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I. What is a Supermax prison?

"Supermax" is short for "super-maximum security." It is a place designed to house violent prisoners or prisoners who might threaten the security of the guards or other prisoners. Some prisons that are not designed as supermax prisons have "control units" in which conditions are similar. The theory is that solitary confinement and sensory deprivation will bring about "behavior modification."

In general. Supermax prisoners are locked into small cells for approximately 23 hours a day. They have almost no contact with other human beings.

There are no group activities: no work, no educational opportunities, no eating together, no sports, no getting together with other people for religious services, and no attempts at rehabilitation.

There are no contact visits: prisoners sit behind a plexiglass window. Phone calls and visitation privileges are strictly limited. Books and magazines may be denied and pens restricted. TV and radios may be prohibited or, if allowed, are controlled by guards.

Prisoners have little or no personal privacy. Guards monitor the inmates' movements by video cameras. Communication between prisoners and control booth officers is mostly through speakers and microphones.¹ An officer at a control center may be able to monitor cells and corridors and control all doors electronically.²

Typically, the cells have no windows. Lights are controlled by guards who may leave them on night and day. For exercise there is usually only a room with high concrete walls and a chin-up bar. Showers may be limited to three per week for not more than ten minutes.

"Prisoners are confined to a concrete world in which they never see a blade of grass, earth, trees or any part of the natural world."³

There are complaints that inmates who misbehave while in

¹Craig Haney, "'Infamous Punishment': The Psychological Consequences of Isolation," The National Prison Project Journal, Spring 1993, p. 4.

²John M. Vanyur, "Design Meets Mission at New Federal Max Facility," Corrections Today, July 1995, p. 92. See also, Russ Immarrigeon, "The Marionization of American Prisons," The National Prison Project Journal, Fall 1992, p. 2, quoting the California Prisoner: at Pelican Bay in California, "prisoners are watched on screens in a central control room. Their movements are monitored by video cameras. Doors open and close electronically. Prisoners move at verbal commands issued over a loudspeaker."

³From Amnesty International report quoted in The New York Times, Jan. 13, 1995, p. A11. See also, Haney, ibid., p. 3.

supermax or control units are put into "strip cells" (sometimes at temperatures near 50 degrees with only boxer shorts to wear and no bedding), or are chained spread-eagle and naked to concrete beds.⁴ Other complaints include denial of medical care, interference with mail, arbitrary beatings, "hog-tying" (intertwining handcuffs and ankle-cuffs), "cock fights" (double celling inmates who are likely to attack each other), and injury to inmates during "cell extractions."⁵

John Perotti, writing after having spent 10½ out of 12 years in control units, says: "Every aspect of life in the Control Unit is meant to debase and degrade a prisoner's very soul the purpose being that when released to general population where conditions are somewhat improved, the prisoner causes no problems . . . for fear of being sent back to the Control Unit."⁶

Plans for Youngstown supermax. Announcing the groundbreaking of Ohio's new \$65 million 500-bed supermax prison to be built in Youngstown, the state's prison chief, Reginald A. Wilkinson, is reported to have said this prison will be where "the worst of the worst of the worst" will be confined in near isolation.⁷

"Prisoners will spend 23 hours most days in 8-by-10-foot cells where the televisions will be tuned primarily to institutional programs or religious services. . . . There will be no group prisoner movement.

"Inmates will have no outside recreation. Inside recreation will consist of a visit to a larger nearby cell, equipped only with a chin-up bar and a shower. One at a time, they will spend one hour a day there."⁸

The "prototype", Colorado State Penitentiary. The "prototype" or model for the Youngstown supermax is the Colorado State Penitentiary (CSP). Each cell has a lidless, stainless-steel toilet, a bed, a stool bolted to the floor, built-in

⁴American Friends Service Committee, The Lessons of Marion (Philadelphia, PA 1993), p. 36; and "Control Unit Prisons" distributed by CLAWS at Wilder Box 16, Oberlin, Ohio 44074.

⁵See data in report by Liz Goss and Mike Stephenson, American Friends Service Committee, Control Unit Research Project, State of Ohio (Dayton, Ohio Summer 1995). For example, according to this report, Trumbull Correctional Institute has 1 strip or strong cell; complaints include cell extractions, psychological harassment, set-up fights, "Goon" squad activities, back room beating, prison deaths and suicides.

⁶John Perotti, "Abolish All Control Units" in Active Transformation, Summer 1995.

⁷Columbus Dispatch, July 19, 1995, p. 1A.

⁸Ibid.

shelves, and a TV with no controls. The indoor recreation room has a slit in the wall to let in fresh air.⁹

One difference between the Colorado State Penitentiary and the Youngstown supermax is that the housing units system in Colorado is fully air conditioned and the proposed Ohio facility is not.¹⁰

At the Colorado State Penitentiary, inmates enter at Level I and are expected to proceed through Level II to Level III. Level I inmates have no privileges.¹¹ Prisoners at Level II have television but programs are determined by the prison's own station.¹² Prisoners at Levels I and II must wear handcuffs, belly chains and leg shackles, and must be escorted by two guards whenever they leave their cells.¹³ At Level III, prisoners have more personal freedoms and more spending money. Level III prisoners are "allowed to walk the fifty feet to the shower or exercise room or telephone without escort. Prisoners at the different levels are mixed together in each unit, so that the privileges of those in Level III are visible to all."¹⁴

II. Who gets put into supermax prisons and control units?

Who are "the worst of the worst" prisoners? Supermax prisons are justified by prison officials as necessary to control violent prisoners and other troublemakers.

Different terms are used to define criteria for assignment to control units: administrative control or administrative segregation; disciplinary control; local control (defined as an inmate having demonstrated chronic inability to adjust to the general population or presence will disrupt the orderly operation

⁹Associated Press, "Ohio studies supermaximum lockup for worst offenders," Plain Dealer (Cleveland, Ohio), 8/31/93, p. ?

¹⁰Letter to David L. Blodgett, Bureau Chief, Bureau of Corrections, Ohio Department of Rehabilitation and Corrections, from Charles Silverman of Daniel, Mann, Johnson, & Mendenhall [planning, architecture, engineering, program/construction management firm], May 18, 1994, p. 1. Excessive heat in summer and inadequate ventilation has been a source of complaints in other prisons.

¹¹Jonathan Franzen, "Lockdown," December 1995 Details, p. 79.

¹²Ibid., p. 80.

¹³December 1995 Details, p. 80; and Associated Press, Plain Dealer, 8/31/93.

¹⁴December 1995 Details, p. 80.

of the prison)¹⁵; protective control; security control; etc.

In the Federal Penitentiary at Marion, Illinois, officials state, less than 9 percent of the inmates came directly into the control unit because they were involved in organized crime, terrorist activities, drug cartels or similar crimes, and are believed to have "special security needs." The remaining 91 percent were determined to have been highly assaultive or escape-prone: "25 percent were involved in prison murders or attempted murders, 48 percent in escape or attempted escape and more than 70 percent have a history of assaultive behavior while in prison. [Citation omitted.] Many inmates fall into several of these categories."¹⁶

Supermax inmates include the mentally ill, people who file lawsuits against the prison system, and prisoners suspected of belonging to gangs. They are disproportionately black or Latino, even in comparison with the general prison population.¹⁷

A pervasive criticism of supermax or control units is that placement in them is arbitrary, not based on pre-established standards and procedures.¹⁸ John Perotti writes: "Placement is made on the vague concept that one's mere presence constitutes a threat to the security of the operation of a prison, or suspected gang ties or affiliations. Once the label or stigma is attached by prisonrats, it's very hard to be removed. It is not unusual for prisoners in this day or age to spend years and even decades in a control unit."¹⁹

There is evidence that the inmates most likely to be placed

¹⁵Goss and Stephenson, ibid., Lucasville, Criteria for Placement.

¹⁶Vanyur, ibid. See also, Alan Prendergast, "End of the Line," [West World, Denver], July 12-18, 1995, p. 16: At the United States Penitentiary Administrative Maximum Facility (ADX) in Florence, Colorado, about 8 percent are there because of special security needs based on the nature of their offenses, not their behavior while in prison; "One out of four has committed murder while in prison. Three out of four have been involved in assaults on staff or other inmates. Roughly half have tried to escape."

¹⁷Human Rights Watch, International Human Rights Law Group, and NAACP Legal Defense and Educational Fund, "Summary of Concerns about Race Discrimination in the U.S. Criminal Justice System" [1995], p. 15, quoting Mark Hamm, Ph.D. in cooperation with Prison Discipline Study Data Committee, "Shattering the myth of Humane Imprisonment in the U.S.", Prison Discipline Study, 198.

¹⁸National Campaign to Stop Control Unit Prisons, flyer, c/o American Friends Service Committee, Philadelphia, PA, Nov. 1995.

¹⁹Perotti, ibid.; and Human Rights Watch . . . NAACP, "Summary," p. 16.

in such units are there for non-violent or otherwise petty verbal responses to guards. According to a survey of prisoners, prison guards and prisoners' visitors and families in 41 states, the leading behaviors which resulted in severe disciplinary actions were prisoners being verbally hostile to guards and prisoners refusing to follow orders.²⁰

The NAACP Legal Defense and Educational Fund, Human Rights Watch and the International Human Rights Law Group, report that non-violent prisoners of color are being wrongly identified as gang members and are being held indefinitely in supermax housing.²¹ Here are some excerpts from a summary submitted to Secretary of State Warren Christopher:

"Prison authorities have near-complete discretion to assign any inmate to super-maximum security housing on the flimsiest of suspicions, with no due-process for the inmates assigned and no independent oversight or judicial review. Many prisoners report to human rights organizations that they were remanded to maxi-maxi housing units on trumped-up charges of gang affiliation in retaliation for filing complaints, providing jailhouse lawyer services, or simply to coerce information from them about other prisoners.

". . . [P]risoners are accused of gang membership for merely being in the presence of other prisoners who are alleged to be gang members.

". . . [In New Jersey], prisoners' use of Afrocentric symbols, Swahili words, and red and green maps of Africa are all considered "paramilitary" by prison officials. A lawsuit filed in 1992 accuses New Jersey State Prison of violating the Fourteenth Amendment guarantee of equal protection because of its regular practice of placing African Americans who hold Afrocentric views in isolated housing called the Management Control Unit (herein MCU). The New Jersey State Prison MCU holds seventy five inmates who are considered a "threat to institutional security." The regulations list no single act which might constitute evidence of such a threat. Indeed, there is a separate unit within the prison altogether for those who have actually committed disciplinary offenses. MCU is reserved for those who might pose a threat. And those identified for this amorphous category are overwhelmingly (95 percent) African-American in a prison where the overall African American population is 64 percent. None have been accused of taking part in any violent act nor of breaking a prison rule."

The following statement is from one of the fourteen women in

²⁰Human Rights Watch . . . NAACP, "Summary," quoting Mark Hamm, Prison Discipline Study, 198.

²¹Human Rights Watch . . . NAACP, "Summary," p. 16.

Colorado's control unit prison (CSP):²²

"I don't belong locked up in this room by myself. . . . I didn't assault anyone. I was being carried to an isolation cell for yelling and I had a seizure and kicked an officer in the groin. He had hold of my feet. I came out of the seizure cuffed to a bed. Even the social worker testified for me at my classification hearing saying I did not need CSP. This place not only takes your freedom it also takes your very being. Your entire personality is forced to change to the conditions such as loneliness, frustration, and depression. You know you have so much potential and you want to rehabilitate but you are not allowed."

III. What are the effects on inmates?

Anecdotes. Here is what some inmates have to say about the effects of being confined under supermax conditions at the Colorado State Penitentiary.²³

". . . People come in here with a few problems and will leave sociopaths. Isolation causes people to become bitter, angry and disassociated from reality. They become worse people."

"Check out any caged animal and you will see what happens in CSP. I've seen people just crack and either scream for hours on end or cry, people become very depressed, anti-social and want revenge on society for building it. In short CSP creates monsters and they are trying to keep people here for five to ten years."

"I have noticed a sense of total hopelessness. I don't think I will ever leave. Plus my anger has gone to the point of a silent rage. It's like they want to build a killer. I don't know. It's hard to explain[.] I am beginning to really hate people."

"I also feel that I have some mental problems and so do they, but the medication really does nothing but slow me down physically and it only prolongs a problem until I get out. But what then? I want to make it out there. . . ."

". . . They impose a variety of petty little rules and play petty little games to try to break a person down mentally. The DOC [Department of Corrections] realizes if they control

²²A flyer from the Rocky Mountain Peace Center states that 493 men and 14 women are in Colorado's control-unit prison, CSP. The woman's statement is from "Issues and Recommendations of the Rocky Mountain Peace Center Prisoners' Rights Project at a meeting with Mr. Zavaras on January 11, 1996," item 6.

²³The following excerpts are from "Issues," *ibid.*, item 2.

you mentally, it is easier to control you physically. And mental abuse leaves no evidence behind as does physical abuse."

Psychological studies. Longterm confinement under supermax conditions is likely to have psychological consequences. "Studies of the psychological effects of solitary confinement have found it can produce symptoms of paranoia, hypersensitivity to noise, panic attacks, hallucinations and even episodes of amnesia. One article by Harvard psychiatrist Stuart Grassian reported 'the emergence of primitive, aggressive fantasies of revenge, torture, and mutilation of the prison guards' among solitary inmates in Massachusetts."²⁴

People need other human beings as a reality check. Most people want to know the reactions of other people to what they are thinking and feeling. You can't do that when you are in total isolation from other people. Dr. Craig Haney, who is an expert on the psychological effects of living and working in maximum security prisons, puts it this way:

"[W]hen our reality is not grounded in social context, the internal stimuli and beliefs that we generate are impossible to test against the reactions of others. For this reason, the first step in any program of extreme social influence--ranging from police interrogation to indoctrination and "brainwashing"--is to isolate the intended targets from others, and to create a context in which social reality testing is controlled by those who would shape their thoughts, beliefs, emotions, and behavior. Most people are so disoriented by the loss of social context that they become highly malleable, unnaturally sensitive, and vulnerable to the influence of those who control the environment around them. Indeed, this may be its very purpose."²⁵

Dr. Haney describes several different reactions.²⁶ In a supermax, he says, the institution is in total control. Many supermax inmates become totally dependent upon the structure and routines of the institution to control their behavior. Some become unable to set limits for themselves; they lose a sense of how to behave without a tight external structure and enforced restrictions. Others lose the ability to initiate behavior or to organize their lives around any activity and purpose; their minds wander, they cannot concentrate or focus their attention. "In extreme cases, a sense of profound despair and hopelessness is created."

Another reaction to social isolation is social withdrawal. They may discourage visits from family members or friends and

²⁴Prendergast, ibid.

²⁵Haney, ibid., pp. 4-5.

²⁶The following types of reactions are described in Craig Haney, ibid., p. 5; quotations are from that source.

stop corresponding with the outside world. "They move from being starved for social contact to being frightened by it."

Some prisoners act out, even if the reaction they get from the guards is hostile. Dr. Haney suggests, they are "proving to themselves that they still exist, that they are still alive and capable of eliciting a human response . . ."

For some inmates, the supermax environment is so painful that they create their own reality and "live in a world of fantasy instead of the world of control, surveillance, and inhumanity that has been imposed upon them"

Other inmates react with intolerable levels of frustration, which can lead to outright anger and then to rage.

Occasionally, supermax inmates are put in double cells with another inmate.²⁷ But this is experienced as intense and intrusive, not normal social contact, and it may become a source of conflict and pain.

"They are thrust into intimate, constant co-living with another person--typically a total stranger--whose entire existence is similarly and unavoidably co-mingled with their own. Such pressurized contact can become the occasion for explosive violence. It also fails to provide any semblance of social 'reality testing' that is intrinsic to human social existence."²⁸

The supermax environment, Dr. Haney concludes, can be psychologically destructive for anyone who endures it for a significant period of time. But those with pre-existing psychiatric disorders suffer more acutely. Dr. Haney talked with prisoners who reported being suicidal or self-mutilating. A number of them showed him scars on their arms and necks where they had attempted to cut themselves.²⁹

Another expert, referring to women in the Canadian federal prisons, says that "women are not generally a risk to others; however many do present a risk to themselves. Research suggests that a punitive environment exacerbates and may contribute to women's self-directed violence. . . . Punitive responses, such as segregation, are inappropriate."³⁰

Court decision. A federal court in California has considered the relationship between mental illness and confinement under supermax conditions. A summary of the court's opinion says, the court

"noted that a prison designed for particularly violent and

²⁷For example, in Goss and Stephenson, *ibid.*, Ross Correctional Institute, an inmate reports having witnessed "Set up fights (putting people of opposing races in the same cell when one is a known racist to increase tension)."

²⁸*Ibid.*, p. 4.

²⁹*Ibid.*, p. 6.

³⁰Russ Immarrigeon, *ibid.*, p. 3.

problematic prisoners will inevitably end up with a disproportionate number of the mentally ill, since they often violate rules and cause management problems. Moreover, for some inmates, the severity of conditions in the SHU [Security Housing Unit] exacerbates previously existing mental illnesses or results in the development of psychiatric symptoms that had not been previously observed."³¹

The court found that mental health staff had no input into housing decisions even when removal was necessary to effective mental health treatment.

The court concluded that extreme isolation in the Security Housing Unit at Pelican Bay was not unconstitutional as applied to all prisoners. But if segregation conditions "inflict a serious mental illness, greatly exacerbate mental illness, or deprive inmates of their sanity, then defendants have deprived inmates of a basic necessity of human existence--indeed, they have crossed into the realm of psychological torture."³²

IV. What are the effects on guards?

Anecdotes. Here are a few glimpses of the guards as seen by inmates of control units in Colorado and Ohio.

"The officers have the power to do whatever they choose to do to an inmate in here simply because he's who he is and holds that position, and the inmate is who he or she is. And nothing is done about it as long as nobody is killed or attention is not brought on the institution or the administration. . . . These guards have prisoners in a total control situation and environment, which nobody on the outside knows . . ."³³

"The staff here thinks they can do anything they want and get away with it! They talk shit to all the inmates and then when you say something back, they take your level, write you up to strip your cell...They change the rules anytime they want to and there's nothing you can do about it. . . . If the staff thinks you're kicking or banging your door, they will take away your level. Even if you weren't doing nothing, maybe one of your neighbors were. They just treat us like we are animals, not prisoners. They love it

³¹John Boston, "Highlights of Most Important Cases," The National Prison Project Journal, Spring 1995, p. 10, citing Madrid v. Gomez, No. C90-3094-TEH, Findings of Fact, Conclusions of Law, and Order (N.D.Cal., Jan. 10, 1995) at 179.

³²Ibid. quoting Madrid v. Gomez at 292. An appendix containing more extensive excerpts from Madrid v. Gomez is attached to this paper.

³³"Issues," ibid., item 4.

because they get away with everything they want to. . .
 "34

"Some guards tell you they are racist."35

"I've seen guys get handcuffed behind their backs and beat up by eight or nine police over here for refusing a direct order. Nowhere in my code of penal discipline handbook does it say that for refusing a direct order, an inmate shall be handcuffed behind their back and beat up by eight or nine police officers here. There are other ways of disciplining the inmates of this facility and also I would like to tell you how the police change all of their rules to manipulate the prisoners to their satisfaction. . . ."36

"To argue a point with them can get you a ticket ranging from 'disrespect' to 'inciting a riot' depending on how angry they are."37

"There is a lot of fear on the behalf of the inmates from reprisals by the staff here if we even mention [Lucasville]. We aren't allowed to talk about what took place there [Lucasville] or as one of the staff here put it to me, 'You know what will happen to any individuals who start bringing up Lucasville don't you?' This was said to me as a threat after I said something about it in passing and was over heard by staff. I know first hand what happens to individuals who mention it because of a friend of mine that did. He was blackballed by the CO's [commanding officers]. First and second shift CO's would come in everyday and tear up his cell and lockerbox. He was threatened for taking the problem of being harassed to the inspector. His letters started getting 'lost'. His phone access became denied. He was taken to have his head shaved in the middle of winter cause his hair was to 'long'. . . ."38

"They just try to keep us in fear. It doesn't work. It just makes the majority hate the system even more. . . . When you've seen every rule twisted to meet a corrupt administration and being beaten, abused and tortured for control reasons[,] attitudes get bad."39

34 Ibid.

35 Ibid.

36 Ibid.

37 Goss and Stephenson, ibid., Ross Correctional Institute.

38 Goss and Stephenson, ibid., Ross Correctional Institute.

39 Goss and Stephenson, ibid., Lucasville.

The Director of Public Information at Colorado State Penitentiary told visitors from the Rocky Mountain Peace Center, "We want them (the prisoners) to hate this place."⁴⁰

Why do guards act this way? One explanation is that the guards are isolated and lack normal human contact with the prisoners in control units.⁴¹ Discussing the supermax at Pelican Bay, Dr. Haney says:

"I believe that the existence of such brutality can be attributed in part to the psychology of oppression that has been created in and around this prison. Correctional staff, themselves isolated from more diverse and conflicting points of view that they might encounter in more urban or cosmopolitan environments, have been encouraged to create their own unique worldview at Pelican Bay. Nothing counters the prefabricated ideology into which they step at Pelican Bay, a prison that was designated as a place for the 'worst of the worst' even before the first prisoners ever arrived. They work daily in an environment whose very structure powerfully conveys the message that these prisoners are not human beings. There is no reciprocity to their perverse and limited interactions with prisoners--who are always in cages or chains, seen through screens or windows or television cameras or protective helmets--and who are given no opportunities to act like human beings. Pelican Bay has become a massive self-fulfilling prophecy. Violence is one mechanism with which to accommodate to the fear inevitably generated on both sides of the bars."⁴²

At least some of the guards' conduct is encouraged by official policy. Here is a summary of the California Department of Corrections cell extraction procedure:

"Once a decision has been made to 'extract' a prisoner from his cell, this is how the five-man cell extraction team proceeds: the first member of the team is to enter the cell carrying a large shield, which is used to push the prisoner back into a corner of the cell; the second member follows closely, wielding a special cell extraction baton, which is used to strike the inmate on the upper part of his body so that he will raise his arms in self-protection; thus

⁴⁰"Issues," ibid., item 2. Governor Tommy Thompson of Wisconsin is quoted in "Excerpts from Governor's Speech," Wisconsin State Journal, Jan. 31, 1996, p. 2A, as saying: "The SuperMax will be a criminal's worst nightmare."

⁴¹At CSP, "Most of the staff contact is through courses on TV or through a locked door. TV and conversations through a locked door in no way substitutes for real personal human contact." "Issues . . .," item 3.

⁴²Haney, ibid., p. 6.

unsteadied, the inmate is pulled off balance by another member of the team whose job is to place leg irons around his ankles; once downed, a fourth member of the team places him in handcuffs; the fifth member stands ready to fire a taser gun or rifle that shoots wooden or rubber bullets at the resistant inmate."⁴³

The misuse of force by staff was the major issue in the Pelican Bay litigation. Forcible cell extractions were conducted when there was no imminent security risk and often with an extremely high degree of force.⁴⁴ Written policies were incomplete and inconsistently followed. Investigations into the use of force were described as "counterfeit investigation[s] pursued with one outcome in mind: to avoid finding officer misconduct as often as possible. . . . [N]ot only are all presumptions in favor of the officer, but evidence is routinely strained, twisted or ignored to reach the desired result."⁴⁵

The court found "the undeniable presence of a 'code of silence' at Pelican Bay. . . . [T]his unwritten but widely understood code is designed to encourage prison employees to remain silent regarding the improper behavior of their fellow employees, particularly where excessive force has been alleged. Those who defy the code risk retaliation and harassment."⁴⁶

V. What are the effects on the community?

What happens when prisoners who have been in control units for a long time are released either to the general prison population or to the community?

Jerome G. Miller, president of the National Center on Institutions and Alternatives, says such prisons "don't have any shot of making these guys less dangerous. . . . They come out very, very dangerous, much more dangerous than they were when they went in. There's no evidence this reduces recidivism. They sit and simmer."⁴⁷

Inmates are unprepared for release. The Rocky Mountain Peace Center reports that isolation of prisoners from their families and friends makes it much harder for prisoners to integrate into society when they are released. "People who have been placed in isolation often suffer from Post Traumatic Stress Disorder after they are released. . . . Isolation at CSP will have long term effects, will result in loss of social skills,

⁴³Haney, ibid., footnote 6.

⁴⁴John Boston, ibid., p. 7.

⁴⁵Ibid., quoting Madrid v. Gomez at 99.

⁴⁶Ibid., quoting Madrid v. Gomez at 6.

⁴⁷Associated Press, "Ground is broken for 'Supermax' prison," The Beacon Journal, Akron, Ohio, Jan. 21, 1995.

ability to relate and in ability of inmates to form relationships. CSP is creating long-term negative psychological and social problems in prisoners."

The Rocky Mountain Peace Center recommends: "Communications with families and friends should be encouraged, so that prisoners have a community to go back to when they get out. This includes access to regular contact visits and phone calls."⁴⁸

People are being put on the street from CSP without any help, training, or money.⁴⁹ Like other prisoners, they may come out embittered and unemployable. But those who have experienced prolonged social deprivation under supermax conditions may never recover the ability to be of use to themselves or anyone else.

The effects of solitary confinement have been known for more than a century. The following is a quotation from an opinion by the U.S. Supreme Court in 1890: "[E]xperience demonstrated that there were serious objections to [solitary confinement]. A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service. . . ."⁵⁰

Conclusions

There are many recommendations as to what should be changed in the administration of control units and supermax prisons, such as that only the truly violent prisoners should be put there; people with mental illness should be moved to a facility that meets their needs; there should be hearings before confinement in a control unit for more than 30 days, with regular and fair review hearings, placement and exit criteria; taunting and retaliation by guards should be prohibited; prisoners should have access to 3 hours per day of sunlight and outdoor activity; there should be congregate religious services, educational and training programs; children should be allowed contact visits with parents; citizen oversight groups should have access to information, etc.

Those proposals for improvements take for granted that supermax prisons exist--maybe even should exist--and are here to stay. But supermax prisons are not the only way to deal with prison violence.

In Scotland, the Barlinnie Special Unit (BSU) was established in 1973 after the death penalty was abolished and there was a rash of assaults against prison officers. The chief

⁴⁸"Issues," ibid., item 3.

⁴⁹Ibid.

⁵⁰Haney, ibid., footnote 1, quoting In re Medley, 134 U.S. 160, 168 (1890).

evaluator gave this description of the BSU:

"[O]fficer-prisoner relationships were modified to resemble nurse-patient relationships; prisoners were given a significant role in decision-making; they were held responsible for their own behavior and that of their peers; and they were taught to verbalize their aggressive feelings. . . . On entry to the unit, prisoners gain relative autonomy; they become responsible for forming their own daily routine; together with others, they become responsible for the day-to-day running of the community. In such a setting a prisoner is less able to display anti-authority feelings because he can have some influence in decision-making. As control is less overt, it is less likely to stimulate resistance."⁵¹

Assaultive behavior was dramatically reduced and behavioral changes were observed almost from the point of entry to the unit.⁵²

We, too, must find a better way.

Compiled by Alice Lynd
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⁵¹Immarigeon, ibid., p. 4, quoting David J. Cooke, "Containing Violent Prisoners: An Analysis of the Barlinnie Special Unit," British Journal of Criminology, 29(2): 140, Spring 1989.

⁵²Immarigeon, ibid., p. 4.

APPENDIX

Excerpts from Madrid v. Gomez
 No. C90-3094-TEH (N.D.Cal., January 10, 1995)
 Findings of Fact, Conclusions of Law, and Order

Prison officials are "entitled to design and operate the SHU [Security Housing Unit] consistent with the penal philosophy of their choosing, absent constitutional violations. [Citation omitted.] They may impose conditions there "'restrictive and even harsh'" [citations omitted]; they may emphasize idleness, deterrence, and deprivation over rehabilitation. This is not a matter for judicial review or concern unless the evidence demonstrates that conditions are so extreme as to violate basic concepts of humanity and deprive inmates of a minimal level of life's basic necessities. [Citation omitted.] . . . "53

In this case, the conditions at issue primarily affect three inmate populations: (1) those who are being disciplined for committing serious rules violations, (2) those who the CDC has determined are affiliated with a prison gang, and (3) those who are otherwise considered security risks because of disruptive or assaultive behavior. The severe restrictions on social interaction further defendants' legitimate interest in precluding opportunities for disruptive or gang related activity and assaults on other inmates or staff. [Footnote omitted.] For those serving short-term disciplinary terms, they also serve a punitive function. Other aspects of the conditions in the SHU, however, appear tenuously related to legitimate penological interests, at least with respect to those inmates that are segregated in the SHU not as a disciplinary measure, but for other reasons. For example, it is not clear how the lack of an outside view, the extreme sterility of the environment, and the refusal to provide any recreational equipment in the exercise pen (even a handball) furthers any interest other than punishment, and the defendants have not advanced one. . . . "54

. . . "The Eighth Amendment [against cruel and unusual punishment] simply does not guarantee that inmates will not suffer some psychological effects from incarceration or segregation. [Citation omitted.] However, if the particular conditions of segregation being challenged are such that they inflict a serious mental illness, greatly exacerbate mental illness, or deprive inmates of their sanity, then defendants have deprived inmates of a basic necessity of human existence -- indeed, they have crossed into the realm of psychological torture."55

"Here, the record demonstrates that the conditions of extreme social isolation and reduced environmental stimulation

⁵³Madrid v. Gomez, ibid. at 286-287.

⁵⁴Ibid. at 290-291.

⁵⁵Ibid. at 292.

found in the Pelican Bay SHU will likely inflict some degree of psychological trauma upon most inmates confined there for more than brief periods. . . . [W]e are not persuaded . . . that the risk of developing an injury to mental health of sufficiently serious magnitude due to current conditions in the SHU is high enough for the SHU population as a whole, to find that current conditions in the SHU are per se violative of the Eighth Amendment with respect to all potential inmates.

"We can not, however, say the same for certain categories of inmates: those who the record demonstrates are at a particularly high risk for suffering very serious or severe injury to their mental health, including over paranoia, psychotic breaks with reality, or massive exacerbations of existing mental illness as a result of the conditions in the SHU. Such inmates consist of the already mentally ill, as well as persons with borderline personality disorders, brain damage or mental retardation, impulse-ridden personalities, or a history of prior psychiatric problems or chronic depression. For these inmates, placing them in the SHU is the mental equivalent of putting an asthmatic in a place with little air to breathe. . . .

". . . [S]ubjecting individuals to conditions that are 'very likely' to render them psychotic or otherwise inflict a serious mental illness or seriously exacerbate an existing mental illness can not be squared with evolving standards of humanity or decency, especially when certain aspects of those conditions appear to bear little relation to security concerns. A risk this grave -- this shocking and indecent--simply has no place in civilized society. . . ."56

⁵⁶Ibid. at 295-297.