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SMOKE 'EM IF YOU GOT 'EM: CIGARETTE BLACK MARKETS IN U.S. PRISONS AND JAILS

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Abstract

Since the mid-1980s, cigarette-smoking policies have become increasingly restrictive in jails and prisons across the United States. Cigarette black markets of various form and scale often emerge in jails and prisons where tobacco is prohibited or banned. Case studies of 16 jails and prisons were undertaken to understand the effects of cigarette bans versus restrictions on inmate culture and prison economies. This study describes how bans can transform largely benign cigarette “gray markets,” where cigarettes are used as a currency, into more problematic black markets, where cigarettes are a highly priced commodity. Analysis points to several structural factors that affected the development of cigarette black markets in the visited facilities: the architectural design, inmate movement inside and outside, officer involvement in smuggling cigarettes to inmates, and officer vigilance in enforcing the smoking policy. Although these factors affect the influx of other types of contraband into correctional facilities, such as illegal drugs, this study argues that the demand and availability of cigarettes creates a unique kind of black market.

Since the mid-1980s, cigarette-smoking policies have become increasingly restrictive in jails and prisons across the United States. Currently, two thirds of U.S. jails and one quarter of U.S. prisons ban inmates from smoking cigarettes or possessing tobacco (Falkin, Strauss, & Lankenau, 1998, 1999). In institutions where bans are enforced, inmates are prohibited from smoking any form of tobacco inside the facility or outside on the facility grounds. Despite this trend toward banning tobacco in correctional facilities, virtually no studies have examined the effect of this policy change on inmate culture and prison economies. In particular, no research has focused specifically on cigarette black markets that invariably emerge in jails and prisons where tobacco is prohibited.

We conducted ethnographic case studies of smoking policies in 16 jails and prisons to understand the effects of cigarette bans (the prohibition of tobacco) and restrictions (the sanctioning of tobacco smoking) on the exchange and use of cigarettes among inmates. In the following analysis, we contrast relatively benign cigarette “gray markets,” where cigarettes are traded and used as currency in facilities that restrict tobacco, with more problematic black markets, where cigarettes are a highly priced contraband item in facilities that ban tobacco. In particular, our analysis points to several structural factors that affect the development of cigarette black markets in the facilities that we visited: the architectural design of the institution, including the configuration of inmate-housing units; the degree to which inmates move around and outside of an institution; and the vigilance of correctional officers and staff in enforcing the smoking policy and their involvement in smuggling cigarettes to inmates. Although these factors affect the influx of other types of contraband in to correctional facilities, such as illegal

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THE FUNCTION OF CIGARETTES IN A PRISON ECONOMY

The legitimate and illicit exchanges of goods and services occurring inside jails and prisons comprise both a formal and informal economic system (Williams & Fish, 1974). The formal economy constitutes a prison's legitimate economic system that includes prison industries, work release programs, and other licit activities that generate income for inmates (and the correctional facility). This official system includes inmate monetary accounts, which are supplemented through prison employment and deposits made by associates, as well as the commissary, which dispenses goods, such as soap, snack foods, and sometimes cigarettes. For many inmates, however, the formal prison economy does not provide enough opportunities to earn income and offers too few desirable goods and services from the commissary. Consequently, an informal economy develops that is premised on consuming prohibited or contraband items and "hustles" (Gleason, 1978) to earn extra resources to pay for contraband and legitimate commissary goods.

Traditionally, cigarettes have been used by inmates as a standard form of currency in informal prison economies. Radford's (1945) description of a Nazi Germany prisoner of war (POW) camp was the first to discuss the economic and social importance of cigarettes in an inmate economy. Radford, a former POW, indicated that although active trading of other goods and services existed, only cigarettes were transformed from a commodity to a form of currency due to their durability, portability, supply, and demand. Likewise, Williams and Fish (1974) reported that cigarettes functioned as an ideal currency in prison because they were often smoked and replaced by new packs before the old packs became mangled and worn out.

The packaging of cigarettes into cartons, packs, and individual cigarettes creates natural denominations that foster convenient transactions among inmates. Kalinich's (1986) study of one prison economy found that stable prices evolved for contraband items that were expressed in terms of packs and cartons of cigarettes, such as five packs for a joint of marijuana or two cartons for a tattoo. Likewise, Radford (1945) reported that prices evolved for certain commodities and were expressed in number of cigarettes, such as 40 cigarettes for a loaf of bread or 15 cigarettes for a chocolate bar.

Another defining feature of the camp described by Radford (1945) was the development of an embryonic labor market, such as laundrymen earning two cigarettes per washed garment, and the emergence of entrepreneurial services, such as coffee stall proprietors selling coffee for two cigarettes per cup. Labor marketers and entrepreneurs using cigarettes as currency is also commonly found in jails and prisons. One practice, "mushfaking," involves manufacturing contraband items out of available materials in exchange for cigarettes or other goods and services (Foster, 1982). Examples include inmates creating dice from cubes of sugar marked with a black felt pen or making shivs or knives from silverware. Likewise, tattooing (Demelco, 1993), drug dealing (Gleason, 1978), and gambling (Kalinich, 1986) are common hustles that generate illicit income tied to the exchange of cigarettes.

A primary feature of the prison environment is the policing of hustles and the management of contraband problems through occasional or frequent shakedowns. Shakedowns are accomplished by correctional officers searching through an inmate's cell and possessions and ferreting out and seizing unauthorized items (Guenther, 1978). Shakedowns typically focus on more serious contraband, such as weapons, illegal drugs, and escape equipment, rather than on less serious "nuisance contraband," such as pornography, gambling equipment, and personal effects. In prisons that allow smoking, cigarettes constitute contraband only when amassed in large quantities (Kalinich, 1986).

Despite the integral role that cigarettes have traditionally played in the prison economy, both as a commodity and as a currency, no formal research has investigated the effects of cigarette bans on inmate culture. Rather, research examining cigarettes in prisons or jails has focused on housing-unit smoking policies (Falkin et al., 1998; Romero & Connell, 1988; Vaughn & del Carmen, 1992), rates of smoking among inmates (Vaughn & del Carmen, 1992), and legal issues surrounding cigarette bans (Vaughn & del Carmen, 1992). Prison and jail research conducted over the past 10 years, the period during which most bans have occurred, has focused on topics that relate to informal prison economics, such as changes in prison culture (Hunt, Riegel, Morales, & Waldorf, 1993), new generation jails (Jackson & Stearns, 1995), and sex in prison (Saum, Surratt, Inciardi, & Bennett, 1995), without mentioning the recent trend to ban cigarettes.

This article addresses an important gap in the existing literature on the role of cigarettes in informal prison economies. In particular, this research examines how changes in institutional policy, namely, restricting or banning cigarettes in jails and prisons, affects the informal prison economy and inmate culture.

METHOD AND SAMPLE

This research is part of a broader project focused on documenting and understanding the changes in cigarette-smoking policies in jails and prisons. As we describe, our particular focus on cigarette black markets emerged while learning about outcomes linked to jail and prison policies banning cigarettes. We gathered information about cigarette black markets using a case study method.

We began by contacting jails and prisons that were changing their smoking policy (or had recently changed), were viewed as authorities on the subject of banning cigarettes in correctional facilities, or were located in regions of the country where tobacco was an important part of the local or regional economy. Based on these criteria, we selected jails and prisons for qualitative exploration after individually examining hundreds of previously collected surveys (Falkin et al., 1998) or learning about cases while attending jail and correctional association annual meetings. Administrators at prospective jails and prisons were then contacted via phone and probed for additional information regarding their smoking policies. During these initial conversations, the discussion often turned to problems surrounding the enforcement of cigarette bans and the development of cigarette black markets. Consequently, we paid particular attention to the issue of cigarette black markets during site visits.

Following the screening process, 10 jails and 6 prisons in eight states (California, Connecticut, Indiana, Kentucky, Michigan, New Jersey, North Carolina, and Washington) were identified as possessing smoking policies of interest and later visited. All of the site visits were conducted between May 1998 and April 1999. Ten of the case study sites (6 jails and 4 prisons) banned cigarettes for staff and inmates, whereas 6 of the sites (4 jails and 2 prisons) restricted smoking, that is, staff and inmates were permitted to smoke in certain parts of the institution at specific times. Visits lasted 2 days and included touring the facility, interviewing key administrators, conversing with correctional officers and staff at their posts (e.g., medical clinic, control center, jail cell), and talking to inmates.

Interactions with line staff and inmates consisted of informal conversations and formal interviews to obtain information on inmate access to cigarettes and cigarette prices in facilities that permitted smoking and to describe three main aspects of the cigarette black market in facilities that banned smoking: smuggling, dealing, and smoking practices. Inmates were chosen by randomly selecting a housing unit and then interviewing only smokers who agreed to discuss their experiences under the facility's smoking policy. Officers assigned to the same

housing unit where also interviewed whenever possible. For both inmates and staff, interviews were conducted privately inside housing units or designated offices and occurred after gaining informed consent. In total, 50 staff and 140 inmates were interviewed. Nearly all of the 140 inmates interviewed were men, a reflection of the fact that we visited exclusively men's prisons and that the jails were dominated by male inmates.

In addition to directly asking administrators, staff, and inmates about cigarette practices and policies, inmates were observed interacting with other inmates and with officers in the jails and prisons. Also, health department officials in four counties were interviewed to gain insights into local public health initiatives toward smoking cessation in the community and inside jails. Finally, department of corrections officials in three states were interviewed to understand smoking policy formulation at the state level and to learn how these officials viewed problems surrounding the enforcement of cigarette restrictions in prisons.

Researchers who investigate clandestine activities, such as cigarette black markets in jails and prisons, have to be particularly attentive to the validity of the information gathered. Inmates and staff often have reasons to lie or withhold facts about black market activities because disclosing any involvement could jeopardize personal safety, relationships with others, and jobs. Although the verification of any particular fact is problematic, we believe our understanding of cigarette black markets in the facilities we studied reflects the reality of the situation at the time we visited the facilities. We independently asked staff and inmates many of the same questions, such as "How much does a cigarette cost?" and "How are cigarettes brought into the facility?" A consensus often emerged in response to these questions, indicating that the individuals we talked to had similar perceptions of these issues. In addition, we were often able to validate these perceptions through participant observation, such as smelling tobacco on inmates or seeing remnants of cigarettes in bathroom stalls.

Given the subterranean nature of the cigarette black market, the relatively brief time we spent inside each institution, and the limited number of inmates and staff that we interviewed and observed, we do not make inferences as to how widespread or problematic the cigarette black market was in each facility. Rather, our primary objective is to describe the principal features of the cigarette economy and cigarette black market as we came to understand them during our 16 site visits.

To provide a context for understanding how and why cigarette black markets emerged and functioned in the facilities that banned tobacco, we first describe the gray market cigarette economy in facilities that permitted smoking.

THE GRAY-MARKET CIGARETTE ECONOMY

ACCESS TO CIGARETTES

In the six facilities that permitted smoking, inmates purchased cigarettes as well as other commodities, such as snack foods, beverages, personal hygiene products, medication, and clothing, from a commissary or in-house store. Whereas new inmates received basic hygiene items, such as toothpaste and soap, from the commissary on admission, all inmates were responsible for paying for luxury items as well as necessities after admission. In lower security facilities, inmates went to the commissary to buy cigarettes and tobacco, whereas in higher security facilities, purchased items were delivered directly to their cells.

Because U.S. currency was regarded as contraband inside all of the facilities visited, inmates were given personal debit accounts, and the costs of commissary items were deducted from their accounts. Money could be added to inmate accounts via deposits made by inmates themselves, families, or associates. Inmates also accrued income through institutional jobs,

and these earnings were added directly to their accounts. Depending on their level of skill and job responsibility, inmates earned between \$15 and \$35 per month. For instance, an inmate working as a welder earned more than a janitor. In some cases, inmates earned a wage for attending general equivalency diploma classes or drug abuse treatment programs. In addition, inmates who were prohibited from working, chose not to work, or attended classes received “idle pay,” a minimal monthly allowance that provided for basic hygiene purchases.

Depending on the facility, inmates ordered commissary items between one and three times per week. Commissary purchases, including cigarettes, were limited to a maximum weekly amount, such as \$50 or \$60. The commissary was the only source for these products because inmates were prohibited from receiving such items from friends or family. Outside gifts were prohibited because they could serve as conduits for tobacco and other contraband, such as illegal drugs and weapons.

In the six institutions that sold tobacco, the price, quality, and diversity of tobacco products varied from facility to facility. For example, inmates in a small jail could purchase only a generic brand of cigarettes costing \$1.25 for a pack of 20 cigarettes, whereas inmates in a large prison could buy cigars, loose tobacco, and name brand cigarettes, such as Marlboro, for \$2.25 per pack. Cartons with 10 packs of cigarettes were also sold but typically without any discounted pricing. Loose tobacco, which was sold in 6-oz cans or 1-oz boxes along with cigarette rolling papers, was the cheapest form of tobacco. For instance, in one prison, a 6-oz can of Bugler cost \$4, which could then be rolled into 300 cigarettes, the equivalent of 15 packs of cigarettes costing about \$0.40 per pack.

CIGARETTES AS CURRENCY

All of the facilities that allowed inmates to smoke prohibited them from trading cigarettes for other goods and from giving cigarettes to each other as gifts. However, cigarette exchanges among inmates were difficult to police, and sanctions for trading were rarely imposed, according to both inmates and officers at these six facilities. Furthermore, because U.S. currency was prohibited, cigarettes functioned as a local form of currency in these prisons and jails. In particular, a pack of cigarettes stood as the basic unit of exchange and favored form of currency for several reasons. First, compared with other common commissary items, such as candy bars, soups, and soap, a pack of cigarettes cost enough to be a meaningful object of exchange. Second, a pack of cigarettes is a portable, semidurable object that could be conveniently exchanged; however, because trading or giving away cigarettes constituted a rule violation in these facilities, the unit of currency had to be inconspicuous. Third, because the great majority of inmates smoked, a pack of cigarettes served the dual function of acting as currency and as a consumable good. Rather than trading other items for a pack of cigarettes, an inmate could simply smoke up his winnings or earnings.

A pack of cigarettes was used as payment for a variety of services and exchanges. For instance, a visit to the prison barber sometimes required a pack of cigarettes as a tip to ensure the desired haircut. In several facilities, inmates who wanted their laundry properly folded had to tip the laundryman a pack of cigarettes for each load of clothes washed. In some cases, inmates who failed to tip not only received poorly folded clothes but had their belongings subjected to a “state wash,” that is, a laundryman washed and dried an inmate’s clothes without ever removing them from the laundry bag, which often left clothes still dirty and wrinkled.

Apart from inmates who used their institutional jobs to gain income, such as laundrymen or barbers, other inmates devised various hustles to earn extra income. For instance, one inmate created cards and envelopes that he exchanged for cigarettes. He also ran a “store” where he bought items from inmates at one price, such as a shirt for two packs of cigarettes, and then

sold the items later for a higher price, such as three packs of cigarettes for the same shirt. Gambling debts were also frequently paid in packs of cigarettes.

One particular inmate's hustle, to roll loose tobacco into cigarettes, clearly illustrates the value of cigarettes and how cigarettes can circulate within a jail or prison economy. In one prison, a 6-oz can of loose tobacco sold for \$4, and the buyer would pass it to an inmate who was highly skilled at rolling cigarettes. Using 4 oz of tobacco, he rolled 200 cigarettes, the equivalent of 10 packs of cigarettes, and he kept the remaining 2 oz as payment for his labor. He then rolled the extra tobacco into 100 additional cigarettes. Because his cigarettes were so skillfully rolled, other inmates were often willing to trade a pack of 20 cigarettes, valued at \$2, for his 100 cigarettes. He then traded packs of cigarettes for commissary items. This inmate, who also worked a night job as a janitor, rolled between two and seven cans of tobacco per day. Whereas his janitor job paid only \$16.50 per month, he earned the equivalent of \$4 to \$14 per day rolling cigarettes. Although rolling and exchanging tobacco was forbidden under the institution's rules, this inmate was able to succeed because the dorm officers often looked the other way.

THE BLACK MARKET IN CIGARETTES

CONTRABAND CIGARETTES IN FACILITIES THAT PERMIT SMOKING

As mentioned earlier, the six facilities that sold cigarettes all restricted inmate smoking in certain ways. Depending on the facility, these restrictions included the following: barring inmates from smoking anywhere inside the facility but allowing them to smoke on the prison grounds, prohibiting inmates from smoking in their individual cells but permitting smoking in the attached dayrooms, and prohibiting inmates from smoking in their cells if their cellmate objected. Violating the smoking policy led to further smoking restrictions, such as the loss of smoking privileges for certain periods of time.

In all the facilities that allowed inmates to smoke, smoking was prohibited in the isolation cells, known as the administrative segregation unit, which are reserved for egregious rule violators. However, when placed in the administrative segregation unit, inmates procured cigarettes in a secretive and costly manner, a practice that foreshadowed the emergence of black markets in facilities that banned tobacco.

For instance, a well-developed black market existed in the administrative segregation unit at one maximum security prison where smoking was permitted among the general population. According to several officers assigned to the unit, cigarettes entered the unit in a variety of ways. Inmates involved in the black market hid cigarettes in food trays or in bundles of laundry that were sent into the units. Cigarettes were also placed inside tennis balls, tossed into the outdoor recreational area, and then retrieved by inmates. Other inmates purposefully became involved in incidents requiring disciplinary action or requested protective custody in order to be temporarily placed in administrative segregation. Once in the unit, the new inmate provided smuggled cigarettes to other inmates at a substantial markup.

Because cells in the unit were frequently searched and monitored, inmates had to carefully smoke and hide their tobacco. One clever technique involved an inmate's placing tobacco and matches in a tightly sealed plastic toothbrush holder and then putting the holder in a toilet located in the inmate's cell. The inmate then flushed the holder, but the buoyant plastic became trapped in an air pocket located inside the toilet plumbing. When the inmate wished to smoke, he drained the toilet water into the sink. Removing the water caused the toothbrush holder to drop into the base of the toilet bowl. The tobacco and matches, still dry, were then removed from the holder. On lighting the cigarette, smoke was blown into the air-filled toilet plumbing. In this case, the toilet served the dual function of hiding the tobacco and concealing cigarette smoke.

BLACK MARKETS IN FACILITIES THAT BANNED SMOKING

Among the 10 facilities that banned smoking, all prohibited administrative staff, correctional officers, and inmates from smoking tobacco anywhere inside of the facility, that is, both the administrative offices and the secured areas. However, certain policy variations existed that had implications for the development of a black market. For instance, one facility allowed inmates to smoke while they were off-site performing community service or while they were on work release. Most facilities allowed staff and officers to smoke on facility grounds in designated areas that were outside of the view of inmates. The most restrictive policy prohibited staff and officers from possessing or using tobacco while on facility property. In this case, staff and officers were pat-searched specifically to ferret out tobacco before entering the facility's secured area.

Ultimately, at all 10 facilities, the smoking bans produced subterranean, sometimes elaborate, practices for acquiring, exchanging, and smoking tobacco. In certain ways, these practices and exchanges are variations on other types of black market activity, such as illegal drugs, that emerge inside of correctional facilities. However, we describe how cigarette bans produce a unique black market because of the high demand by inmates for tobacco and the more pervasive involvement of correctional staff in the black market. In this section, we discuss three aspects of the cigarette black market: methods of acquiring and smuggling tobacco into a facility, dealing tobacco inside a facility, and smoking, lighting, and hiding practices.

Acquiring and Smuggling Tobacco—The defining feature of a black market and its ability to thrive is the relationship between black marketers and individuals with access to cigarettes in the nonsecured sections of the facility as well as areas outside of the facility. The greater access inmates had to other inmates, visitors, staff, and officers, the more likely it was that a more organized black market arose. Interaction among inmates and others was typically influenced by the security level of the facility, facility architecture, and policing pragmatics, such as single-person cells versus two-person cells, cells versus dorm-housing units, indoor recreational areas versus outdoor recreational spaces, and security fences versus no fences. Essentially, greater interaction among inmates created more opportunities to exchange tobacco, resources, and information. Facilities with a higher security level, which meant greater restrictions among inmates, did have less black market activity.

An important dimension of security and interaction among inmates is whether a facility allowed certain inmates clearance, that is, permitted inmates to move into and out of the secure areas of the facility, including leaving the facility. Inmate trustees, who often work in the secured and nonsecured areas of a facility, represented one end of the clearance continuum and were referred to as having a low level of clearance. Typical trustee jobs included kitchen and janitorial work. Community service and work release inmates, who left the facility and returned to the community during scheduled times each day, denoted the other end of the continuum and were described as having a high level of clearance. Common jobs in the community included mowing fields along highways or painting city buildings and other properties. In facilities that had less black market collusion from staff and officers, inmates with a higher clearance status were the primary tobacco runners and suppliers. Overall, the great majority of jail and prison inmates had no clearance or low clearance and had to rely on the few inmates with higher levels of clearance or on officers to smuggle tobacco into the facility.

Inmates with a relatively low level of clearance at one jail, trustees who worked in the kitchen, had a successful smuggling operation for a period of time, until the scheme was uncovered by staff. The kitchen was staffed by inmate workers who lived together in one pod or section within the jail. These trustees were housed together due to their atypical schedule—they rose earlier than other inmates to prepare meals—and to minimize the possible flow of contraband between them and other inmates. Kitchen workers also wore white uniforms to distinguish

them from other trustees and nontrustees. The kitchen was located behind the jail in an area that was infrequently patrolled and was fenced off from pedestrians. The kitchen's exterior wall consisted of vinyl siding that met directly with an outside, unsecured space. At some point, a hole about 1 inch in diameter was drilled or banged through the base of the exterior wall and into the kitchen. This small hole, which connected the interior of the kitchen directly to the outside world, became an artery for cigarettes and other contraband until it was discovered. Kitchen workers retrieved the cigarettes placed in the hole and either smoked them later or distributed them within the jail. Despite being housed together in one area, the kitchen staff had contact with other trustees during the day, which afforded them opportunities to route contraband around the jail. The civilian staff who managed the inmate kitchen workers represented an additional point of contact with the outside world and may have facilitated the smuggling operation. Hence, despite a jail's attempt to minimize the flow of contraband by segregating trustees from other inmates and civilians, this example highlighted a security breach that allowed a supply of cigarettes to enter the jail.

Community service workers and work release inmates represented a more reliable, steady supply of cigarettes. Such workers devised their own smuggling efforts, such as procuring cigarettes from civilian workers or having them drop off cigarettes in designated outdoor areas. Alternatively, inmates with no clearance reported arranging for civilian associates to leave bundles of cigarettes to be retrieved and later smuggled in by a "mule," such as an inmate working on a road crew.

These smuggling efforts were typically financed by a "send-in." Broadly, a send-in involved an inmate sending money out of the facility in exchange for a certain quantity of tobacco to be brought in, typically a carton or more. Send-ins were accomplished by one inmate sending money to an outside source who then bought the cigarettes and left them in a designated area for pick-up. Send-ins were risky investments because cigarettes could be lost, stolen, or confiscated before reaching their purchaser. However, send-ins were generally viewed as worthwhile risks because the street cost of a carton was relatively low compared with its black market price inside a jail or prison, which ranged from \$200 to \$500.

Work release inmates who smuggled in cigarettes faced certain risks. Depending on the attitudes projected by workers themselves and the number of officers staffing a post on particular times and days, returning workers might be strip-searched, pat-searched, or waved in without being explicitly searched. To evade detection during searches, inmates hid contraband in a variety of ways. For instance, the soles of shoes or sneakers were hollowed out, filled with loose tobacco or cigarettes, and then meticulously restored with glue to avoid suspicion. Likewise, linings of jackets and coats were sometimes cut open, filled with tobacco, and then resewn. Inmates who were permitted to take gear to a work site reported hiding tobacco inside tool belts or plastic mugs. A more invasive smuggling method involved wrapping cigarettes in plastic and then carrying them inside one's rectum.

Inmates who successfully smuggled in tobacco for other inmates generally received a portion of the tobacco as a form of payment. For instance, one inmate who bought tobacco via a send-in paid a mule 5 packs out of a 30-pack delivery, a 17% cost. Another inmate who bought five cans of tobacco paid his mule 9 oz of the 30 oz smuggled in, a 30% cost.

That such large amounts of tobacco, multiple cartons or cans, were often smuggled into certain facilities indicated a force beyond sheer cleverness or luck on the part of smugglers. Rather, correctional staff were complicit in some of these larger smuggling efforts. In fact, some mules developed relationships with the officers in charge of pat searches. For instance, certain mules paid officers a \$20 "gate fee," which allowed reentry to the facility without any search.

Compared to other black market enterprises, such as illegal drugs, cigarettes represented a unique commodity because officers typically viewed them differently from other forms of contraband. Most officers interviewed did not view cigarettes as immoral or dangerous, as they might regard heroin, cocaine, or marijuana, because many were current or former smokers themselves. Rather, a cigarette's legal status in the civilian world placed it in a qualitatively different category than a sleeve of heroin or a vial of crack. Consequently, some correctional officers directly fueled the cigarette black market by smuggling or aiding the smuggling of tobacco into a facility.

An officer's participation in the black market consisted of developing explicit relationships with inmates focused on delivering certain quantities of tobacco. Some officers passed on a few cigarettes or a pack of cigarettes to an inmate in exchange for money or a job well done. More serious transactions involved officers working as suppliers of cigarettes into a facility or as couriers of inmate cigarette profits out of a facility. Inmates financed tobacco purchases indirectly through send-ins and more directly through accumulated cigarette profits. Regarding send-ins, inmates reported contacting civilian associates to deliver the appropriate money to an officer. On receipt of the money, the officer delivered the agreed on amount of tobacco. Inmates who generated large profits inside a facility, several hundred dollars at a time, reported paying officers directly inside the facility.

Significantly, officers collected large amounts of money supplying cigarettes. Inmates reported that officers charged between \$20 and \$50 for one pack of cigarettes, whereas cartons and cans of tobacco sold for between \$50 and \$100. That cigarettes are legal in the civilian world made procurement both easy and stigma-free. Ultimately, officers who earned between \$7 and \$10 as an hourly wage could earn an entire week's salary in one cigarette transaction. Consequently, officers who participated in the cigarette black market were motivated by multiple factors, some of which were easily rationalized.

Dealing Tobacco—The tremendous markups enjoyed by officers who fueled the cigarette black market point to the great earning potential of dealing cigarettes. Apart from officers, two primary layers of inmate dealers existed in well-developed cigarette black markets. Inmates who had the resources to coordinate send-ins to officers or other civilian suppliers represented the primary dealers. These inmates purchased bulk amounts of tobacco, cartons and cans, and then sold packs and ounces to secondary dealers. Secondary dealers bought tobacco by trading commissary items or other possessions for tobacco. Alternatively, secondary dealers also did send-ins to primary dealers, which was accomplished by a secondary dealer sending money to a primary dealer's inmate account or to an outside location, such as a post office box or a civilian address. Tobacco was dispensed once the money "hit" the primary dealer's account or outside location.

Primary dealers reported amassing substantial amounts of money through black market participation. For instance, one dealer claimed that he sent \$400 to \$500 to his girlfriend each week, whereas another dealer reported saving \$900 after dealing cigarettes for 3 months. Smuggling out such large amounts of cash often required the assistance of officers. One inmate said that he paid an officer \$100 to deliver \$400 to a civilian associate.

Compared to primary dealers, secondary dealers typically sold enough tobacco to pay for their own smoking habit, while earning a small profit on the side. For instance, a secondary dealer at one facility periodically spent \$50 on a 6-oz can of tobacco and then recouped his investment by selling three 1-oz bags of tobacco for \$20 per bag. Typically, \$20 worth of commissary items, such as soap, snacks, and soups, were exchanged for the ounce or the ounce was purchased with "green money," U.S. currency. The remaining 3 oz were then smoked or periodically sold off for additional commissary items or other prison commodities. This

example demonstrates that buying a \$50 can of tobacco on the black market yields far greater returns, in terms of commissary purchasing power, than does adding \$50 to an inmate account. Consequently, some inmates requested that family members undertake send-ins for tobacco rather than adding money directly to their accounts.

In facilities with less developed black markets and where tobacco was less plentiful, packs of cigarettes (as compared to cartons) were the main quantities smuggled into facilities. For instance, primary dealers at one facility bought packs from officers for \$20 in U.S. currency and then sold individual cigarettes for \$5 a piece. Secondary dealers then broke the cigarettes down into “rollies,” smaller cigarettes constructed out of tobacco and rolling papers, that sold for \$2 or \$3 a piece.

Like smuggling, dealing cigarettes carried certain risks. The penalties for possessing or selling tobacco varied from facility to facility, but the offense typically fell under the broader category of possessing or distributing contraband. In some institutions, dealing tobacco was regarded as seriously as dealing a controlled substance, such as marijuana or cocaine. In other facilities, tobacco was viewed more benignly, similar to possessing unauthorized clothing or books. Across facilities, sanctions ran the gamut from loss of certain privileges, such as commissary or visitors, to being moved to a higher security facility or increasing the length of one’s sentence. Hence, established dealers were careful about handling tobacco.

In fact, some more experienced dealers, both primary and secondary, did not handle tobacco at all. Rather, the risks of possessing tobacco were absorbed by lower profile inmates who were not likely to have been “ticketed” for tobacco possession. In some cases, dealers chose nonsmokers to hold and deal tobacco for them. Other dealers hired two inmates: one to deal their tobacco and another to hold their tobacco for personal use. In turn, these subdealers and handlers were often paid in commissary items and/or tobacco for their work. For instance, one dealer paid an inmate \$5 in commissary and 10 rollies to hold 6 oz of tobacco, which had a yard value between \$50 and \$60.

Hiding tobacco in personal space, such as lockers, cells, and beds, was difficult because these were the places that correctional officers searched during inmate shakedowns. Consequently, tobacco was hidden throughout some facilities in library books, behind lighting fixtures, underground, inside walls, and outside in recreation areas. In addition to hiring subdealers to hide tobacco, established dealers distributed free cigarettes, essentially hush money, to those inmates who threatened the secrecy of their operation.

Smoking, Lighting, and Hiding Practices—Jail and prison inmates spent most of their waking and nonwaking hours in their housing units, that is, cells, day rooms, and dormitories, which were also the primary places where inmates exchanged and smoked cigarettes. Depending on the facility’s architecture, inmates were either directly supervised by officers while in their housing units or indirectly monitored from remote locations. Under either approach, burning tobacco was readily discernible in spaces that were supposed to be smoke-free. Before charging an inmate with violating the smoking policy, an officer typically needed concrete evidence that an inmate had been smoking, such as a cigarette butt. To avoid detection, inmates craftily hid cigarettes, masked the smell of smoke with electric fans or cologne, and flushed cigarette butts down toilets. These evasion techniques frustrated many officers from actively pursuing cigarette smokers, whereas other officers simply looked the other way when detecting smoke. Some officers only pursued flagrant rule violators, such as inmates who openly smoked without any respect for the officer’s authority.

Officers generally caught inmates with tobacco in one of three ways: while smoking a cigarette in a cell, dayroom, or bathroom; during a cell or bed area shakedown; or while attempting to

smuggle tobacco into the facility. Among these three scenarios, smoking a cigarette was a frequent way of getting caught because a burning cigarette emitted both visual and olfactory evidence, despite an inmate's best efforts to hide it. Also, the act of smoking caused some smokers to cough, which would attract an officer's attention. In addition, lighting a cigarette required a flame or spark that also transmitted visual, olfactory, and auditory clues of a smoking violation. Because matches and lighters were frequently more scarce than cigarettes, inmates devised a host of techniques to create fire, some of which occasionally led to their being caught.

A common lighting method was to place two pencil leads in an electrical outlet and set a third lead wrapped in toilet paper across the first two. Generally, the toilet paper caught fire, the cigarette was lit, and the lighting kit was discarded. Occasionally, the lighting process went awry and caused an outlet to short out, which then drew an officer's attention to the particular cell or section of the day room.

Overall, inmates reported adeptness at masking the smell of smoke, lighting cigarettes without detection, and discarding cigarette butts before they could be confiscated by officers as evidence. Rather, both inmates and officers reported that most tobacco violators were caught during shakedowns. Shakedowns were typically conducted for one of three reasons: periodic facility-wide shakedowns, random housing-unit shakedowns, and cell shakedowns following suspicious inmate activities or tips from other inmates. During periodic shakedowns, the entire facility—offices, classrooms, work sites, housing units, and recreational areas—were inspected to ferret out contraband and uncover hiding places. During cell shakedowns, inmate cells were examined for extraneous possessions, such as clothing, plus contraband items, such as lighters, cigarettes, and illicit drugs.

Despite the policing mechanisms aimed at enforcing a smoking ban, inmates regularly violated the smoking policy. In the four prisons that banned smoking, at least half of the inmates interviewed in each facility smoked on a weekly basis. The amount and frequency of smoking varied from a few cigarettes per week at one facility to nearly half a pack of cigarettes everyday at another. Typically, inmates smoked less in higher security facilities. Inmates were more likely to be caught smoking or possessing tobacco in facilities where inmates detailed a more pervasive black market. Regardless of the facility, however, the number of violators who reported ever being caught and the rate of smoking violations per month was very low compared to the amount of smoking that occurred on a regular basis.

The amount of regular smoking occurring in certain facilities was influenced by officer ambivalence toward vigorously pursuing policy violators, as demonstrated by officers who looked the other way when smelling smoke or spotting tobacco. One particularly reluctant officer went so far as to proclaim, "Smoke 'em if you got 'em," on entering a dormitory at the beginning of his shift, thereby signaling to inmates that smoking would be tolerated. In general, part of this ambivalence may have stemmed from the fact that many officers smoked cigarettes themselves and empathized with an inmate's desire to smoke. In addition, some officers who smoked cigarettes were embittered by the facility's smoking ban because it curbed their own smoking habit. Also, prior to smoking bans, cigarettes were a primary way for officers to motivate inmates, particularly poorer inmates, to accomplish certain tasks. Consequently, some officers reported that enforcing the smoking ban was counterproductive to carrying out their job, particularly more senior officers who had worked at a facility prior to the enactment of a smoking ban.

DISCUSSION

The preceding description of the structural components of the cigarette black market points to several factors that appear to influence the development of cigarette black markets. First, the

design and age of a facility affected cigarette smuggling and smoking prospects among inmates. Black market activity seemed greater in older facilities that were less secure and that had less direct supervision of inmates by officers. Second, the security level of the institution, that is, the movement within and outside of the institution, affected smuggling activity. Higher level security facilities, which restricted movement within the institution and which prohibited inmates from leaving the institution, appeared to have less organized black markets. Third, officer attitudes toward the smoking policy affected the development of cigarette black markets in two ways. Officers who did not enforce the policy, that is, those who overlooked smoking violations, indirectly stimulated inmate demand for cigarettes by allowing inmates to develop or maintain a smoking habit. More serious, officers who smuggled cigarettes or aided smugglers fueled both a supply and a demand for cigarettes among inmates.

Other factors leading to a more developed black market were greater organization, communication, and black market skills among inmates. The structure of the cigarette black market as outlined here, with its kingpins, smugglers, middlemen, and dealers, is not too different from illegal street-level drug markets. In fact, inmates involved in the cigarette black markets were frequently individuals who had been incarcerated for drug crimes. These inmates were already skilled at financing and obtaining illegal substances; managing lieutenants, adversaries, and turf; and eluding social control agents. Consequently, banning an addictive substance in a setting filled with sophisticated inmates created an environment ripe for the development of a black market. As one inmate, who was serving a 90-year sentence in a maximum security prison for drug trafficking, lamented, "I would've never messed with coke on the street if I knew how much money I could've made selling cigarettes here in the joint."

Interestingly, prison wardens and jail administrators often reported a decline in illegal drugs entering their facilities since banning cigarettes and attributed the decline to a greater demand for cigarettes among inmates. Inmates suggested that demand is, in fact, greater for tobacco than other drugs. For instance, several inmates claimed that kicking nicotine had been more difficult than quitting heroin, and others said that they would much prefer a cigarette to a line of cocaine. However, in addition to demand for tobacco, an equally significant factor dampening the drug economy was that tobacco was a more profitable substance to sell than other drugs. Whereas illicit drugs, such as marijuana, heroin, or cocaine, may yield greater profits per sale, the volume of tobacco sold and its high profit margin made it a more lucrative commodity to sell.

CONCLUSION

Jails and prisons ban cigarettes for a variety of reasons, including tobacco control laws and ordinances that legislate bans throughout state and county buildings, inmate lawsuits and grievances that sue for smoke-free environments, jail and prison overcrowding that increases the amount of cigarette smoke within facilities, and new institutional architecture and technology that are harmed by tobacco smoke (Lankenau, Falkin, & Strauss, 1999). The elimination or reduction of the amount of potentially harmful cigarette smoke contacting staff, inmates, or facility infrastructure has been a primary objective of bans. Despite this seemingly positive intention, the cigarette black markets that emerged in response to cigarette bans typically had a negative impact on inmates in the facilities we visited. We conclude by describing several of the effects of the cigarette black market on inmates.

First, since smoking cessation aids, such as smoking cessation classes or nicotine replacement therapies, were virtually nonexistent in the facilities where bans were enforced, the inmates interviewed were compelled to quit cold turkey or contend with the vagaries of the black market. Most inmates interviewed chose to participate in the black market because their tobacco use rarely abated on entering a facility that banned cigarettes.

Second, the majority of inmates were compelled to pay considerably higher prices to continue their cigarette habits. For instance, prior to a ban at a maximum security prison, one inmate said he spent about \$5 per week on a can or about \$15 per week on a carton. Following the ban, he smoked about three cigarettes per day at a cost of \$60 to \$70 per week. Consequently, the high cost of cigarettes prompted many inmates to undertake various hustles or to become low-level dealers because paying for only a few cigarettes could cost a third of an inmate's monthly institutional pay. For instance, one 60-year-old inmate used his pension money to pay for black market cigarettes. He said he had been robbed six times and manhandled twice over cigarettes. Prior to the ban, he said he was never robbed or assaulted. Other inmates increasingly relied on family members to add money to commissary accounts or to finance send-ins, whereas the poorest inmates reported trading hygiene items, such as soap and toothpaste, or sexual favors for cigarettes.

Third, just as the criminalization of cocaine and heroin gives rise to impure drugs and a scarcity of sterile drug paraphernalia, cigarettes sold on the black market are often more harmful than those sold legally and are combined with less healthy smoking practices. For instance, because rolling papers were scarce, some inmates resorted to rolling tobacco with toilet paper wrappers or with pages from a Bible. Both contain ink or dyes that are harmful when burned. Also, inmates reported removing the filters on manufactured cigarettes to increase the potency of each drag of tobacco. Furthermore, inmates who might otherwise have smoked a lower tar cigarette had little choice but to smoke higher tar cigarettes.

Fourth, the great majority of inmates who smoked or dealt cigarettes eluded detection, but the consequences for cigarette violations caused certain hardships. Whereas violations in some facilities were handled informally by correctional officers, such as merely confiscating the cigarettes, more formal punishments included losing privileges, such as commissary and visitations; being confined to administrative segregation; being transferred to a higher security facility; and having the length of a sentence extended. Also, many inmates complained of tensions between themselves and officers over the policing of cigarette contraband and tensions among inmates, stemming from a fear of being ratted out by snitches.

Finally, despite the fact that an appreciable amount of cigarette smoking occurred in facilities where tobacco was banned, most inmates smoked considerably less than they did prior to entering the criminal justice system. For instance, inmates at one prison smoked approximately 30 fewer cigarettes per day under the cigarette ban compared to their daily smoking habits outside of prison. However, despite this large reduction, most of these inmates did not report many noticeable health improvements, such as improved breathing, lessened fatigue, or a heightened sense of taste or smell. Perhaps, this was the case because these inmates continued a habit of 5 to 10 cigarettes per day.

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