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INVESTIGATION REPORT
OF THE
AUGUST 5, 1973 INCIDENT
AT THE
STATE REFORMATORY FOR MEN AT ST. CLOUD

Theartrice Williams
Ombudsman

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Ombudsman for Corrections
State of Minnesota
St. Paul, Minnesota
September 1, 1973

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INTRODUCTION

On August 5, 1973, a fight occurred at the State Reformatory for Men at St. Cloud (SRM) involving several inmates. That incident has been characterized by the SRM officials and the news media as being racial in nature. The Ombudsman for Corrections investigated that incident and this report is the result of that investigation.

In attempting to look at the problems at the Reformatory, they cannot be viewed in isolation from the total society. SRM in many ways is merely a reflection of what exists in society as a whole. It represents a failure in our striving toward the ideal society where everyone lives and works together harmoniously. We know that we have not accomplished that ideal in our free and democratic society, so no one should be surprised that it does not exist at SRM or any institution of its kind anywhere.

SRM is a community unto itself. It has its own laws, mores and value system. It has its leaders both recognized and unrecognized. The residents of that community have many needs, not the least of which is to be respected. There are problems in the community not so unlike those that exist in the outside community. After all, every person in the SRM community once lived in the outside community and will be returning there. When they came to live at SRM, they brought with them all of their problems from the outside. Some of those problems were hostile-aggressive behavior, drug abuse, mental illness, racial prejudice, etc. In addition, they had violated society's laws. They were sent to SRM to live for varying periods of time because they were law breakers and while living at SRM they were to have their problems solved and returned to free society as corrected individuals never again to break the law. The residents of the SRM community came from communities where hostile-aggressive behavior, drug abuse, and racial prejudice continue to be the order of the day. This being the case, it is not unusual that similar problems exist at SRM. If with all of the resources available to the outside community, very little has been done to eradicate the problems of racial prejudice, drug abuse, etc; it is not surprising that SRM has not met with any greater success considering the dearth of resources it has to work with.

SRM had a population of 466 inmates on August 5 when the incident occurred. Of that 466, 15.5% were black, 11.6% were American Indian, 2.2% were Chicano and

70.7% were white. The average age of inmates at SRM is slightly over 20 years. A significant number of the inmate population are serving time for crimes against the person. In addition, many of the men have drug abuse problems that they brought with them to the institution. Those problems remain with many throughout their stay at the Reformatory.

A racially mixed group of aggressive young men are placed together in a closed environment with few options open to them for handling their hostile feelings toward one another. These young men have come from a society where racial tension is unresolved. It would be unreasonable to expect that the inmates at the Reformatory would not experience problems in race and inter-group relations. They are being asked to handle years of negative racial teachings and experiences along with all of their other problems and with fewer resources than are available to the general public. In addition, the option to change one's residence is not a realistic alternative.

In addition to the inmates and their problems with race and human relations, the staff has similar problems. Few of them have had experience with individuals of other racial groups. For many of the staff the only contact they have had with blacks or Indians has been at the Reformatory. This could give them a very distorted view of blacks and Indians. It most certainly does not give them much in the way of experiential preparation in dealing with the inter-group conflicts of the inmates.

Racial strife is not new to SRM. It has been there over the years periodically raising its ugly head. In early May, blacks and whites had a confrontation on the SRM baseball diamond, a fight was barely avoided when the cooler heads among the inmate leadership prevailed. The issues that precipitated the fight were not resolved. Racial frustrations undoubtedly were involved, but there is no program to deal with these frustrations. Staff has not been able to develop a program to deal with the human relation needs of the inmates. With such needs going unmet, it is not surprising that there are occasional confrontations that have racial overtones.

SRM is not unique in having a population that occasionally acts out its racial fears. Every other penal institution throughout the country has similar problems. Minnesota is fortunate that its problems in that area are probably manageable.

It is unlikely that SRM can fully resolve its racial problems until society, which spun its residents and staff, has resolved its racial conflicts. SRM is a microcosm of the society as a whole and has all the problems of an imperfect society. The significant difference is that SRM is a closed society with a concentration of problems and a dearth of resources. As a consequence, the approach to dealing with problems is one of containment instead of solution.

The original proposal for examining the August 5 incident was suggested by the administration at SRM. That proposal called for the appointment of an ad hoc committee with an equal number of staff and inmates and chaired by the Ombudsman. After due consideration, the Ombudsman rejected that proposal as unworkable. Too much effort would be expended in attempting to balance such a committee racially and ethnically. In addition, the vested interest on the part of the staff and inmates was too great. An orderly inquiry would not have been possible under those circumstances. Any report coming out of a committee chaired by the Ombudsman would be considered as his report. With that being the case, the Ombudsman made the decision that he would conduct the inquiry exclusively and would be solely responsible for the content of any report resulting from his investigation.

Under the authority of the Ombudsman for Corrections Act, the Ombudsman is given the power to investigate upon complaint or his own initiative any act of the Department of Corrections. He may choose the manner in which he conducts his investigation. For the purposes of this investigation, the Ombudsman chose to hold hearings and call witnesses (staff and inmates) to give testimony. Such a hearing would be conducted by the Ombudsman staff with assistance from the Attorney General's office. (See Appendix A)

The report would be issued simultaneously to the Commissioner of Corrections and the Superintendent of the State Reformatory for Men in St. Cloud and would include findings and recommendations. Once the Commissioner and Superintendent have had an opportunity to comment on the report, the report then may become a matter of public record.

During the course of the inquiry, the Ombudsman heard testimony from 61 people, 21 were inmates, 35 staff, 2 news media, 1 county attorney, and 2 from the Bureau of Criminal Apprehension. Over 56 hours were involved in taking testimony. The testimony was taken in closed hearings and is confidential.

Testimony was recorded by use of tape recorders and later transcribed as a part of the permanent record in the Ombudsman office.

The findings and conclusions in this report will be based upon the testimony we received from the witnesses. Witnesses will not be identified by name in making reference to any testimony in order to safeguard the promise of confidentiality made by the Ombudsman.

The Ombudsman office received excellent cooperation from the staff and inmates at SRM during the course of the investigation. There were only two witnesses who expressed concern about giving testimony. Their concern was basically in the area of the Ombudsman's promise of confidentiality.

The report is developed in five parts and all are interrelated. The components are Introduction, Description of the Incident, Summary and Findings, Recommendations, and Future Issues.

DESCRIPTION OF INCIDENT

Noon Meal

In the back of B house between the dining room hallway and the B house hallway, a white inmate hit a black inmate from behind with his fists. (See Appendix C) The black inmate was rendered partly unconscious and was dazed for about 30 minutes. The black inmate did not see who struck him. Because a staff person did not witness the incident, neither a behavior report nor an incident report was written.

3:45 P.M. - 4:30 P.M.

The black inmate spent the next few hours trying to learn who hit him and why. During the dinner meal, two inmates (one Indian and the other considered to be white by staff and some inmates and Indian by others) confronted the white inmate to find out what had happened and to prevent rumors from being spread throughout the population of the Reformatory. This confrontation lasted about five minutes and ended without a fight. Shortly thereafter, there was a congregation of people in the Custody corridor and also on the West side of B house. Part of this group had formed definite circles and there seemed to be trouble brewing.

In an effort to prevent trouble, there was a meeting held in the Custody office. The other inmates switched into their cell houses. Present for the meeting in the Custody office at this time were about eight inmates (half black and half white) and some staff along with the lieutenant in charge. It was at this meeting that another black inmate revealed that he had a knife and pulled it out, placed it on the table in full view of the audience in the room and indicated the knife was for his protection and that he did not intend to use it as long as they kept the white inmate who had hit a black inmate away from him. The black inmate indicated that the white inmate was crazy and everyone knew it. He further stated that this man had been known to attack people, both black and white, without provocation. The black inmate then left the Custody office with the knife in his possession. He stated that he would surrender the knife to the officer in the corridor which he did. No effort was made to take the knife from the inmate. It was at this meeting that a promise was solicited from the white inmate not to attend the evening movie because of the built-up tensions. It was felt that there would surely be trouble if he did attend. The black inmate had not been instructed not to attend, and it was felt that retal-

iation would probably occur. The white inmate agreed not to attend the movie in lieu of being locked up. After this meeting, it was felt by the staff that the movie scheduled for that night could be shown.

The movie scheduled to have started at 5:15 P.M. was delayed until about 6:20 P.M. at which time one half of the population went to see the first showing of the movie which took approximately one hour and 45 minutes. Those who saw the first movie returned to their cells and were locked in. At approximately 8:10 P.M. the remaining half of the population attended the movie. The assaulted black inmate attended the second showing of the movie, as did the white inmate who had hit him earlier. Staff was apprehensive about both inmates seeing the movie at the same time.

There were no incidents during the movie. At approximately 9:45 to 9:55 P.M. the inmates were returning from the movie traveling down the hallway leading to D house. (See Appendix C) The white inmate and approximately three other whites and several blacks seemed to have been in the midst of the crowd coming from the movie. There was a racially mixed group between them and the door to D house and a racially mixed group between them and the auditorium. There were sufficient people there (50-60) to effect a full scale riot. Name-calling began essentially between black and white inmates and there was a scuffle between a few whites and a few blacks. Most of the participants were pushing, pulling, and throwing wild punches (few ever reached target). There were virtually no scars to indicate that anyone had been fighting. The majority of inmates were onlookers (50-60). Over 200 inmates were potentially eligible to engage in the struggle. Throughout the struggle there were approximately five to six officers on hand attempting to break up the struggle. They were ably assisted by an equal number of inmates.

About 9:55 to 10:00 P.M., the white inmate broke away and ran through the door in front of D house. Staff and some of the white inmates sealed off the door. One black had gotten through the blockade. The white inmate ran up the hallway from D toward the Custody office, went into the mail room and barricaded the door. (See Appendix C) A few blacks at the door near D house were trying to get through the officers and other inmates to pursue the white inmate. The other inmates who were there as onlookers were trying to get to their cell houses because there was a fear that the area would be sealed off and gas would be used. These inmates were not in the tussle or in the group trying to get through the barricade to attack the white inmate. They were merely trying to

get out of the area and back to their cell houses. At 10:15 to 10:30 P.M. there were two groups in the Custody area of the Reformatory. One group was composed of about seven blacks who were in the hallway near the Custody office and there was a group of about seven white inmates who were in the Custody office. (See Appendix C) The staff at this point was dealing with two groups as antagonists. About 10:45 P.M., the white inmate ran out of the Custody office with a knife in one hand and a metal rod in the other. He was moving toward the black inmates who were out in the hallway by the Custody office. Before he got to black inmates, several white inmates and staff grabbed him and disarmed him. While returning the white inmate to the Custody office, the remark was made to the effect that the blacks should be glad that the white was disarmed. This incensed the blacks and they made an attempt to get through another barricade set up by bodies in the Custody door to protect the white inmates. This episode lasted between one and three minutes at most.

After the two groups were separated, the conference between staff and seven white inmates continued in the Custody office and a meeting between staff and the black inmates was held in the disciplinary room. At 12:30 A.M. on August 6, 1973, the black group switched into their cells and this left the seven white inmates in the Custody office, the only inmates out of their cells. During the course of the meeting, the Superintendent joined the group to hear their demands. This meeting with white inmates and staff continued until about 3:00 A.M. in the morning at which time they all switched in with the exception of two white inmates (one being the principal person in the struggle) who were talking to the Crime Bureau. During this meeting, several demands were made by the white inmates:

1. Talk with the media.
2. Transfer of certain blacks, especially black culture leaders to another institution.
3. Abolishment of the black culture group.
4. Crime Bureau and/or the County Attorney be called in so charges could be pressed against certain blacks.

At about 3:00 A.M. on August 6, 1973, Agent Loch of the Bureau of Criminal Apprehension received a request for investigative assistance from Superintendent McRae of the Reformatory. Rick Daniels, an investigator, and Agent Loch responded to this request. They then interviewed the white inmate, principal person in the incident, and received his account of the incident. They then interviewed another inmate and received his account of the incident. As stated before, there were

several other inmates available at the time and it was reported that because of their number they were advised to write an account of what they observed and that the accounts would be picked up at a later time. Eight white inmates gave written accounts of what they observed. Rick Daniels interviewed three black inmates accused of assault after advising them of their rights as per Miranda and secured their statements.

On August 23, 1973, the status of the report from the Bureau of Criminal Apprehension was that all information will be submitted to the Sherburne County Attorney and investigation continues. On October 24, 1973, the Ombudsman office was told that no complaints have been signed by anyone against anyone as a result of the August 5 incident at SRM.

SUMMARY AND FINDINGS

Summary

The August 5 incident resulted from a fight between two inmates—one black and the other white. The incident actually occurred throughout the day beginning at approximately 11:30 A.M. when a white inmate hit a black inmate from behind rendering him incapable of immediate retaliation. The incident was concluded at approximately 2:00 A.M. on August 6 when a group of white inmates returned to their cells from the Custody office after making certain demands of the administration. Several witnesses made reference to rumors that the white inmate involved in the incident had been pressured by blacks to bring drugs into the Reformatory. It was further intimated that certain blacks may have been out to get the white inmate because he failed to bring their drugs into the Reformatory.

The morning following the incident, a radio news reporter was invited in to talk with the white inmates who had been in the Custody office. He also interviewed two black inmates. Excerpts from those interviews were broadcasted over Radio Station WJON of St. Cloud. The first week after the incident spurred much activity on the part of SRM staff. Many meetings were held to discuss what action ought to be taken. These meetings concluded with certain inmates being identified as potential candidates for transfer to the Minnesota State Prison (MSP). A meeting was then held with Central office which included the Commissioner of Corrections, Superintendent of SRM, Associate Superintendent of SRM, Associate Warden of MSP and two Deputy Commissioners. The decision coming out of that meeting was to create an SRM Annex at MSP and proceed to transfer inmates once afforded "due process".

The disciplinary hearing that followed the lockup did not afford "due process" but represented at best an inadequate transition from the use of classification teams consisting of caseworkers and representatives from various other staff at SRM.

The charge given to the disciplinary board by the Superintendent was either unclear or misunderstood. (See Appendix F) At any rate, the result was unusually long sentences ranging from up to 180 days on one offense with almost 300 days where more than one offense was involved. Some men were

given concurrent sentences while others received consecutive sentences with no explanation offered.

Some correctional officer staff felt that blacks were receiving preferential treatment, however, few, if any, could offer specific information concerning such treatment. We were unable to verify that such treatment occurred.

The incident was reported to the news media as being racial in nature and was characterized by one of the Minneapolis papers as a "black-white brawl." The evidence did not support the latter contention. It was racial to the extent that people of different races were involved, but race was not the precipitating factor.

Findings

1. Race was not the precipitating factor in the incident. The precipitating factor was the hitting of the black inmate by the white inmate earlier during the day and the feeling on the part of the black that he had to retaliate. Race became a factor at the point of retaliation. The strong racial identity in the institution involved those men from both races along racial lines as probably would have been the case had the incident occurred in the streets.

2. The white inmate that was involved in the incident was characterized by all parties at SRM (staff and inmates) as being basically emotionally unstable and many suggested that he was paranoid. The psychiatrist agreed to his instability. That same inmate had a history of aggressive behavior in the institution and had returned a few months before from the St. Peter Security Hospital. He was sent there because of his instability and aggressive behavior. In addition, he had exhibited strong anti-black feelings.

3. This same inmate had a minimum security work assignment, lived in the honorary cell block of SRM and had free run of the Reformatory.

4. The staff accepted this inmate's word that he would not attend the movie in spite of his known aggressive behavior and questionable stability. Lockup was considered but discarded on the basis of his promise.

5. No consideration was given to lockup for the black inmate involved.

6. More preventative measures could have been taken by staff to prevent the confrontation between the two inmates.

7. Staff and inmates did a commendable job in controlling the incident and preventing a major disorder.

8. The disturbance was serious, but it was not a major incident for several reasons:

- a. There were no injuries.
- b. Less than 20 people were actually involved in the incident.
- c. The 50 to 60 onlookers chose not to get involved.
- d. The inmates were a major factor in keeping the peace.
- e. Two hundred inmates returned to their cell houses and switched in with minimum difficulty.

- f. No more than five or six staff were present at the major encounter but were able to control the situation. There was no special effort to secure additional help and the staff was not an object of the struggle.
- g. No consideration was given for the use of lethal weapons (tear gas, mace, guns, etc.).

9. The incident was not planned. We did not find any evidence that a serious attempt was made on the life of the white inmate as alleged by some. Had there been, it is unlikely that it could have been prevented.

10. There was not an incident report written about what transpired in the Custody office meeting with the white inmates that resulted in certain demands being made which included a meeting with the press. Nor was there an incident report written covering the discussion with the black inmates outside the Custody office. Both of these meetings were an integral part of the incident and should have been written up.

11. The segregation facility at SRM is inadequate for long term segregation, however, the need for long term segregation was not clearly established. Under the circumstances, the facility was adequate to meet the emergency needs of SRM.

12. The lockup seemed appropriate and necessary. It is questionable that it had to be 17 days.

13. The creation of an SRM Annex seemed inappropriate and unnecessary and the Central office erred in allowing it to happen. It was contrary to the existing inmate transfer policy of the institution; SRM claimed ignorance of that policy.

14. The disciplinary boards functioned erratically and seemingly under the impression that certain people had to be transferred to MSP and their sentences reflected that need. There was confusion in relation to the offenses and sentences as detailed in the document borrowed from MSP. (See Appendix F) There seemed to have been a feeling that the introduction of "due process" dictated longer sentences. The sentences meted out were by far longer than what had been customary at SRM.

15. The transfers created problems at both institutions. At MSP there were feelings among the inmates that the new people from SRM would create problems for them. Some of the black inmates at MSP felt the transfers were racial. Nine of the 14 temporary transfers were black. At SRM there was a lack of under-

standing of the criteria being used to determine who would be transferred.

16. The transfers could be considered as double punishment. All of the people temporarily transferred had been convicted by the disciplinary board and sentenced to segregation. They were then transferred to the Prison versus Reformatory to serve their segregation time. There is a psychological difference in the implications of prison and reformatory.

17. The permanent transfers were legal, though seemingly punitive in nature. In the minds of the inmates and the general public, there is a psychological difference between prison and reformatory. One of the two black inmates permanently transferred to MSP was viewed by many at SRM (staff and inmates) as possessing too much power for an inmate. The opportunity to have transferred this inmate was previously available to the Reformatory. However, he was seen as a stabilizing force among the younger blacks and was frequently used by the administration in that capacity. The August 5 incident destroyed his usefulness as far as the Reformatory was concerned, thus his transfer. Age was then used as the rationalization for the transfer.

18. There was no evidence to substantiate the claim of preferential treatment for blacks. A review of a select number of base files and the incident and behavior reports resulting from the August 5 incident in no way could support a statement of preferential treatment for blacks. The temporary and permanent transfer of inmates as a result of the incident do not support preferential treatment. Of the 14 inmates temporarily transferred, nine were black and two Indian. Of the four permanent transfers to MSP, the only two who remain there are black, one white is at Springfield, Missouri (Federal Prison) and the other at ~~Stede~~ County Jail.

19. The culture groups, particularly black and ~~Italian~~ were a major source of conflict within the inmate population and the staff. Efforts to start a German culture group accentuated the problem.

20. The leader of the black culture group was frequently used as a mediator and trouble shooter by the administration when problems occurred involving blacks. That same leader frequently pursued issues that he felt could improve the lot of blacks in the institution.

21. The privileges offered the various culture groups were frequently a source of contention among the non-group members.

22. The culture groups, except for the Indians, are seen by staff and some of the inmates as not working toward their goals and objectives as outlined in their constitutions but as developing power bases. There is some validity to that position but only to the extent that it is happening; staff must assume the major responsibility. From the inception of the groups, there has been very little direction setting and goal determination done by staff. The failure to do this early in the process made it extremely more difficult to do later.

23. Staff basically is ignorant of the purpose and goals of the culture groups and even more so of the cultures of the individual members. Only the sponsors seem to have any knowledge of the groups and their knowledge is limited.

24. The failure to recognize the German culture group added to the racial tensions at SRM and perpetuated the rumor of preferential treatment of blacks.

25. There is poor communication among the staff at SRM. The most consistent form of communication exists between the Superintendent and his administrative staff. The channels of communication down are not as open as they should be.

- a. Staff meetings between the correctional officers and their supervisors is practically nonexistent.
- b. Correctional officers feel ignored.
- c. Correctional officers seem unclear as to the best way to communicate an idea to the Superintendent's office.
- d. Briefings at the change of shifts are inadequate.
- e. The log books, which are supposed to contain a brief accounting of what happens during the shift with a special note of the problems, are little more than dust collectors. For example, the log book on August 5 in one cell house noted "routine day." In another it was noted "trouble after second movie." In still another cell house we were unable to locate the book. The implication is that the log book is of little or no value as a communication tool.
- f. Inter-departmental staff meetings are a rarity.
- g. No systematic way of notifying appropriate staff when an individual for whom they have a special responsibility is in trouble. For example, the caseworker may be among the last to know when a client has a self-inflicted wound and is either in the hospital, segregation or isolation. This is especially so if a behavior report

is involved. Under the changes in the disciplinary proceedings, the caseworker does not get a copy of the disciplinary report until the individual has been processed through his hearing.

26. Communications between staff and inmates during the crises was minimal. Efforts to work with ad hoc groups of inmates to resolve the crises as had been past practice did not materialize.

27. There seems to be a lack of understanding as to how "due process" will work under the new disciplinary system.

28. The interpretation of "due process" has been essentially negative. Some of the training and treatment staff feel that it is regression and may not be possible to integrate "due process" with treatment. The two are seen almost as being mutually exclusive.

29. Some of the inmates had interpreted the post incident disciplinary hearings as being representative of "due process" and were quite upset over the changes.

30. There was no evidence to support the rumors that the incident was drug related and that black inmates had pressured the white inmate to traffic in drugs for them.

RECOMMENDATIONS

The following recommendations are offered as potential solutions to some of the problems at SRM as a consequence of our investigation of the August 5, 1973 incident, and they are not meant to be all inclusive in relation to the findings:

1. A human relations training program should be developed and implemented for the entire staff. Such a program should not restrict itself just to the problems of race. There is a need for a better understanding of the cultures of the prison community and the impact that it has on an individual.

2. The culture groups should be continued with those suspended reactivated immediately. Their continuance should be with the clear understanding that there must be a closer adherence to purpose. The groups serve a useful purpose and can be a very creative rehabilitative tool.

3. Staff should become more involved in the culture group activities. All staff should be required to become acquainted with the various culture groups. In addition, those persons functioning as sponsors should undergo specific training and orientation with a significant input from the culture groups.

4. The policy effecting all organized groups at SRM ought to be reviewed with the following issues in mind:

- a. restricted membership,
- b. equalization of privileges,
- c. minimum requirements for establishing new groups.

5. The Department of Corrections should undertake the immediate development of a comprehensive training program for the staff at all three adult institutions regarding disciplinary proceedings and "due process" as outlined in Judge Neville's court Order. Special emphasis should be placed on the following:

- a. membership of the disciplinary boards and hearing officers,
- b. development of a cadre of hearing officers that could fill in at the different institutions on an as needed basis to allow for continuity in cases of illness, vacation, resignation, etc.,
- c. utilization of outside resources to assist with the training; examples

of such resources would be LAMP, Public Defender, Private Attorney, Ombudsman, etc.,

- d. clarification of the role of the representative, advocate, or counsel and who may serve, and
- e. training should also clarify the parole revocation process.

6. Policy effecting the transfer of inmates from one institution to another ought to be clearly stated and immediately communicated to SRM; such policy ought to avoid the use of transfer as a disciplinary measure.

7. Develop some means for improving intra-staff communications at SRM. More frequent staff meetings at the correctional officer level and inter-department staff meetings as two possibilities.

8. Develop some means for improving communications between Central office and SRM.

9. Reexamine the isolation and segregation policies to attempt to determine the negative impact it has on the individual.

10. SRM should develop a systematic review program for inmates in segregation to minimize the amount of time they need to serve. In addition, a program should be developed to begin to meet some of the special needs of the inmates in segregation and isolation.

11. Seriously pursue establishing an inmate/staff advisory council to advise the Superintendent of those matters that affect inmate life in the Reformatory; such a body should improve staff/inmate communications and could assist in meeting certain of the inmate and staff human relations needs.

FUTURE ISSUES

During the course of our investigation we touched on several key issues that we were unable to pursue. However, there is a strong feeling that the Department of Corrections must be made aware of these issues and prepare to deal with them immediately. The following are some of those issues:

1. There needs to be a careful study made of the self-inflicted wounds or suicide attempts at all of the institutions under the supervision of the Department of Corrections. We were quite concerned about the inconsistency in dealing with such problems and the callous attitude on the part of some staff toward the person who "attempts suicide." An attitude among some is that the only serious attempt is a successful one. Such a study should be action-oriented.

2. Careful study must be made of the value of segregation and isolation as effective behavior control tools.

3. The Department of Corrections, the State Legislature and all other interested parties in the State of Minnesota must act immediately to develop adequate mental health programs and facilities for people in the prison system. What now exists on all fronts is absolutely inadequate.

4. Careful study must be made of the move toward regionalization and the impact that it could have upon the racial tension in an institution. We could end up with all of our minority prisoners in one institution which could approximate 40% of that institution's population.

5. Careful attention must be given to the final disposition of the transfer cases of the two inmates who are currently at Red Wing County Jail and at Springfield, Missouri (Federal Prison). An improper disposition could have a negative impact upon the inmates of both SRM and MSP.

APPENDIX A

August 30, 1973

MEMORANDUM

TO: Kenneth Schoen Simon Super
Milt Olson Steve Buffington
William McRae Jim Pederson
Charles Gadbois

FROM: T. Williams

SUBJECT: August 5 incident at SRM

We have discussed the question of conducting an investigation or inquiry into the August 5 incident at SRM. Initially a Committee headed by the Ombudsman was to conduct such an inquiry and make its report to the Commissioner. This plan was changed after the Ombudsman had an opportunity to give it further consideration and discuss it with his staff, Commissioner Schoen, Deputy Commissioner Olson and Associate Superintendent Gadbois. The Ombudsman decided that his office should take full responsibility for the inquiry and determine the manner in which such an inquiry should be made. The bill that created the office of Ombudsman gave the Ombudsman the authority to conduct such an inquiry upon complaint or his own initiative.

The inquiry will be conducted in the following manner:

1. The Ombudsman and two members of his staff plus counsel from the Attorney General's office will comprise the hearing panel.
2. All persons, both staff and inmates, who were involved or have firsthand information about what happened will be invited to testify.
3. The invitation to appear before the panel will be written.
4. The hearing will be closed and will include the members of the panel and the person offering testimony.
5. Upon hearing from all invited persons, the panel may choose to hear from others if it feels that such testimony would be beneficial.
6. Upon completion of the inquiry, a report will be made to the Commissioner of Corrections with copies to officials at SRM for comment before the document may be considered final. Such a report may include specific recommendations with suggestions for implementation.

The scope of the inquiry will include the August 5 incident (labeled as racial) and what led up to that incident plus action taken by officials during the incident and as a consequence of the incident. This most certainly includes transfers to MSP

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Memorandum
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and the rationale behind those transfers.

We will approach the investigation with an open mind. We have not drawn any conclusions and hope not to until the inquiry is final. The Ombudsman hopes to be fully responsible and accountable for the inquiry and any report resulting from it.

In order to expedite the process, we need a complete list from SRM of all of the people, especially staff that were either involved or on duty, in a position to observe what happened. We would like to have the home addresses of those people so we may mail the notices directly to them. In addition, we would like to know what days these people are on duty so that we may schedule our hearings accordingly. We are anxious to get started and would like to see the inquiry underway by the week of September 10, 1973. We anticipate that the hearing will take place at SRM except when we may have to convene elsewhere to interview someone.

TW/kc

APPENDIX B

OMBUDSMAN HEARING PANEL
Broadcast--STIR
St. Cloud, MN, August 31, 1973

Last week on August 23, Deputy Ombudsman Mel Brown reported to you over this station that a Committee composed of inmates and staff chaired by Ombudsman T. Williams would investigate the August 5 incident. Since Mr. Brown's announcement, the Office of Ombudsman has decided to hold a formal hearing as the means of investigating the August 5 incident. Therefore, Ombudsman Williams will not chair a staff-inmate Committee as was previously announced.

The procedure to be used during the hearing process is as follows:

First: The hearing officers will consist of a four-member Panel,

- a) T. Williams, Ombudsman,
- b) two members of Mr. Williams' staff,
- c) a Special Assistant to the Attorney General.

Second: The hearings will be held here at the Reformatory and will begin in the latter part of the second week in September.

Third: Several staff members and inmates who have direct information relating to the August 5 incident and its aftermath will be asked, in writing, to appear before the Hearing Panel. Any inmate or staff member who does not receive a written request to appear and who desires to appear can contact the Office of Ombudsman by mail at 136 E. 13th Street, St. Paul 55101, or by telephone; the Office number is 296-4500.

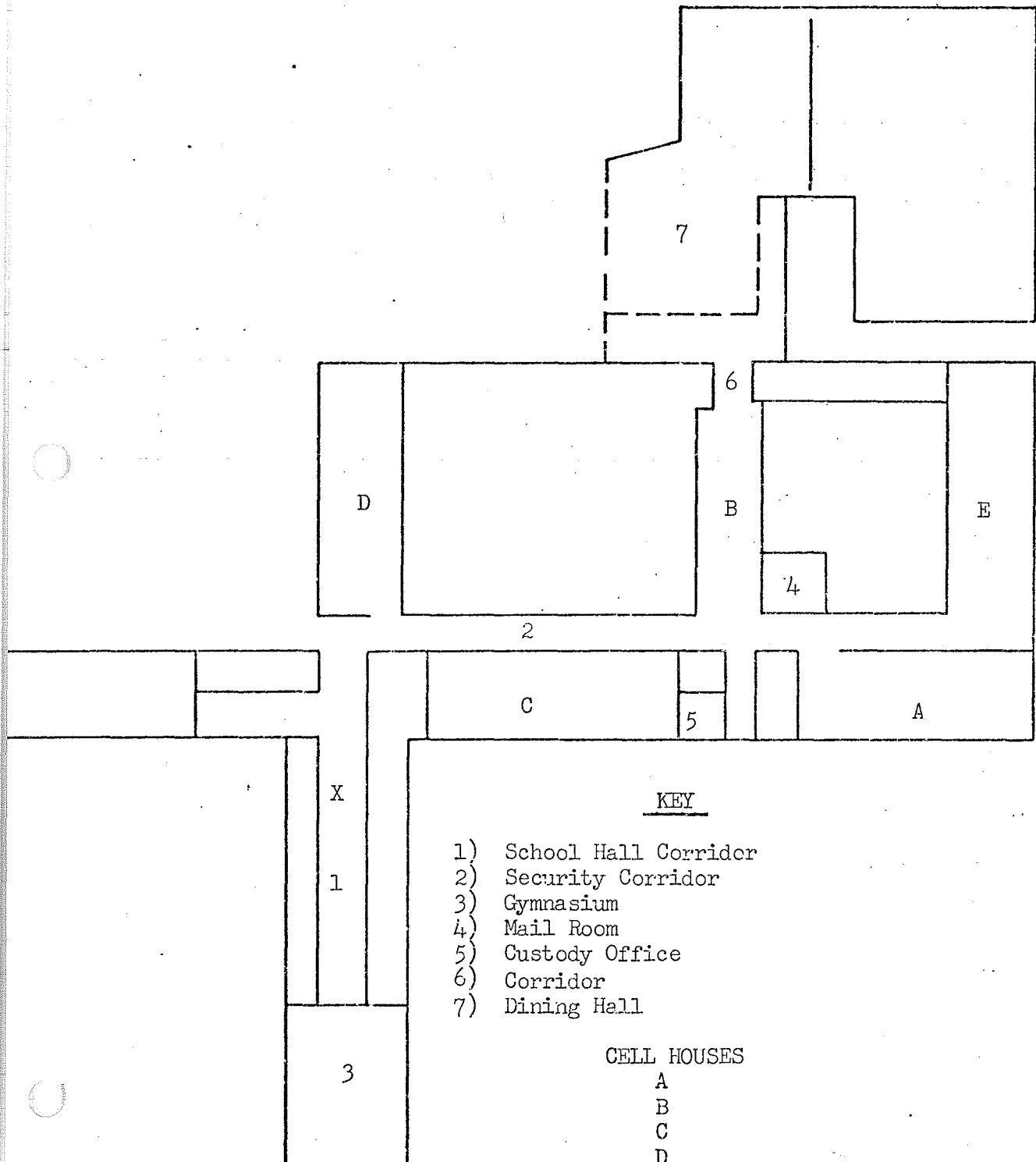
Fourth: The hearings will be closed. This means that the Panel will hear one person at a time. All information will be confidential and no person shall be named or in any way identified in the report resulting from these hearings. Everyone will be able to speak freely with absolutely no fear of reprisal.

Fifth: After all testimony has been received and analyzed, the Ombudsman will issue a report of his findings to the Commissioner of Corrections. This report may include recommendations and suggestions for their implementation. All findings, recommendations and administrative responses to these findings and recommendations will be shared in total with all the inmates and staff members at this Reformatory.

In closing, let me reiterate that all staff members and inmates who wish to address the Hearing Panel should contact Ombudsman Williams.

RKH/kc

APPENDIX C



KEY

- 1) School Hall Corridor
- 2) Security Corridor
- 3) Gymnasium
- 4) Mail Room
- 5) Custody Office
- 6) Corridor
- 7) Dining Hall

CELL HOUSES

A
B
C
D
E

X Scene of fight

APPENDIX D

BEHAVIOR VIOLATIONS DURING THE INCIDENT (I) AND
DURING THE LOCKUP (L)

<u>VIOLATION</u>	<u>REPORTS</u>	<u>(I)</u>	<u>(L)</u>	<u>MEN</u>
Contributing to a disturbance.....	17	11	6	8
Fire - Burning.....	11	0	11	9
Contraband.....	10	0	10	10
Insolence.....	9	0	9	5
Assault.....	4	4	0	4
Throwing Objects.....	8	0	8	8
Loud Talking.....	7	0	7	6
Destruction of State Property.....	6	0	6	4
Threatening Staff.....	8	3	5	4
Disorderly Conduct.....	6	6	0	2
Refusing an Order.....	1	0	1	1
Fighting with Staff.....	2	0	2	2
TOTALS:	89	24	65	63*

* Fifty-four inmates received behavior reports. Some of these men received reports for more than one offense; some men received more than one report for the same offense. Nine of these fifty-four inmates received behavior reports from the incident, and forty-five received reports during the lockup. Fourteen of the fifty-four inmates were sent to the Annex at MSP.

APPENDIX E

DISPOSITION OF OFFENSES

<u>VIOLATION</u>	<u>DISPOSITION</u>	<u>CASES</u>
Contributing to a Disturbance	Not guilty.....	1
	30 days seg.....	2
	60 days seg.....	1
	90 days seg.....	3
	120 days seg.....	<u>1</u>
		8
		8
Fire	Dismissed.....	2
	14 days cell lockup...	1
	7 days seg.....	2
	14 days seg.....	4
	30 days seg.....	1
	90 days seg.....	<u>1</u>
		11
		11
Contraband	Not guilty.....	1
	Confiscation.....	1
	7 days LP.....	4
	14 days LP.....	1
	7 days seg.....	1
	30 days seg.....	1
	14 days seg.....	<u>1</u>
		10
		10
Insolence	3 days seg.....	3
	7 days seg.....	1
	14 days seg.....	1
	15 days seg.....	1
	30 days seg.....	<u>2</u>
		8
		8
Assault	120 days seg.....	1
	140 days seg.....	1
	150 days seg.....	<u>2</u>
		4
		4
Throwing Objects	Not guilty.....	2
	7 days LP.....	2
	7 days seg.....	1
	14 days seg.....	<u>3</u>
		8
		8
Loud Talking	Not guilty.....	1
	7 days LP.....	4
	21 days LP.....	<u>1</u>
		6
		6

APPENDIX E

DISPOSITION OF OFFENSES CONTINUED

<u>VIOLATION</u>	<u>DISPOSITION</u>	<u>CASES</u>
Destruction of State Property	Dismissed.....	1
	Not guilty.....	1
	7 days LP.....	1
	21 days LP.....	1
	14 days seg.....	<u>1</u>
	5	5
Threatening Staff <i>See Below</i>	15 days seg.....	<u>1</u>
	90 days seg.....	<u>2</u>
		3
		3
Disorderly Conduct	7 days LP.....	1
	14 days LP.....	<u>1</u>
		2
		2
Refusing an Order	7 days LP.....	1
		1
Fighting with Staff	5 days modified Isol....	1
	5 days Isol + 25 days seg.....	<u>1</u>
		2
	TOTAL	<u>68</u>

KEY

seg - segregation
LP - Loss of Privileges

15 days seg.....	1
90 days seg.....	2
120 days seg.....	1
168 days seg.....	1
180 days seg.....	<u>1</u>
	6

STATE REFORMATORY FOR MEN

New Inmate Conduct Code and Penalties
To Be Imposed by the Reformatory's
Disciplinary Committee

The following violations and descriptions thereof with accompanying penalties are effective immediately, and will be implemented by the disciplinary committee. The disciplinary committee will be composed of three institutional and/or department staff designated by the Superintendent or his designated representative.

The segregation unit at Minnesota State Prison has been designated as an annex to the State Reformatory for Men and the disciplinary committee may assign individuals serving segregation sentences to the segregation unit at that facility.

Loss of privileges, in the following document, shall be defined as loss of recreational opportunities including attendance at special programs. This would include such events as stage shows, banquets, concerts and outside speaking engagements. Loss of privileges may include, at the discretion of the committee, loss of television and radio privileges.

The violations and penalties described in the following document are subject to change. Proposed changes in this document will be posted on each cell house's bulletin board three days prior to the implementation of such changes.

Date of Issue: 8-16-73

PENALTIES FOR VIOLATIONS WHICH ARE SUBJECT TO REPORT AND DISCIPLINARY ACTION

1. Improper Dress	L. P. 7-21 days
2. Performing Unauthorized Tasks	L. P. 7-21 days
3. Sanitation	L. P. 7-21 days
4. Obstructing view of cell	L. P. 7-21 days
5. Disturbing others	L. P. 7-21 days
6. Failure to report to duty on time	L. P. 7-21 days
7. Loitering	L. P. 7-21 days
8. Smoking in an unauthorized area	L. P. 7-21 days
9. Disorderly conduct	L. P. 7-21 days or seg. 7-30 days
10. Gambling	L. P. 7-21 days or seg. 7 days
11. Taking food in excess of allowed	Seg. 7-21 days
12. Unauthorized area	Seg. 7-90 days
13. Missing count	Seg. 7-30 days
14. Malingering	Seg. 7-30 days or isol. up to 10 days
15. Refusing to work	Seg. 7-30 days
16. Unauthorized use of telephone	Seg. 7-30 days
17. Cell house disturbance	Seg. 14-60 days
18. Verbal abuse	Seg. 14-30 days
19. Sniffing	Isol. 3-5 days and/or seg. 7-30 days
20. Being under the influence	Isol. 3-5 days and/or seg. 7-60 days
21. Disobeying a direct order	Seg. 14-60 days or isol. 3-7 days
22. Destruction of state property-Minor (under \$15.00)	L. P. 7-21 days and/or restit.
23. Unlawful assembly Major (over \$15)	Seg. 60-180 days
24. Contraband	Seg. 14-90 days
Weapons	Seg. 30-180 days
Liquor	Seg. 14-30 days
Excess State Property	L. P. 7-14 days or seg. 7-30 days
Drugs (unauthorized)	Isol. 3-5 days and/or seg. 7-60 days
Money	Seg. 7-30 days and confiscate
Possession of prescribed medication	Seg. 7-30 days
25. Falsifying a report	Seg. 7-60 days
26. Altering record	Seg. 7-60 days
27. Copulation	Seg. 7-30 days
28. Sodomy	Seg. 30-90 days
29. Bribery	Seg. 30-90 days
30. Theft	Seg. 14-90 days
31. Smuggling	Seg. 30-180 days
32. Assault	Seg. 30-180 days
33. Arson	Seg. 30-180 days
34. Threatening staff	Seg. 30-180 days
35. Attempted escape	Seg. 30-180 days
36. Interference with staff in the course of their duties	Seg. 30-90 days
37. Refuse shakedown	Seg. 30-90 days
38. Extortion	Seg. 14-90 days
39. Inciting to Riot	Seg. 30-180 days
40. Riot	Seg. 60-360 days
41. Escape	Seg. 180 days-indefinite
42. Holding hostage	Seg. 180 days-indefinite
43. Attempted homicide	Seg. 180 days-indefinite
44. Homicide	Seg. 180 days-indefinite
45. Resisting placement on seg. Place immediately on isol. in addition to original seg. time.	Iso. 3 days + seg. 30 days
46. Resisting placement of isol. Increase isol. to 10 days + an additional 45 days on seg.	
47. Conspiracy	Seg. 30-90 days
48. Attempted assault	Seg. 30-120 days
49. Illegal operation of Brake	Seg. 7-30 days

Date of Issue: 8-16-73