocqueville visited houses of refuge for young delinquents, which they said were "a medium between a school and a prison" (p. 139). In one institution, in Boston, they witnessed an inmate election and reported that "each time that it becomes necessary to elect among them an officer or monitor, the little community meets, proceeds to the election, and the candidate having the most votes is proclaimed president. Nothing is more grave than the manner in which these electors and jurymen of tender years discharge their functions" (pp. 146-147). They add that they hope "the reader will pardon us for having dwelt so long on this system, and for having pointed out its minutest details and conclude (by way of justification) that "the impressions of childhood and the early use of liberty, contribute, perhaps, at a later period, to make the young delinquents more obedient to the laws. And without considering this possible political result, it is certain that such a system is powerful as a means of moral education" (p. 147) (1964, Carbondale, IL: Southern Illinois University Press).

<sup>4</sup>H. Toch, "Democratizing prisons," *The Prison Journal*, 1994, 73, 62-72.

<sup>5</sup>J.D. Grant, "The offender as a correctional manpower resource." In F. Reissman and H.L. Popper (Eds.), *Up From Poverty: New Career Ladders for Nonprofessionals* (New York: Harper & Row, 1968).

<sup>6</sup>For details about the Scottish prison surveys, see H. Toch, "News of the Future," *Federal Probation*, 1993, 57, 68-71.

<sup>7</sup>J. Pearce, "An overview of the Scottish prison system." Paper delivered at the Annual Conference of the Middle Atlantic States Correctional Association, Killington, Vermont, May 24, 1994.

<sup>8</sup>The basic policy document of the Scottish Prison Service is called *Opportunity and Responsibility* (1990). The authors of this document postulated that "we should regard the offender as a person who is responsible, despite the fact that he or she may have acted irresponsibly many times over in the past, and that we should try to relate to the prisoner in ways which would encourage him or her to accept responsibility for the actions, by providing him or her with opportunities for responsible choice, personal development and self improvement" (p. 30, emphasis in the original).