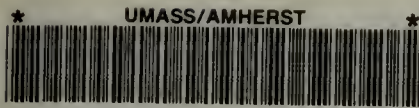


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**FINAL REPORT**

**LEGISLATIVE SUB-COMMITTEE ON**

**M.C.I. NORFOLK**

**Committee on Human Services and Elderly Affairs**

**Representative Barbara A. Hildt, Chair**  
**Senator Salvatore R. Albano**  
**Representative Albert Herren**  
**Representative Kevin G. Honan**  
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**December 14, 1987**

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## REPORT OF THE LEGISLATIVE SUB-COMMITTEE ON M.C.I.-NORFOLK

### INTRODUCTION

On May 13 and 14, 1987 the Massachusetts Correctional Institution at Norfolk experienced what has been described variously as a "peaceful protest," "inmate demonstration", "work stoppage", "strike" or "near riot". Reports of inmates, Correction personnel and the press differed widely in describing the causes, events and scope of the disturbance. Official reports were scanty. Press and inmate reports were inconsistent.

In response to controversy generated by the Norfolk incident the Joint Committee on Human Services and Elderly Affairs, which has oversight responsibilities for the Department of Corrections, (D.O.C.), voted on June 3 to create a "...special Sub-Committee...To investigate the causes and repercussions of the events at M.C.I.-Norfolk in May of 1987 and to make recommendations for the committee on the basis of its investigation."

The Sub-Committee conducted two public hearings in the State House. At the July 13, 1987 hearing, Department of Corrections and the Executive Office of Human Services Secretary Philip Johnston, Deputy Secretary James Circo, and Commissioner of Corrections Michael Fair testified.

On July 20, 1987, the Sub-Committee heard testimony from eighteen individuals representing the Civil Liberties Union of Massachusetts, Massachusetts Correctional Legal Services, Harvard Prison Legal Assistance Program, Massachusetts Council on Prison Education, Boston University Degree Program in the

of May 13-14; the present Co-Chairmen; the inmate allegedly beaten by Department of Corrections guards prior to and widely cited as the spark of the demonstration; an inmate regarded by Department of Corrections as the primary leader of the demonstration; seven others who participated in the demonstration; and four who witnessed the demonstration but did not participate. Written comments from forty-four other inmates were received. The Sub-Committee was unable to meet with any member of the correctional officers' union. Union representatives for the correctional officers and social workers reported that many of their members were afraid to communicate with the Sub-Committee for fear of reprisal from the Department of Corrections.

SUMMARY OF M.C.I. - NORFOLK INMATE DEMONSTRATION

PRIOR TO MAY 13-14

To understand what occurred at M.C.I.-Norfolk on May 13-14 it is necessary to review some of the events which transpired in the weeks prior to the inmate demonstration. While individual inmates and D.O.C. personnel may point to other factors that contributed to the unrest at Norfolk, two issues were consistently prominent. These were the Black Solidarity Day Program Package and the alleged beating of a black inmate.

For several weeks prior to May 13 the African American Coalition Committee (A.A.C.C.) had attempted to finalize plans for Black Solidarity Day, originally scheduled for May 23. There was considerable controversy among inmates regarding food, entertainment and guests. Problems had arisen during the planning for Irish American Picnic, as the size of food portions had been reduced by order of the Deputy Superintendent of Programs and Treatment.

The A.A.C.C. believed that the Deputy Superintendent would reduce the amount of meat ordered for Black Solidarity Day and the number of hours set aside for the event. With the May 23rd event approaching, scheduling entertainment was becoming more difficult. Two inmates reported having called D.O.C. central office regarding these issues, one of whom stated that D.O.C. had "ostracized" them for this action. The Deputy Superintendent reported that he received the Black Solidarity Day package on May 7th, and that he had not yet reviewed the program proposal nor replied to inmates on the issues surrounding their planned event. The proposal was being held, he stated, "under advisement".

On May 7th a black inmate in Modular Unit #1 was ordered to gather his belongings for a move to Modular Unit #2. The time was 8:30-9:00 a.m. This inmate was asleep in his bunk

at the time. The inmate reports that he asked for a moment to wash his face and brush his teeth but was ordered by the correctional officer to "Move right now!" Ignoring the order to immediately move, the inmate pushed past the officer and went to the bathroom area. When he emerged, there were "six to eight" Inner Perimeter Security (I.P.S.) officers who pat-searched him and emptied his pockets on the floor. The inmate reports that he reached down for cigarettes on the floor, at which time the officers physically restrained him, held him to the floor and shackled him. One inmate who witnessed the altercation reported that an officer held the inmate's head to the floor with his boot. There was considerable shouting and use of obscenity, but no racial epithets were heard.

The Superintendent reported only that the inmate had resisted a move to new quarters and had to be physically removed.

The shackled inmate was removed from Modular Unit #1 and taken to the Restraint Block (R.B.). Two inmates who witnessed his removal reported that he cried out that his arm was broken. The inmate in question reported that he had called out, "My arm is broken", from his cell in the R.B. The Superintendent stated that his staff heard the inmate shouting from the R.B. that his arm was broken. Shortly after his move, the inmate's right arm was x-rayed and wrapped in an elastic bandage. There were no apparent injuries other than a sprained arm, no facial injuries or cuts requiring medical attention.

The inmate reported, "they (Inner Perimeter Security) did not out and out beat me...I was unnecessarily subjected to force in movement to R.B."

Following his transfer to the Charles Street jail, additional medical care was offered and he received analgesics (Motrin). He was subsequently moved to the Deer Island House of Correction.

Two investigators from the Commissioner's office later asked the inmate for his account of the incident. He was asked if he planned any court action.

The inmate reports that the correctional officer who woke him on May 7 was "...in my face, big time...This guy was on a macho trip or something." Of the seventeen inmates interviewed, fifteen reported that correctional officers, particularly the Inner Perimeter Security staff, frequently used threats, intimidation and excessive force at Norfolk. Twelve of thirteen inmates who reported having been incarcerated in other institutions within the system stated that the personal attitudes and general demeanor of correctional officers were more "intimidating", "abusive", more "macho" or "less respectful" than at other prisons.

These perceptions were widely corroborated by attorneys, educators, clergy, counsellors, family members and other individuals who frequent M.C.I.-Norfolk and other correctional institutions.

Accounts of the forced removal of an inmate from the Modular Unit spread quickly through the inmate population. The injured inmate's brother was also incarcerated at Norfolk at that time. The brother did not demonstrate on May 13-14, although some of his friends were apparently angered by the stories of a "beating" which resulted in a "broken arm".

A general climate of dissatisfaction and frustration prevailed at Norfolk prior to May, due primarily to overcrowding, increasingly restrictive visitation policies, ineffectiveness of the inmate council, inconsistent application of grievance procedures, and lack of educational and vocational opportunities.

There was, in addition, a powerful sentiment among inmates and frequent visitors that the Deputy Superintendent of Programs and Treatment was unresponsive to issues of greatest concern to the inmate population.

At 2:00 p.m. on May 12th the Inmate Council met with representatives of the Irish American Heritage Group (I.A.H.G.) to discuss food allocation issues for the upcoming Irish American Picnic. The I.A.H.G. had been dissatisfied with a reduction in meat portions ordered by the Deputy Superintendent of Programs and Treatment. One black inmate who spoke in favor of the Irish American position conveyed to the Council a sense of frustration among black inmates regarding food allocation for the May 23rd Black Solidarity Day. Two Council members described the meeting as "angry" or "hot".

At or around 6:30 p.m. on May 12th the African American Coalition Committee (A.A.C.C.) met in the auditorium in the Community Services Department building to discuss two issues of increasing significance and controversy: the Black Solidarity Day program packet and rumors that a black inmate had been beaten by I.P.S. on May 7th. Three inmates who attended that meeting stated that the alleged beating became the primary topic of discussion, although AIDS testing, food quality and handling, medical/dental care, overcrowding and classification were also discussed. There was general frustration with the unwillingness of the administration to respond to concerns raised by the Inmate Council.

A lengthy discussion led to an agreement that some action on the part of the A.A.C.C. was appropriate. There were four courses of action rejected by the A.A.C.C. before they agreed to a silent walk in areas available to the inmate population. A lawsuit alleging illegal action by D.O.C. was discussed for a considerable time, but rejected because it would "take several years before any discussion would be rendered."

Passive resistance in the form of damaging equipment, doing sloppy work, reluctantly obeying orders, etc. was rejected as ineffective. A demonstration on restricted areas was rejected because it would have violated Norfolk rules or D.O.C. regulations.

MAY 13 - 14

At approximately 8:00 a.m. on May 13th, a group of some thirty inmates assembled near the outdoor basketball court behind residence unit six and began walking silently around the Quadrangle ("Quad") in the center of the residence units. Several Inner Perimeter Security officers stood on the steps of the O.I.C. building at the end of the Quad and watched as the walkers passed in front of them.

Several Spanish and white inmates joined the walkers, swelling the number to about forty. At approximately 8:30 a.m. one of the Co-Chairmen of the Inmates Council asked the walkers what they were doing. The other Co-Chairman soon joined the marchers and learned of the reasons for the walk. There was no evidence to suggest that the Inmate Council or anyone outside of the A.A.C.C. had planned the walk, nor that it was an attempt to wrest control of the facility from authorities. The M.C.I.-Norfolk staff was not aware of any planned demonstration prior to its occurrence.

Within the first hour of the walk, the Camp Co-Chairmen were in communication with the Acting Superintendent, Deputy Superintendent of Operations. The Superintendent was not in the institution at the time. On behalf of the walkers, the Co-Chairmen related concern over the alleged beating of an inmate and Black Solidarity Day activities.

The acting Superintendent informed the Co-Chairmen that medical evidence did not support rumors of an inmate having received a beating or suffering a broken arm and shared with them the medical reports. The Co-Chairmen were told that the Black Solidarity Day package was still "under advisement." Inmate leaders informed the prison administration that only suspension or reassignment of an I.P.S. officer involved in

the alleged May 7th beating would ease tensions and cause the group of protesters to disperse. The Acting Superintendent did not respond to this request.

The Co-Chairmen and part of the A.A.C.C. Board assembled at the C.S.D. Building and attempted to have the auditorium opened for a larger meeting to include chairmen of the other ethnic groups. The C.S.D. Director denied inmates access to the auditorium for a larger meeting, although two or three inmates met in the auditorium to draw up a type-written list of issues for discussion with prison administration. These men moved to the Law Library to make copies of the list, at which point they were joined by the Council Co-Chairmen and by Chairmen of the Spanish Rights Committee and Irish-American Heritage Group. One Co-Chairman stated to the Sub-Committee that his relationship with the A.A.C.C. was somewhat strained, as he had tried to "move too fast on some previous issues." He urged the men not to march in the afternoon, a suggestion that was rejected by those present.

At 10:22 a.m. the Inmate Council's Executive Board met with the administration for a second time. Sixteen issues were presented by inmates (see Appendix "A"). Six inmates, including both Council Co-Chairmen, stated to the subcommittee that the list was ad-hoc in nature, but that it fairly represented the concerns of a majority of the population at M.C.I.-Norfolk, and that it was generally organized in decreasing order of significance. One inmate who did not walk with the others strongly disagreed, stating that economic issues were the primary cause of dissatisfaction.

The meeting adjourned at 10:55 a.m. An afternoon meeting was scheduled at which time the administration would reply to a request to meet with members of the four ethnic groups. Inmates returned to their housing units for lunch and for counts without

incident. This pattern of making regular meals and counts prevailed throughout two days of demonstrations.

The Department reported that "major institution tactical teams were activated at approximately 12:30 p.m." and the non-essential employees were evacuated from the Yard at that time.

Shortly after the mid-day count cleared at 12:52 p.m. the inmate walk resumed, with approximately seventy-five participants. The group, primarily composed of black inmates at the outset, was now multi-racial. The number of walkers continued to grow throughout the afternoon. Estimates of up to 900 participants were reported. The Sub-Committee found most credible the estimate that 250-300 men were involved in the demonstration at its high point. Between 1:15 p.m. and 1:45 p.m. the Inmate Council Executive Board again met with the administration to discuss the sixteen issues. It is not clear whether or not the administration agreed at this time to meet with members of the four ethnic groups that evening.

As the afternoon progressed, the climate of the demonstration changed. Walkers chanted, clapped and walked throughout the grounds in areas permitted by prison rules. Chants of "Unity" and "Work Strike" were common. Inmate leaders apparently reacted very strongly to a chant of "Attica" and quickly stifled it. The Sub-Committee could not find inmates or corrections personnel to corroborate the account of "Repeated chants of Attica..." referred to in the June 30 report by the Executive Office of Human Services.

A group of white inmates led by the Chairmen of the Irish American Heritage Group joined the marchers as they crossed the East field. By 2:30 p.m. the total number of participants had swelled to approximately 175. One of the Council Co-Chairmen explained to A.A.C.C. leaders that the Acting Superintendent

and Deputy Superintendent of Programs and Treatment refused to meet with them. His message was received with anger, and a number of inmates frustrated by the apparent ineffectiveness of the Inmate Council directed their criticism towards the Chairman. The Chairman rejoined the marchers and led chants, but his ability to effectively lead the inmates was now considerably diminished.

An A.A.C.C. leader who was among the inmates who the previous night had helped plan the march now assumed a more prominent position of leadership. He consulted with the prison school principal and called outside to the inmate liaison from the American Friends Service Committee. He has stated that he was principally concerned over bringing the now agitated march to an orderly and peaceful close. He stated to the Sub-Committee that he was "...a bit scared about the responsibility" that was now his. At about 2:30 p.m. telephone access and incoming visits were suspended.

Workers leaving prison industries were dismissed for the day at the same time that the marchers walked from the West Field past the Industries exit. The two lines of inmates merged and many continued to march together. There were approximately 250-300 demonstrators at this time. At about 3:00 p.m. the marchers crossed the grassy areas in the Quadrangle, a clear violation of M.C.I.-Norfolk rules. Marchers then proceeded to the East Field where, following speeches by three inmate leaders, none of them Council Chairmen, the demonstration began to disperse into smaller groups.

By 3:37 p.m. the crowd was completely dispersed. Inmates "returned to their units for supper meal and normal institution operations continued that evening, which included a scheduled softball game", according to a Department of Corrections' May 29th report. Inmates also reported to the Sub-Committee that the evening was peaceful and generally unremarkable despite

the day's demonstration.

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ORDER TO DISPERSE

The Sub-Committee heard conflicting testimony regarding orders to disperse. Sixteen of the inmates interviewed who were at Norfolk on May 13th reported that correctional officers observed the demonstration for the entire day. Participants reported that as the marchers passed through an alley leading to the East Field late in the afternoon, officers stood in front of the O.I.C. building laughing and waving to inmates.

On July 13th the Commissioner of Corrections testified that no order to disperse had been issued at any time. The Commissioner stated, "There weren't enough cops. It would have been a suicide mission."

On July 23rd the Superintendent and Deputy Superintendent of Programs and Treatment stated to the Sub-Committee that an order to disperse was issued early in the day on May 13th.

"The Inner Perimeter Security team did try to disperse the demonstration at around 8:00 a.m. on May 13th. The order to disperse was ignored by inmates," stated the Deputy Superintendent. A transcript of one inmate leader's Disciplinary Hearing described an approach by an Inner Perimeter Security Officer seeking a spokesman for the marchers at approximately 8:30 a.m. It appears that the marchers, mostly silent at this time, referred the officer to the Inmate Council Co-Chairmen.

At the July 23rd meeting with the Sub-Committee, the Superintendent and Deputy Superintendent stated they had not met with the Commissioner to discuss the demonstration since May 14th.

There was no evidence on the edited videotape of the events of May 13th and 14th that an order to disburse had ever been issued. A complete videotape viewed by a reporter is reputed to contain a general order to "return to your rooms" recorded at about 1:00 p.m. on May 13th. Sub-Committee staff were unable to confirm this report.

Of sixteen inmates interviewed, none could confirm a general or specific order to disperse. Six inmates speculated that the Department had added the order to the tape after the demonstration. "...absolute fabrication...", "...nonsense.", "...a ridiculous lie" was how these men referred to the order that appeared on tape. Four men pointed out that the barracks type housing areas are referred to as "units", never "rooms", by D.O.C. and that an order to disperse would more appropriately have been "...return to your units."

#### RECRUITMENT/COERCION

At the hearing of July 13th the Commissioner testified that many inmates "...were coerced into demonstrating out of fear." The Executive Summary of the Department's May 29th report stated, "...various inmates were making recruitment efforts".

Eleven inmates were asked by the Sub-Committee if they had participated in, witnessed or been subjected to coercion or recruitment. Ten of the inmates stated they had not been coerced or recruited. The inmate who inherited leadership of the afternoon march testified that he encouraged others to join and felt certain that others had used meal time to draw more participants into the demonstration.

#### INMATE ISSUES

At about four in the afternoon, the Superintendent returned to the institution. At 7:30 p.m. a fourth meeting convened

between the Chairmen and the corrections administration. After more than an hour of general discussion among inmate representatives, who were supervised by two correctional officers, the Superintendent and Deputy Superintendent of Programs and Treatment met with small groups representing the individual ethnic groups (A.A.C.C., S.R.C., I.A.C., Irish American Heritage Group, F.A.P.) Each small group also included the Inmate Council Co-Chairmen. The inmates had divided the list of sixteen issues among themselves for presentation to the Superintendent. Inmate representatives did not, however, limit their discussions to that list. Other issues presented were: a vacancy in the English as a Second Language program; lack of Spanish foods in the canteen; discrimination against Spanish inmates in classification; canteen prices; breakdown in inmate/Administration communications; specific visitation issues.

The July 1st report by the Executive Office of Human Resources listed seven inmate issues (Appendix "B") drawn up by a new Inmate Council. This list is not consistent with that presented by inmates on May 13th (Appendix "A").

The Superintendent rejected a number of inmate issues and promised to look into others, according to the Deputy Superintendent of Programs and Treatment. The Superintendent advised inmate leaders there were some issues he could not address without exceeding the authority of his position. Discussions ended at approximately 2:00 a.m. on May 14th.

Inmates who participated in these discussions and who were interviewed by the Sub-Committee stated they had been disappointed by the outcome. One of the Co-Chairmen stated to the Superintendent that he was "95% sure" there would be no further demonstration on May 14th, but that he could not be certain. The Superintendent reported that he felt the individuals with whom he met had used the opportunity to "...grind their own axes..." and that discontent was not based on the list of sixteen issues, but more generalized.

The Superintendent also stated that, "(The) alleged beating issue was a fallacy due to the long delay between the (inmate's name) 'beating' and inmate unrest. Therefore, it was not related to the demonstration." The Superintendent and Deputy Superintendent of Programs and Treatment stated they had "no idea why the formal grievance procedure" had not been used.

The Commissioner of Corrections stated on May 13th to members of the press that he regarded the list of inmate issues to be "...bogus" and not worthy of consideration.

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On May 14th, the breakfast meal was served without incident. The count cleared at 8:05 a.m. Prison officials, prepared to bring Tactical Units into Norfolk in the early morning, chose to observe the morning's activities before undertaking police action.

Shortly after 8:05 a.m. a group of inmates congregated in front of the C.S.D. building to hear their representatives' report on discussions held the previous night. Three members of The Inmate Council Executive Committee and the Chairman of the Spanish Rights Committee were jeered by the crowd when they could report no concrete results. Other leaders who had participated in the discussions were back in their units or in the quad, but none assumed definitive leadership roles on May 14th. The Council Executive Committee members met with the Superintendent, at 9:20 a.m., one of whom went into protective custody.

A request from one A.A.C.C. leader to open the auditorium for a large group discussion was denied. This inmate also requested that the Superintendent meet with the population to show the seriousness with which he regarded inmate issues.

About 125 inmates began marching in the quad area, less orderly and more vocal than the day before. The A.A.C.C. leader asked a former Council Chairman to address the demonstration and help defuse the situation. This invitation was refused. At about 12:00 the demonstrators returned to their units for a count and for lunch.

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#### WORK STOPPAGE

The Sub-Committee received conflicting testimony regarding May 14th work activities. A spokeswoman for the Department of Corrections stated on May 24th, "The workplaces were open for inmates to go to." On May 15th, the Commissioner stated to the press, "It is illegal to refuse to go to work."

Testifying before the Sub-Committee on July 13th, the Secretary of Human Services stated, "The inmates walked off the job first. That's why we closed the shops." The May 29 report by the E.O.H.S. stated, "...a group of approximately 25 inmates began marching around the quadrangle chanting 'We're not working, we're not working'." There were 1224 inmates incarcerated at M.C.I.-Norfolk on May 14.

The E.O.H.S. memo to the Governor of June 30th stated, "The shops were ordered closed by the administration..."

A Sub-Committee review of one hundred seventy-eight industry time cards showed that on May 13th industries were closed at approximately 2:15 p.m. not the customary 3:45 p.m. dismissal time. Many time cards were not punched by the time machine on May 13th, but had dismissal times handwritten.

The majority of time cards were punched "in" by inmates

on May 14th. Inmates were not, however, admitted to their shops. This was consistent in all industries on that day. Normal work hours resumed on May 15th.

Sixteen inmates at Norfolk on May 14th were interviewed by the Sub-Committee. None of those inmates reported that an organized general strike had been called, or that a de facto strike was in effect. The Sub-Committee is not aware of an inmate who demonstrated on May 13 or 14th who was cited in a Disciplinary Report for refusing to work.

#### INMATE VIOLENCE

On May 14th, the Commissioner of Corrections stated to the Boston Globe, "There's no such thing as peaceful demonstrations inside correctional institutions."

The May 29th report to the E.O.H.S. from the Commissioner stated, "Some inmates were observed with blankets around their arm which was believed to be either concealing weapons or to serve as a K-9 defense." The Executive Summary of that report made specific reference to the "...risk of wide-scale violence such as the situation at Attica in 1971 when 43 lives were lost retaking a New York prison."

The June 30th E.O.H.S. memo to the Governor stated, "There were reports that demonstrating inmates were wrapping their arms -- which is often an indication of weapons or protection against expected crowd control canines which prison officials have previously used to quell disturbances." In addition, the Undersecretary of Human Services testified on July 13th that the Department had received reports of inmates wrapping their arms and talking about hostage-taking.

The Department of Corrections did not report finding any weapons in the course of the tactical arrest and emergency transfer

of seventy-nine demonstrators. The Sub-Committee is unaware of any Disciplinary Report citing possession or manufacture of weapons by inmates who demonstrated at Norfolk on May 13-14th.

In its review of the videotapes, Sub-Committee members did not observe arm wrapping, displays of weapons, or any form of physical violence. None of the sixteen inmates at Norfolk during the demonstration testified that they had observed weapons or men wrapping their arms. The majority of these men strongly disputed the charge.

Only one inmate said that he believed men were wrapping their arms in preparation for a physical confrontation. He did not personally observe the practice and he did not participate in the demonstration.

#### OUTSIDE PARTIES

Activity surrounding the demonstration was not limited to the areas within M.C.I.-Norfolk. By late morning on May 13th calls had been made to clergy, legal counsel and advocacy groups, informing them of the inmate walk. Two attorneys reported trying to enter the prison on May 13th. Both were denied access to their clients.

Two clergymen reported that they asked to visit their congregation inside the prison. They were instructed to "stay away", as were educators who conducted programs at M.C.I.-Norfolk.

A group of advocates representing American Friends Service Committee, Massachusetts Correctional Legal Services, National Lawyers Guild, United Church of Christ, and the Nation of Islam requested access to the institution and offered to mediate

inmate/administration discussions. Their offer was declined.

Late in the afternoon of May 14th, however, this group met with the Commissioner of Corrections. A request for access to inmates was denied. An offer to mediate disputes was again rejected by the Commissioner. Participants in this meeting reported that the Commissioner stated that if he had his way, "no one from the outside would ever come into his prisons."

The Commissioner reportedly stated there was no legitimacy to any inmate issues and that the demonstration had been an "organized plot to seize control of the prison."

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In view of increasing disorder and lack of clear leadership among the inmate population, the Department decided to remove from population 73 inmates who had been identified participating in the demonstration. Both the June 30th memo to the Governor and the May 29th D.O.C. Report referred to the "increasingly serious and threatening nature" of the demonstration. The May 29th Report stated that intelligence information from security personnel indicated that the demonstration was likely to grow larger in the afternoon.

The Department elected to use specially trained Department of Corrections officers to remove the inmates. At approximately 12:30 p.m. unit officers were ordered to leave their respective units. 248 tactical team officers double-stepped into the Quad area, slapping riot sticks in time to a rhythmic chant. The officers were heavily clad in riot gear and armed with shotguns and nightsticks. Some were accompanied by dogs.

Thirty to forty officers were deployed in lines facing each residence unit, whereupon they entered the units and seized

the inmates who had been identified and, under a special declaration of emergency by the Secretary of Public Safety, immediately transferred them to more secure facilities.

Eight of eleven inmates who participated in the demonstration stated that the tactical forces had "terrified" them. Three of these men reported having hidden on the floor under their bunks. Four stated they feared for their lives. Only two men stated they had received overly rough treatment by the tactical officers. D.O.C. reported that inmates did not resist the tactical units.

Upon handcuffing, the inmates were led outside their units and ordered to lie on the ground and await removal to buses that transferred them to more secure facilities throughout the state.

The June 30th memo stated that every inmate was checked by medical staff for "overall condition and...tight restraints..." Two inmates stated they were never checked by medical personnel. There were no injuries reported in the transfer operation.

By 2:50 p.m. the tactical forces had removed all 73 inmates from M.C.I.-Norfolk.

At 4:00 p.m. unit meetings were held and inmates briefed. Following the evening meal, normal activities resumed, with the exception of visits and access to telephones. Tactical officers remained at M.C.I.-Norfolk the evening of May 15 as a precautionary measure.

On May 14th several additional inmates were transferred to higher security at other institutions. The state of emergency was lifted at 10:00 a.m. on May 15, 1987.

EVENTS FOLLOWING MAY 13-14th

In the weeks following the inmate demonstration, a new M.C.I.-Norfolk Inmate Council was appointed by the Administration. The new Co-Chairmen were a man who had previously served as Co-Chairman, but who did not participate in the demonstration, and another man who participated but did not receive any Disciplinary Reports. When asked why he had not received any Disciplinary Report his reply was, "I'm afraid to ask. I don't want to bring it up - they might lug (transfer) me."

Many of the ethnic groups and organizations also selected new officers to replace those who had been transferred. These leaders were instructed to develop a report on issues of concern to the institution, which was provided to the Sub-Committee on June 11th.

Interviews with inmates still at Norfolk, advocates, clergy, and frequent visitors indicated that there has been very little change in the personnel, procedures or operation of the prison since May 13-14. Five inmates who remain at M.C.I.-Norfolk reported that there have been "virtually no changes since May." The Deputy Superintendent of Programs and Treatment stated he was now trying to participate in some more inmate activities.

Several inmates as well as program instructors reported that the loss of avocational opportunities has removed the incentive to work in a productive manner. There was nearly universal agreement among inmates, advocates, and administration that vocational programs and prison industries should be expanded at M.C.I.-Norfolk. Three inmates referred to present vocational training at Norfolk as "a joke". "There's simply nothing to do," stated another. "This place is a big warehouse. How do they expect us to turn it around if they don't help us learn to be normal?", said an inmate with more than ten years experience within the system.

Prison educational programs were also a source of inmate irritation. Program administrators for the prison school and for a college degree program expressed frustration over classification/transfer policies which frequently move men out of a facility with little or no prior notice. Men close to finishing degree programs had been transferred to facilities with no educational programs, making it impossible to attain the academic credential toward which they had worked. Counsellors corroborated this practice, stating, "Re-classification and transfers often interfere with inmate education and counseling progress."

Inmates regarded access to these programs as a tool of control used by administration. Five inmates stated that the Deputy Superintendent of Programs and Treatment used the threat of lost academic progress to manipulate men.

Fifteen of seventeen inmates interviewed, including all four who did not participate on May 13-14, expressed strongly critical opinions of the Deputy Superintendent and stated that his demeanor contributed to the sense of frustration and despair. Three of the first four inmates interviewed called the Deputy Superintendent of Programs and Treatment "insensitive" or "abusive".

Inmates who worked through the Inmate Council criticized his administration of policy, cancellation of meetings without notice, lack of access, manipulation of communications with the Inmate Council, and editing of Inmate Council meeting minutes which contributed to confusion and misunderstandings among the population.

Equally significant was the nearly universal vehemence with which inmates and frequent visitors expressed themselves, reserving the comments primarily for the Deputy Superintendent

of Programs and Treatment. This administrator was described by six inmates and four visitors as "arbitrary" and/or "disrespectful".

"Treatment of visitors is outrageous!" stated an inmate and two visitors independent of one another.

The Deputy's demeanor was frequently described as "vindictive" and "threatening". He asked inmates the question "Got your toothbrush handy?" (a threat of transfer to higher security) when questions were raised regarding classification. Two inmates reported having been told, "I don't like you." One reported having been threatened, "I want to send you to Ten Block (Walpole)."

The Department of Correction's Preliminary Report of May 29th alluded to these problems. That report recommended "... (taking steps) to insure... expanded communication with the inmate population by the staff, including the assignment of the Superintendent's staff to conduct meetings with representatives of the Inmate Council committees to discuss the issues of concern..." (Executive Summary, p.6).

A June 30, 1987 Memorandum to the Governor from the office of Secretary Philip Johnston found that "There are problems at M.C.I.-Norfolk that need to be addressed..." (p.5) and that administrative isolation and poor communications obscured the "... growing dissatisfaction within the population" (p.5).

There was widespread dissatisfaction with visitation policies and practices among inmates, community service personnel and families. The Sub-Committee heard reports of visitors threatened with having earrings pulled through their earlobes unless they were removed voluntarily. Another reported that a handicapped visitor in a wheelchair who waited for more than an hour to

enter the prison, who was screamed at by a guard for trying to change his colostomy bag, was then denied access to visit a family member.

There were numerous complaints that the Department had used the Criminal Offenders Record Information (C.O.R.I.; MGL C. 6; 167-178) law to deprive families of information and access to inmates. Transfers, for example, were frequently made without notifying family members who travelled to Norfolk to visit inmates no longer at that institution.

The Sub-Committee received varied accounts of drug and alcohol use within the population, widespread homosexual activity among inmates, graft and racism among correctional officers and problems with prison economics within the canteen.

One man serving a life sentence who had already served more than a decade at the institution stated, "M.C.I.-Norfolk is just a warehouse now...Big problems are in store for Norfolk."

DISCIPLINARY/RECLASSIFICATION PROCEEDINGS

Following the May 14th transfer of seventy-three inmates, and May 15th transfer of six additional men, the Department of Corrections issued one hundred forty-two Disciplinary Reports to inmates who participated in the demonstration. Specially designated Disciplinary Boards were set up to "...assure fair, competent hearings of the disciplinary reports that were issued."

The May 29th D.O.C. preliminary report stated that one hundred forty-two inmates received Disciplinary Reports. This appears to be an error that was corrected in subsequent documents.

The Sub-Committee received information on disciplinary proceedings of forty six inmates, each of whom received from one to five Disciplinary Reports. Six inmates not transferred from Norfolk who received Disciplinary Reports also supplied information, as did one man who actively demonstrated on May 13th and 14th, but did not receive a Disciplinary Report.

Forty three of forty six men in the first group were found guilty by the Disciplinary Boards. Three were found not guilty. The sanctions of inmates found guilty ranged from thirty to three hundred and fifty days loss of good time, and from seven days to two years in isolation or Departmental Segregation. The differences between isolation and placement in a Departmental Segregation Unit (D.S.U.) are functionally irrelevant, in each instance the inmate being held alone in a cell for twenty-two to twenty-four hours daily.

The median sanctions imposed by Disciplinary Boards give a more useful measure of the consequences of the demonstration to inmates.

A median loss of good time was two hundred days, and thirty days in isolation. Extrapolating from the forty-six inmates in the sample, twenty four thousand, six hundred additional days of incarceration will be borne by all demonstrators who lost good time credit, and at least three thousand of those days will be served in isolation or Departmental Segregation. This does not count the two-year D.S.U. sentences received by two inmates or other pending D.S.U. sentences.

Men awaiting Disciplinary Hearings were held in isolation, "Awaiting Action Status". In virtually every case the Disciplinary Board's sentence in isolation was limited to "time served" in isolation while those inmates awaited disciplinary hearings. In every case reviewed by the Sub-Committee the time actually served in isolation exceeded the Disciplinary Board's recommended sentence. In many instances men remained in isolation for weeks following their hearings, despite the Board's recommendation that they be released into the general prison population.

In three cases where men were found not guilty by the Board, they had served thirty, forty-one and forty-four days in isolation awaiting disposition of their cases. One inmate had not yet been notified of his hearing date by September 1st.

The Sub-Committee found that the majority of Disciplinary Reports cited similar offenses. The most common offenses were:

"#2...Violating any departmental rule or regulation, or any other rule, regulation, or condition of an institution or community based program."

"#8...Conduct which disrupts or interferes with the security or orderly running of the institution."

"#14...Participating in or encouraging a riot, work stoppage, hostage taking, or unauthorized group demonstration."

The sanctions applied to inmates varied widely, however. The Sub-Committee reviewed documentation, for example, of two virtually identical hearings, the narrative description of offenses in both cases being the same:

"On May 13, 1987 and May 14, 1987, there was an unauthorized group demonstration at M.C.I.-Norfolk. The above mentioned inmate was observed to be an active participant in this unauthorized group demonstration. This inmate's actions were in direct violation of institutional rules and placed the security and orderly running of the institution at risk."

Each of these two inmates admitted that he had participated in the demonstration, a fact confirmed by videotape of the event. One inmate received ten days loss of good time and thirty days isolation as his sanction. The other inmate received two hundred days loss of good time and fifteen days isolation.

This was a particularly stark example of uneven application of sanctions, although many other cases have been cited by statewide organizations that evaluated the consequences of the demonstration. It was not clear to the Sub-Committee what additional evidence had been used by Disciplinary Boards to support sanctions that varied so dramatically from one man to another.

There is considerable controversy regarding the regulations used by D.O.C. in disciplinary proceedings. New regulations were enacted on an emergency basis at the time of the demonstration and applied to participants. This issue is subject to litigation.

A significant number of Hearings were conducted without inmate representation by legal counsel. A number of inmates

who asked for legal representation were not represented by counsel. Law students observed a number of Hearings. Each inmate was "...advised that his silence alone may be used to draw an adverse inference against him..."

Inmates were likewise unable to call witnesses in defense of their position unless those witnesses resided at the institution in which the hearing was held. In some cases, the inmates were not confronted by their accusers, but told information had come to the Disciplinary Board through reliable sources.

In the cases reviewed by the Sub-Committee, the mean loss of good time for white inmates was one hundred and seventy-two days. For Hispanic inmates the mean loss of good time was one hundred and sixty one days. For black inmates the mean loss of good time was two hundred and forty two days.

## FINDINGS AND RECOMMENDATIONS

The Sub-Committee found sixteen specific points of disagreement in accounts of the May 13-14 demonstration presented by the Department of Correction, inmates or press. There are a number of more generalized findings that relate to the demonstration, M.C.I.-Norfolk and the Department. Findings are followed by Sub-Committee Recommendations.

### FINDINGS

1. The administration at M.C.I.-Norfolk had not been responsive to reasonable inmate requests for information regarding Black Solidarity Day.

Given the heightened tension regarding the Irish American Picnic, the administration was not sensitive to growing anxiety within the black population regarding the Black Solidarity Day Program.

2. Rumors of a black inmate's arm being broken on May 7th were false. Inner Perimeter Security officers may have used excessive force to transfer an inmate who resisted movement to new quarters, leading to rumors of a beating and broken arm.

3. Contrary to statements of the Department of Corrections there was no evidence of an organized plot to seize control of M.C.I. Norfolk. The May demonstration was planned as a peaceful, silent march in areas of the institution available to the prison population.

4. Although there were repeated chants of "work strike" and "unity" from demonstrators, there was no inmate work strike. The Department of Corrections released inmates from industries earlier than usual on May 13th, and locked down industries altogether on May 14th.

5. A relatively small number of men started the chant of "Attica" on May 13, which was quickly stifled by other inmates. The "Repeated chants of Attica..." cited in the July 1 Report of the Executive Office of Human Services are an exaggeration.

6. There were a maximum of 250-300 inmates marching on May 13th. A maximum of 90-100 inmates marched on May 14th.

7. Inmates were recruited to join the demonstration by others, which was clearly visible on videotape accounts.

8. There was no evidence of threats or coercion to bring men into the demonstration.

9. Inmates violated Norfolk rules which were well known to them. At 3:03 p.m. on May 13th marchers crossed the grassy Quad in clear violation of institutional rules (Orientation Booklet, p.9; section 4.A.).

10. The sixteen Issues (Appendix "A") presented on May 13th were broadly representative of inmate sentiment.

The July 1st report by the Executive Office of Human Services failed to address these issues, and cited seven "Issues" (Appendix "B") which had little bearing upon the demonstration.

11. The Sub-Committee could not determine if a specific order to disperse had been issued to original marchers in the morning of May 13th, despite some Department of Corrections claims that an officer had directed inmates to cease their march.

12. There was no general order or announcement to disperse the demonstration on May 13th or May 14th.

13. The demonstrators were peaceful and generally orderly throughout the two days. There was no violence, and no discernible threat to staff or other inmates.

14. There was no evidence of arm wrapping or preparation for physical assault on the part of inmates. No weapons were confiscated.

15. On May 14th the demonstration was less coherent and orderly than on May 13th. Heated arguments between inmates were evident, indicating anger and frustration.

16. The removal and transfer of inmates on May 14th was orderly and accomplished without injury. Inmates did not resist transfer.

Prison disturbances have historically been destructive and violent. One can cite many instances of property destruction and physical assault resulting in injury and death. Given the corrections clientele and the conditions of prison life, conflict among prisoners or between prisoners and corrections personnel is an inevitable daily occurrence.

In view of the climate at M.C.I. Norfolk, the demonstration of May 13-14th was remarkable. No property was destroyed; no one was assaulted; no one was injured. The inmates displayed surprising self-control and restraint.

Serious issues which fueled inmate unrest were disregarded by prison administration; members of the Inmate Council, unable to call administration attention to these problems, were impotent in the eyes of inmates who elected them; the formal inmate grievance procedure encouraged Correctional Officers to screen out complaints, effectively halting the flow of information to prison officials; a tangible climate of disrespect pervaded the institution.

Increasingly isolated and secure, the Norfolk administration received only the information it sought, and systematically excluded that which emanated from the population it served.

It is hard to justify the actions taken by inmates to call attention to real problems that existed. It is easy, however, to understand why inmates were frustrated. It would appear, based upon the observations of this Sub-Committee, that tensions in May of 1987 at M.C.I. Norfolk were sufficiently high that any combination of unusual events could have ignited a response in the population.

Attempts by the Department to characterize the non-violent walk as a serious threat to security are ingenuous. Unarmed correctional officers freely mingled with inmates throughout the demonstration, and jokingly chided marchers at times. Marchers willingly returned to units for meals and head-counts. Softball bats were distributed to inmates at the end of the first days' march. At the time of greatest affront to institutional rules, inmates crossed the Quad area, cheering, laughing while two men did cartwheels. Inmates conducted a surprisingly orderly and peaceful protest.

The Sub-Committee recognizes that a prison is a unique and unnatural institution, that many inmates have demonstrated their capacity for aggression and violence. It is advisable to issue only orders which can be enforced by correctional officers.

An order to disperse could have been issued early in the demonstration on May 13th, as there were adequate correctional personnel to enforce the order. At the least, a clear statement that the silent walk was in violation of prison rules may have forced the A.A.C.C. to reconsider its actions.

It may have been prudent, likewise, to intervene at early stages with mediators whom inmates knew and trusted. By mid-morning

on May 13th there were a number of clergy, attorneys and representatives of statewide organizations at Norfolk who offered their assistance.

Allowing marchers to eat meals, clear counts and return to the march gave tacit institutional sanction to the activity, signalling to many inmates that the march was within prison rules and encouraging the spontaneous participation by others.

The early release of inmates from prison industries may also have significantly added to the number of marchers. Men were released from industries at the same time as marchers passed by the industries' exit, swelling the number of men who demonstrated.

It is difficult to measure the role that race played in the march of May 13-14th. The original marchers were all members of the A.A.C.C., and the two most significant issues they raised were race-related. Sanctions by Disciplinary Boards were certainly more severe for black inmates than for whites or Hispanics.

It does not necessarily follow, however, that severe sanctions were the direct result of their being black. Had the demonstration been initiated by the Irish American Heritage Group, white inmates may have experienced the more severe consequences of the demonstration.

The July 1st Report of the Executive Office of Human Services is silent on racial issues, a curious omission. That Report primarily attributes the demonstration to overcrowding, an easy, but superficial, conclusion to draw. The causes of unrest were more complex and pervasive than stated.

The Sub-Committee found unjustified inconsistencies in the outcomes of disciplinary proceedings. Inmates cited for identical participation in the demonstration received widely varied sentences that could not be explained by the written

record. Other inmates who participated in the demonstration, and admitted their role, were never cited for their actions. In every case reviewed by the Sub-Committee, time served in isolation exceeded the sentence recommended by the Department's own Disciplinary Boards.

The lack of due process in applying disciplinary policies and procedures was a major failing of the Department of Corrections in responding adequately to the May disturbance.

### RECOMMENDATIONS

1. Educational and vocational programs should be expanded and promoted to the Norfolk inmate population. Participants in G.E.D. and college degree programs are far less likely to return to prison than those who do not participate in these programs.

2. The Department of Corrections should conduct a comprehensive review of visitation policies. Family contact, community contact and exposure to outside culture reduce the intense isolation of prisoners. Policies or procedures which further reduce outside contact contribute to tension and despair.

3. Norfolk administrators should, on regular basis, be accessible and visible to inmates. If the Norfolk Inmate Council system is to work, senior administrators must adhere to a strict schedule of meetings with the Council and its member organization. Communications must be acknowledged, specific requests acted upon in a timely manner, and uncensored minutes of Council meetings made available to the population. Tape recording such meetings may reduce uncertainty and confusion.

4. All institutional rules and regulations should be distributed to all Norfolk inmates, and updated whenever changes to those rules take place.

5. The Department of Corrections should maintain continuous training programs in dispute resolution and in stress management for correctional officers at M.C.I. Norfolk. The demeanor of correctional officers reflects that of senior staff. The Superintendent's stated inability "...to control the attitudes of officers" is no excuse for the lack of constructive positive leadership.

6. The Department of Corrections should continue and expand its policy of minority recruitment. Progress has been made, but more is needed. A more aggressive affirmative action policy may be necessary to bring minorities into command positions.

7. C.O.R.I. laws, designed to protect inmate confidentiality, need legislative revision so that legitimate investigation into the corrections system can be conducted in a thorough and timely manner.

The Department of Corrections should likewise review C.O.R.I. statutes presently in effect. Videotapes of the Norfolk demonstration and industry time cards requested by the Sub-Committee on June 4th were not made available to the Sub-Committee until November 12th.

8. The Department of Corrections should work with the legislature to establish mediation services to be utilized by the Department when disputes arise which may threaten institutional order.

9. The current grievance procedure should be revised so that correctional officers employed by the Department cannot buffer senior staff from problems which may grow to serious proportions.

The climate report system should also be reviewed to determine what steps can be taken to avoid institutional isolation.

10. Legislation is necessary to replace the current disciplinary system with one that assures an even application of the law. Unreasonable disparities between disciplinary sentencing can be eliminated by disciplinary programs that more closely parallel the judicial system.

11. Administrative reform of the classification system is recommended. The continuity of counseling and educational program is frequently interrupted by reclassification, impeding constructive growth.

APPENDIX "A"

ISSUES

1. Inmate assaulted by I.P.S.
2. Black Solidarity Day function
3. C.S.D. policies
4. Classification decisions by Deputy Superintendent of Programs and Treatment
5. Disciplinary Reports of a minor nature impeding classification movement
6. Pay scale for the inmate population
7. Abuse of authority and force by correctional officers
8. Placement of nine minority caseworkers to sit on classification boards and the reactivation of area boards
9. Media coverage of major inmate functions/access to reporters and photographers
10. Accessibility of Superintendent to Committee Chairmen in case of emergencies
11. Council (sic.) representation
12. Housing in the hospital basement and overcrowding in the modular units and in the six a.m. (sic.) rooms
13. Handling of food/sanitary conditions of utensils
14. Small portions of food
15. AIDS
16. Visits

APPENDIX "B"

ISSUES

1. Limitations place on avocational programs
2. Canteen prices and operation
3. Condition of recreational facilities
4. Visiting
5. Inmate pay scale
6. Job opportunities; and
7. Living conditions (including modular overcrowding and overall conditions of Unit 6 - 3)

