

A Case Study in Correctional Management

by Dan Richard Beto*

Introduction

What began as a review of a very interesting book about a prison riot in Canada a half-century ago evolved into additional inquiry and resulted in this commentary on the subject of correctional administration.

A review of the literature reveals that during the 20th and 21st centuries, there have been a number of prison riots throughout the Americas resulting in the loss of life and the destruction of confinement facilities. In addition to receiving considerable media attention, some of these disturbances—particularly those in North America—have resulted in scholarly articles published in professional journals and more detailed treatment in well-researched books. Some of the more prominent books include:

- *Break Down the Walls*, by John Bartlow Martin, which covers the 1952 prison riot in Jackson, Michigan;
- *A Time to Die: The Attica Prison Revolt*, by Tom Wicker;
- *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, by Heather Ann Thompson;
- *Eleven Days in Hell: The 1974 Carrasco Prison Siege in Huntsville, Texas*, by William T. Harper;
- *The Devil's Butcher Shop: The New Mexico Prison Uprising*, by Roger Morris;
- *The Penitentiary in Crisis: From Accommodation to Riot in New Mexico*, by Mark Colvin; and
- *The Hate Factory: A First-Hand Account of the 1980 Riot at the Penitentiary of New Mexico*, by Georgelle Hirliman.

The Kingston Penitentiary Riot

A new addition to this particular area of correctional literature is *Murder on the Inside: The True Story of the Deadly Riot at Kingston Penitentiary*, by Catherine Fogarty, published on the 50th anniversary of the four-day disturbance at the maximum security prison at Kingston, Ontario. Fogarty, the

founder and president of Big Coat Media in Toronto, Ontario, is a successful television and documentary producer, writer, and director. She earned a bachelor's degree in sociology from the University of Guelph, a Master of Arts degree in social work from the University of Sydney, a Master of Business Administration degree from the University of New England, and a Master of Fine Arts degree in creative nonfiction writing from the University of King's College.

By way of background, the Kingston Penitentiary, Canada's oldest prison, opened in 1835 as the Provincial Penitentiary of the Province of Upper Canada, more than three decades before the passage of the British North American Act of 1867, which created the Canadian Commonwealth.

citizens committee members, government officials, and politicians—offers considerable insight into the causes of the riot and what went terribly wrong.

Shortly after the riot was brought to conclusion, Paul A. Faguy, Commissioner of Penitentiaries, appointed a Commission of Inquiry chaired by Justice J.W. Swackhamer to investigate the cause of the disturbance. On April 24, 1972, a little more than a year after the riot, the Swackhamer Commission released its report, to which Fogarty devotes a few pages. Found in the Swackhamer Commission report is the following:

We find that there was no single identifiable cause for the Kingston disturbance. We do, however, find that it was the result of the system

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Catherine Fogarty does a commendable job of describing the conditions and events leading up to the riot at the troubled Kingston Penitentiary on April 14, 1971, when a handful of inmates overpowered unsuspecting guards and took control of the institution. During the four-day riot, six prison guards were held hostage—one was released early—and the inmates who initially took control of the prison were replaced by a more violent group. A number of inmates were severely beaten and two were killed by fellow inmates. Those brutally tortured and killed were identified as “undesirables”—child sex offenders and institutional snitches. In addition, a portion of the prison facility was destroyed. One inmate, a multiple offender by the name of Barrie MacKenzie, made it his mission to protect the guards held hostage from harm at the hands of other inmates while negotiations were ongoing between inmates and a government-appointed citizens committee. He was successful in doing so and was considered a “hero” of the Kingston Penitentiary riot. At the conclusion of the riot, the hostages were released unharmed.

Fogarty's detailed description of the riot and the persons involved—inmates, guards,

that prevailed. That system failed fundamentally because it was unable to establish and maintain a strong rehabilitative program. That failure resulted from a number of causes, to some of which we will shortly refer. It is perfectly clear, however, that because of that failure there was no reasonable measure of internal security or custody which could have prevented or diffused the insurrection which occurred on April 14, 1971.

We have already noted a number of causes for Kingston's failure: the aged physical facilities, overcrowding, the shortage of professional staff, a program that has been substantially curtailed, the confinement in the institution of a number of people who did not require maximum security confinement, too much time spent in cells, a lack of adequate channels to deal with complaints, and the lack of an adequate staff which resulted in the breakdown of established procedures to deal with inmate requests. Beyond

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these failures, however, is one that is more fundamental: the schismatic and dangerously polarized nature of the life inside the prison institution itself. The polarization between inmates and custodial staff, between custodial staff and professional staff, led to the destruction of the program and deterioration in the life of the institution. These facts were established beyond doubt by the testimony heard by the Commission.

Interestingly, the 63-page Swackhamer Report—officially known as the *Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary During April, 1971*—is still accessible online, and persons interested in penal history, management, and reform would find reading it beneficial.

Lawful, Safe, Industrious, and Hopeful

While reading *Murder on the Inside* and, later, the Swackhamer Commission report, I found aspects of the Kingston prison environment troubling because it failed to provide for some of the very basic needs of prisoners and staff. I was reminded of a statement made by the now departed corrections scholar John P. Conrad (1913–1992), who said that “prisons ought to be lawful, safe, industrious, and hopeful.” In expanding on that deceptively simple but powerful statement, Conrad further defined his four elements or qualities of a successfully administered prison (Beto, 2001; Conrad, 1985; Horton and Nielsen, 2005):

- Lawful: “The lawful prison is one in which it is the first goal of policy to prevent unlawful actions and conduct by staff and prisoners.”
- Safe: “The safe prison is one in which enlightened architecture, and the training and supervision of staff for the maintenance of personal safety, combine to achieve personal security for both prisoners and staff.”
- Industrious: “The industrious prison keeps all prisoners occupied at full-time constructive work, in training, prison industry, or maintenance of the facility.”
- Hopeful: “In the hopeful prison appropriate educational, training, and medical services will be provided so that each prisoner can reasonably expect that his or her condition will be better than before incarceration.”

In addition to “educational, training, and medical services” identified by Conrad as

qualities of a hopeful prison, I would add “meaningful religious programs” as another part of that essential element. If we give thoughtful consideration to Conrad’s vision, almost everything that occurs or should occur inside a prison, jail, or residential facility may be assigned to one of his four elements.

I was also reminded of a 1990 trip to Japan when my late father—George J. Beto (1916–1991), a clergyman, educator, and accidental penologist—and I visited a number of adult and juvenile correctional facilities in that country. During that trip, we were impressed with what we observed. In one of the prisons we visited, my father—in commenting favorably on the facility and its programs—conveyed to the director that one could judge the quality of the administration of a confinement facility by five “absences.” He believed that if there was an absence of unnecessary noise, an absence of clutter or trash, an absence of odor, an absence of idleness, and an absence of violence, then the prison’s administration was focusing on quality-of-life issues and had embraced Conrad’s vision of creating a “lawful, safe, industrious, and hopeful” facility (Beto, 2011). Sadly, based on the book and the Swackhamer Commission report, it appears that John Conrad’s four elements or qualities and George Beto’s five absences were missing at Kingston Penitentiary.

Another perspective on correctional administration comes from John J. DiIulio, Jr., who, in his seminal work *Governing Prisons: A Comparative Study on Correctional Management*, suggests that “order, amenity, and service are three ends of good prison government.” In identifying the type of person required to achieve these ends, DiIulio writes (1987):

First, successful prison directors and institutional managers are not here today, gone tomorrow. They are in the office long enough to learn the job, make plans, and implement them. Second, they are highly “hands-on” and pro-active. They pay close attention to the details and do not wait for problems to arise but attempt to anticipate them. While they trust their subordinates and do their share of paperwork, they keep themselves focused on the prisons and what is actually happening inside of them. At the same time, they recognize the need for outside support. In short, they are strangers neither to the cellblocks nor to the aisles of the state legislature. Third, they act consciously to project an image of themselves that is appealing to a wide range of people both inside and outside of the organization. Fourth, they are dedicated

and fiercely loyal to the department and see themselves as keepers engaged in a noble and challenging (if mostly thankless) profession.

Fogarty’s book and the Swackhamer Commission report suggest that persons not measuring up to DiIulio’s vision of a successful prison administrator were, regrettably, in key positions leading up to and during the riot at Kingston Penitentiary. Quoting George J. Beto, DiIulio writes:

Organizations are largely the shadows of their executives. . . . It does not matter whether one is talking about Harvard University, the Chrysler Corporation, or the Texas Department of Corrections. The executive’s skills and abilities, his sense of mission and dedication to duty, are decisive in determining how—and how well—an organization runs (Beto & Brown, 1999; DiIulio, 1987).

Returning now to the title of this commentary—“A Case Study in Correctional Management”—*Murder on the Inside: The True Story of the Deadly Riot at Kingston Penitentiary* and the *Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary During April, 1971* together present an excellent case study on problems associated with the administration of penal facilities. As such, they could serve as valuable resources for a graduate course on correctional administration.

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