

# The Social Order of the Underworld

## How Prison Gangs Govern the American Penal System

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When most people think of prison gangs, they think of chaotic bands of violent, racist thugs. Few people think of gangs as sophisticated organizations (often with elaborate written constitutions) that regulate the prison black market, adjudicate conflicts, and strategically balance the competing demands of inmates, gang members, and correctional officers. Gangs form to create order among outlaws, producing alternative governance institutions to facilitate illegal activity. The ramifications of these findings extend beyond the seemingly irrational and often tragic society of captives. They also illuminate how social and political order can emerge in conditions where the traditional institutions of governance do not exist.

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# Chapter 4

## Governance in the Society of Captives

*To say that man is a social animal is also to say that man never lives in a world completely of his own choosing.*

Gresham M. Sykes

*It was my responsibility on the yard to ensure that...our people were not harmed by another race. I took care of the drug debts. If one of our people became delinquent in a drug debt to another race, it was my responsibility to either cover their drug debt or have them stabbed. In which case, we would send one of ours to stab him.*

Inmate, Corcoran State Prison

## The Community Responsibility System

Merchants in the late medieval period faced a serious problem. They knew that it would be profitable to trade with strangers from foreign lands, but they didn't know who they could trust. Impersonal exchange means that a merchant (1) doesn't know how trustworthy a potential trading partner is; (2) doesn't expect to have future interactions with the trader; and (3) has no way to tarnish someone's reputation by telling other people if he acts dishonestly. This is a risky trading situation. The shadow of the future doesn't discourage defection. A merchant can't deter opportunism by threatening to drive away a corrupt merchant's future trading partners. In addition, merchants often couldn't rely on fair and impersonal foreign courts. In anticipation of costly commercial disputes, merchants don't trade. Self-enforcing exchange appears infeasible.

Inmates today face the same problem of impersonal exchange. An inmate might wish to buy drugs from someone whose reputation he doesn't know. In a large prison population, an inmate can't alert everyone else if he is defrauded. It might be costly to do so, or controls on his movements in a

facility might limit his access to others. Some people might not believe his complaints. By definition, if he doesn't know the other inmate, he doesn't know if he will be around for continued dealings or is soon being released. And, of course, there are no official, independent, and fair courts to resolve disputes over drug deals in prison. Whenever inefficiencies like this arise, there is a profit opportunity available to someone who can solve it. Inmates overcome this impediment to trade in the same way that medieval merchants did.

Historically, people who sought to participate in impersonal exchange have often developed a “community responsibility system” to establish order and promote trade.<sup>1</sup> In such a system, all members of a community are responsible for the actions and obligations of any other member. Consider two communities. These could be communes in medieval Genoa and London, but for the sake of familiarity, let's consider two of the most prominent American fraternal groups today: the Knights of Columbus and the Elks Lodge.

Imagine that a member of the Knights wants to buy a car from a member of the Elks, but he doesn't personally know the seller. In a community responsibility system, if the Elk fraudulently sold the Knight a lemon, then all members of the Elks Lodge would be responsible for his actions. The Knights of Columbus could demand that the Elks Lodge either force the Elk member to refund the money or they could do it themselves. The Knights have a credible threat to make these demands. If the Elks do not make restitution, then all members of the Knights of Columbus boycott all members of the Elks Lodge, not just the fraudulent one. They hold the community responsible. If the Elks Lodge members desire to be on good terms with the Knights of Columbus, then this is a serious threat.

The community responsibility system provides a clever solution to the problem of impersonal exchange. All that a person needs to know about a potential trading partner is the reputation of his community, rather than the individual's personal history and reputation. It is less costly to obtain this

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<sup>1</sup> Fearon and Laitin 1996; Greif 2004; Greif 2006a; Greif 2006b, 309-349

information. If the community has a reputation for upholding each member's obligations, then a member of the Elks can trade in good faith with a member of the Knights who he doesn't know. He knows that if a Knights member takes advantage of him, then the Elks can impose costs on the Knights.

For this type of system to operate effectively, each community must establish structures that allow non-members to verify a person's affiliation. These signals should be difficult to fake, so that non-members can't free ride on a community's good reputation. If someone could easily claim to be an Elks member, then he could trade with Knights and then defraud them. The community must also be able to monitor its members easily. They exclude people from their community who they think will be delinquent or opportunistic in their dealings. A key reason for the success of the community responsibility system is that it creates incentives for those who can easily observe peoples' behavior to certify their trustworthiness and punish wrongdoings. While it is costly for a stranger to learn about a particular person, the community members themselves can more easily assess a member's reliability by relying on their personal knowledge of the individual. As members of each community select and monitor their members, trade among groups becomes easier.

In today's prisons, gangs perform the same assurance role that exists in a community responsibility system. An inmate who wants to buy drugs may not know if a gang member is trustworthy, but he does know the gang's reputation. All members of a gang are responsible for each member's actions. Gangs work in a community responsibility system to encourage peace among inmates and to facilitate a flourishing impersonal trade in contraband. Inmates have structured their community to fulfill the two requirements of a functional community responsibility system. First, it is easy to determine with which group an inmate is affiliated. They rely, in large part, on race to identify a person's affiliation, and they use prominent gang tattoos to make further distinctions. Each gang has a

variety of logos and insignia that indicate one's membership.<sup>2</sup> An unaffiliated inmate puts his life at risk if he gets a gang tattoo without their permission. Second, each gang has procedures for assessing the quality of a potential member and mechanisms for monitoring his actions. This helps the gang demand good behavior from its members and protects its reputation. This system provides the foundation of self-governance by prison gangs in the society of captives.

## The Role of Race and Ethnicity in Group Formation

There are three levels of gang affiliation in this community responsibility system.<sup>3</sup> The California Department of Corrections and Rehabilitation designates the most active, hard-core gang members as falling into the category of "Security Threat Group I." This category includes members of the Aryan Brotherhood, Black Guerilla Family, Mexican Mafia, Nazi Low Riders, Northern Structure, Nuestra Familia, and the Texas Syndicate. These are some of the oldest and most notorious prison gangs. To both officials and inmates, these gang members are the most serious, "made" members of prison gangs. "Security Threat Group II" includes inmates associated with other groups that are lower in the gang hierarchy, including members of the Crips, Bloods, Norteños, Sureños, White Supremacists, 2-5's, and Northern Riders. Many other gangs and inmate groups at this level exist. These inmates are members of criminal gangs on the street, and in prison, these gangs often play a supportive or subordinate role to the elite prison gang members. For example, Norteños and Sureños act as soldiers for the Nuestra Familia and Mexican Mafia. A Norteño is not a full-fledged prison gang member, but as a Norteño, he is affiliated with the Northern Hispanic inmates who are controlled by the Nuestra Familia. When members of street gangs enter the prison system, they set aside their rivalries and align with their

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<sup>2</sup> Valentine 2000; Axelrod 1984, 139-141

<sup>3</sup> California Department of Corrections and Rehabilitation 2012d, 12-13

respective prison gang group. These inmates are involved in the gang politics of the prison, even if they are not officially members of one the traditional prison gangs.

The least involved inmates are those with no street gang affiliation. These people align with broader racial and ethnic groups, primarily as Blacks, Whites, Hispanics from southern California, Hispanics from northern California, Paisas, American Indians, and Asians. (Among inmates, each of these groups are referred to as “races,” even if they do not fit into the formal definition of the term.) All inmates are expected to affiliate with their racial or ethnic group, which in turn is governed to different degrees by the gangs above them in the hierarchy. These people are not prison gang members per se, but because race, ethnicity, and gang are so closely linked, when inmates use phrases like “gang politics,” “gang membership,” and “gangbangers,” they are also referring to these broader racial and ethnic groups.<sup>4</sup> For example, a Hispanic from northern California with no street gang ties, would affiliate with Norteño inmates and follow their gang rules, even though he isn’t a gang member. Full gang membership is not required, but all inmates must affiliate with some inmate group, most commonly one’s race.<sup>5</sup> (Accurately accounting for this distinction is one factor that undermines the reliability of data on prison gang membership.) Race, ethnicity, and gang membership are thus intimately interlinked, and one’s race and ethnicity plays a major role in determining one’s place in the prison social system.

Prison gangs have become major players in the inmate social system. “Shot callers” run the gangs and make demands of the inmates who affiliate with them. Their decisions affect inmate’s daily lives in a number of surprising and important ways. For instance, understanding prison gang politics helps explain today’s widespread racial segregation in prison. Despite the California Department of Corrections and Rehabilitation’s policy of full racial integration, race permeates nearly all aspects of the

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<sup>4</sup> Dolovich 2012, 994, ff123; see also Irwin 2005, 93-98

<sup>5</sup> Some inmates affiliate with “churchgoers” in the prison community (Colwell 2007, 451).

inmate social system.<sup>6</sup> A white inmate interviewed at the Los Angeles County Jail explains, “I never wanted to get involved in racial problems. When I went to prison, I didn’t hate blacks. I didn’t hate Mexicans. I didn’t hate Indians. I didn’t hate anybody like that. But when you go to these prisons, by the time you do ten years, like me, if you are even half way sane, it’s a miracle.”<sup>7</sup> A white inmate sitting at a table in one of San Quentin’s dorms explains the racial politics of where one can sit: “There’s just certain races that you can play [card] games with right here [at this table]... Don’t ask me why. But we can’t play with the black folks. I would get beat up. You’d get in a fight over it. That’s just the way it is. There’s more racism here than there is in civilization, for sure. And if you don’t come in prejudice, you might leave prejudice.”<sup>8</sup> Inmates only have their hair cut by someone of the same race and only with clippers that other races haven’t used.<sup>9</sup> A white inmate at Pelican Bay State Prison describes the obligatory nature of segregation, explaining, “to talk to a black would cause problems with my own race... I grew up totally colorblind so it’s a big adjustment, you know, but that’s just how it is.”<sup>10</sup>

People with no history of racism, who may actually hold no racist beliefs, must live in a segregated world. One inmate reports that many people who appear to hate others are just adopting the rules and behaviors necessary for survival. He describes the prison community, “That’s how the whole system runs. I mean, everything is broken into little groups. I mean, and theoretically, you know, a lot of people hate [and] hate. And, you know, it’s all about hate and this and that. But it’s not, really. What it’s about is mainly, you come into an environment and you’re surrounded by a thousand killers and every one of them is a stranger. So naturally, you’re going to find people that you have things in common with and you’re going to group up because you have to.”<sup>11</sup> A black inmate at Pelican Bay explains, “I’ve

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<sup>6</sup> Johnson v California 2005

<sup>7</sup> MSNBC 2009a

<sup>8</sup> MSNBC 2007b; also Dolovich 2012, 997

<sup>9</sup> Goodman 2008, 746

<sup>10</sup> MSNBC 2005c

<sup>11</sup> MSNBC 2009a

never been a racist person, and I will never be a racist person. But there are realities in each environment that dictate its own response, whether we like it or not. In a violent institution, I have to find a way to shelter myself from that violence or respond to it when it becomes necessary. Not because it's my mentality but it's necessary to survive."<sup>12</sup>

An inmate has an obligation to defend his own race when interracial violence erupts. A black inmate describes what is required of him, "If it's a racial situation, you got to respond according to your racial background. If I'm standing next to this man here, and he's suddenly attacked by another racial group. Even if I don't know him, he's black. I'm obligated by myself to assist this man."<sup>13</sup> A white inmate at Folsom Prison echoes this rule, "If it's a white thing, you know, you get in it. If it's with the whites and another race or something, then you got to be a part of it. If it's something else, I just turn my head. I don't even want to see it."<sup>14</sup> If it's a "white thing," a dispute between a white inmate and an inmate of another race, then he has an obligation to aid the white inmate. The associate warden at Pelican Bay testified that inmates group up by race when violence erupts because "if they didn't, they would be disciplined, so to speak, by their own race."<sup>15</sup> Self-policing by race is widespread.

Gangs require inmates to support their group when violence takes place, but they don't enforce segregation in every situation. A black inmate who served eight years for manslaughter explains how the "official" rules (official among the inmates) work, "The races don't officially mix. That's true, but you can buy drugs from whoever, and the leaders control that stuff. I've had a cigarette with some white guys, and the Mexicans, the Southerners, are mostly good guys. Their leaders are, well, some of them are flexible with their boys. It's not as cut and dried as you think. But if a fight breaks out, then yes, the

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<sup>12</sup> MSNBC 2005c

<sup>13</sup> MSNBC 2008a; also Dolovich 2012, 1000; Dolovich 2011, 52

<sup>14</sup> MSNBC 2008a; also Dolovich 2012, 1000; Dolovich 2011, 52

<sup>15</sup> Morales 2013, 7



racess stick together. If the blacks and whites go at it, I'm in and I'm taking down some white guys.”<sup>16</sup> A white gang leader notes that when he was incarcerated, even though some interracial interactions were acceptable, housing had to remain segregated: “We have to keep control on the race thing. I was fine with the boys playing cards or dealing meth to the blacks and the Southerners and stuff, that's fine. Celling-up is another story... if he told me he was going to the blacks to cell up, then I check him.”<sup>17</sup>

Inmates learn about segregation quickly when they arrive to prison, and both the correctional officers and gang members tell them about it. An officer at San Quentin explains that it's easy to identify inexperienced inmates. “You can always spot a guy that's not used to prison—a new inmate. Because he'll come out. He'll wander around. He won't go with his own group. He's just looking. And, usually what will happen is one of the gangsters will go over and snatch him up and bring him over and run the game down to him. Tell him this is what you got to do, this is where you got to be. You can only hang out with your own people. We don't want to see you talking to people of other races. And, that happens real quick, real quick.”<sup>18</sup> Officers also tell new inmates about the segregation.<sup>19</sup> An inmate who served a five-year sentence for assault with a deadly weapon explains, “I'm a white guy, so I can only hang with white guys in prison. The COs told me that I would only run with the white guys. I knew that going in, but they told me too. A guy, a white guy, came up to me right away and told me to get with the skins and I'd be okay. I got some ink, some white power stuff.”<sup>20</sup> A Public Enemy #1 (PEN1) gang member explains: “When I got in, the other guys took me under their wing. They showed me where to go and what to do...Most of the guys going in don't have a clue, so you talk with your cars [people from your county], you figure out what to do. It's not hard.”<sup>21</sup> Up until 2005, inmate reception forms even

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<sup>16</sup> Trammell 2011a, 49; also Dolovich 2011, 52

<sup>17</sup> Trammell 2011a, 47

<sup>18</sup> MSNBC 2008a; also Dolovich 2012, 998

<sup>19</sup> Goodman 2008, 758

<sup>20</sup> Trammell 2011a, 27

<sup>21</sup> Trammell 2011a, 29; Inmates and officers have reached a “negotiated settlement” to ensure racial segregation in housing (Goodman 2008).

explicitly asked inmates to report with which gang they affiliated.<sup>22</sup> For example, at one prison, a Hispanic inmate could identify his gang affiliation as Northerner, Southerner, Bulldog, or Paisa.

According to the *Johnson v California* (2005) Supreme Court ruling, inmates held in double-cells at prison reception centers had “pretty close” to zero percent chance of being housed with someone of a different race. This makes it easier for an inmate to affiliate with his racial group. The initial receiving officer may even warn new inmates about the state of prison politics. One officer told the inmates who just arrived, “Just some friendly advice, men. Whites, Brothers, Northerners, Southerners, Paisas, listen up. The Bulldogs [a Hispanic, Fresno-based prison gang] are bombing on you. They don’t care—three on one, four on one, it doesn’t matter to them. So keep your eyes open. You don’t have any problems with the cops here. You got problems with the dogs. Now I’m not giving you a green light to go and retaliate, but go talk to your peoples and see what’s up.”<sup>23</sup>

For the community responsibility system to operate effectively, inmates need new arrivals to integrate with the existing groups. Each race expects the other groups to educate new inmates about the system. When inmates are affiliated, leaders can assert influence on group members to limit disruptive behavior. When this happens, the system works well, so each group wants others to inform new inmates about how the system works. A white inmate who served ten years for robbery complains, “The black dudes were slow at training their new guys. When they [white inmates] come in, we have a talk and set them straight. My boys were on it; you cannot fuck around and let this slide. The Mexicans, they know what’s what and they were quick, but the black guys, that’s a different story. I had to remind them several times, you know, ‘You have a new boy on the yard’ and stuff.”<sup>24</sup> In a study of reception centers, sociologist Philip Goodman explains, “One officer at Central told me that there were very few ‘Unaffiliated Hispanics’ at reception center Central because of extreme pressure and violence by Fresno

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<sup>22</sup> Goodman 2008, 749

<sup>23</sup> Goodman 2008, 747

<sup>24</sup> Trammell 2011a, 28

‘Bulldogs’ who, according to the officer, will not ‘tolerate’ ‘Unaffiliated Hispanics.’”<sup>25</sup> As each race brings new inmates into the fold, they establish well-defined groups, solidify segregation, and assert their power over the inmate population. New inmates quickly find a place in the community responsibility system. If gangs served solely a predatory or war-like function, then we wouldn’t expect white inmates to encourage black inmates to become affiliated because this would serve to strengthen their adversary. Instead, inmates desire everyone to affiliate because it facilitates the governance provided in a community responsibility system.

## Prison Gangs Create Order

To understand why inmates can’t opt out of the community responsibility system, it is necessary to understand the extent to which these groups control prison life. Each gang claims territory, basketball courts, toilets, showers, workout equipment, tables, benches, and other common property. There are rules for when each race can use the showers and in what order they will go to lunch. A correctional officer at San Quentin describes it in terms of a battle: “This is a turf war here. Everybody’s got their own turf. And they’re not going to let anybody else take it from them. Inmates segregate themselves out here. And the reason being that the gangs want it that way. So a man has no choice but to go with his own type of people.”<sup>26</sup>

Violence is an important resource allocation mechanism. Gangs fight for something as simple as where one hangs out in the prison yard or who controls the TV at specific times. A former gang member explains the intensity of these battles, “If a new yard opens up, you’re going to fight for that handball court, you know, you’re going to fight for some tables...If you ain’t a Northerner [Norteño] and you come into that areas, you’re going to get stabbed. It’s a whole different lifestyle in here. And it can get

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<sup>25</sup> Goodman 2008, 756

<sup>26</sup> MSNBC 2009a; also Dolovich 2012, 992-997

complicated sometime.”<sup>27</sup> Another inmate explains that officials have little say in what happens in the yard, “Somebody wanna control this basketball court or that basketball court. Or this weight bench or that weight bench. CO has nothing to do with that. That’s amongst the inmates, the convicts. Sometimes you can maybe talk it out, get it settled without the violence. Sometimes you have to bring the violence.”<sup>28</sup> Sociologist Brian Colwell relays a white inmate’s account of an altercation that took place over control of a common resource. The white inmates were allied with Southern Hispanic inmates, and the inmate explains that he approached several black inmates who were playing checkers on the Southerners’ workout bench:

I came over and said [in a subdued tone], “Excuse me, could you do me a favor. These are the “Southerners” [Hispanics from southern California] benches. I know they aren’t here now, but when they aren’t here, they become our [the white inmate groups] responsibility and nobody else is supposed to drive on them when they aren’t here. You can finish up your game, but when you’re done I’d appreciate it if you could move on up to those other tables that are made to be used to play games on. That’s what they are for.” They didn’t even look up at me, they didn’t even pay me that respect when I was talking to them. One just said, “We’re not moving and we’re going to do both, white boy.” Well, I picked up a weight bar; I was weaker back then so I didn’t do it fast enough so he was able to block it with his hand when I was bringing it down on him. Then madness. The whole scene popped off. The riot lasted for 30 minutes, which is a long time for a riot in here.<sup>29</sup>

It’s important for gangs to control these common areas and resources in the yard because this is the arena in which much illicit business happens. An officer describes inmates’ yard time at San Quentin, “they’re down there passing drugs, they’re down there passing information, there are orders on whose to be hit, whose supposed to be holding weapons, whose supposed to be holding drugs. And, you know, it’s their time to do their business.”<sup>30</sup>

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<sup>27</sup> MSNBC 2007c

<sup>28</sup> MSNBC 2005b

<sup>29</sup> Colwell 2007, 455

<sup>30</sup> MSNBC 2007c

One of the gangs' most important jobs is to resolve conflicts among inmates, the most common causes of which are disrespect, disputes over drug deals and drug debts, and theft.<sup>31</sup> The shot callers watch out for problems and work to resolve them when they arise. A shot caller is typically someone who has been incarcerated (often in that housing area) for a relatively long time, knows the facility, common problems, and has the skills needed to keep the peace. A former inmate explains, "A shot-caller is someone that runs the whole tank or module. Pretty much, people that know a lot about incarceration cuz they've been in prison for a while. They run it and they run the section."<sup>32</sup> Another former inmate describes the two main functions the shot caller performs, "So here's the deal, you got old guys like me who have been in prison forever and have shot-callers do their job, keep peace and run the action. That's why we have shot-callers so when a couple of idiots get into it in the yard, instead of letting them kill themselves, the shot-caller goes out and works it out. He talks to these guys and finds out what happened, who did what to who it's very simple."<sup>33</sup>

Each gang is responsible for their members' actions, so they have an incentive to monitor their members to ensure they maintain their collective reputation. Interacting with unknown people from different gangs is possible because each inmate knows the other gang's reputation is on the line and each gang faces relatively low costs of demanding good behavior from its members. A white inmate at Folsom Prison explains that if an inmate from your county acts poorly, it reflects poorly on you, so you are the obvious person to handle the problem. He explains "Like if you get somebody who has been an informant from your county, you know, or a child molester or something, somebody in your car (that's your county)... You got to handle it. Somebody's gotta handle it or the whole car is shunned. You know

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<sup>31</sup> Trammell 2011a, 90. This is not a new phenomenon, as for example, the *vory-v-zakone* developed informal inmate courts (Varese 1998).

<sup>32</sup> Trammell 2009, 759; also, Colwell 2007, 449

<sup>33</sup> Trammell 2009, 762-763; also Dolovich 2012, 1019-1020

your whole car will be put on shine, you know, lame status.”<sup>34</sup> To protect their reputation, groups punish members who violate the rules of the inmate social system.

If someone starts trouble, the shot caller can punish him or make him apologize. A white inmate who served eight years for robbery and assault explains how the gang worked to keep white inmates inline, “I knew this guy that ran his mouth a lot, made lots of problems, called people names and stuff. He called these Mexican guys a bunch of greasy wetbacks. He’s a loose cannon, he’s going to cause trouble you know what I mean, we work hard to keep that race shit calm and here is this prick causing trouble, no one wants that so we had to check him. We took him down a peg or two, it came right from the top, the asshole needs a lesson.”<sup>35</sup> A black inmate describes his initial surprise at the gang policing of interracial violence. After he disrespected a white inmate, “the next thing I know, I’m told to make it right with him. I have to man up and take care of my shit. At first I thought, you gotta be kidding me. No way am I going to tell this guy that I’m sorry. Then they told me that I have no choice. That’s the rule, you do what you’re told. They made a very good argument about how I need to fall in line. Okay, so I made things right.”<sup>36</sup> A Northern Hispanic inmate explains, “Pretty much we respect other groups. You aren’t supposed to be disrespectful or do anything...like disrespecting you to just get everybody in a wreck. If I was just to say, ‘Fuck you’ just because, that is not tolerated.”<sup>37</sup> One inmates explains how things might unfold if an inmate feels disrespected by an inmate of another race. He goes to “the guy with the most power or seniority over the car (group). Then they hold court and decide what discipline is to be had. Maybe run, they’ll make the guy run laps, [as opposed] to stabbing him. That doesn’t happen very often. It’s got to be a big deal for a guy to get stabbed. It’s usually just something so they see it.

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<sup>34</sup> MSNBC 2009b

<sup>35</sup> Trammell 2009, 764

<sup>36</sup> Trammell 2009, 766; see also Dolovich 2012, 1019

<sup>37</sup> Colwell 2007, 455

The other side. They see it and know we have unity. We show everybody we go down together and this guy got disciplined.”<sup>38</sup>

A white inmate who served sixteen months on a drug charge explains, “if someone pisses me off, you know starts trouble with me, he has to answer to his own people. They decide if it’s worth fighting over you know? If they decide that he’s just a big dick and he needs to apologize to me for being a dick then he will tell me he’s sorry. That’s how it usually ends. Nothing too dramatic.”<sup>39</sup> One inmate describes the process of intergroup dispute resolution. He explains that members of other races “aren’t going to communicate with you for no reason unless they are trying to prevent problems. There is no doubt who is right or wrong. Some guy starts saying ‘Man I didn’t do this or that’; its like ‘Shut up.’ It’s not going to be, ‘He’s lying.’ Cuz for one there’s going to be other people that seen it. People will be talking about, ‘Yeah we saw him do this to that white guy, disrespecting him.’”<sup>40</sup>

Another inmate describes how each group monitors and punishes its own members, “We need to keep the boys in line. If one of our guys is a hot head or something and is always shooting off his mouth it can get everyone into trouble. We don’t want a lockdown, we don’t want a riot so I’ve had to beat down my own guys to control the bigger picture. If one of my guys is messing up then we either offer him up to the other guys or we take him down ourselves. Like I had a guy that ran up a big drug debt, he owed money to the woods [peckerwood skin-head gang] and I had to turn him over to them. They took him to a cell and really beat the shit out of him. We had to do it. If not, then everyone fights which is bad for business and bad for us.”<sup>41</sup>

For illicit markets to operate effectively there has to be an arena in which inmates can resolve commercial disputes. If an inmate owes someone money, the lender can work with their gang to be paid.

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<sup>38</sup> Colwell 2007, 449

<sup>39</sup> Trammell 2009, 760

<sup>40</sup> Colwell 2007, 449-450

<sup>41</sup> Trammell 2009, 763-764; Also Santos 2007, 119-120. On the history and causes of prison riots, see Useem 1985, Goldstone and Useem 1999; Useem, Camp, and Camp 1996; and Useem and Kimball 1987.

A PEN1 gang member describes how they worked together, “my leader tells me to talk with their Lieutenant and set up the rules. There’s really no problem here, and no one is jumping me or anything. It would be a lot worse if I did not know what was going on with the brothers, you know? We have to talk. I remember this one time, the colored guys owed us some money, so I go to their guys and say ‘Hey, man, I want to work with you, but I’m not a punk, you need to pay up.’ They were totally cool, their guy was like, ‘That’s cool man, I get it, we’ll talk with the boys.’ Stuff like that. I have to tell you, I do not like the blacks; I know that’s not cool, but I don’t like them. That doesn’t mean that I won’t talk to them. If the time is right and they owe me money, they will pay up if I explain that it’s about business. Everyone is fine with that.”<sup>42</sup> Despite the fact that inmates segregate by race, have racist tattoos, and vocalize their hatred of others, they work together to establish order so that they can gain from trade. When there are profits available, people find ways to overcome prejudices.

Gangs don’t always make their members do the right thing, and disputes still happen. A white inmate describes one such instance, “I got into a fight with this guy; he owed me money. I told his boys that they need to talk with him and they were like, ‘What can we do about it?’ which means that I gotta go get the money myself. I go talk with him, and he spits on me. What the hell? I wasn’t going to beat him up, but now I have to on principle alone...If he was cool, nothing would happen. Instead, he has to be a total dick and spit at me. Who does that? What are we, ten years old?”<sup>43</sup>

Typically, gangs must authorize the use of violence because spontaneous, unplanned violence causes problems for other inmates. An inmate who did eight years for manslaughter explains, “you can talk with the leaders if you want to fight, that’s fine, but you cannot just jump a guy in the yard...The guards will see that something is up and they’ll start watching us...you start bringing down another guy, and now everyone is involved and it’s a mess. So I say, look, talk to the leaders, see if they’ll let you

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<sup>42</sup> Trammell 2011a, 28

<sup>43</sup> Trammell 2011a, 92



take the guy down in a blind spot or in their cell. Keep that shit low-key, right? No need to bring in the cops over some name calling. We can take care of that.”<sup>44</sup>

Public acts of violence attract staff attention, which hinders inmates’ ability to deal in contraband. Profit-seeking gang leaders have an incentive to control violence. An inmate who served four years describes how the inmate rules determine when and where violence is acceptable, “you have the official rules, no going out of bounds and stuff, but there are the rules of the yard and the rules of the cell. We knew when to fight and when not to. You know, there are riots in prison, but those are planned and we know when to let things go. You get confused about all the rules at first, but the longer you are in, the easier it is. At first, I got in a lot of fights cuz some guy would stare me down or say shit to me; then I learned the rules, and I knew when to ignore shit and when to pay attention. The longer you are there, the easier it is. You just have to learn when and where to do your thing.”<sup>45</sup>

Gangs create rules to police their own people and to promote market activity, but inmates do fight, stab, and kill each other over disputes. Violence causes trouble for market participants, especially when it occurs in public. After riots, officials put inmates on modified programming, including possibly a complete facility lockdown. Without access to the mainline population, gang drug-dealers can’t do business and inmates can’t enjoy time outside. A former inmate laments the ill effects of a lockdown, “Well, we don’t fight in a riot and stuff unless we have to, it’s too dangerous. We’ll go into lockdown which sucks and people get killed and stuff. If I’m locked down, then I’m not working. You can make some serious bank in prison and shot-callers hate it when you’re in lockdown.”<sup>46</sup> A black inmate explains that shot callers strived to avoid lockdowns because “the gangs can’t sell their stuff, drugs and

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<sup>44</sup> Trammell 2011a, 29; see also Dolovich 2012, 1019, ff236

<sup>45</sup> Trammell 2011a, 23

<sup>46</sup> Trammell 2009, 762

stuff. They don't want a lockdown, that's true...Leaders get pissed if there's a lockdown and we don't get yard time, I hated it...It's best to handle things low-key. No one needs a riot."<sup>47</sup>

When gangs determine that violence is necessary, they orchestrate it to be less disruptive and noticeable. To settle minor disputes, inmates often fight in a cell. One former inmate explains, "if someone disses me or someone takes my stuff then the leaders tell us to take it to the cell. We slug it out and get things taken care of."<sup>48</sup> Another explains that cell fights allow inmates to avoid formal reprimands, "We do a lot of cell-fights. I may have words with someone, someone may piss me off so we take it to the cell and have a cell fight. No one sees us and we don't get written up."<sup>49</sup> A gang member argues that "The leaders, they control most of the problems and keep the peace. It's not like they show on TV, we don't fight hardly ever. We control the yard and keep the boys in check."<sup>50</sup>

A Hispanic inmate who served a six-year sentence for robbery and assault explains prison gangs' dual nature, "The boys inside, they follow the rules and that means you work with your own boys and do what they say. Look, there is a lot of problems caused by the gangs, no doubt. The thing is, they solve problems too. You want a structure and you want someone to organize the businesses so the gangs have their rules. You don't run up a drug debt, you don't start a fight in the yard and stuff. Gangs are a problem but we took care of business...the cops split up gangs if there's a big problem so we keep to ourselves and mind our own business."<sup>51</sup> The possibility of earning illicit profits creates incentives for violent criminals to promote order behind bars. Prison gangs find it profitable to provide governance.

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<sup>47</sup> Trammell 2009, 763

<sup>48</sup> Trammell 2009, 760-761

<sup>49</sup> Trammell 2009, 760-761

<sup>50</sup> Trammell 2009, 760; also Goodman 2008, 755

<sup>51</sup> Trammell 2009, 755

## Information and Enforcement Mechanisms

Prison gangs can provide governance effectively because they have clearly defined information transmission and punishment mechanisms that allow them to enforce rules. There are clear threats that back up the definition of appropriate behavior. Prison gangs' information and enforcement mechanisms facilitate rule making and rule following. It allows them to monitor and control their own members and the actions of others. Unlike norms, these rules do not rely on decentralized punishment. There are venues for determining the appropriate rules and delegation of the responsibility to monitor and punish infractions.

Gangs create mechanisms to generate and distribute information about people in prison.<sup>52</sup> It's relatively easy for inmates to learn about a new arrival's criminal past. One way is simply to ask the new inmate to see his paperwork, which will state the offenses for which he was convicted. New inmates violate an important rule by not showing their paperwork and it indicates that he has something to hide.<sup>53</sup> Moving to a new facility won't necessarily give an inmate a fresh start either because inmate correspondence allows people to notify others of the new arrival's status.<sup>54</sup> An inmate can also ask someone on the outside to access an inmate's criminal docket on legal websites like PACER or Westlaw and then mail copies or summaries of the findings. In California, contraband mobile phones even allow inmates to access the Megan's Law database to find out which inmates are sex offenders.<sup>55</sup> In fact, the simple act of being transferred to a new prison reveals some information about an inmate because it indicates that he had conflict at his previous prison. One inmate explains his reasoning after he became suspicious that a new arrival (who wouldn't show his paperwork) was a child molester, "He's a transfer, that's a red flag anyway but a transfer without paperwork, yeah he's dirty. So I just tell him okay, that's

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<sup>52</sup> Mendoza 2012, 116, 241, 275

<sup>53</sup> Trammell and Chenault 2009, 342; Kiriakou 2013

<sup>54</sup> Robertson 1988, 106

<sup>55</sup> Burge 2011

cool, see ya later. I'm not asking questions, we don't ask questions at that point. I then check with my people, and they say he needs a hit. Three of us take him out in a blind spot."<sup>56</sup> Officials reportedly aid the inmates to some extent in identifying sex offenders, and an inmate claims, "the COs tell us, they hate these guys, too."<sup>57</sup>

Shot callers educate new inmates on the rules of the prison yard, and they send written communications to collect information. A shot caller will often send a new inmate a note that contains a prison-arrival questionnaire. A typical note might have seven questions (called a "seven on seven"). It will ask for the new inmate's name, nickname, date of birth, neighborhood that he's from, when and where he's been incarcerated, charges and offenses, and what rank, if any, he holds in prison and street gangs. These questionnaires tend to be shorter at the county jail level because inmates spend less time there, inmate populations are more transitory, and pre-prison social networks provide more information. At state prisons, gangs use a longer questionnaire and ask about a new inmate's background more extensively. For example, a longer ("forty on forty") questionnaire at San Quentin asked if the inmate's family had ever been in law enforcement, if he was trained in any martial arts, if he had any family members in prison, and if he was willing to work for the gang. When transferring to a new facility, a gang member might smuggle a note from the shot caller at his old prison to the shot caller at the new prison to help establish his reputation in the facility. For instance, the rules governing northern Hispanic inmates say, "It shall be the responsibility of the lieutenant to inform the captain of the departure of his soldados in order that the familia of the other regiment can be informed."<sup>58</sup> In other words, the shot caller alerts the leader at the new prison that the new arrival is a trustworthy member in good standing.

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<sup>56</sup> Trammell and Chenault 2009, 341-342. Prison gangs also often require official paperwork to document when their members become informants before they will authorize killing a member (Rafael 2007, 115; Diaz 2009, 123; Mendoza 2012).

<sup>57</sup> Trammell and Chenault 2009, 342

<sup>58</sup> Fuentes 2006, 9

A similar information gathering process exists when people leave prison and return to their neighborhoods. A letter sent from a Pelican Bay Mexican Mafia member to members of the Florencia 13 street gang outlines the gang's *reglas*, or rules. Rule 3 states, "We encourage that homies check any paperwork on those who gets out of the joint from the hood. Keep in mind that there are no exceptions...Therefore as a barrio we must make sure all of our homies are who they say they are--by asking for proof and anyone who refuses will be put on a 'leva status' [traitor status] until they show proof of their history and who they were with [in prison]. Then we can run a make on them...we ask that all Pres' [gang clique presidents] keep us up-2-date on what's going on in the hood, by keeping in-touch either by themselves or through a homegirl--she is to write to us every now & then or sent to visit...but either way it needs to be done n a round-about way and not straight out!"

In a large prison system, a decentralized governance system does a poor job of keeping track of others' behavior. Prison gangs, however, have the incentive and ability to monitor people's reputations. They maintain detailed "enemies lists" of inmates who are deemed "no good." The Nuestra Familia (NF), calls their directory the Bad News List.<sup>59</sup> These lists include the names of "defectors, informants, witnesses, and enemy gang members who are systematically eliminated."<sup>60</sup> Court transcripts indicate, "Every lieutenant in Nuestra Familia was responsible for 'see(ing) to it that something was done about the people on the list.' The higher-ups schooled their subordinates as to the identity of the gang's enemies and a lieutenant could, on his own initiative, order his soldiers to execute a known enemy of the Nuestra Familia."<sup>61</sup>

The gang shot caller checks the list for the names of new prison arrivals. According to the Nuestra Familia's written rules, a member of the gang "shall check all new arrivals who entered his

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<sup>59</sup> Mendoza 2012, 148

<sup>60</sup> Camp and Camp 1985, 107

<sup>61</sup> People v Garnica 1981; also Mendoza 2012

territory against the record books and make a report to his captain”<sup>62</sup> The NF constitution also explains that members “shall question all new familianos assigned to him for information as to unknown enemies of La Nuestra Familia. New information shall go into the record book and whenever one of his *soldados* [soldiers] is transferred to another *pinta* [prison], a copy of the record book shall be sent with the soldado.”<sup>63</sup>

Gangs create clear and explicit procedures for obtaining information about an inmate, specifying particular people to collect this information. Gang leaders expect them to perform these tasks and hold them accountable if they do not. By comparison, prior to the 1960s, inmates obtained information in a decentralized fashion. No particular inmate was assigned to collect information about new inmates, there was no list of uncooperative and disruptive people, and there were no explicit channels through which that information was communicated. Reputations were sufficiently well known and populations were small enough that these elaborate information networks were unnecessary and redundant. In today’s large prison system, inmates must create explicit protocols and lists to keep track of which inmates are trustworthy. Gangs govern the social system effectively because they know which inmates are reliable and can exclude and punish opportunistic inmates. Their information collection mechanisms and capacity for violence provide a credible threat that elicits obedience from inmates.

## What Rules Do Prison Gangs Enforce?

Like other criminal organizations, many prison gangs have written down the rules of good conduct that they require inmates to follow.<sup>64</sup> Some rules guide behavior between groups. For example, in Illinois,

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<sup>62</sup> Fuentes 2006, 9

<sup>63</sup> Fuentes 2006, 9

<sup>64</sup> Leeson 2007a; 2009a; 2010

prison gangs agreed on a set of “international rules” for interacting with different racial groups.<sup>65</sup> In California, an officer at San Quentin describes how “the inmates have what they call prison politics. And the gangs control all of that. They have, literally, written rules and regulations, and the repercussions for not following those rules are serious.”<sup>66</sup> A Sergeant in the Investigative Services Unit explains, “All violence in prison is gang related. Especially when you’re talking about an assault where weapons were used, where a guy’s hurt this badly. It just doesn’t happen without being ordered or authorized by the gang...He [an inmate who was just assaulted] was probably in trouble for one thing or another that he did in his past, violating gang rules.”<sup>67</sup> A former inmate explains, “We set up a structure in prison. In fact, in some prisons, like in San Quentin, La Eme has a handbook, you know, like a written book on rules and regulations. The COs spend a lot of time up there confiscating the book. They’re such assholes; those books keep us in line. It tells us what to do and what we can’t do.”<sup>68</sup>

Inmate rules provide a way to secure access to the resources needed on any given day. An inmate explains, “There are so many rules about who goes first in line for meals and who gets the TV first. If you follow all these rules, you end up doing easy time.”<sup>69</sup> These rules mitigate the costs that one’s actions impose on others. For example, inmates on one occasion assaulted someone who had not showered for a month.<sup>70</sup> Another inmate explains the difficulty that arises when inmates don’t know the rules, “I knew prison was hard but I never thought I’d have to know rules about who uses the shower first and who sits with who and who the leaders are. I think that’s why there are fights, the dumb guys don’t know the code going in and they screw up.”<sup>71</sup> These rules help to resolve disputes over conflicts associated with common problems.

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<sup>65</sup> Jacobs 1977, 155

<sup>66</sup> MSNBC 2007c

<sup>67</sup> MSNBC 2007c

<sup>68</sup> Trammell 2011a, 26

<sup>69</sup> Trammell 2009, 756; also Dolovich 2012, 998-999

<sup>70</sup> Trammell 2011a, 91

<sup>71</sup> Trammell 2009, 756

The Norteño and Sureño inmate populations are two of the largest and most powerful groups in the prison system. They are, roughly speaking, Hispanics from north and south of the city of Delano, near Bakersfiel.<sup>72</sup> Both gangs have written documents that delineate the characteristics of proper conduct.<sup>73</sup> At the Los Angeles County Jail, Sureño inmates must follow the twenty-eight rules laid out by the shot caller.<sup>74</sup> These rules tell inmates what they may, must, and must not do. The rules govern several types of interactions that arise in the custodial setting. (Parenthetical remarks within the quotes in the following paragraphs are comments and interpretations by law enforcement officials who have examined the rules.)

First, the gang creates rules to govern interactions with non-members. Rule 3 says, “No getting in the *judas*’ (correctional officers’) face. Stay off the nurse, store clerk, etc. Show respect.” As a former member of the Mexican Mafia explains, “It’s an understanding that there is no reason to mistreat guards who don’t mistreat you.”<sup>75</sup> Rule 4 requires that inmates “Stay off the *truchas* (inmate workers).” Everyone benefits from having a clean tier, so don’t give the inmate workers trouble. Inmates must refrain from doing things that make jail life uncomfortable for others. These include “No yelling down the *tira* (tier)” and “no disrespecting or name calling on the *tira*.” Inmates must limit conversations to people in their own cell, rather than shouting to people in distant cells. The rules require them to “keep the *tira* clean. No trash unless the tira is being swept.” Since officials may stop visitations for all inmates when they catch someone engaged in prohibited activity, Rule 8 states, “No illegal activity is allowed until the last chain has gone to visiting on visit days.”<sup>76</sup> These rules ease inmate interactions.

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<sup>72</sup> Morales 2008, 48

<sup>73</sup> Rafael 2007, 44

<sup>74</sup> Sureño Report 2008. Black inmates at Stateville also distributed rules to black inmates upon arrival (Jacobs 1977, 149-150).

<sup>75</sup> Blatchford 2008, 77

<sup>76</sup> Inmates rarely get violent in the visiting areas (Wacquant 2002, 376) and gang rules about racial segregation do not apply there.



Second, the gang has rules to govern behavior among Sureños. Some of these rules are straightforward. They prohibit fighting and horseplay. To ensure that Sureños are able to defend themselves against their enemies, the rules require participation in a daily “mandatory workout of your choice, minimum of one hour.” The rules remind inmates to “Guard your conversation on the phones.” Staff can monitor inmate phone calls, so discussing illegal activities can lead to new criminal charges. Even though assaulting correctional officers is discouraged, a Sureño needs to know that others will assist him if he attacks a staff member. Rule 28 requires that “If one of the Homies feels disrespected and takes off (attacks) on the *judas* (correctional officers), all Homies will follow (back him up).”

The gang establishes rules to improve communication. First, “All cell reps are to run down the rules to the new arrivals on their *tira*.” Sureños often communicate by passing notes between cells or relaying messages in person. The rules require “All *wilas* (“kites” or letters), verbals, items being brought from *corte* (court) or just down the *tira* are not to be short stopped.” Inmates must not stop or delay communications from reaching their intended recipients. There is a hierarchy of command among Sureño inmates, so when Sureños have trouble with each other, they are required to first discuss it with their “cell rep.” Rule 24 explains, “Any issues or complaints are to be taken up with your cell rep. After, and only after, will I accept *wilas* (letters) to settle the matter.” These rules facilitate a shot caller’s ability to govern Sureño inmates.

An inmate who breaks these rules may be added to the Sureño enemies list—the Green Light List. Landing on the *lista* is the threat that encourages obedience. The list records the names of inmates who others have the go-ahead (green light) to assault. Someone on the list is referred to as “*verde*,” Spanish for green. Figure 4.1 shows a Mexican Mafia enemies list found in the gang module at the L.A. County Jail.<sup>77</sup> This Green Light List shows people in three different statuses. “Disciplines” indicate those gangs that inmates have the green light to assault. Anyone in that gang is subject to violence.

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<sup>77</sup> Courtesy of Robert Morrill

“Personal HCs” list particular people who the gang wants assaulted.<sup>78</sup> “Passes” records those people who the gang previously targeted but who have been forgiven for their transgression.

"DISCIPLINES"

CANOGA PARK • 8TH ST ELA • STONERS BELA • NS MONTE • LOWELL ST • QUIET VILLAGE  
 VINELAND BOYS • EARL ST • DIABLOS • RADFORD • TRIG • ROSEHILLS • HIGHLAND PARK • VILLA BOYS PASA  
 WVLS • ELA WHITTER BLVD SIDE • "ALL MARAVILLAS"

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"PERSONALS - H.C."

SMOKEY HAZARD • GREEDY • MARIJUANOS • CLOWN RASCAL • CARTOON • RAY • HIGHLAND PARK • HUSKY  
 SPANKY • LI ST • ROSEHILLS • BOXER POPEYE KILLER • KILLERZ DIAL BLVD PUENTE • RAY • BIG MUNCHIE W.F.  
 SPASSY SPIKE • ZUSA • CHINO • WILMAS • RAY RAY • SLEEPY • BENNY GARCIA • AVES • MEDINA  
 KILLER JOE • RAYN • BOBO • CLOWNEY • ALEX CADDNE • JOKER PADILLA • MONTE FLORES • LIL MAN • JOE HERNANDEZ  
 PICOVIEJO

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\* CASPER • LARGO HORSESHOE • POPEYE • CASPER • LOMAS • CRUZITO • HENRY BEAR • BOUNCER • WEASEL  
 BOBBY HERNANDEZ • WINKY • COSMO NS REDONDO • TINY WS IN • INDI • ALPINE • BLANCO 18ST  
 SNAKE GAL • LAZY FIBBLES • PHILIP VASQUEZ • SANTOS ES BOLENTI • CHOCO • JARDIN • LUCKY FIBBLES  
 HVERO CITY TERRACE • SPEEDY • PAKA • PETEY • SANTA RANAS • BARO PILO VIEJO • LIL CLEVER WS 18ST • YOUNGSTER RING  
 "STRANGER 213" • SMILEY HIGHLAND PARK • HEHINO WILLIAMS ALISTO NUNEZ • RICHARD FIGUERO 5559995 • "STRANO HPS"

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PASSES

WINDY • LIL WICKED WVLS • CONEJO WVLS • CARTOON • TURTLE DOG TOWN

"GYDSY, LIL MAN" KANPOL 213-314-5489  
 3400 GANG MOD. IF THERE'S ANY QUESTIONS CALL

Figure 4.1 A Mexican Mafia green light list

The gang can put an individual gang member or an entire street gang on the list. If an entire street gang has a green light, any member of that gang (or *varrio*)—regardless of his personal obedience to gang rules—may be attacked. Like the prison environment, street gangs operate in a community responsibility system, so all members of a street gang may be held accountable for one of its member’s actions. Rule 21 uses strong language to communicate the need to make use of this enforcement mechanism, “Gang Module Homies (shotcallers) blast (assault) all *verdes*, *varrios*, and personals (gang or individual green lights). MANDATORY blast unless otherwise stated. Lista *verdes* (green light hit lists) shall be passed every night.” Sureños must assault anyone who is on the green light list or whose

<sup>78</sup> HC stands for “hard candy,” jailhouse humor referring to the fact that a shank that was held in an inmate’s bowels, once retrieved, may resemble a chocolate candy bar.

gang is on the list, and the gang must members update the list on a daily basis. Violence against green-lighted people isn't limited to the county jail. Rule 25 requires "Homies going to court should choose *camaradas* (brothers/partners) and relay *verdes* and personals," meaning assault people at the court who are on the green light list. One gang member explains, "It's not uncommon for the whole jail to know about greenlight lists. When you get to jail, you get a list of rules and a greenlight list."<sup>79</sup>

Gangs create rules to govern the underground economy. According to a law enforcement official's summary of a rule, "One person per day is responsible for all transactions. There isn't anything in a correctional facility that isn't bartered and all transactions go through a designated person." Drug dealing is especially important, and the shot caller takes a one-third tax on all drugs: "All *clavos* (drugs) are to come to me; I will cut the third." More generally, "All personal transa (transactions) are susceptible to a South Sider [Sureño], and double up when late." A gang expert explains, "A fee or tax is applied by a South Sider to transactions and this fee is doubled when payment is delayed." Of course, secrecy is necessary to conceal this information from officials, so "All South Side business or anything else discussed on the *tira* remains on the *tira*, unless told."

These are the specific rules that Sureños used in a particular jail at a particular time. Examining them doesn't mean that we can generalize to how all gangs provide governance all of the time. However, these rules are informative for several reasons. First, multiple sources agree that gangs have written rules that provide governance and are enforced. These provide an example of those rules. Second, even if we cannot generalize to other inmate groups, these are the rules that govern a very important component of the criminal underworld. The Los Angeles County Jail system is the largest in the state, and Sureños are arguably the most influential inmate group in the entire state prison system. Third, these rules make sense once one realizes inmates' need for self-governance. It shouldn't be

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<sup>79</sup> Rafael 2007, 309

surprising that inmates create rules to reduce conflict with other groups, disputes among themselves, and to facilitate illicit trade. Doing so is profitable.

Other prison gangs provide similar solutions to the same problems.<sup>80</sup> The Nuestra Familia, for example, has a list of rules called the Fourteen Bonds.<sup>81</sup> Like Sureños, the Norteño rules require inmates to get along with each other. Rule 4 demands equal and fair treatment of others, “In order to continue our struggle with far less difficulties, there shall be no tolerance created by internal confrontations, individualism, or homeboy favoritism [favoring those from your own street gang]. No norteño will spread false rumors or negative gossip about a fellow norteño, and at no time will a norteño attempt to take advantage of, or disrespect, a fellow norteño’s ruca (girlfriend) or familia. To do so will result in serious repercussions.” Rule 7 states, “At no time will a norteño endanger the life of a fellow norteño. There shall be no fighting amongst norteños, nor shall any cowardice dealings with the K-9 [law enforcement] or enemy be tolerated. To do so will be dealt with accordingly.” The threat at the end is important to note. These are not requests. These are not norms. These are rules, and if an inmate doesn’t follow them, he will be punished.

A Norteño is required to “protect and defend his household to the fullest, no matter the circumstance or consequence. This means standing next to a fellow norteño or the cause both battle or struggle. To abandon such responsibilities will be considered as an act of treason.” Like Sureños, inmates must take care of their physical fitness. Rule 8 states that “Be he rank or file, he will have high regard for his physical and mental well-being and will always strive to better himself and become more aware and educated in all aspects relevant to the accomplishments of our set goals.”

Norteños use information transmission mechanisms to enforce rules in the inmate social system. New inmates are investigated and interviewed, and “Any and all data pertaining to a new arrival shall be

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<sup>80</sup> These types of governance institutions operate in youth facilities as well (Rayman 2012).

<sup>81</sup> Fuentes 2006, 38-40; Morales 2008, 22; Mendoza 2012, 87-91

reported through its proper channel immediately (see household procedures), especially that which endangers a life or is contrary to the cause.” They update Bad News Lists regularly. According to Rule 10, “Every chapter and stronghold of *norteros* will keep track of all enemy and enemy activities behind enemy lines.” All northerners have to learn these rules and “A *nortero* should stay abreast of all new laws, policies, and procedures. No portion of this format is to be misinterpreted or abused for personal gain. To do so will be considered as an act of treason.”

Inmate groups use written rules to ease tensions among inmates behind bars and to facilitate their illicit businesses. They identify in writing what the acceptable behaviors are and what actions violate the rules. Importantly, unlike norms, these groups have clearly defined mechanisms for making rules, to monitor for rule violations, to communicate these violations to people in authority, and methods of punishing infractions. Just like medieval merchants, a community responsibility system helps inmates overcome the challenges of living and trading among untrustworthy strangers.

## Predatory or Productive?

Prison gangs provide protection and facilitate the prison drug trade, but there is also no shortage of horrific stories about their victimization of others. What is their net effect on the welfare of inmates? We’ve already heard much of the inmate’s perspective on gangs. They identify ways that gangs make rules, settle disputes, and structure the drug trade. On the other hand, it is obvious that gang members also intimidate and extort others.

Another way to understand the overall effect of prison gangs is to hear what administrators and wardens think they do. In the 1980s, the Department of Justice conducted a national study of prison gangs.<sup>82</sup> They surveyed prison administrators on numerous aspects of prison gang activity. They asked

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<sup>82</sup> Camp and Camp 1985

respondents to rate how involved prison gangs are in 19 different criminal acts (1 = very seldom, 2 = seldom, 3 = occasionally, 4 = frequent, 5 = very frequent).<sup>83</sup> Table 4.1 reports the summed scores for each crime. They received responses from 49 jurisdictions, so the maximum number of points possible for any crime was a score of 245. Not surprisingly, gangs are perceived to be engaged in a great deal of predatory behavior, including intimidation, assault, abuse of weak inmates, extortion, theft, strong arm robbery, robbery, rape, murder, and slavery. Intimidation is the most frequent crime reportedly engaged in, although it only receives 60 percent of the possible points. Four of the top five most frequent crimes are of a predatory nature. Clearly, prison gangs do not engage in only benevolent and charitable acts. They are not the Elks Lodge.

**Table 4.1** Prison gangs' involvement in criminal acts

Crime	Points	Crime	Points
Intimidation	148	Robbery	89
Drugs	145	Prostitution	88
Assault	134	Rape	83
Abuse of Weak Inmates	133	Sodomy for Sale	83
Extortion	131	Murder	79
Protection	131	Bribery	71
Contraband Weapons	128	Arson	61
Theft	117	Slavery	52
Strong Arm Robbery	99	Explosives	47
Rackets	96		

*Source: Camp and Camp 1985, 45*

<sup>83</sup> Camp and Camp 1985, 45

However, they do participate in a number of productive and contractual activities, such as selling drugs, protection, prostitution, and sodomy for sale. Although perhaps more scandalous than most people's usual purchases, these are goods and services that many inmates want. The total points for these productive activities are roughly 42 percent of the points assigned to predatory activities. The second most frequently engaged in crime is drugs, just four points shy of being the most frequent. Given that drugs are such an important part of the inmate social system, and inmates have a strong demand for them, this is important to note. Consistent with inmate claims, gangs don't just occasionally deal drugs. It is one of their primary activities.

Several of their activities also have an ambiguous affect on inmates' welfare. For example, participating in the crime of "contraband weapons" receives a high frequency rating, but it's unclear how this influences inmates on whole. It might be that gangs use weapons to extort or assault others; on the other hand, inmates may use contraband weapons for protection or to assault correctional officers. Just as a citizen on the street can use a gun to rob someone or to protect his home, weapons in prison can be used for good and evil. From an inmate's perspective, the net outcome is not obvious. Other ambiguous crimes on the list include rackets, bribery, arson, and explosives. These crimes aren't obviously good or bad for inmates. Bribing an officer might allow a gang member to hurt an innocent person, or it might allow him to smuggle in valuable contraband. Rackets that involve gambling or bootlegging of prison wine and alcohol benefit inmates. Of the total points assigned, 60 percent are predatory and 40 percent are productive and contractual or of ambiguous nature.

This survey gives one indication of the nature of gang influence, but it has several important limitations. First, prison administrators may not fully know what gangs do. Drug dealing, for instance, is something of great importance to inmates, but it is also something that gangs work hard to conceal. Officials are less likely to observe the voluntary interactions that characterize "victimless" crimes, than a

stabbing or murder, so this measure will tend to underestimate the productive activities. Second, the frequency that a gang engages in some activity isn't the same as its importance. A gang may infrequently murder someone, but that is surely more important than an instance of intimidation. This survey doesn't account for the importance of the crime, only its perceived frequency. Third, distinguishing between predatory and productive activities from this list is quite subjective. Even assault and intimidation can be good for the inmate community if—as many inmates report—it limits rogue, violent inmates and deters theft. It is commonly believed that governments use the threat of violence to promote peace. In the same way, prison gangs that assault or intimidate others may lead to a more orderly environment.

Recent research finds similar results. A study asked officials at 37 prisons to provide information about the characteristics of prison gang members.<sup>84</sup> Ninety-one percent of respondents believed that the most important reason that inmates join gangs is out of fear of other inmates. Gangs play an important protective role. Moreover, for a majority of inmates, gang membership was desirable because it provided access to contraband, economic benefits, increased status, and a sense of belonging.

Examining the characteristics of gang members and their behavior provides another way to try to understand how predatory or productive prison gangs are. A study of inmates in Nevada found that gang members are more likely to have five or more citations for violating prison rules, be found guilty in disciplinary hearings, and be charged with drugs or fighting.<sup>85</sup> A study by the Ohio Department of Rehabilitation and Correction had similar findings.<sup>86</sup> Past work has found that, in certain periods, prison gang members committed most prison murders.<sup>87</sup> In Texas, 20 of 25 homicides in 1984 were gang

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<sup>84</sup> Winterdyk and Ruddell 2010

<sup>85</sup> Sheldon 1991, 55

<sup>86</sup> Ohio Department of Rehabilitation and Correction 1998; also Sorenson and Pilgrim 2000; Cunningham and Sorensen 2007

<sup>87</sup> Fong et al 1992



related; 23 of 27 inmate homicides in 1985 were gang related.<sup>88</sup> However, one study found that inmates with the greatest involvement in street and prison gangs were not more likely to engage in prison violence.<sup>89</sup> These studies do not control for other factors, so they fail to identify the independent effect of gang membership on misconduct and violence. For instance, it might be that the same people who are more likely to be violent are also more likely to join gangs. Without a gang affiliation, they may have caused even more trouble. Officials may be more likely to cite a gang member for a rule violation. Moreover, from the inmate's perspective, violation of prison rules enhances welfare if it increases the availability of drugs and other contraband. Gang-related assaults and murder may improve prison order. These studies don't provide clear evidence on the nature of prison gangs.

A more sophisticated study of prison gang misconduct uses cross-section multivariate regression analysis to compare misconduct by gang- and non-gang inmates in Federal prisons.<sup>90</sup> The study finds that affiliation with a particular gang "was associated with an increase in the probability of violence for 20 of the 27 gangs and an increase in serious violence for 18 of the 27 gangs."<sup>91</sup> Inmates affiliated with gangs were more likely to be cited for drug and property misconduct (the latter includes theft, damaging property, and gambling). Gang-affiliated inmates were more likely to be written up for being in a prohibited area and disobeying work orders. Inmates with a stronger devotion to their gang engaged in violence more often than those with a looser affiliation did. However, violence decreases the longer an inmate is affiliated with a gang. The study found no evidence that gangs are associated with less violence relative to unaffiliated inmates, but "many gangs were no more violent than their unaffiliated peers."<sup>92</sup> This is perhaps the best analysis available to date, but two empirical problems still plague it. First, this study doesn't show that membership in the gang is the causal factor that makes an inmate

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<sup>88</sup> Fong 1990, 37

<sup>89</sup> DeLisi, Berg, and Hochstetler 2004, 376

<sup>90</sup> Gaes et al 2002

<sup>91</sup> Gaes et al 2002, 370

<sup>92</sup> Gaes et al 2002, 370

more likely to be disruptive. It is likely that inmates who are more likely to break the rules are also more likely to join gangs. Because it is only a cross section, it cannot demonstrate a causal relationship. Second, if gang members use violence to establish order, then these studies are not capturing the true, net effect on violence. By analogy, the average police officer might use force more often than the average citizen, but doing so improves social order. Both cases might tell us there is a specialization in violence, but not what the overall level of violence would be in their absence.

Despite the conventional wisdom that prison gangs increase violence, these studies provide no clear empirical link between gang membership and prison violence. Due in large part to data limitations, no studies exist that can establish the causal nature of the relationships between prison gangs and prison social order. A survey of the literature explains, “contrary to popular perception, the relation between inmate characteristics generally, and gang affiliation in particular, and prison violence and disorder, is unknown...it is remarkable how few quality research studies have been completed on the link between gang/STG [security threat group] membership and prison violence.”<sup>93</sup> The authors conclude, “there is simply insufficient scientific evidence from which to draw an accurate profile of those prisoners most likely to engage in various forms of prison violence.”<sup>94</sup>

## Practical and Theoretical Implications

To correctional officials, prison gangs are a major source of disruption, misconduct, and violence. They promote consumption of controlled substance, gambling, prostitution, and other contraband activities. To staff, this is undesirable. Nonetheless, it would be incorrect to look only at these negative aspects without looking at their productive activities. First, based on both historical and contemporary evidence, prison gangs form and operate to provide protection. Second, gangs adjudicate disputes. Through a

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<sup>93</sup> Byrne and Hummer 2007, 538

<sup>94</sup> Byrne and Hummer 2007, 539

community responsibility system, gangs resolve conflicts between rival groups of inmates. In their absence, large-scale impersonal exchange would not be feasible. The option to purchase contraband on credit would be less readily available. From the inmates' perspective, this enhances welfare. Because gangs profit when markets flourish, they have an incentive to promote order. The community responsibility system is not perfect, and no official would have intentionally designed it to operate in this fashion. However, given the demographics of the inmate population and the inability to rely on norms, prison gangs are the low-cost producer of governance in the inmate social system. This doesn't imply that they are the first-best solution, but relative to a strictly norm-based governance regime, prison gangs improve order.

Understanding the prominence of governance mechanisms created by prison gangs has several implications. First, past work on the convict code has characterized its robustness incorrectly. It is neither necessary nor sufficient to provide inmate governance. It is incorrect to claim that the underground economy "can exist only with the protection of the strong inmate culture wherein the inmates generally adhere to the values of the inmate code."<sup>95</sup> Gangs can provide this governance, so the code is not necessary. Moreover, the convict code is insufficient to support high-volume impersonal trading in large populations, so the cause of the code's decline does not occur only "if the rigor of confinement is mitigated to the point where the sub rosa system is no longer needed."<sup>96</sup> The code also becomes ineffective in the face of certain inmate demographics.

Second, many scholars expected the prison buildup to be characterized by either a rise in disorder and violence or in stricter, totalitarian control of prisons to prevent it. Surprisingly, the best evidence available doesn't show either happening. Bert Useem and Anne Piehl find that, from the 1970s to the early 2000s, the rate of riots became less frequent, the homicide rate among inmates declined

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<sup>95</sup> Williams and Fish 1974, 42

<sup>96</sup> Williams and Fish 1974, 42

dramatically, and escapes were less common.<sup>97</sup> At the same time, a smaller proportion of the inmate population is held in protective custody or high-security confinements. Changes in neither architecture nor rehabilitation programs seem to explain the improved social order. With those explanations deemed unsatisfactory, the remaining explanations seem more plausible. They argue, “the data are consistent with the position that political and correctional leadership made prison institutions more effective.”<sup>98</sup> It may be true that official governance has improved, but criminal governance has improved as well. Since the study lacks data on the governance created by prison gangs, officials are given credit for all of the resulting social order. Some of the improvement should be attributed to gangs. Gangs’ widespread influence in the inmate social system also seems to clash with the claims of improved custodial administration. If officials are so good at what they do, then why must inmates rely on prison gangs for protection?

Third, the increasingly important role that the community responsibility system has played in the last thirty years may mean that official statistics are biased. When inmates fight in a cell or a blind spot, official numbers do not capture this violence. Prison gangs orchestrate violence to take place out of officials’ watchful eyes. They lock down inmates based on gang affiliation, race, and ethnicity, rather than confining only those inmates engaged in a particular act of violence, so gangs have greater incentive to discourage rioting and to regulate violence than inmates did in the norm-governed era. Studies of prison social order over time must consider this. Related, it is crucial to distinguish between what Elinor Ostrom calls rules-in-form and rules-in-use.<sup>99</sup> The former are the explicit, *de jure* rules; the latter are the rules that people actually follow and care about. When these diverge substantially, the practices of social life look very different from the way they look on paper. We could say little about prison social order by simply reading Title 15 of the California Code of Regulations or the Department’s

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<sup>97</sup> Useem and Piehl 2006; 2008

<sup>98</sup> Useem and Piehl 2006, 87; also Useem and Piehl 2012

<sup>99</sup> Ostrom 1990

Operations Manual. Studies of governance institutions based primarily on rules-in-form will often be inaccurate and misleading.

The prison community also provides several important insights into the broader theory of self-enforcing exchange. First, past studies of reputation-based governance has failed to distinguish between violent and nonviolent contexts. Unlike in classic studies, for instance among rural neighbors in Shasta County and Orthodox Jewish diamond traders in New York City, inmates are quite willing to use violence.<sup>100</sup> Boycott alone might be unable to sustain norms in large communities, but the threat of violence could possibly generate a sufficiently large punishment to deter opportunistic behavior in a large-scale decentralized community. However, what we find in this environment is that even when people are more willing to use violence to support norm-based governance, norms still become ineffective in large populations. They do not scale up.

Second, gangs promote order by adopting racial solidarity and segregation. They do not form gangs simply “to further their racist philosophies,” as officials often suggest.<sup>101</sup> In an all-male community where everyone wears the same clothes, race provides a great deal of information about someone very quickly. An inmate cannot change his race, so it limits his ability to move from community to community, taking advantage of different groups or falsely claiming membership in a group. Gangs do not form to promote racism; race facilitates criminal governance. Racial segregation has some efficient properties.

Third, the prison community illustrates a rarely observed outcome. Multiple “protection agencies” occupy the same geographic area. Typically, government or private enforcement agencies do not do this because there are economies of scale in providing protection. Once an organization protects one house, the marginal cost of protecting the next house is much lower. Falling costs lead to a

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<sup>100</sup> Ellickson 1991; Bernstein 1992; Richman 2006; Sutter (1995) models power relationships under anarchy.

<sup>101</sup> Carlson 2001, 12

monopoly protection provider in a region.<sup>102</sup> This doesn't happen in prison. One reason for this is that prison gangs provide governance over commerce, and the same economies of scale don't exist in governing trade. There are no large fixed costs to providing governance, so resolving the second commercial or social dispute isn't cheaper than the first.

Fourth, prison gang governance works well even though it is, in important respects, fully independent of formal governance mechanisms. Past work has debated whether this is possible and whether particular historical examples illustrate robust independent, informal governance mechanisms. For instance, Avner Greif's important early work on the economics of self-enforcing exchange examined the multilateral reputation mechanisms that promoted trade among the Maghribi traders in the Medieval Mediterranean. In a series of papers, Jeremy Edwards and Sheilagh Ogilvie argue that the self-enforcing trading institutions were effective primarily because merchants could use formal courts should informal mechanisms fail.<sup>103</sup> Studying inmate contraband markets avoids this problem—inmates cannot rely on formal mechanisms to adjudicate disputes over illicit goods and services. They are not negotiating in the shadow of the law. They have no recourse to formal institutions, so the illicit market activity in today's prisons support the contention that self-enforcing exchange can arise fully independent of formal governance mechanisms.

Finally, the development of the inmate governance system informs research on the origin and evolution of government.<sup>104</sup> The transition from small personal communities to large impersonal communities requires different governance institutions. The prison social system provides an opportunity to observe how institutional change occurs in a particular context, and it is consistent with

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<sup>102</sup> Nozick 1974; Buchanan 1975

<sup>103</sup> Edwards and Ogilvie 2012; Greif 2012

<sup>104</sup> Oppenheimer 1914; Lane [1942] 1966, 1958; Carneiro 1970; Tilly 1985; Skaperdas and Syropoulos 1995; Bates 2001; Bates et al 2002; Levi 2006; Acemoglu and Robinson 2006; Bates 2008; North, Wallis, and Weingast 2009; Pinker 2011; Acemoglu and Robinson 2012; Konrad and Skaperdas 2012

claims about when decentralized governance gives way to more centralized power.<sup>105</sup> As economist William Baumol argued about the similarities between gangs and governments, “there is also much to be learned from a reversal of the comparison, this time not thinking of gangs as quasi-governments, but rather by interpreting most governments in human history as gangster associations.”<sup>106</sup> For instance, the study of prison gangs may point to some of the incentives and processes that political elites in early states faced in deciding to adjudicate disputes and to extend political rights. We do not need to assume benevolent motivations on the part of political elites to explain the creation of early-governments. The ability to benefit from productive economic activity can create the needed incentives. Moreover, the history of prison gangs shows how quasi-governments can emerge through an iterative process rather than from the intentional construction by enlightened political elites

Theoretical work on self-governance finds that self-enforcing exchange is effective in small, close-knit communities, with good information, populated by people with low time preference who interact indefinitely.<sup>107</sup> In this setting, people have good information about who is trustworthy, they patiently wait to enjoy the benefits of future trades, and they can exclude and ostracize those who act badly. People can make credible threats to punish bad behavior, so people act badly less often. Prisons are different. Inmates can’t migrate. They can do little to segregate themselves physically. Prisons are full of a heterogeneous population of untrustworthy people, many of whom are violent. The prison population is large. Nonetheless, inmates participate in a thriving illicit marketplace. Prison gangs provide much of the governance that allows a large number of untrustworthy, heterogeneous traders, to engage in large volume of trade. Inmates, by facing so many impediments to trade, show just how effective and robust self-enforcing exchange can be. The prison contraband trade is not based on the best possible set of trading institutions, and officials do much to undermine it. The fact that it is more violent

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<sup>105</sup> North 1987

<sup>106</sup> Baumol 1995, 83

<sup>107</sup> Axelrod 1984; Boettke 2005; Powell and Stringham 2009

than other trading contexts should cause no surprise. Yet despite these shortcomings, drugs, alcohol, sex, mobile phones, and a remarkable variety of other contraband are available in jails and prisons. The volume of trade is testament to the effectiveness of these extralegal governance institutions. Even in this least likely of scenarios, self-enforcing trade can thrive.