

NIJ UPDATE

Using restrictive housing to manage gangs in US prisons

By David C. Pyrooz

Author's Note: Findings and conclusions reported in this article are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Gangs remain one of the more formidable issues that corrections officials face in managing prisons. About 200,000 of the 1.5 million U.S. inmates are affiliated with gangs, and there is no sign that prison gang activity is abating.¹ Gangs

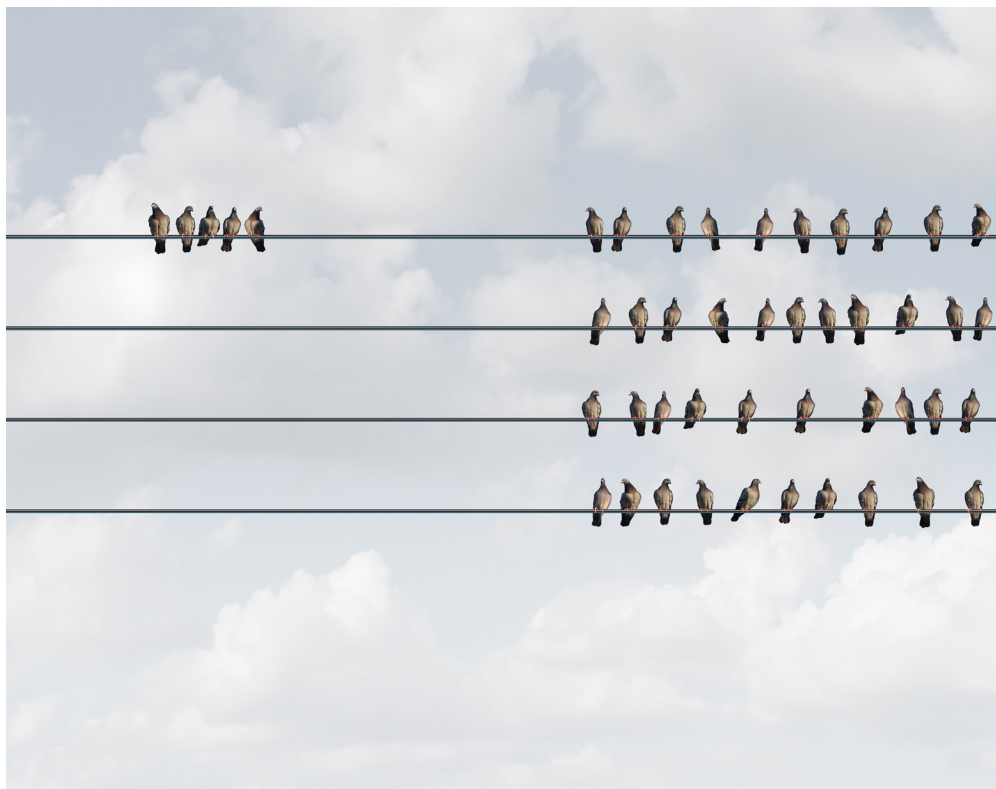
are responsible for a disproportionate amount of prison misconduct and violence, and their presence and actions challenge ongoing efforts to maintain control, order and safety in prisons.²

Numerous responses to combat gangs have been implemented throughout U.S. prison systems, but only one has been described as a “silver bullet:” removing gang

affiliates from the general population and placing them in restrictive housing.³ This practice started in large prison systems (e.g., California, Texas) to constrain gang influence and violence, and expanded to other prison systems with the proliferation of prison gangs since the 1980s.

Moreover, the use of restrictive housing to manage gangs is considered one of the most controversial correctional practices because it places gang affiliates in restrictive housing, not because they have earned it (e.g., being disciplined for rule violations) or needed it (e.g., protection from self or others), but for the purpose of managing the threat they may pose to the institution. It is not uncommon to observe the wholesale placement of entire gangs or all gang affiliates in restrictive housing for indeterminate periods.⁴ The Pelican Bay hunger strikes, along with the *Ashker v. Governor of California* class-action lawsuit in 2012 and settlement in 2015, brought considerable attention to the condition of gang affiliates in restrictive housing.⁵

This article summarizes key findings from Chapter 4,



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“Gang Affiliation and Restrictive Housing in U.S. Prisons,” which examines gang affiliation and the use of restrictive housing in the National Institute of Justice published volume, *Restrictive Housing in the United States: Issues, Challenges, and Future Directions*. More details of the reviewed studies and their findings can be found in the full volume.⁶

Why place gang affiliates in restrictive housing?

Gang affiliates fit squarely into the logic underlying the use of restrictive housing.⁷ Gang affiliates commit both violent and nonviolent misconduct at higher rates than inmates not affiliated with gangs.⁸ Removing them from the general population is expected to deter both misbehaving inmates and the prison population at large from disruptive behavior, incapacitate highly-disruptive inmates, normalize prisons and soothe tensions.

Corrections officials have, overwhelmingly, endorsed the use of restrictive housing for gang affiliates. Between 55 and 67 percent of jails, prisons or prison systems use restrictive housing as a response to gangs.⁹ Nearly half of the 600 prison wardens surveyed by Dan Mears and his colleagues at the Urban Institute agreed that gang affiliates should be placed in restrictive housing; 83 percent endorsed its use for gang leaders.¹⁰ Of the 37 gang-knowledgeable personnel in respective prison systems surveyed by John Winterdyk and Rick Ruddell, nearly all (94 percent) reported that restrictive housing was a “very effective” (75 percent) or “somewhat effective” (19 percent) method to combat gangs.¹¹

Does the widespread use of restrictive housing result in an overrepresentation of gang affiliates in prisons? Thus far, the best evidence indicates this may be true. However, our understanding of this relationship is limited to only a few states. Administrative data from prison systems in California, Colorado and Texas show that gang affiliates were overrepresented in restrictive housing.¹² Despite constituting a minority of the custodial population in these states, the majority of inmates in restrictive housing were gang affiliates, who were between 6 and 71 times more likely to be placed in restrictive housing than inmates who were not.

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Using data from the National Inmate Survey, a 2011-12 report from the Bureau of Justice Statistics revealed that facilities with more gang activity had a higher concentration

of inmates who reported recently being placed in restrictive housing.¹³ Criminologist Ryan Labrecque, using administrative data from Ohio, found that gang affiliates are not only more likely to be placed in restrictive housing than inmates who are not classified as gang affiliates, but they also spend longer periods in restrictive housing.¹⁴

How do gang affiliates end up in restrictive housing?

Inmates are typically placed in restrictive housing for disciplinary, protective or administrative purposes. Gang affiliates are a group that checks off all of these boxes. First, owing to their elevated involvement in misconduct, gang affiliates may be placed in restrictive housing for disciplinary reasons. Second, gang affiliates may need protective custody due to conflicts with rival gangs or having violated gang codes of conduct (e.g., debriefing).

Although these are good explanations for the overrepresentation of gang affiliates in restrictive housing, the third pathway (administrative) is the most controversial when placement is indeterminate, based on inmates’ gang status rather than behavior, and based on gang validation practices that are unclear and/or lack due process. However, not all prison systems automatically segregate gangs or gang affiliates. Two studies, a 2010 review of 42 state policies and a 2012 survey of 44 prison systems, examined admission criteria for placement into restrictive housing. Only between 30 and 36 percent of states included in those studies segregated inmates solely on the basis of gang affiliation.¹⁵ →

How do gang affiliates get out of restrictive housing?

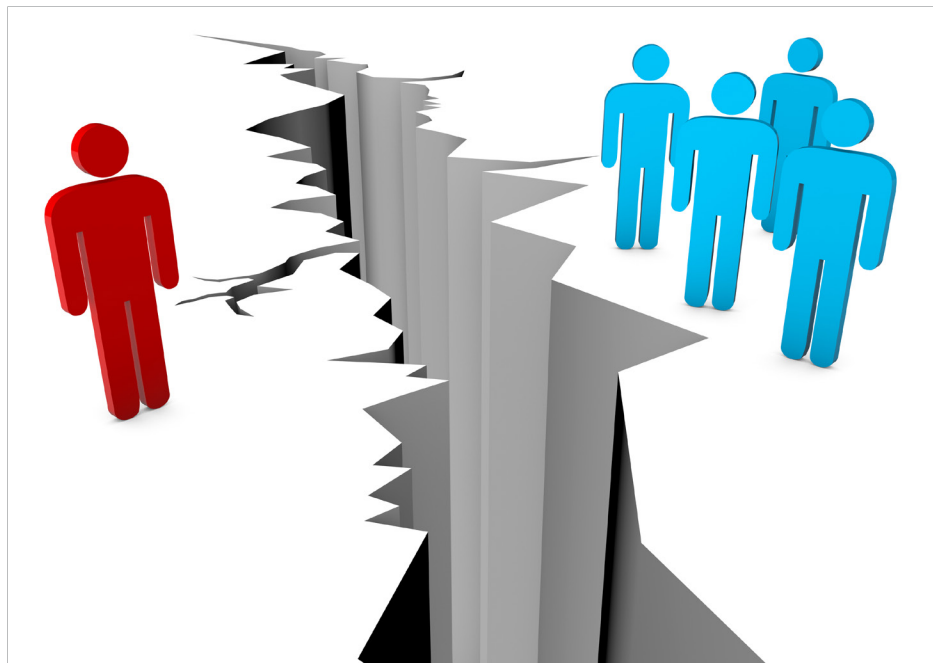
Gang affiliates who are placed in restrictive housing for disciplinary and protective purposes either have fixed sentences or need prolonged placement until threats to their lives decline; their pathways out of restrictive housing are rather clear. Gang affiliates who are placed in restrictive housing for administrative purposes must pursue alternative routes out of segregation because their gang affiliation is the source of the threat.

Historically, the only way out of restrictive housing was to “snitch, parole or die.”¹⁶ However, this has changed in recent years, particularly in prison systems that house large gang populations. Debriefing (i.e., a gang affiliate informing on his gang) remains an established route out of restrictive housing and to being reclassified as an ex-gang member, but it is no longer the only pathway.

For example, a number of prison systems now maintain a broader range of policies and programs that encourage disengagement from gangs to exit from restrictive housing, including segregation diversion, gang renouncement, step-down and debriefing.¹⁷ These programs are stage-based and usually involve in-cell and group-based programming. Inmates may spend six to 24 months in such programs before returning to the general prison population.

Does placing gang affiliates in restrictive housing reduce misconduct and disorder?

The most important issue in the debate about restrictive housing



generally, and its application to gang populations specifically, is whether the practice achieves its intended results. If restrictive housing does not reduce disorder, riots, gang activity or misconduct, it severely undercuts the justification for its use, especially when placement in restrictive housing is based on inmate gang status rather than behavior. Three studies listed below provide evidence of the (largely) beneficial effects of restrictive housing on reducing prison misconduct.

- *A system-level analysis of trends in inmate violence in Texas* showed that although the segregation or transfer of gang leaders was ineffective at reducing violence, the wholesale placement of gang affiliates in restrictive housing resulted in major reductions in homicide and assault.¹⁸
- *An Arizona study of the implementation of gang policies,*

including the segregation of gang members, examined the specific (gang inmates) and general (all inmates) effects on inmate violations.¹⁹ There was a 30-percent reduction in overall violations after segregating gang members. System-wide implementation of these policies during the study period may have prevented as many as 22,000 rule violations, including 5,700 violations among gang members.

- *A longitudinal, individual-level study of the effects of restrictive housing on subsequent misconduct in Ohio*²⁰ revealed that gang affiliates leaving restrictive housing fared worse, engaging in higher incidences of violent and nonviolent misconduct upon their return to the general population than did unaffiliated inmates.

As a disclaimer, this evidence

base is far from conclusive; it is limited to a few states and requires more sophisticated analysis to rule out alternative explanations. In the absence of more methodologically sound studies, it would be unwise to conclude that restrictive housing is, indeed, the “silver bullet” for managing gangs and gang affiliates.

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Conclusions and future directions

Gang affiliates fit squarely into the logic of restrictive housing, which is why it is not surprising that the evidence from several prison systems indicates that this population

is overrepresented in restrictive housing. But it is unclear if this is a result of their need for protection, discipline for misconduct, or the perceived threat associated with their gang status. Explaining why this correlation exists in the first place, and whether it extends across some or all prison systems, should help address critical concerns about the overuse and indeterminate use of restrictive housing among gang affiliates. The approaches found in prison systems that are able to manage gangs with the limited use of restrictive housing, all while keeping violence low, may be models for the rest of the country.

A review of the evidence suggests that the justification for the wholesale placement of gang affiliates in restrictive housing is limited. The evidence suggests that restrictive housing may reduce rule-violating behavior. But the full range of consequences, both beneficial and negative, of restrictive housing must be weighed when considering the wisdom of its continued use. Indeed, without this evidence, the merits of using restrictive housing are severely undercut, validating the sharp criticisms of the practice.

The introduction of programs such as step-down (unambiguous, incentive-based steps toward general population housing) and gang-exit (treatment-based efforts to promote renouncement and disassociation) is a positive move toward jointly reducing the influence of gangs and overuse of restrictive housing, but one that must be paired with rigorous scientific evaluation. Any program that advances a sound strategy toward breaking the grip of gangs on prisons and inmates must be held

to leading scientific standards of evaluation. Satisfying such standards would constitute a major breakthrough, as no programs to date, on the street or in prison, have been found to effectively remove people from prison gangs.

It would be wise for corrections administrators to focus their efforts on the information collected about inmates and practices within their institutions in order to move toward a data-driven approach to understanding and responding to issues related to gang affiliation and restrictive housing. Establishing mutually beneficial relationships (i.e., Researcher-Practitioner Partnerships) between corrections officials, who are vested in these practices and researchers, who are able to evaluate the practices, is one approach that has proven to be most productive in addressing gangs in street settings.

Gangs are especially challenging populations to manage. Under- or over-correcting practices could have devastating consequences for prison employees, gang affiliates and other inmates. Using research to develop data-driven policies will lead to better-informed decisions about the use of restrictive housing for gang affiliates in U.S. prisons.



David C. Pyrooz, Ph.D. is Assistant Professor of Sociology at the University of Colorado Boulder. He is also a faculty associate in the Problem Behavior and Positive Youth

Development Program in the Institute of Behavioral Science.

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