

## *social science and public policy*

# Supermax Prisons

*Jeffrey Ian Ross*

Each time a crime occurs, an arrest is made, the trial ends, and a person is sentenced to prison, the public has a recurring curiosity about where the convict is sent. Over the past two decades, a phenomenal number of individuals have been sentenced to jails and to state or federal prisons.

But this is just the beginning of the journey. Prisoners are classified into a whole host of various kinds of facilities. They typically vary based on the level of security, from minimum to high. But since the mid-1980s, a dramatic change has underscored corrections in the United States and elsewhere. Correctional systems at all levels have introduced or expanded the use of Supermax prisons.

Supermax prisons, also known as Administrative Control Units, Special (or Security) Handling Units (SHU), or Control Handling Units (CHU) (Here, "CHUs" is pronounced "shoes.") are stand-alone correctional facilities, wings or annexes inside an already existing prison. They are a result of the recent growth in incarceration that has occurred throughout many of the world's advanced industrialized countries.

There is, however, a well-documented turning point in the history of Supermax prisons. In October 1983, after the brutal and fatal stabbings of two correctional officers by inmates at the federal maximum-security prison in Marion, Illinois, the facility implemented a 23-hour-a-day lockdown of all convicts. The institution slowly changed its policies and practices and was refitted to become what is now considered a Supermax prison. Then, in 1994, the federal government opened its first Supermax prison in Florence, Colorado, specifically designed to house Supermax prisoners. The facility was dubbed the "Alcatraz of the Rockies."

### **Research on Supermax Prisons**

Although much has been written on jails, prisons, and corrections, the mass media and academic com-

munity have been relatively silent with respect to Supermax prisons—and with good reason. It is difficult for journalists and scholars to gain access to prisoners, correctional officers, and administrators inside this type of facility. Reporting on correctional institutions has never been easy, and many editors and reporters shy away from this subject matter. Correctional professionals are also reluctant to talk with outsiders for fear that they may be unnecessarily subjected to public scrutiny.

Numerous books on corrections, jails, and prisons have been published for trade, classroom, and professional audiences; only a few monographs offer an in-depth look at Supermax prisons. In December 2002, the American Correctional Association (the largest professional association for correctional practitioners in the United States) published *Supermax Prisons: Beyond the Rock*. This edited monograph, consisting of seven chapters written by prison officials, is more of a technical guide for prison administrators who run one of these types of facilities. Unfortunately, it suffers from the biases of its sponsor and limited targeted audience. *The Big House: Life Inside a Supermax Security Prison* (June 2004) is a memoir written by Jim Bruton, former warden of the Minnesota Correctional Facility-Oak Park Heights facility. Although pitched as a memoir of a Supermax administrator, Oak Park is without question primarily a maximum-security facility with only one of the nine complexes used as an Administrative Control Unit (or Supermax). Largely because of the numerous entertaining anecdotes, in many respects the book's treatment is superficial. Moreover, Bruton is overly self-congratulatory about his ability to solve problems on his watch and thus serious scholars have easily dismissed the book.

There has also been a handful of publicly available government reports published on the topic of Supermax

prisons. These have consisted primarily of statistical compilations outlining the numerous Supermax facilities throughout the United States and the composition of the inmates housed within.

The academic treatments (journal articles or chapters in scholarly books) fall into three groups: general overviews, those that focus on the individuals that are sent to solitary confinement or Supermax prisons, and those that focus on the effects of Supermax prisons. The research centers disproportionately on American Supermax prisons and, while this is a start, this literature treats Supermax prisons in isolation of other countries' experiences. Rigorous comparative examinations of foreign-based Supermax prisons have yet to be performed.

There are many unanswered questions about Supermax prisons. Why are Supermax prisons necessary? What particular circumstances led to the creation of Supermax prisons in different states and countries? Is the construction and increased reliance on Supermax institutions due to the fact that today's prisoners are more incorrigible and dangerous, and thus more difficult to handle? Or is it a reflection of the correctional system's failure or mismanagement, or pressures by the general public for a get-tough stance against dangerous criminals? Who are the typical persons sent to Supermax prisons? Why have the Supermax prisons and similar institutions in other countries engendered intense public outcry? What are the similarities and differences among American supermaxes and comparable facilities elsewhere?

### **Why Supermaxes Have Proliferated**

Since the mid-1980s, many state departments of corrections have built their own Supermax prisons. Several reasons can account for their proliferation. First, many states had similar experiences to the blood that spilled at Marion. In Minnesota, for example, the escape of a prisoner, kidnapping of correctional officers, fatal stabbing of a warden, and a series of prison disturbances in the early 1970s created an environment that was ripe for the construction of a new facility that would house the "worst of the worst." Another explanation for the growth of Supermax prisons lies in the development of

a conservative political ideology that began during the Reagan administration (1981-1989). As a response to an increased public fear of crime and to the demise of the "rehabilitative ideal," a punitive agenda took hold of criminal justice and led to a much larger number of people being incarcerated.

Reagan's Republican successor, George H.W. Bush, continued this approach from 1989 to 1993. Since then several factors prompted a dramatic increase in the number of people entering jails and prisons: the construction of new correctional facilities; new and harsher sentencing guidelines (particularly "truth in sentencing" legislation, mandatory minimums, and determinant sentencing); the passage of "three strikes you're out" laws and the war on drugs.

In short, many of the gains that were part of the so-called "community corrections era" of the 1960s were scaled back. Congress and state legislatures passed

draconian laws that reversed such time-honored practices as indeterminate sentencing and invoked a host of laws that lengthened prison sentences for convicted criminals.

Another factor that contributed to the growth of Supermaxes is the careerism of correctional administrators. Some have argued that without the leadership of particular wardens, government rainmakers, and commissioners and/or secretaries of

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respective state Departments of Corrections, Supermax facilities would not ever have been built in the first place. Finally, it should be understood that, in many respects, Supermaxes symbolize the failure of rehabilitation and the inability of policymakers and legislators to think and act creatively regarding incarceration. Supermax prisons are excellent examples of the way that America, compared to other countries, has dealt with lawbreakers.

Originally designed to house the most violent, hardened, and escape-prone criminals, Supermaxes are increasingly used for persistent rule-breakers, convicted leaders of criminal organizations (e.g., the mafia) and gangs, serial killers, and political criminals (e.g., spies and terrorists). In some states, the criteria for admission into a Supermax facility and the review of prisoners' time inside (i.e., classification) are very loose or even nonexistent. These facilities

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are known for their strict lockdown policies, lack of amenities, and prisoner isolation techniques. Escapes from Supermaxes are so rare that they are statistically inconsequential.

In the United States alone, 6.47 million people are under the control of the criminal justice system. Approximately 2.3 million are behind bars in jails or prisons, while 3.8 million are on probation and 725,527 are on parole. The Supermaxes, maintained by the Federal Bureau of Prisons (FBOP) in Marion and Florence, for example, incarcerate 1,710 people—including such notable political criminals as “Unabomber” Ted Kaczynski and Oklahoma City bombing co-conspirator Terry Nichols.

Nevertheless, only a fraction of those incarcerated in state and federal prisons are sent to a Supermax facility. In 1998, approximately 20,000 inmates were locked up in this type of prison, representing less than 2 percent of all the men and women currently incarcerated across the country. Most of the U.S. Supermaxes, such as the federal facility in Florence, are either brand new or nearly so; others, however, are simply free-standing prisons that have been retrofitted. Meanwhile, the number of convicts being sent to Supermax prisons is steadily growing.

Many prisons have earned their individual reputations largely through well-known events that have taken place within their walls and have subsequently been covered by the media. Places like Attica, Folsom, San Quentin, Sing Sing, and Stateville are etched in the consciousness of many Americans. The Supermaxes, on the other hand, are known for their conditions and effects on prisoners within their walls.

### **Conditions of Confinement**

Although cells vary in size and construction, they are generally built to the dimensions of 12 by 7 feet. A cell light usually remains on all night long, and furnishings consist of a bed, a desk, and a stool made out of poured concrete, as well as a stainless steel sink and toilet.

One of the more notable features of all Supermax prisons is the fact that prisoners are usually locked down 23 out of 24 hours a day. The hour outside of the prison is typically used for recreation or bathing/showering. Other than their interaction with the supervising correctional officers (COs), prisoners have virtually no contact with other people (either fellow convicts or visitors). Access to phones and mail is strictly and closely supervised, or even restricted. Reading materi-

als are often prohibited. Supermax prisoners have very limited access to privileges such as watching television or listening to the radio.

Supermax prisons also generally do not allow inmates either to work or congregate during the day. In addition, there is absolutely no personal privacy; everything the convicts do is monitored, usually through a video camera that is on all day and night. Any communication with the correctional officers most often takes place through a narrow window on the steel door of the cell, and/or via an intercom system.

In Supermaxes, inmates rarely have access to educational or religious materials and services. Almost all toiletries (e.g., toothpaste, shaving cream, and razors) are strictly controlled. When an inmate is removed from his cell, he typically has to kneel down with his back to the door. Then he is required to place his hands through the food slot in the door to be handcuffed.

In spite of these simple facilities and the fact that prisoners’ rehabilitation is not encouraged (and is next to impossible under these conditions), Supermax prisons are more expensive to build and to run than traditional prisons.

Prisoners are sentenced or transferred to Supermaxes for a variety of reasons that often boil down to a judge’s sentence, classification processes, and inmates’ behavior while they are incarcerated.

Officially, prison systems design classification categories as a means to designate prisoners to different security levels. Typically, the hard-core, violent convicts serving long sentences are assigned to maximum-security facilities; the incorrigible prisoners serving medium-length sentences are sentenced to medium-security prisons; and the relatively lightweight men serving short sentences are sentenced to minimum-security camps, farms, or community facilities.

For some convicts, the decision of where they will be sent is made long before they hop on their very first prison van. In the sentencing phase of a trial, the judge may specify where the convict will spend his or her time. For example, Ramzi Yousef, the convicted bomber in the 1993 attack on the World Trade Center, was sent directly to the federal Supermax in Florence, Colorado. Depending on sentencing guidelines and an individual’s criminal history, officials must determine which security level is most appropriate for each convict. Alternatively, prisoners who are new to the system will be transferred to a receiving and departure

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setting, where they are classified into the appropriate receiving facility.

The classification of inmates serves many functions for the Department of Corrections (DOC) and the individual correctional institutions. In general, this process determines which facility and security level is best suited to each prisoner. This decision may ultimately facilitate a prisoner's rehabilitation and/or protect correctional officers from being hurt (as officials clearly do not want, for example, a violence-prone convict in a minimum-security prison). Classification also saves taxpayers money (since sending too many prisoners to higher-security prisons, which are more costly to operate, results in a greater expense) and saves the Department of Corrections resources.

Where a convict is sent depends on a number of factors. The division of probation and parole usually prepares a Pre-Sentence Investigation, which is another attempt by the criminal justice system to collect a prisoner's personal information. The probation or parole officer reviews a number of factors relevant to the convict's circumstances, including criminal history. They prepare a report, which makes a recommendation as to which facility would best suit the particular criminal. This report is then shared with the judge, defense attorney, and

prosecutor—and the judge retains the ability to accept or dismiss the recommendation. By the same token, some well-heeled and high-profile defendants (e.g., Martha Stewart) or their loved ones may employ the services of sentencing consultants like Herb Hoelter of the National Center for Institutions and Alternatives. For a hefty fee, these hired individuals can prepare a report that recommends where a client should be sentenced. The defendant's attorney then passes the report on to the prosecutor (and judge) in hopes that it may ultimately influence the presiding judge.

In most lock-ups and prisons, the majority of the inmates do not get into trouble because they follow the rules. The problem population comprises approximately 1 percent of the prisoners in an institution. When there is an incident, such as a stabbing

on a tier, correctional officers cannot place all of the suspects on administrative segregation (i.e., "in the hole"). But when this type of extreme punishment becomes the norm for a particular prisoner, the administration is usually prompted to transfer the inmate to a higher-security prison. Over time, a prisoner who repeatedly finds himself in this type of situation becomes more and more likely to end up at a Supermax facility.

### **Effects of Incarceration**

All told, the isolation, lack of meaningful activity, and shortage of human contact take their toll on prisoners. Supermax residents often develop severe psychological disorders, though, unfortunately, we do not have specific psychological data, per se, on individuals kept in these

facilities. However, numerous reports based on anecdotal information have documented the detrimental effects of these facilities.

The conditions inside Supermax prisons have led several corrections and human rights experts and organizations (like Amnesty International and the American Civil Liberties Union) to question whether these prisons are a violation of (1) the Eighth Amendment of the U.S. Constitution, which prohibits the state from engaging in cruel and unusual

punishment, and/or (2) the European Convention on Human Rights and the United Nations' Universal Declaration of Human Rights, which were established to protect the rights of all individuals, whether living free or incarcerated. According to Roy D. King, in an article published in the 1999 volume of *Punishment and Society*, "Although the effective reach of international human rights standards governing the treatment of prisoners remains uncertain, there seems little doubt that what goes on in a number of Supermax facilities would breach the protections enshrined in these instruments.... The International Covenant on Civil and Political Rights, which the United States has ratified, for example, has a more extensive ban on 'torture, cruel, inhuman or degrading treatment or punishment' than the Eight Amendment prohibition

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of ‘cruel and unusual’ punishment, and requires no demonstration of intent or indifference to the risk of harm, on the part of officials” (164).

Supermax prisons have plenty of downsides, and not just as far as the inmates are concerned. Some individuals have suggested that Supermax prisons are all part of the correctional industrial complex (i.e., an informal network of correctional workers, professional organizations, and corporations that keep the jails and prisons system growing). Most of the Supermaxes in the United States are brand new or nearly so. Others are simply freestanding prisons that were retrofitted. According to a study by the Urban Institute, the annual per-cell cost of a Supermax is about \$75,000, compared to \$25,000 for each cell in an ordinary state prison.

### **Future Prospects**

The United States has plenty of super-expensive Supermax facilities—two-thirds of the states now have them. But these facilities were designed when crime was considered a growing problem; the current lower violent-crime rate shows no real sign of a turn for the worse. However, as good as these prisons are at keeping our worst offenders in check, the purpose of the Supermax is in flux.

No self-respecting state director of corrections or correctional planner will admit that the Supermax concept was a mistake. And you would be wrong to think that these prisons can be replaced by something drastically less costly. But prison experts are beginning to realize that, just like a shrinking city that finds itself with too many schools or fire departments, the Supermax model must be made more flexible in order to justify its size and budget.

One solution is for these facilities to house different types of prisoners. In May 2006, Wisconsin Department of Corrections officials announced that, over the past sixteen years, the state’s Supermax facility in Boscobel—which cost \$47.5 million (in 1990) and holds 500 inmates—has always stood at 100 cells below its capacity. It is now scheduled to house maximum-

security prisoners—serious offenders, but a step down from the worst of the worst.

The Maryland Correctional Adjustment Center, a.k.a. the Baltimore Supermax prison, opened in 1989 at a cost of \$21 million with room for 288 inmates. Like its cousin in Wisconsin, the structure has never been at capacity. Not only does it hold the state’s most dangerous prisoners, it also houses 100 or so inmates who are working their way through the federal courts and serves as the home for Maryland’s ten death row convicts.

Converting cells is one approach, but not the only one. Other ideas include building more regional Supermaxes and filling them by shifting populations from other states. This would allow administrators to completely empty out a given Supermax, and then close it down or convert it to another use.

There is also the possibility that some elements of the Supermax model could be combined with the approaches of more traditional prisons, creating a hybrid that serves a wider population. But different types of prisoners would have to be kept well away from each other—a logistical problem of no small concern.

The invention and adoption of Supermax prisons is perhaps the most significant indictment of the way we run correctional facilities and/or what we accomplish in correctional facilities. Most relatively intelligent people know that the United States incarcerates more people per capita than any other advanced industrialized country. And the average American rarely questions this fact. Then again, many people believe that individuals doing time are probably guilty anyway. Thus reforming or changing prisons is and will remain a constant struggle.

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