



Evaluating the Effectiveness of Supermax Prisons

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Executive Summary¹

Twenty years ago, super-maximum-security prisons were rare in America. As of 1996, over two-thirds of states had “supermax” facilities that collectively housed more than 20,000 inmates. Based on the present study, however, as of 2004, 44 states had supermax prisons. Designed to hold the putatively most violent and disruptive inmates in single-cell confinement for 23 hours per day, often for an indefinite period of time, these facilities have been lightning rods for controversy. Economic considerations are one reason—supermaxes typically cost two or three times more to build and operate than traditional maximum security prisons. A perhaps bigger reason lies in the criticism by some that supermax confinement is unconstitutional and inhumane. While proponents and opponents of supermax prisons debate such issues, a fundamental set of questions has gone largely unexamined: What exactly are the goals of supermax prisons? How, if at all, are these goals achieved? And what are their unintended impacts?

The Urban Institute, with funding from the National Institute of Justice, conducted a study to help answer these questions with the goal of creating a foundation that would stimulate more informed and balanced research and policy discussions about supermax prisons. The study drew on several sources of information—a comprehensive review of correctional agency and legislative documents, and theoretical and evaluation research on supermax prisons; interviews with legislators, corrections officials, wardens, and corrections officers; site visits to three states; and a national survey of state prison wardens. Among the study’s key findings:

- Despite disagreements among some scholars and practitioners concerning the definition of a supermax, over 95 percent of state prisons wardens agreed with a modified version of the definition used by the National Institute of Corrections in its 1996 survey of state correctional systems. (The definition: A supermax is a stand-alone unit or part of another facility and is designated for violent or disruptive inmates. It typically involves up to 23-hour-per-day, single-cell confinement for an indefinite period of time. Inmates in supermax housing have minimal contact with staff and other inmates.)
- In 1996, 34 states reported to the National Institute of Corrections that they had supermax prisons. Based on the Urban Institute survey respondents who self-identified as supermax wardens, as of 2004, 44 states had supermaxes housing approximately 25,000 inmates (Mears 2005, 7).
- Considerable differences of opinion exist about the stated or perceived goals of supermax prisons. Among wardens nationally, however, there is substantial (over 95 percent) agreement that supermax prisons serve to achieve at least four critical goals—increasing safety, order, and control throughout prison systems and incapacitating violent or disruptive inmates. There is less agreement about whether they improve inmate behavior throughout prison systems; decrease riots, the influence of gangs, or escapes; successfully punish, reduce the recidivism of, or rehabilitate violent or disruptive inmates; or deter crime in society.
- The logic by which supermax prisons achieve each of a range of goals remains unclear. Do such prisons, for example, increase system order, and, if they do, does the effect arise

¹ This summary draws on Mears (2005), “A Critical Look at Supermax Prisons,” in *Corrections Compendium*.

through incapacitation, general deterrence of nonsupermax inmates, or some other mechanism? Current theory and research provide little foothold for answering such questions as they relate to the diverse goals associated with supermaxes.

- Interview, site visit, and survey respondents, as well as published accounts in the literature, point to a wide range of unintended effects of supermax prisons. Some of them may be relatively rare or benign, but many, such as increased mental illness, raise substantial concerns. At the same time, respondents identified positive unintended effects of supermaxes, such as improving living conditions and outcomes for general population inmates; these effects might offset such concerns or at least broaden the justification for investing in supermaxes.
- States generally have not conducted benefit-cost analyses of their supermaxes prior to or after investing in them. It thus remains unclear whether the benefits of these prison facilities outweigh their costs. That uncertainty increases when unintended effects are taken into account.
- Balanced assessments of supermax prisons require reference to their full range of goals (weighted by the importance of specific goals to which some states may give greater priority), as well as to their unintended effects; alternatives that may be equally or more effective; and the political, moral, and economic dimensions of supermaxes as a correctional policy.
- Among the most critical unanswered questions about supermaxes is their effect on prisoner reentry. Are supermax inmates less or more likely to reoffend upon release from prison? To obtain housing and employment? To successfully reintegrate into families and communities? The literature to date is largely silent on these and many other critical supermax issues.

In keeping with the few previous studies of supermax prisons, the Urban Institute's research suggests grounds for skepticism as well as concerns about the fiscal and human costs of these new forms of correctional housing. At the same time, it is clear that states and wardens believe supermax prisons can be effective correctional management tools, and this belief should not be lightly dismissed. For these reasons, it is essential that policymakers and corrections executives support research that can help determine whether supermax prisons are, or are likely to be, effective. Since the goals may vary by state, evaluations likely should be conducted on a state-by-state basis. Such research need not be extremely costly. Indeed, where funds are minimal, considerable advances can be made through efforts to clarify the goals and logic of supermax prisons and to improve appropriate supermax operations.

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Evaluating the Effectiveness of Supermax Prisons

1. Introduction

During the past two decades of prison expansion in the United States, super-maximum-security prisons—or so-called “supermax” prisons—have proliferated nationally (Adams 1996; Austin and Irwin 2001; Mears 2005). In 1984, one prison in the United States fit the description of a supermax facility, according to a 1996 survey conducted by the National Institute of Corrections (NIC) (1997). In a study updating the NIC statistics, King (1999) estimated that in 1998, supermax prisons held approximately 20,000 inmates, representing close to 2 percent of all state and federal inmates serving one or more years. Two-thirds of states had supermax prisons, with many states planning for or building more during the next decade (King 1999; Riveland 1999b).

Supermax prisons represent a large investment of resources. Despite the costs, states increasingly are relying on these high-security facilities, even though we as yet have relatively little information about their goals, impacts, or relative costs and benefits (Briggs, Sundt, and Castellano. 2003; Kurki and Morris 2001; Pizarro and Stenius 2004; Riveland 1999b; Ward and Werlich 2003). The commonly expressed view is that supermax prisons serve to house the “worst of the worst” (NIC 1997). But such an explanation sidesteps a basic question: What is the reason for housing the “worst of the worst”?

Some sources suggest the primary rationale is to protect other inmates and staff. How this protection occurs is unclear. The “rotten apple” theory suggests that removing the “bad apples” (i.e., the most violent inmates) helps prevent other inmates from committing assaults and infractions (Ward and Werlich 2003). An alternative argument is that supermax prisons incapacitate the worst inmates, preventing them—but not necessarily their less serious counterparts—from injuring others. According to this view, there is no “rotten apple” effect per se. Rather, any overall reduction in prison violence results entirely from incapacitating the most violent and serious offenders. Others have identified additional goals (discussed in greater detail in this report) that can be associated with supermax prisons (Kurki and Morris 2001; NIC 1997; Riveland 1999b).

Not surprisingly, ambiguity about the goals of supermax prisons has led to ambiguity about who belongs in supermax prisons and what exactly should happen to them once there. Riveland (1999b, 6) has observed that

The combined best thinking of professionals who have administered, developed, operated, and/or planned such programs [supermax facilities] would suggest their purpose should be for extended control of inmates known to be violent, assaultive, major escape risks, or likely to promote disturbances in a general population prison and that the criteria for admission and release from such a facility should be explicit and narrow.

Although few people would argue with the importance of controlling such inmates, each group constitutes a distinct type of risk, and a focus on each group in turn suggests different goals of

supermax prisons (e.g., controlling the most violent inmates vs. preventing escapes vs. preventing riots). Despite the fact that frequent mention is made of “the worst of the worst,” few sources explicitly identify the characteristics of this population (Haney 2003a).

The lack of research on the precise goals and underlying theories of supermax prisons is paralleled by a similar lack of empirical research on the intended and unintended impacts of supermax prisons (Kurki and Morris 2001). The few available studies (e.g., Austin et al. 1998; Rocheleau, Forcier, and Jackson 1998; Ward and Werlich 2003) typically adopt a relatively narrow view of the purpose and effects of supermax prisons, and thus provide an incomplete picture. As a result, we know little about the full range of goals and impacts of supermax prisons, which impacts are the most important, how (if at all) they are achieved, or whether the various impacts offset the costs of building and operating supermax prisons (Austin and Irwin 2001; Briggs et al. 2003; Elsner 2004; Haney 2003b; King 1999; Kurki and Morris 2001; NIC 1997; Pizarro and Stenius 2004; Rhodes 2004; Riveland 1999b; Toch 2003; Ward and Werlich 2003).

The considerable costs associated with supermax prisons have led to calls for benefit-cost analysis (BCA) studies of supermax prisons (Riveland 1999b; Welsh and Farrington 2000). Such analyses remain rare. One reason may be the ambiguity about what impacts and cost estimates should be used. Another may be the lack of guidance about how exactly a benefit-cost approach could be adapted to supermax prisons. Regardless of the reason, corrections officials and policymakers currently lack sufficient information to determine whether the benefits of existing or proposed supermax prisons outweigh their costs. If states and prison systems are to allocate their scarce resources effectively, they will need information on the goals, impacts, and cost-effectiveness associated with their most costly prison facilities (Kurki and Morris 2001; Riveland 1999b).

The study discussed in this report, funded by the National Institute of Justice, addresses these various issues by providing a systematic, empirically based exploration of the full range of goals and intended and unintended impacts of supermax prisons, by investigating how key impacts are or may be achieved, and by creating a benefit-cost policy brief and tool to guide practitioners and researchers in conducting benefit-cost analyses of supermax prisons. These efforts are intended to provide a foundation on which comprehensive and balanced assessments of supermax prisons can proceed.

The remainder of the report is divided into the following chapters:

- **Chapter 2** briefly describes the characteristics of supermax prisons, their goals and impacts, and the need for benefit-cost analyses of these high-security facilities.
- **Chapter 3** describes the purpose and specific goals and objectives of the research study.
- **Chapter 4** describes the research design and methodology used in the study.
- **Chapter 5** presents the descriptive results from site visits to three states (Maryland, Ohio, and Texas).
- **Chapter 6** presents the descriptive results from the interviews with diverse stakeholders and the comprehensive literature review.
- **Chapter 7** presents the descriptive results for each of the questions used in the national survey of state prison wardens.

- **Chapter 8** describes the BCA policy brief (cowritten with Sarah Lawrence and available on the Urban Institute web site) and BCA tool (cocreated with Sarah Lawrence and Vera Kachnowski).
- **Chapter 9** distills the lessons learned from the site visits, interviews, and comprehensive literature review, and the survey of state prison wardens.
- **Chapter 10** concludes with the study's implications for research and policy discussions.
- **Chapter 11** provides the references used in the report and document review.
- **The appendix** provides the tables and figures referenced in the report.

2. Background

By some estimates, there are 20,000 or more inmates currently in supermax confinement. As shown in table 1, as of 1998, there reportedly were 19,630 inmates in supermax prisons, representing close to 2 percent of all state prisoners nationally. Given that state prison populations have increased during the past six years and that in 1998 many states had supermax facilities slated to open in the next few years (see table 2), it is reasonable to believe that at least 20,000 or more inmates currently reside in some type of supermax housing (see Briggs et al. 2003). Indeed, based on the Urban Institute survey, it appears that at least 44 states now have supermax prisons (Mears 2005, 7) housing roughly 25,000 inmates.

The use of supermaxes varies dramatically across states (table 1). As of 1998, some states, such as Pennsylvania, incarcerated fewer than 1 percent of inmates in supermax facilities, and some, such as Mississippi, incarcerated up to 12 percent of their inmates in supermaxes. There are no updated national or state-level estimates of the number of inmates in supermax confinement.

Characteristics of Supermax Prisons

One challenge to studying supermax prisons lies in the fact that a wide variety of terms are used to describe them. According to a NIC (1997, 1) report: “It is clear that what is ‘supermax’ in one jurisdiction may not be supermax in another.” Indeed, correctional systems employ many terms to describe what the media frequently term “supermax” (Henningesen, Johnson, and Wells 1999, 54). These terms include: “special housing unit, maxi-maxi, maximum control facility, secured housing unit, intensive management unit, and administrative maximum penitentiary” (Riveland 1999b, 5). Moreover, although some states embrace the “supermax” term, others avoid it (King 1999).

In the national survey that the NIC (1997, 1) conducted in 1996, the following definition of supermax was used:

In this survey, “supermax” housing is defined as a free-standing facility or a distinct unit within a facility that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or serious and disruptive behavior while incarcerated. Such inmates have been determined to be a threat to safety and security in traditional high-security facilities, and their behavior can be controlled only by separation, restricted movement, and limited direct access to staff and other inmates.

Supermax housing, for purposes of this survey, does *not* include maximum or close custody facilities or units that are designated for routine housing of inmates with high-custody needs, inmates in disciplinary segregation or protective custody, or other inmates requiring segregation or separation for other routine purposes (emphasis in original).

Despite the disagreement, most state correctional systems have certain high-security prison facilities that exhibit similar features and constitute what conventionally would be termed “supermax” prisons (Haney 2003a; see also Pfeiffer 2004). These features, described below,

have been identified in the NIC (1997) survey and are described in detail in a number of articles and reviews (e.g., Austin and McGinnis 2004; Briggs et al. 2003; Elsner 2004; Haney 2003b; Henningsen et al. 1999; Hershberger 1998; King 1999; Kurki and Morris 2001; Pizarro and Stenius 2004; Rhodes 2004; Riveland 1999b).

Supermax facilities typically are either newly created or retrofitted freestanding facilities or distinct units within a new or existing general prison facility (see table 2). A central facet of supermax facilities is the more restrictive management of particular inmates and, more generally, the recourse to a more restrictive security environment than typically associated with traditional maximum-security prisons (King 1998, 620; Kurki and Morris 2001, 390; Haney 2003a, 125–126; Riveland 1999b, 5–6). Inmates in these facilities generally are handcuffed during any contact with staff, eat and go to recreation individually, are confined in their cells for up to 23 hours a day, receive one-on-one or individually based programming (e.g., self-study courses, staff visits), have only noncontact visitation privileges, and are supervised more closely and by more staff than inmates in general population facilities.

The operation of supermax prisons varies across states and facilities, according to the NIC (1997) survey. Many states place the supermax housing decision authority at the institutional level, while others place it with department of corrections (DOC) directors or deputy directors. Some supermax prisons are used for “routine segregation purposes (e.g., discipline, protective custody, and program segregation)” (NIC 1997, 3), though most are not. In some DOCs, inmates may complete their sentences in supermax housing and then are released directly to the community, while in others a transition to nonsupermax housing is required. In most DOCs with supermax prisons, specialized staffing approaches have been developed. Programming in supermax prisons also varies, with most offering a wide range of services and, because of the restrictive environment, few able to follow through in providing the services (Haney 2003b). Although accounts of supermax prisons generally concur with these assessments, it should be emphasized that, as with many other dimensions of supermax prisons, relatively little research exists that documents the level, types, and exposure of programming received by supermax inmates (King 1999; Kurki and Morris 2001; Riveland 1999b).

Goals of Supermax Prisons

The goals of supermax facilities vary greatly. There appears to be general agreement that one purpose is to promote order and to protect staff and inmates from the “worst of the worst” (King 1999; Kurki and Morris 2001; NIC 1997; Riveland 1999b). A related purpose sometimes mentioned is to “normalize” general prison conditions, allowing for more effective management and rehabilitation of other inmates. Still another is to better protect the public or to make the public feel safer. As Hershberger (1998, 54) has written

These facilities are designed to hold the most violent, disruptive or escape-prone offenders. By isolating the “worst of the worst,” these facilities increase the safety of staff, other inmates and the general public. They also allow inmates in other institutions to live in a more normalized prison environment, with greater freedom of movement and access to educational, vocational and other correctional programs.

It is important not to overlook other implicit, and perhaps equally important, goals of supermax prisons. For example, supermax prisons may reduce the recidivism of inmates placed

in them, either through a deterrent effect or through better service delivery than in traditional prisons (King 1999). It is possible, too, that general population inmates will recidivate less due to fear of being placed in supermax facilities, and that they will be more orderly because their needs are more effectively addressed (Riveland 1999b, 5).

Still other goals can be envisioned. For example, supermax prisons may improve the economy in communities in which they are placed (Riveland 1999b, 19). Although unlikely to constitute an explicit goal, it may nonetheless be a critical reason that supermax prisons are built. Such prisons also may help community residents, or citizens in general, feel safer, even if the perception is not based on knowledge about the actual effects of supermax prisons on recidivism.

For each of the implicit or explicit goals of supermaxes, there is little evidence as to which ones are the most important or whether some states view some goals as more important than others, how supermaxes achieve these goals, or whether the intended and unintended impacts are sufficient to warrant their costs. Moreover, few attempts have been made to link research on supermaxes to the theoretical and empirical accounts about the conditions of order in prisons despite the central importance of order in managing prisons and in corrections research (Adams 1992; Bottoms 1999; DiIulio 1987; Reisig 1998; Sparks, Bottoms, and Hay 1996; Toch 1992).

With rare exception (e.g., Briggs et al. 2003), research to date largely ignores the variability in the goals of supermax prisons and focuses primarily on supermax inmates—whether they recidivate back into supermax confinement (e.g., Ward and Werlich 2003), the conditions they face during supermax confinement (e.g., Kurki and Morris 2001), and their mental health (e.g., Haney 2003a)—rather than other potentially affected populations and stakeholders, such as general population inmates, prison officers, prison systems, and the communities and states in which supermax prisons reside (Clare and Bottomley 2001; King 1999; Riveland 1999b). Research thus is needed that examines the reasons that, and purposes for which, supermax prisons have been built. Such research in turn can be used to help determine the criteria by which the effectiveness of supermax prisons can be assessed.

Measuring the Impacts of Supermax Prisons

As noted earlier, there have been few studies of the goals of supermax prisons. Because of ambiguity about the precise goals of supermax prisons, it therefore is unclear what impacts should be assessed since goals essentially provide the framework for determining which specific impacts are relevant (Rossi, Freeman, and Lipsey 1999). For example, if improving systemwide order is considered a goal of supermax prisons, a wide range of specific measures could be used (e.g., counts or rates of homicides, assaults, infractions, inmate participation in programming, physical conditions of prisons, including amount of graffiti), depending on the definition of order used. By contrast, if systemwide safety is a primary goal, then impacts measuring safety, not safety and order, would be more relevant (e.g., counts and rates of homicides and assaults). If reducing crime in society or making the public feel safer were goals, then these clearly suggest a range of different measurable impacts (e.g., reduced offending, reduced fear of victimization among the public, increased willingness to walk alone or with others in public areas). Of course, if a given state asserts that all of these dimensions represent goals of their supermax prisons, then a broad array of impacts must be measured to assess the effectiveness of these prisons.

Because of the limited research on the goals of supermax prisons, there also is limited

research on their specific impacts, both intended and unintended. Nonetheless, a number of sources provide lists of potential measures that can be used in corrections research. The guidance provided by Burt (1981) and Lynch (1994), for example, establishes a foundation on which to begin identifying the potential impacts of supermax prisons (Adams 1992; DiIulio et al. 1993; King 1998; Marsden and Orsagh 1983; Reisig 1998; Sparks et al. 1996; Useem and Goldstone 2002). For example, Burt (1981) identified a range of corrections-related impacts that included security (e.g., escape rates); living and safety conditions (e.g., victimization, prison atmosphere, overcrowding, sanitation); inmate physical and mental health; program and services impacts (e.g., improvements in basic skills, education, vocational training); and postrelease success (e.g., recidivism, employment). A study of supermax prisons might focus on additional impacts, such as changes in inmate and staff victimization in general population prisons, economic conditions in communities with supermax prisons, public safety, and perceptions of safety. Focusing on communities is warranted given research showing links between incarceration policies and community crime and quality of life (Lynch and Sabol 2001).

In short, given the scant attention given to the impacts of supermax prisons, research is needed that identifies the range of impacts that should be investigated to ensure that undue weight is not given to any one or another impact to the exclusion of others that may be as or more important. Moreover, because of research that suggests a range of negative unintended effects of supermax prisons (e.g., creation or aggravation of mental illness among supermax inmates), research is needed that examines the full range of potential unintended effects, positive and negative, that may be associated with supermax prisons since such effects can directly bear on any overall assessment of the effectiveness of such prisons.

Benefit-Cost Analysis Assessments of Supermax Prisons

Despite calls for more research on supermax prisons, and especially for benefit-cost assessments (e.g., Riveland 1999b, 22), little progress has been made in this area. The interest in benefit-cost analyses of supermax prisons stems in part from the fact that these prisons can have diverse impacts. They also represent a considerable investment of resources, typically costing more to build and operate than do general population prison facilities (Austin and Irwin 2001; Elsner 2004; King 1999; Kurki and Morris 2001; Pizarro and Stenius 2004; Riveland 1999b).

Benefit-cost analyses are especially appropriate when comparing interventions that have different goals and impacts. They differ from cost-effectiveness analyses, which identify returns per a given outcome that is common to two interventions (e.g., cost per averted crime) and require that comparisons among interventions use similar outcomes. When examining supermax prisons as a type of policy, BCAs are especially useful because of the range of potential goals and impacts. If all supermax prisons were built solely to produce more systemwide order, then cost-effectiveness analyses might be sufficient. In essence, this approach would allow one to compare different approaches to achieving the same goal (systemwide order). But, in fact, supermax prisons are associated with a range of possible goals and which goals are emphasized may vary depending on one's frame of reference (e.g., legislators might focus exclusively on public safety whereas corrections executives might focus primarily on systemwide safety). In such a context, BCAs simplify the ability to make meaningful comparisons.

To be as accurate and as useful as possible, BCAs require specification of all possible impacts to account adequately for the full range of relevant costs and benefits (Gramlich 1981;

Welsh and Farrington 2000). It also is necessary to examine information on different types of costs, including fixed or capital costs as well as variable or operational costs (e.g., hiring and training of staff) associated with supermax prisons (Camp and Camp 1999).

The ability to monetize impacts is central to conducting BCAs. But it is not always possible to monetize every impact. Opponents of supermax prisons might argue, for example, that no moral basis exists for placing a dollar value on the inhumane conditions supermax inmates are believed to face. For BCAs, such exceptions actually are quite common. They are dealt with by noting those impacts that can be monetized versus those that cannot (Gramlich 1981). The final assessment relies on impacts for which monetary assignments can be made, excluding (and noting) those that cannot be monetized. Benefit-cost analyses cannot provide “the” correct answer in situations involving value-based considerations. But they can provide quantified and monetized assessments of measurable dimensions thought to be appropriate for evaluation, and thus highlight more clearly the benefit-cost context in which value-based considerations may affect policies (Gramlich 1981; Welsh and Farrington 2000).

There are, as noted earlier, many potential impacts of prisons that are intended or unintended and that can be positive or negative. For example, supermax prisons may improve the ability of general population prison wardens to control inmates. They also may allow prisons to manage better a resource-intensive inmate population (i.e., the most disruptive inmates), yielding efficiencies both within the new facilities and in general inmate prisons. But they also may have no impact on general prison conditions, and operational conditions within supermax prisons may reduce family visitation, the ability to provide educational and vocational services to supermax inmates (due, for example, to frequent “lockdowns”), or induce or aggravate mental disorders. Such impacts in turn may hamper the ability of supermax parolees to transition successfully into society. In addition, for supermax officers, there may be higher rates of stress, which might result in increased sick leave, medical care for injuries, decreased work performance, and decreased inmate safety due to understaffing (Finn 2000; Riveland 1999b).

Different impacts may generate costs or benefits, depending on the direction of impact (positive or negative). If an impact of a supermax prison results in added costs, or averted benefits of other aspects of prison operations, it can be viewed as a cost. If the impact results in an averted cost (e.g., fewer funds expended on medical care), it can be viewed as a benefit. Impacts that do not result in either added or averted costs can be viewed as benefits when they constitute desirable outcomes (e.g., greater public satisfaction with correctional policy).

Because the impacts of supermax prisons may vary tremendously, it is critical that a BCA be preceded by an attempt first to identify what the full range of potential impacts are. Ideally, these impacts can be quantified and classified, depending on the direction of effect (positive or negative), as costs or benefits. The costs and benefits then can be monetized and incorporated into a model that both includes capital and operational costs and adjusts for the scale of the intervention and level of impacts. This model in turn can be compared with opportunity costs and benefits associated with investing in alternative interventions.

Not only is research on the goals and impacts of supermax prisons limited, but BCAs are rarely conducted before or after these prisons are built. It is clear, then, that a compelling need exists for research that not only can inform benefit-cost analyses but also can help corrections executives and stakeholders to conduct and use such analyses to inform decisionmaking.

3. Purpose, Goals, and Objectives of Study

Supermax prisons have become increasingly popular and they also are expensive. Yet we know little about their specific goals, intended and unintended impacts, how these impacts are achieved, or whether from a benefit-cost perspective they represent a good investment of resources.

Against this backdrop, this study was designed to assist policymakers and corrections officials make more informed decisions about investing in supermaxes. To this end, the study had two specific goals. The first was to create an empirically based conceptual framework to guide research on the goals and impacts of supermax prisons and how these impacts are achieved. With this foundation, practitioners and researchers alike will be able to identify specific goals and impacts that merit greater investigation and assessment. They also will be able to develop and test more precisely the causal logic underpinning supermax prisons.

It should be emphasized that systematic, empirically based exploratory research is a necessary first step toward assessing supermax prisons or any policy where the goals are wide-ranging and there has been little assessment of the logic of the policy. For example, the risk of proceeding to quantify specific impacts (e.g., institutional infractions, recidivism) without careful consideration of the full range of relevant impacts is that undue influence may be given to the former (Rossi, Freeman, and Lipsey 1999). Some recent studies (e.g., Briggs et al. 2003) focus, for example, on whether supermax prisons are associated with decreased homicides and assaults in prison systems. Such research is critical to informing debates about these prisons. But it largely ignores a range of other potential measures of supermax prison effectiveness.

The second goal was to assist policymakers and practitioners in conducting benefit-cost analyses of supermax prisons and to illustrate the uses of BCAs in deciding how to allocate scarce resources. The study created a BCA policy brief and a BCA tool, which were designed primarily to show the importance of benefit-cost analyses, the feasibility of conducting them, and, perhaps most importantly, how key assumptions—including assumptions about the importance, or lack thereof, of certain impacts—can affect benefit-cost determinations.

4. Research Design and Methodology: Data and Methods

This study relied on several methodologies: (1) A review of correctional agency and legislative documents, and theoretical and evaluation research on supermax prisons; (2) site visits to three states, including in-person and telephone interviews with corrections policymakers, officials, and practitioners in these states ($n=39$); (3) telephone interviews with counterparts to these stakeholders in eight other states ($n=21$); (4) a national survey of state prison wardens in fall 2003; and (5) creation of a BCA policy brief and tool. Each stage of data collection informed the next, and collectively the different sources of data provided a more complete picture of supermax prisons than any one source alone could provide.

Document Review

The researchers began with a review of correctional agency and legislative documents bearing on the range and extent of goals, impacts for various populations and stakeholders, and costs associated with supermax prisons. Figure 1 (see appendix) illustrates the general framework we used to identify different populations and stakeholder groups; in each instance we explored a range of potential unintended positive and negative effects. The tables discussed in chapter 6 reflect the use of this framework in organizing the results not only of the review but also of our analyses of the site visit and interview data. The agency and legislative documents were collected from published research and from searches of correctional and legislative web sites.

The review entailed examination of research on supermax prisons and on prisons generally. A substantial body of research on prison control and higher custody prison units exists, for example, that was relevant to explaining the logic of supermax prisons (e.g., Adams 1992; Clare and Bottomley 2001; Sparks et al. 1996). The review of documents and prison literature provided the initial foundation on which to begin developing a comprehensive list of potential goals, impacts, and causal logic models associated with supermax prisons. This information in turn assisted with development of the benefit-cost analysis policy brief and tool.

Site Visits and Interviews

The site visits to Maryland, Ohio, and Texas involved reviewing agency and legislative documents and research reports bearing on the goals or impacts of each state's supermax prisons, as well as in-person interviews with state corrections officials, wardens, and local and state policymakers and researchers.

Selection of the three states was made, based on consultation with corrections experts, on several grounds: access and cooperation of each state; regional variation (King 1999); and variation in size. In addition, the states have had supermax prisons for different periods of time, with Maryland having built a new supermax in the late 1980s, Ohio having constructed a new facility in the late 1990s modeled after the federal supermax in Florence, Colorado, and Texas having a mix of new and retrofitted supermax facilities, some dating back to the mid-1980s. The expectation was not that these states would represent all states with supermax prisons, but that their diversity would be useful in providing a foundation for the subsequent phases of research,

including interviews with practitioners and policymakers in eight other states and a national survey of wardens.

The interview schedule was developed based on the document review. The questions focused on the goals of supermax prisons, the range of impacts that may be relevant for different populations, how these impacts are realized, and what the basis is for respondent assessments of impacts. Respondents were also asked to provide views about their own experiences and from their own roles, as well as views they have more generally about supermax prisons in their state or where they work. The initial use of this schedule during the first site visit provided an opportunity to identify ways it could be improved. Subsequent to this visit, slight modifications to the wording and structuring of questions were added. These modifications helped improve the overall flow of the interview and did not change the content substantially.

For each site visit, approximately 10 one- to two-hour in-person interviews were conducted by two members of the research team. Respondents included prison administrators and wardens and local and state policymakers and researchers.

Respondents were identified through a snowball sampling strategy. In each instance, we contacted people whom we either knew in advance or who were recommended to us. We explained the goals of the research, whom we hoped to talk to in each state, and why. This process in turn led to recommendations about others we should contact and efforts on our behalf to arrange interviews and meetings. The assistance provided was not only helpful, it was necessary to gain access to and to overcome mistrust among those we hoped to interview.

The in-person interviews enabled the researchers to explore the goals and impacts of supermax prisons and ways in which supermax prisons achieve specific impacts. They also enabled us to gain insight into issues that we otherwise might miss or not fully appreciate and that would be important to policy discussions and evaluations of supermax prisons. The interviews in Texas, for example, reinforced a critique raised in some research articles about the considerable variability in what is meant by a “supermax” facility (King 1999; Riveland 1999b). Although many sources state that Texas has supermax facilities (e.g., NIC 1997; King 1999), Texas calls their highest security facilities “administrative segregation” (ad seg) prisons. The in-person interviews helped sensitize the researchers to the importance of these distinctions and the need to identify commonalities that may underlie different terminology.

The research team conducted the site visit interviews together to facilitate the questioning and coding process so that key findings and issues could be discussed and explored following each interview. One researcher asked questions and the second recorded responses, occasionally asking questions to help the primary interviewer to follow up on certain responses. Respondents were told that their responses would be kept confidential. This was done to ensure that the respondents candidly expressed their views.

Data from the site visits were compiled to create a profile of the potential goals and impacts and causal logic of supermax prisons in each state, including descriptions of the more general policy context in which these prisons arose. These profiles then were used to assist with the mapping of the full range of potential goals and impacts associated with supermax prisons. The site visit material and interviews helped provide a more complete picture than could be obtained through reliance on publicly available documents. And, unlike the subsequent telephone interviews, they generally provided a foundation on which to understand how the perspectives of diverse stakeholders within each state differed.

The telephone interviews were conducted with similar sets of respondents in other states. They afforded the Urban Institute (UI) researchers the opportunity to document a fuller range of potential goals and impacts associated with supermax prisons. Given the small sample of three states for the site visits, it was critical to conduct additional interviews to ensure that as full and as nationally representative a range of goals, impacts, and so on were identified as possible. As with the site visit materials, the telephone interview data were used to develop further the mapping of potential goals and impacts of supermax prisons.

Respondents in the site visit and telephone interviews included correctional staff at many organizational levels, allowing us to obtain a range of perspectives about supermax prisons. These included prison administrators, supermax and maximum-security prison wardens, corrections officers, program and legal staff, budget officers, mental health professionals, and researchers. Each site visit involved interviews, mostly in person, with 10 or more people. Most of the site visit interviews were conducted as part of focus groups that lasted from one to two hours. As part of each visit, the authors also interviewed three to four state legislators who were members of criminal justice committees. These interviews helped provide insight into the political dimensions of supermax prisons. The authors interviewed Republicans and Democrats, most of whom were elected prior to the creation of supermax prisons. The interviews generally were conducted privately in the legislator's office and lasted 15 minutes. Each telephone interview was approximately 20 to 30 minutes. Although we did not interview prisoners, we reviewed many documents that attempted to present prisoners' perspectives, including lawsuits filed by prisoners, summaries of prison investigations, and research, such as the recent ethnography by Rhodes (2004).

For the purposes of this study, we defined a goal as the intended purpose of a supermax prison and an impact as the more specific measure or manifestation of that goal. For example, a goal of supermax prisons may be to increase public safety. The intended impacts of that goal may include reducing prisoner escapes, reducing recidivism, and deterring crime.

The coding of goals and impacts followed from and expanded on those developed during the document review. This coding involved creating categories of goals and impacts that could be identified for different stakeholder populations (supermax prison inmates, officers, and wardens; general population prison inmates, officers, and wardens; correctional systems, including executive administrators, health providers, and parole officers; communities, including local government and policy leaders, businesses, and residents; and state policymakers, businesses, and residents). Following the suggestion of methodology texts (e.g., Babbie 1995; Caudle 2004; Mohr 1995; Scheirer 1994), UI researchers examined the literature and site visit and telephone interviews for themes until it was felt that the full range of possible goals and impacts, explanations of these impacts, and key policy issues had been identified. The UI researchers created the initial categories and coded the site visit material together, thus ensuring that a consistent approach to coding occurred for the analysis of the telephone interviews.

It should be emphasized that the goal of this study was to identify possible goals and impacts of supermax prisons, and not to evaluate any one prison or state correctional system. For that reason, the researchers did not see any particular advantage in identifying statements from specific respondents about supermax prisons or the correctional systems in their states. Where helpful, we identify the occupation of respondents, since this information can help explain the perspective behind and potential motivation of a particular comment.

Chapter 5 summarizes the case study profiles of the three states that were visited (Maryland, Ohio, and Texas). Chapter 6 summarizes the list of goals and intended and unintended impacts (positive and negative) identified in our analyses of the literature review and site visit and interview data. The goals and impacts are organized according to key stakeholder groups (supermax prisons, general population prisons, criminal justice system, local communities, and populations at state and national levels) and subpopulations specific to each (e.g., prisoners, staff, and wardens in supermax and general population prisons). The researchers entered all goals, impacts, and identified causal logics (how supermax prisons contribute to the goals and impacts) in a Microsoft Excel file (summarized in chapter 6) and in accompanying tables to make the results more accessible.

National Survey of Wardens

The national survey focused on adult state prison facilities housing men or women. We obtained the initial name and address list from a directory available through the American Correctional Association (ACA) (2003). We excluded juvenile detention, medical, and psychiatric facilities, as well as hospitals, community corrections facilities, and halfway houses. We then checked corrections agency web sites to update name and address information, adding new facilities and deleting closed ones where appropriate, and ensuring that wardens were correctly matched to the specific facilities they supervised. In instances where the corrections web sites differed from the ACA directory, we used the web site information on the assumption that it would be more up-to-date. When a warden supervised several facilities, we sent a survey only to his or her highest-level facility. If a warden supervised two facilities with similar security levels, we sent the survey to the facility with the larger population.

The survey questions were designed to focus on goals and impacts of supermax prisons and related issues about which wardens would likely have knowledge. Based on a review of the literature and analysis of the site visits and interviews, the UI researchers created a set of closed- and open-ended questions and structured these with assistance from survey methodologists at UI. Project staff field-tested the instrument with correctional officials and researchers. The final version of the instrument was distributed to all wardens along with a letter explaining the purpose of the survey and the research project, and an accompanying letter of support from the ACA. Follow-up mail-outs were sent six weeks later to ensure a high response rate. The final sample was 601, representing 69 percent of the total that were distributed, excluding one state, New York, which refused to participate. (If New York is included, the total universe was 948 and the response rate, accordingly, would be 63 percent.)

To obtain this response rate we undertook the following steps: obtained the assistance of wardens in the development and pretesting of the survey; kept the length of the survey to four pages so it could be completed in 15 minutes or less; included a letter of support from the ACA's executive director; assured respondents that their responses would be confidential and anonymous; provided self-addressed, stamped envelopes; immediately provided materials to departments of corrections who requested more information about the study before allowing wardens to complete the surveys; conducted a second mailing; and conducted follow-up phone calls to nonrespondents encouraging them to complete and return their surveys.

We were aware that response rates to mail surveys had been declining during the past two decades (Ayidiya and McClendon 1990; Baim 1991; Bradburn 1992). And we had been

forewarned that response rates to mail surveys among corrections departments, and wardens in particular, had been declining in recent years. In correspondence, the first author, Dr. Wesley Johnson, associate dean of administration at the Sam Houston State University College of Criminal Justice, mentioned that his national survey of wardens in 1995 yielded just over a 70 percent response rate, but that a later survey in 1998 yielded just over a 50 percent response rate (personal communication; see also Wells, Johnson, and Henningsen 2002, 175). The response rate obtained in our national survey of state prison wardens thus appears to be in keeping with recent trends. Moreover, response rates of 50 to 60 percent generally are viewed as acceptable (Mangione 1998), although Dillman (2000) has advocated for higher response rates. Notably, a recent review of social science research found that the average response rate in survey-based studies was 55 percent (Baruch 1999).

To assess whether systematic nonresponse occurred with certain states, which would reduce our ability to generalize to state prison wardens nationally, we examined state-by-state response rates. All states but New York responded, and the response rates among all wardens in all but two states exceeded 40 percent.

The above caveats aside, this survey offers an opportunity to explore the views of a large number of wardens nationally about a critical issue—the goals and impacts of supermax prisons—for which wardens have unique insights. Juxtaposed against their views is a lack of empirical studies of supermax prisons in specific states, to say nothing of national studies. For this reason, even if we assume that there is some type of nonrandom dimension to the response rates, the results should be of considerable interest both to researchers and policymakers.

Benefit-Cost Analysis Brief and Tool

The UI researchers created a policy brief and a Microsoft Excel spreadsheet-based tool to assist policymakers and researchers in understanding, conducting, and using benefit-cost analyses of supermax prisons. The document review, site visits, telephone interviews, and national survey all provided information that assisted with creating these products. The policy brief (Lawrence and Mears 2004) is available on the UI web site.

5. Site Visit Profiles

The following site visit profiles are intended to give readers a sense of the historical and social contexts surrounding the construction of supermax prisons in three states, and to convey the range of issues that arise in attempting to assess the effectiveness of these prisons. In each profile, the following dimensions are discussed: definitional issues, the history associated with construction of one or more supermax prisons, the characteristics of the state's supermax prison(s), intended impacts and unintended positive impacts, unintended negative impacts, evaluations that have been conducted or issues relevant to attempts to evaluate each state's supermax prison(s), alternatives to supermax prisons suggested by respondents, and issues each state faces in coming years pertaining to their supermax prisons.

It should be emphasized that in contrast to what some researchers have suggested in the literature concerning the barriers to conducting studies in and of supermax prisons (e.g., Ward and Werlich 2003), officials and practitioners in each state were uniformly welcoming and disarmingly open about their views, both positive and negative, of supermax prisons.

Maryland

As of January 1, 2001, Maryland housed nearly 23,145 prisoners, the 19th largest number of state prisoners in the United States (Beck, Karberg, and Harrison 2002, 2–3). As of that date, the state's supermax prison, the Maryland Correctional Adjustment Center (MCAC), held 246 prisoners (Maryland Department of Public Safety and Correctional Services [MDPSCS] 2003) or 1 percent of Maryland's prison population (Beck et al. 2002, 2–3).

Definitional Issues

The MCAC policies and practices are consistent with those in other supermax prisons (NIC 1997, 1). The MCAC is a freestanding facility that indefinitely houses prisoners who are violent or seriously disruptive (MDPSCS 2003). All supermax prisoners at the MCAC are in single cells for up to 23 hours a day, and their contact with staff and other prisoners is significantly restricted (Will 1997). The facility's design places great emphasis on security. For example, the MCAC relies heavily on technology in its operations (such as electronically operated cell doors) and has a centralized control center that allows correctional officers to observe all the unit's cells from a single location (James 2002; MDPSCS 2003).

The MDPSCS references the facility as a "Level II Maximum Security" prison on its web site, rather than as a supermax prison (MDPSCS 2003). Interview respondents, however, concurred that the MCAC is a supermax prison, and that staff regularly refer to it as such. In addition, media coverage frequently refers to the MCAC as a supermax prison (e.g., James 2002).

History

Reports and the interviews indicate that a number of factors may have contributed to the decision to create the supermax prison. One respondent reported that Maryland had considered building a supermax prison in 1972 but was delayed in building it for budgetary reasons. The Maryland DPSCS proposed the idea again after an inmate killed a correctional officer in the mid-1980s. Adding to the argument to build the facility, the state's maximum-security prison was

overcrowded and fights amongst prisoners were occurring regularly. Nearly all respondents noted that the state turned to a supermax facility as a tool to manage inmates who had little or no incentive to follow institutional rules. For example, the prison reportedly had experienced difficulty managing prisoners who were sentenced to life in prison or who had received so many disciplinary reports that they were permanently in administrative segregation. Respondents stated that the lack of incentive to comply with rules might have contributed to the death of the correctional officer since the prisoner who killed him had been sentenced to life in prison.

One respondent suggested another reason for the supermax prison: Prisoners had changed demographically and required a new management approach; in particular, prisoners were younger, less receptive to programs, and less responsive to traditional punishment. Respondents also indicated that a response was needed to help correctional officers cope in an environment where a fellow officer was murdered and prisoner fights were commonplace.

The public did not appear to oppose the MCAC's construction. One legislator interviewed for the study explained that some key policymakers at the time gained public support by promoting the prison as an "economic tool" that would bring jobs to the area and as a means to constrain violent criminals. None of the four legislators with whom we spoke reported that their constituents had complained about the supermax prison in recent years.

Echoing comments we heard in other states, respondents explained that Maryland did not conduct a study to determine the number of beds that the MCAC supermax would need. Rather they constructed the number of beds that were equal to the number of administrative segregation beds in Maryland's prison system. Construction of the MCAC began in 1986, and the facility opened in January 1989, when Maryland's prison population totaled approximately 14,000, with 288 beds (MDPSCS 2003). A little over a decade later, respondents reported that staff often struggle to keep beds filled in spite of a near doubling of Maryland's prison population to nearly 25,000. To help fill the beds, the MCAC also houses prisoners who are not necessarily disciplinary problems, including federal pretrial detainees and death-row prisoners. Respondents suggested that about half the beds were actually needed and that research would have helped avoid this problem. They also explained that the political dimensions of the issue and the resulting media coverage created a "lock them up" atmosphere that enabled this overestimation to occur and contributed to the decision not to support programming.

Characteristics

Like many states, Maryland has one supermax facility, the MCAC (NIC 1997, 4–6). However, unlike other states, the MCAC is located in a metropolitan city—downtown Baltimore (MDPSCS 2003). The facility's design was based on the federal penitentiary in Marion, but the MCAC did not include the types of programs administered in the Marion facility. The MCAC can hold up to 286 prisoners and houses 246 prisoners according to the MDPSCS web site (MDPSCS 2003). The average length of time spent in the MCAC is one year and five months (Will 1997). While incarcerated at the MCAC, prisoners are not eligible for parole (Moran 1994).

MCAC cells are 7 by 10 feet and are single cells; they have solid doors except for a small rectangular food slot and a small window. Prisoners' cells have exterior windows with a small view of the outside (Associated Press 2003). For an hour once every two to three days, MCAC

prisoners are released from their cells to bathe and to exercise alone in a “windowless prison dayroom” (Gavora 1996). Otherwise, prisoners are only released from their cells for visits and for medical reasons (Patrick 1996, 4). Although the MCAC originally allowed prisoners to recreate together, they ended this practice after several prisoners killed one another (Gavora 1996).

Prisoners sent to the MCAC include those “who are found to cause a great deal of violence or have a destructive influence (e.g., gang leaders)” (Townsend 1999) and death-row prisoners (Gavora 1996). In July 2000, the MCAC also held 90 persons in the custody of the U.S. marshal for the District of Maryland (either federal pretrial detainees or fugitives) because “no other facility is capable of handling the high volume of prisoners for the Baltimore Federal Courthouse” (McKinney 2000). Federal prisoners are the only ones double celled in the MCAC. As of July 1994, the MCAC had a slightly disproportionate share of black inmates compared with the general prison population as a whole: 89.7 percent of MCAC inmates were black and 9.9 percent were white, while 77.3 percent of MDOC inmates were black and 22.5 percent were white (Moran 1994).

In response to disruptions, such as throwing (“chunking”) bodily excretions at staff, the MCAC instituted an incentive program, referred to as the Quality of Life program (Gavora 1996). This program entails rewards for positive behavior, such as additional recreation time, visits, and library privileges (MDPSCS 2002, 4–7). It also entails reductions in rewards given negative behavior. MCAC prisoners who are “particularly disruptive” can also be sent to other states as an exchange for the other states’ most unmanageable prisoners (Townsend 1999).

Intended Impacts and Unintended Positive Impacts

Most respondents indicated that the MCAC’s primary goal is to make the general population prisons safer and more manageable by confining those prisoners who are violent or who repeatedly disrupt the order of the prison system. Respondents thought that the MCAC had been successful in accomplishing this goal, and some noted that they expected the most significant impacts to have occurred in the three prisons that supplied most prisoners to the MCAC. Expected impacts included a drop in use-of-force incidents, assaults, homicides, and other violent incidents in general population prisons.

Another related goal of the MCAC is to manage those prisoners who cannot be safely and securely managed in another facility. Respondents viewed the MCAC, under current policy and practice, as a safe environment for staff and prisoners. Indeed, they reported that many staff desire to work at the MCAC because it is a safer and more predictable working environment than other facilities. A few legislators also asserted that a goal of the supermax facility is to enhance public safety by reducing prisoner escapes or to increase their feelings of safety and security.

Several respondents relayed that another goal of the prison is to change MCAC prisoners’ behavior and to return them to the maximum-security prison. One respondent explained that deprivations (e.g., less freedom, fewer privileges, and hindrance of family involvement) help the prisoner better understand the costs of committing infractions and may reduce the likelihood that he would commit infractions in the future. One legislator also considered a purpose of the supermax facility to be an incentive for general population prisoners to comply with institutional rules as well.

Andrew C. White, a lawyer in Baltimore and an ex-federal prosecutor, also noted an additional unintended positive impact. Having questioned more than a dozen MCAC prisoners, he found the following:

It is not your typical prison. It can have a psychological effect on people. I have had a number of people go into Supermax for the weekend and come out and be very willing to cooperate with law enforcement. For the untrained prisoner it can be quite a shock. (James 2002)

Unintended Negative Impacts

Critics have asserted that the facility has had a number of negative impacts on prisoners' well-being. Most notably, in 1995, the U.S. Department of Justice (DOJ) launched a probe of the MCAC (Corrections Digest 1995). In 1996, DOJ reported that MCAC conditions violated prisoners' constitutional rights (Patrick 1996). The MCAC has since established policies and practices to address each of these conditions. Below are some of the identified conditions.

Medical Care. DOJ found several barriers inhibiting MCAC prisoners' access to medical care, most of which violated MDOC policy and generally accepted standards of practice. First, correctional officers rather than medical personnel were administering sick-call requests. Second, a physician was not regularly scheduled to be on site on a weekly basis. Third, medical personnel were only available five days a week rather than seven. Fourth, prisoners who were not indigent were required to make copayments for medical services and nonpsychiatric prescriptions when the prisoner requested them. And, finally, prisoners were not receiving "face-to-face intake screenings" by medical personnel upon their arrival.

Mental Health Care. DOJ also found that the MCAC did not adequately screen or treat prisoners for mental illness. First, staff members were not screening all incoming prisoners for mental health issues within the first 12 hours of their arrival, as policy required. Second, MCAC mental health care providers were not actively monitoring prisoners' mental health conditions; rather they were relying on correctional officers' recommendations and on prisoners' requests for care. As evidence that MCAC's screening and monitoring process was insufficient, DOJ cited the findings of an impromptu, MDOC prisonwide screening that identified 20 MCAC prisoners for immediate transfer to a facility designed for the care of mentally ill prisoners and identified 35 prisoners who needed mental health care. Third, a correctional officer was always present in mental health assessments of prisoners, which DOJ contended could prohibit a thorough assessment of the prisoners' mental state given any reservations the prisoner may have in talking openly with the mental health care provider. Fourth, few opportunities were available to prisoners to participate in mental health programs or to receive counseling; rather mental health care primarily consisted of prescription management. Fifth, prisoners' mental health records were often incomplete and not organized in a systematic way. Sixth, no quality assurance system was in place to ensure that the MCAC provided adequate mental health care. In addition, the MCAC administered lithium to a number of prisoners who were not screened properly beforehand, which could potentially cause serious health problems for some.

DOJ argued that these practices were not only a violation of prisoners' constitutional rights to adequate access to mental health care and services, but also they could prohibit the improvement of prisoners' mental health or exacerbate their conditions. Andrew White, an attorney, also explained that his experience working with MCAC prisoners had led him to believe that the

conditions in the MCAC “can have a psychological effect on people” (James 2002).

Exercise. DOJ also found that MCAC prisoners’ limited access to the opportunities to exercise represented a violation of both MDOC policy and the prisoners’ constitutional rights. Due to a shortage of staff, prisoners were only able to leave their cell for less than an hour once every two or three days for exercise and showering. In addition, MCAC prisoners were never able to see the outdoors or to go outside.

Indefinite Segregation. DOJ asserted that the MCAC needed a more standardized, objective classification system by which to assess the appropriateness and readiness of MCAC prisoners’ transfer to a general population facility. At the time of the investigation, staff could not make any transfer decision using only objective criteria. Prisoners reported their view that many transfer decisions were unfair. After studying a sample of transfer decisions, DOJ also found inconsistency in these decisions; for example, officials reported that one prisoner remained in the MCAC for 4.5 years, during which time he had a record clean of disciplinary citations. Further, DOJ officials note that: “. . . Inmates know that they cannot obtain a transfer out of the Supermax program, which may be causing disincentives to comply” (Patrick 1996, 9). Thus, these practices may increase the likelihood that prisoners will exhibit disruptive behavior in the MCAC.

Abuse. Finally, DOJ alleged that MCAC officials use of the “pink room” constituted abuse. Although DOJ officials were unable to view the pink room because MCAC transformed this room into office space before their visit, the pink room was reportedly an unheated cell that included no furniture or running water, provided only a hole in the floor for a toilet, and was covered with old feces and urine. Prisoners were confined in the room in only their underwear for up to four days. Because they were often placed in restraints, their hands were not free to allow them to eat with their hands or to remove their underwear before performing bodily functions.

DOJ allowed Maryland 49 days to make the report’s recommended changes. Maryland officials contested the argument that these violated prisoners’ constitutional rights (Gavora 1996). The MCAC came into compliance with the DOJ’s recommendations after making a number of changes, including, for example, implementation of a screening process to ensure that mentally ill prisoners are not classified to that facility.

Increases Disorder. Interview respondents indicated that, despite the stringent conditions of the MCAC, the institution could create an incentive for prisoners to commit offenses that would result in their placement into the facilities. An estimated 10 to 15 percent of all MCAC prisoners are perpetual protective custody prisoners who fear living in general population but who also desire to avoid the stigma of protective custody, typically used for prisoners who are targeted by other prisoners (e.g., sexual offenders). These prisoners will also engage in behavior in the MCAC that will prevent them from qualifying to return to a general population prison. Since most prisoners’ families and friends reside in Baltimore, respondents also explained that prisoners might commit an offense that will result in their placement into the MCAC to receive additional visits.

Staff. One legislator expressed concern that the work environment would prove difficult for MCAC staff given that staff would be more likely to face harassment from the prisoners. Another respondent echoed this concern for staff and argued that the facility should address the problem by rotating staff regularly, which would also ensure that “fresh ideas” come into the facility.

Recidivism. Respondents were concerned that prisoners were released from supermax prisons without the benefit of rehabilitative programs or of social interaction. One respondent explained that these facilities “take away the tools necessary to manage human beings,” with treatment, programs, and a strong incentive system viewed as critical components of that toolbox. Respondents explained that the MCAC instead relies more on the “stick” to change prisoner behavior but noted that this approach fails to produce a lasting change in the prisoner and may actually contribute to negative behavior in the long term. As one interviewee explained,

I’m concerned that we’re making hermits. You really can only make the system safer if you change the thinking of the inmate—not just by having a big stick. Without help, these prisoners, who are the most disruptive in the system, will not get better and could actually get worse. I feel like many are more antisocial when they are returned to general population. Five years out, even if they haven’t returned to the MCAC, they may not be getting involved. We make loners here, not better people.

The result: Former MCAC prisoners may be less capable of interacting with others and may therefore experience greater difficulty reintegrating successfully into the community. In turn, they may be more likely to recidivate.

To offset this potential problem, the MCAC attempts to transition most supermax prisoners back into general population prison where they can benefit from programs and services prior to release. However, the facility still releases approximately three to four prisoners per year directly to the street.

Fiscal Costs. Critics have cited the MCAC’s high fiscal costs as having a negative impact on the state’s budget. On average, it costs three times as much to house prisoners in the MCAC as it does to house place them in a non-supermax facility (McKinney 2000). The MCAC’s increased cost results in part from its high staff-to-prisoner ratio. For example, policy requires at least two correctional officers when escorting prisoners; the MCAC has 1.1 staff members for every 1 prisoner (or 263 to 246) (MDPSCS 2003). At the same time, one legislator explained that the facility’s additional cost is small in proportion to the budget and therefore does not register on legislators’ “radar screens” as a potential means to save funds.

Evaluation

Although a formal evaluation of the MCAC has not yet been conducted, violence persisted in the facility until several changes were instituted. First, the MCAC ended group recreation in response to a series of incidents when prisoners were killing other prisoners (Gavora 1996). Also, due to a prevalence of staff injuries, the MCAC instituted security enhancements in fiscal year 1999; following this change, staff injuries fell by 32 percent (MDPSCS 2003). In 2001, new cameras and a digital recording system were installed in the MCAC as well; the number of uses of force by correctional officers over the subsequent six-month period dropped in half (from 58 incidents to 24), potentially because officials were able to hold both prisoners and staff more responsible for their actions (Access Control and Security Systems 2002). Another important change is the MCAC’s establishment of the Quality of Life program “that encourages positive behavior” through a system of penalties and rewards (Access Control and Security Systems 2002).

Several respondents were asked whether a benefit-cost study of the MCAC would be helpful. One respondent asserted that this type of analysis would have been most helpful in deciding

whether to build the MCAC, especially considering that a number of unexpected costs have arisen since its creation. Most other respondents, however, expected the utility of a benefit-cost study to be limited. One legislator thought that an evaluation's impact would be restricted by the extent to which the community housing the supermax facility was dependent on the prison for jobs. This legislator explained that a study alone would not likely elevate the issue in the political arena; a major incident would likely be required to do so. Several other legislators thought that a study demonstrating the cost ineffectiveness of the supermax would not result in the closure of the facility, but it could be used to prevent another supermax prison from being constructed or to improve the efficiency of the facility's operations. As one legislator explained, the supermax prison represents a "philosophical punishment that people would support or reject irrespective of a study's findings."

Alternatives

One respondent thought that the supermax facility might not be necessary if the MDPSCS implemented the Quality of Life program throughout all prisons. Others indicated that using the Quality of Life program in conjunction with close management units in all prisons could serve as an effective alternative to a single supermax prison. At the same time, some respondents explained that in the absence of a supermax facility, prisons often transferred prisoners from one facility to another in order to control them, an approach that they viewed as inefficient. Several others saw no alternative to a supermax prison.

Future Issues

Respondents indicated that discussions of building a new supermax prison in Maryland were underway since some argue that a new supermax facility would be necessary to provide programs to prisoners. At the same time, the newly appointed state correctional secretary, Mary Ann Saar, suggested closing the MCAC given its lack of emphasis on rehabilitation (Fesperman 2003; Nitkin 2003). The fiscal challenges that Maryland, like many other states, currently faces increases the importance of the state's decision, especially considering that the facility cost \$21 million to build and costs \$15 million per year to operate (Maryland Chamber of Commerce 2003). Research that examines the goals, costs, and benefits of the MCAC as well as those of its alternatives could provide critical information that would assist Maryland to optimize use of its resources as it decides to modify or eliminate the MCAC or to build a new supermax facility.

Ohio

Ohio currently houses nearly 46,000 prisoners, the fifth largest number of prisoners in the United States (Beck, Karberg, and Harrison 2002, 3). As of May 1, 2003, the state's supermax prison, the Ohio State Penitentiary (OSP), held 260 prisoners (OSP 2003, 1), less than 1 percent of Ohio's prison population (Beck et al. 2002, 3).

Definitional Issues

The OSP policies and practices are consistent with those in supermax prisons, as described by the National Institute of Correction (NIC 1997, 1). The OSP is a freestanding facility that indefinitely houses prisoners who are violent or seriously disruptive (Davis 1999, 3). All supermax prisoners at the OSP remain isolated in their cells for up to 23 hours a day, and their contact with staff and other prisoners is significantly restricted (Davis 1999, 3).

The Ohio Department of Rehabilitation and Correction (ODRC) itself refers to the OSP as a supermax prison (<http://www.drc.state.oh.us/web/prisprog.htm>). Respondents interviewed for this study considered a number of the OSP's characteristics to fit those of a supermax. The building is designed to minimize prisoner movement as well as contact among prisoners and with staff; more staff are required for such tasks as cell extraction and prisoner transfers; and prisoners are classified to the OSP because of their in-prison conduct. The OSP itself was built using a modified version of the architectural blueprints used for the federal supermax facility—the United States Penitentiary Administrative Maximum Facility (ADX)—in Florence, Colorado.

Respondents explained that using the supermax terminology helped initially to rally support for building the prison. Policymakers and the public demanded a “get tough” response to prison violence, especially after a prison riot in 1991. In recent years, however, ODRC has moved away from using this terminology—preferring to classify prisons based on the level of inmates (from Level 1, least restrictive custody, to Level 5, most restrictive custody)—to draw attention to the greater emphasis they now place on programming and humane conditions within the state's prisons, including the OSP. Officials more frequently refer to the OSP by name (i.e., the OSP) or as a Level 5 facility.

History

In 1993, a riot broke out in the Southern Ohio Correctional Facility (SOCF), Ohio's maximum-security prison in Lucasville. During the riot, correctional officers were held hostage; ultimately, one officer and nine prisoners were killed (Pietras 2001). Immediately following the riot, administrators locked down the prison and transferred four prisoners to other prisons.

In the wake of the riot, the ODRC argued that a supermax prison was required to “control the most dangerous inmates” (Abramsky 2002). Five years later, the OSP opened. During the time in between the riot and the OSP's opening, the ODRC used a 20-bed unit as a temporary supermax facility (Davis 1999, 8). No riots have occurred since 1993, including the five-year period before the OSP opened.

The precise cause of the riot remains unclear. One respondent suggested that gang violence, which had been escalating in the weeks preceding the riot, was a critical factor. Another indicated that the high ratio of prisoners to correctional officers could have been a contributing factor. Ohio's Correctional Institution Inspection Committee (CIIC) asserted that overcrowding was likely to blame (Davis 1999).

If overcrowding caused the prison riot, it remains unclear why the reliance on a temporary 20-bed supermax unit proved sufficient to stem further riots in the five years after the 1993 riot. Other changes at OSP, including an increased focus on prison control generally—especially in the absence of an available supermax facility—could explain the lack of riots since 1993.

Public views about the proposed supermax initially were mixed. Many neighboring residents adamantly opposed the facility because they viewed it as a public safety risk. There reportedly was little opposition based on the costs of building a more expensive type of prison facility.

Interview respondents believed that the supermax was built because of the perception that it would help prevent another riot. They also pointed to additional factors, such as the demand for jobs in Youngstown, which was in an economic decline; a rising number of violent crimes that contributed to a general “appetite for punishment” among the public; and a large-scale prison-building expansion that already was underway in Ohio and across the country.

Soon after the OSP's opening, opposition dropped significantly. The 500 jobs created in the economically depressed area reportedly created a powerful constituency for the facility that included local politicians, residents, and unions. Some respondents explained that many community residents now believe that the supermax increases public safety because it is more secure than other types of prisons and so helps to prevent escapes.

Despite a budget shortfall of more than \$650 million in fiscal year 2003–2004 (Federal Reserve Bank of Cleveland 2003, 2), Ohio reportedly is unlikely to consider substantially modifying its investment in its supermax prison. In interviews for this study, respondents, including legislators from both ends of the political spectrum, said the State would not consider scaling back or closing the facility for several reasons. First and foremost, as one legislator put it, “There is no constituency for violent, recidivist criminals.” By contrast, there are many powerful constituents, including legislators and residents in Youngstown, where the supermax is located, that support the supermax. Second, the OSP is only five years old; the State would be more likely to shut down other, older facilities. Third, the ODRC explicitly argued, and continues to do so, that it needs the supermax to maintain order throughout the prison system. Fourth, many residents, politicians, and prison administrators in Lucasville, where the next-highest security-level prison resides, might oppose any such effort on the grounds that most of the supermax prisoners would be sent there, increasing the risk to public safety there. Fifth, although the OSP's operational costs are greater than those of other types of prisons, the difference is viewed as relatively trivial in the context of a multibillion-dollar state budget. Further, closing or substantially modifying the facility itself would entail costs. Finally, respondents explained that most legislators are unfamiliar with the supermax, its characteristics, and its costs; as a result, they are less likely to focus on it.

Despite the lack of awareness among policymakers about the state's supermax prison, several legislators interviewed for this study expressed several concerns. One questioned the constitutionality of the OSP's conditions and was concerned about the stress officers face in working in a setting “where prisoners have so little to lose.”

Another legislator was concerned generally about the possibility of prisoner abuse and the ability of supermax inmates to receive treatment or be rehabilitated in such a restrictive correctional setting. The legislator also cited concern about correctional officers in the supermax possibly “burning out” faster than those in other facilities due to the reportedly stressful working conditions. (ODRC staff reported that the conditions officers in the OSP and non-OSP facilities vary, and that the stress is comparable, though the sources of stress may differ.)

An additional set of concerns was expressed by one legislator, who noted that there was a risk of overclassifying prisoners to the facility, that the institution is only half full, and that the mental health needs of supermax inmates may not always be met.

Characteristics

Like many states, Ohio only has one supermax facility, the OSP (NI C 1997, 4–6). The OSP can hold up to 504 prisoners (Davis 1999, 3) and, as of May 1, 2003, it housed 260 (OSP 2003). Of these prisoners, 32 percent are supermax prisoners (Level 5 prisoners). The remaining prisoners are maximum-security prisoners (Level 4 prisoners) who requested to be transferred to the OSP from the maximum-security prison in Lucasville or whose security level was reduced from Level 5 to Level 4 but who requested to remain at the OSP.

According to ODRC Policy Statement 1361, Level 5 prisoners are those who “commit or lead others to commit violent, disruptive, predatory, riotous actions, or who otherwise pose a serious threat to the security of the institution” (OSP 2003). The difference between Level 5 and Level 4 prisoners is that the latter would have been “involved” in such acts but would not have “led” others to commit them (Policy Statement 1361).

Interview respondents explained that the lawsuit was to blame for the low number of Level 5 prisoners in the OSP. In their view, the OSP would be comprised almost entirely of Level 5 prisoners and would be at capacity if the court allowed administrators to classify chronic disrupters as Level 5 inmates. Also, the court now requires that the ODRC complete extensive paperwork when classifying an inmate as Level 5, which has reportedly impeded the assignment of inmates to Level 5 classifications.

The average length of time spent in the OSP is 2.6 years (Davis 1999, 13). OSP prisoners spend 23 hours each day in single-bed cells and, for at least five days out of the week, one hour in recreation (Davis 1999, 3). OSP cells have solid doors and no external (outside-facing) windows (Associated Press 2003). To stop prisoners from contacting each other or from chunking (i.e., throwing feces and urine), the ODRC placed steel strips over gaps in the cell doors (Associated Press 2003). Until the OSP completes a full outdoor recreation facility in 2004, as mandated by the court, prisoners will continue to recreate in either an indoor or an outdoor cell that includes a chin-up bar and a sit-up bench (Davis 1999, 10–11). When out of their cells, supermax prisoners are kept in full restraints, are escorted by at least two correctional officers (Davis 1999, 3), and are strip-searched (ACLU 2002a). Supermax prisoners receive programming through a closed-circuit television located in each prisoner’s cell, at the cell door, in an interview booth (i.e., an iron-barred box), or in a congregation of six prisoners in interview booths lined up side by side (OSP 2003).

All prisoners’ visits are noncontact (Davis 1999, 3). Visits are limited to two weekdays during working hours, which contrasts with the visiting hours of the state’s maximum-security prison for male prisoners, where visits are permitted six days each week, including both weekend days (ODRC 2003). Within the OSP, prisoners can move to lower security levels that allow them greater access to “published materials received, recreation and shower opportunities beyond those mandated, phone call frequency and duration, and commissary expenditure limits” (Davis 1999, 9). Respondents commented that the OSP is relatively quiet, and that unlike other supermax prisons, inmates do not generally scream or yell constantly.

Intended Impacts and Unintended Positive Impacts

The OSP’s mission is to promote safety and security “by confining those inmates who pose a threat to staff, other inmates, or institutional security in a controlled setting that is conducive to self-improvement” (ODRC 2003). More specifically, the ODRC’s general counsel, Greg Trout, has stated that the supermax enhances the safety of general population prisons (Associated Press 2002).

One of the OSP’s primary purposes is to punish prisoners who violate safety and security. At the prison’s opening, Dr. Reginald A. Wilkinson, the ODRC director, described the OSP as “a minimum-privilege and maximum-control facility [to] house the state’s worst offenders” and explained that it “was created to serve as punishment for prisoners who are dangerous and disruptive” (ODRC 1998, 1). Elsewhere, Wilkinson (1997) has commented extensively on the benefits of supermax prisons:

Many of us have determined that removing predatory and other dangerous offenders from the population improves safety and security system wide. By developing “supermax” prisons, we can isolate problem offenders in one facility. While this concept has come under some criticism, the benefits appear to outweigh perceived problems. Recalcitrant offenders participate in targeted in-cell programming rather than sitting idle in a disciplinary cell. Supermax staff receive specialized training in working with dangerous prisoners, and policies and procedures are specific to problem offenders without restricting the privileges of the general population. Segregation cells in other facilities can be used more effectively when not clogged by repeat offenders, and finally, the “supermax” facility becomes a disincentive for seriously negative behavior. Furthermore, technological advancements have made high security more “user friendly.” Ohio's new \$65 million supermax prison in Youngstown will feature sophisticated surveillance, security and fire control systems. Technology will benefit supermax prisoners by allowing them, even under high-security conditions, to earn academic credits through computer-based educational programming.

In short, the OSP supermax prison is described as contributing to a wide range of goals, including increased and better programming for difficult inmates and increased general prison system order through general deterrence. The OSP's goal of punishment is of interest because it contrasts with the goals articulated by other states, such as Texas, that explicitly say that supermax prisons are not to be used as punishment (Riveland 1999b, 22).

Several respondents stated that the supermax discourages serious incidents at Ohio's maximum-security prison, which is the source of most of the OSP's prisoners. That view was countered by statements from other respondents indicating that two-thirds of OSP's inmates voluntarily chose to remain at or to be placed in the OSP. That inmates would choose the OSP appears counter to common sense. Some explanations proffered in news accounts (Associated Press 2003) and in the interviews included are the following: Inmates at OSP live in their own cells and thus have greater privacy; are not required to work or participate in as many programs; enjoy better food; have television sets and air conditioning; can eat in their cell; may be closer to home; have less chance of being injured and injuring others; have access to one of the best libraries in the Ohio prison system; and enjoy a cleaner and newer facility.

Despite these potential attractions, the OSP clearly has many less-than-desirable features, from the perspective of inmates. These include the 23-hour-per-day solitary confinement, the ineligibility for parole, the reduced access to programming, and the limited access to and contact with family.

Many respondents viewed the supermax as an important prison management tool, not only for preventing riots but for enhancing the day-to-day operations. The OSP provides a more controlled environment where “problem prisoners” can be placed, which can limit the problem of their frequent transfers from one institution to another. Respondents explained that the incapacitation and isolation of supermax prisoners has reduced incidents throughout the system. One respondent also argued that the ODRC has saved money by reducing staff and inmate injuries.

Respondents suggested that the supermax makes general population staff feel safer and their jobs easier to fulfill. They emphasized that although correctional staff in the supermax must do more work, many prefer to work in the supermax because it provides a more controlled work environment, which increases their safety and the security of the facility. Several respondents

noted that staff also prefer working in the supermax because prisoners are rarely on drugs. As one respondent explained, “Here, you know what you’re getting,” as compared with other prisons where the presence of drugs can result in spontaneous or unpredictable assaults or serious disruptions.

The OSP reportedly enhances public safety by keeping escape-prone prisoners (i.e., prisoners who have attempted to escape previously) more securely confined. One respondent stated that the supermax increases public safety through a general deterrent effect, suggesting that potential offenders refrain from committing crimes out of fear that they will be placed in a supermax facility.

Apart from improving prison order, the OSP was said to improve conditions for general population prisoners. When dangerous or disruptive inmates are removed from the general population, the remaining inmates can more easily access programs and services because they are not concerned about their safety. Restrictions on prisoners’ freedom can also be relaxed. One respondent explained, “If you have to deal with the bad seeds, then you’re dealing with disruptions and that reduces the time devoted to programs and recreation. [The supermax] definitely has an impact.” If program participation increases (whether in quantity or quality), then recidivism may decrease among these prisoners and an increase in public safety may follow.

Several respondents emphasized that inmates within the OSP improve their behavior through the OSP programming (e.g., the anger-management program). The facility’s low recidivism rate—6 of the more than 500 OSP inmates released to the state’s general population prisons were returned to the OSP—was cited as evidence of this impact. (The rate is difficult to interpret in part because many inmates who may have engaged in serious or disruptive acts may not have been transferred back to the OSP because of the ongoing class action lawsuit.)

Unintended Negative Impacts

Criticisms of Ohio’s supermax prison have focused on a number of issues, including fiscal costs, prison conditions, and care of the mentally ill. These and other issues, such as the argument that the supermax has little impact on general prison order, are discussed below.

Fiscal costs. Although not necessarily unintended, the operating costs of the OSP are significantly greater than those of Ohio’s other prisons. On average, it costs \$149 per day to house a supermax prisoner, \$101 per day to house a maximum-security prisoner (ODRC 2003), and \$63 per day to house the average nonsupermax prisoner (ODRC 2001, 28). Public officials express concern about these costs, but it is unclear whether most policymakers or the public at large know or care about the differential costs of supermax versus nonsupermax prisons.

This increased cost of the OSP is due, in part, to the fact that it has a staff-to-prisoner ratio 50 percent higher than that of the state’s maximum-security prison. The OSP has one staff member for every 1.2 prisoners (431 to 497), including one correctional officer for every 1.7 prisoners (289 to 497) (ODRC 2003). By contrast, the state’s maximum-security prison has one staff member for every 1.8 prisoners (765 to 1,361), including one correctional officer for every 2.5 prisoners (536 to 1,361) (ODRC 2003).

A cost not included in these figures is the expense of housing maximum-security prisoners in the more costly supermax security prison (Associated Press 2003). Today, only 32 percent of all OSP prisoners are classified as supermax prisoners (or Level 5 prisoners); the remaining prisoners are all classified as maximum-security prisoners (ODRC 2003).

Another added cost to the operation of the OSP is the cost involved in the litigation levied against the facility. Interview respondents explained that lawsuits filed against the state's nonsupermax prisons have tended to be much smaller in scope and dismissed more frequently than the federal lawsuit that has been brought against the OSP. They emphasized, however, that the likelihood that a lawsuit will be filed against a supermax depends on the views of the particular courts of jurisdiction.

The respondents for this study explained that greater disaggregation of the fiscal costs by housing type is needed. For example, to provide an appropriate comparison of the costs of providing health care for supermax versus general population inmates, one would need fiscal cost information about health care services and staffing.

Misplacement of supermax inmates. Although the OSP was intended to house the most dangerous and disruptive prisoners, critics argue that many of its prisoners do not fit this description due to an ill-defined classification system that produces inconsistent and unfair placement and release decisions. Raymond Vasvari, the Legal Director of the Ohio American Civil Liberties Union (ACLU), contended: "This prison was supposed to house the worst and most violent inmates in the state, but that seems never to have been the case. Who gets in, who stays in and for how long is all a matter of luck. That is more than unfair, it is unconstitutional" (ACLU 2002b).

This argument—difficult to support or refute without solid statistics on admissions and release practices—is bolstered, in part, by the findings of a 1999 report from the investigation of the CIIC, whose members consisted of members of the Ohio House and Senate (Davis 1999). The report concluded that the classification criteria were too vague to justify many classification decisions (Davis 1999, 8). Investigators found there was no clear reason why some prisoners were classified to the OSP when other prisoners who exhibited similar behavior remained at a general population prison (Davis 1999, 8). In March 2002, the federal district judge mandated that Ohio develop new guidelines for classifying prisoners into the OSP and provide prisoners sufficient opportunity to appeal the decision (Associated Press 2002).

The CIIC report also found that there may be pressure to overclassify prisoners into the supermax prison because the state's sole maximum-security facility, SOCF, lacks sufficient bed space (Davis 1999, 8). The Committee highlighted the fact that, between 1993 and 1998, the state could not keep its temporary 20-bed, supermax-like unit half full, raising questions about the need for a 500-bed supermax facility (Davis 1999, 8).

Violations of constitutional rights. In January 2001, the ACLU and the Center for Constitutional Rights filed what would become a class-action lawsuit (*Austin et al. v. Wilkinson et al.*) heard by a federal court charging that the classification process was arbitrary and that other conditions in the OSP violated prisoners' constitutional protections against cruel and unusual punishment (ACLU 2002a). The suit alleged the following conditions: (1) Isolation in 7-by-14-foot cells for 23 hours a day, with fluorescent cell lights on at all times and punishment if prisoners attempted to cover their eyes; (2) shackling and strip-searching prisoners when out of their cells; (3) noncontact visitation; (4) outdoor recreation for only one hour a day in an unheated cell with only a 4-by-6 foot screened window; (5) conducting mental health interviews through cell doors, requiring prisoners to explain their cases in front of correctional officers and other prisoners; and (6) conducting psychotherapy sessions with the prisoner "chained to a pole" (ACLU 2002a). The ACLU also filed a lawsuit arguing that closing the gaps in cell doors limits

the “fresh air in the cells where inmates are confined for 23 hours a day” (Corrections Digest 2002b, 6). Finally, ACLU’s Vasvari also argued that some of the discipline enacted on OSP prisoners is cruel, including “taking away inmates’ clothing and bedding..., combining and cooking up meals into a ‘food loaf’ brick” (Pietras 2001).

The ACLU contended that the harsh conditions of the OSP “led to” prisoner suicides (ACLU 2001). OSP prisoners account for 15 percent of all ODRC prisoner suicides in spite of the fact that OSP prisoners constitute only 1 percent of the whole ODRC prisoner population (Pietras 2001). No study has, however, examined whether this is the consequence of the OSP housing a disproportionate number of prisoners who were already mentally ill and likely to commit suicide, or whether the conditions of the OSP independently contributed to a higher suicide rate.

Increased aggression and mental illness. The ACLU has claimed that the conditions in the OSP cause increased aggression and mental illness (ACLU 2001). Although the OSP’s policy prohibits the placement of seriously mentally ill prisoners into the OSP, the CIIC’s 1999 report indicated that the OSP had 23 prisoners “on the psychiatric outpatient caseload” and 43 “on the general outpatient caseload” (Davis 1999, 10). At the end of 2001, a federal district judge prohibited the ODRC from placing mentally ill prisoners into the OSP (Associated Press 2002). A year later, prosecutors and the ODRC reached a settlement regarding psychiatric and physical health care, the application of physical restraints, and outdoor activity (Associated Press 2002).

Increased prison disorder or no effect on order. Ohio’s supermax prison was built in large part to help create greater systemwide prison order. By some accounts, including those of the individuals interviewed for this study, the OSP has achieved this goal, by eliminating riots and removing violent and disruptive inmates. But because the ongoing lawsuit has impeded the ODRC’s ability to place violent and disruptive inmates in the OSP, there is a question about whether the supermax can have much of an impact on prison order. Criticisms about the misplacement and mistreatment of supermax inmates (ACLU 2001, 2002b) raise additional questions about the possibility that the OSP may actually increase prison disorder in two ways. First, inmates in the OSP may be more likely to engage in misconduct. Second, inmates throughout the Ohio prison system may perceive the ODRC to be unfair and thus may become more likely to violate prison rules.

Increased risk to public safety. The CIIC report expressed concern about the OSP compromising public safety through the release of supermax inmates who reportedly received little or no programming:

The prospect of inmates [alleged to be “the worst of the worst”] being released to the free world straight from an extended period of solitary confinement at OSP raises some serious concerns of public safety and serious issues of whether such inmates have been afforded due consideration and preparation for a successful re-entry into free society. (Davis 1999, 13)

The OSP warden stated that some prisoners are released to the streets directly from this facility (Davis 1999, 13). Unless these prisoners are released under probation, they will not be supervised once released to the community because Ohio law prohibits prisoners from being considered for parole while they are in OSP (ACLU 2002a).

Reduced ability to manage violent and disruptive inmates. One interview respondent said that it was easier to manage prisoners—including violent and disruptive inmates—in a general

population facility because the staff are able to interact with the prisoners more easily. This informal interaction can create a greater ability to steer these inmates from violent or disruptive behavior. By contrast, in the OSP, the prisoners are almost always in their cells behind solid doors, and so staff-inmate interactions are largely precluded.

Evaluation

A formal evaluation of the OSP has not yet been conducted. Interview respondents suggested a number of potential indices for measuring the OSP's effectiveness in promoting prison order. These include riots, rule infractions, inmate-on-staff violence, inmate-on-inmate violence, recidivism once returned to general population, positive drug tests, gang activity, requests for mental health assistance, medical interventions for injuries and use of force, and requests for transfer to protective custody. As with many other states that have supermax prisons, it remains unclear how these diverse impacts should be measured and weighted. And researchers to date have provided little specific guidance about this issue.

Some information on changes in the assault rates in Ohio prisons is available. But the impact of Ohio's supermax facility on inmate assaults remains unclear. Assault rates fell in the state's lower-security prisons but grew in the overall prison population. Between 1997 and 2000, the Ohio prison system assault rate increased from 8 to 10 assaults for every 1,000 prisoners (Abramsky 2002). One respondent noted that the reduction in assaults is partly due to the reduction in the prison population and partly due to the OSP. Other changes in the prison system could have also contributed to this result, including the hiring of additional staff, changes in the classification system, differences in the treatment of mentally ill prisoners, and changes in sentencing laws and practices.

Several respondents were asked whether a benefit-cost study would help policymakers with deciding whether to open, modify, or close Ohio's supermax prison. In most instances, the response was the same: A benefit-cost study would be interesting, but it would have little impact on policymaker decisions and ultimately would serve as only one part of a larger set of factors to consider. The primary reason identified was that the public would not tolerate any substantial change to, and certainly not the closing of, the supermax facility. The OSP was billed as a "get tough" strategy for handling violent and disruptive inmates, which continues to engender wide public support. One respondent emphasized that the public strongly demanded appropriate punishment of the most serious criminals and were willing to pay almost any price to ensure that occurred. Further, closing it several years after it opened would not generally be viewed as sensible. Policymakers advocating for closure would risk their reelection chances.

Alternatives

Both in written reports and in the interviews conducted with Ohio stakeholders, there is little evidence of a clear, effective alternative to the OSP supermax facility. Every prison in Ohio has a control (or isolation) unit that could conceivably serve as alternatives to the OSP—this was reported to be the approach adopted in the past. *Respondents strongly emphasized, however, that the prison system would not operate as well without the OSP.* They reported that the main advantage of the OSP is its design, which allows staff to view prisoners' cells from a centralized position, limits prisoners' ability to chunk (i.e., throw food, bodily fluids, or feces out of their cell doors), and has a smaller number of cells to manage in each unit. Another cited advantage of the OSP is that it has bed space available so that responses to certain violent or disruptive offenses can be immediate and certain.

Future Issues

The lawsuit *Austin et al. v. Wilkinson et al.* and other such lawsuits ultimately may restrict the State's ability to place maximum-security (Level 4) prisoners in the supermax, allowing only the placement of Level 5 inmates to the facility. As a result, prison administrators may need to develop alternative ways to use the OSP's capacity. If administrators are able to continue to classify maximum-security (Level 4) prisoners to the OSP, they likely will need to continue to work to provide these lower security-level prisoners with the programs, services, and freedoms that would be available to them in the State's maximum-security prison.

Providing supermax prisoners with more jobs, classroom interaction, additional programming, and more humane conditions appears to be an ongoing priority for the OSP. Providing additional congregate programming has proved to be a particularly difficult challenge to prison administrators because, as one respondent succinctly explained, "You can't provide programming when people are killing each other." When there is no guarantee that certain precautions will work to ensure the security and safety of inmates and staff, prison administrators and staff are reluctant to provide additional freedoms, programs, and services.

Another persistent challenge for administrators will be finding a reliable classification system for placing and releasing supermax prisoners. One respondent reported that the OSP's classification process had improved greatly since the facility's opening. But the challenge of making fair decisions and predicting which prisoners will succeed after release to the general population prison facilities will likely be particularly difficult.

Texas

Texas incarcerates the largest number of prisoners in the nation, with nearly 165,000 prisoners in custody in 2001 (Beck et al. 2002, 3). According to a recent survey by Camp and Camp (2002), Texas also leads the nation in housing inmates in administrative segregation (ad seg) units: It held roughly one-third (9,148 of 28,975) of all ad seg inmates in U.S. prisons as of January 1, 2001. The National Institute of Corrections, in its 1996 survey of state correctional systems, found that close to one-third (16 of 57) of all supermax facilities in the nation are located in Texas (NIC 1997, 3).

Definitional Issues

Although the NIC categorized Texas' ad seg units as supermax facilities, the Texas Department of Criminal Justice (TDCJ) does not. The NIC acknowledged the difficulty in defining supermax prisons since the use and meaning of the term varies across jurisdictions (NIC 1999:3). NIC's classification of the Texas ad seg facilities as supermax prisons stems from the fact that these facilities exhibit characteristics found in NIC's definition: The facilities hold high-risk prisoners for lengthy periods of time, prisoners are housed 23 hours per day in single-bed cells, and their movement and contact with staff are significantly restricted (Henningsen et al. 1999; Hershberger 1998; Irwin and Austin 1997; King 1998).

Interview respondents expressed different views about this issue. Several attributed the distinction between Texas' ad seg units and supermax facilities to a simple difference in terminology. They noted the similarity between Texas' ad seg housing and supermax housing in other states. Others did not consider the ad seg housing to be supermax-like since there are few stand-alone ad seg facilities, and it is not only the most disruptive and violent prisoners who are

placed in them. Sometimes, for example, inmates who repeatedly violate rules, but who are not necessarily violent or do not necessarily incite others to violence, are placed in ad seg housing. For some of the respondents, the federal “administrative maximum” (ADX) penitentiary in Florence, Colorado, typifies a supermax prison.

History

Since the 1980s, the total number of prisoners in Texas ad seg housing has risen dramatically. In 1987, over 3,000 Texas prisoners resided in ad seg units (Camp and Camp 1987, 18) and by 2001 the total had tripled to more than 9,000 (Camp and Camp 2002, 38). The total number of Texas prisoners also increased dramatically during this same time period, rising from 38,534 to 134,574 (Camp and Camp 1987, 3; Camp and Camp 2002, 2). Since 1992, ad seg prisoners have consistently constituted approximately 7.8 percent of all TDCJ prisoners. (TDCJ does not have data on its ad seg population before 1992.)

Texas expanded its use of these facilities in the mid-1980s following a marked increase in prison violence. TDCJ spokesman Larry Fitzgerald explained that, during this time, Texas prisons faced high homicide rates and, in some cases, “violent prison gangs virtually ruled” the prison system (Johnson 2002, 5A). TDCJ responded by expanding its use of ad seg units to “restore order and break up criminal groups” (Johnson 2002, 5A), with the overarching goal of enhancing institutional safety and security in the general prison population (Austin et al. 1998, 1). Interview respondents explained that TDCJ locked down all institutions overnight, identified the prisoners causing the problems, and put them in ad seg units.

The consistent rise in ad seg prisoners has several possible explanations. It may simply reflect the overall growth in the prison population, especially gang members. Respondents suggested that the prison population has “hardened” as a result of several policy changes. The Texas legislature in the 1980s, for example, eliminated early release through good-time credits for violent and serious offenders. In 1997, the Legislature prohibited this type of early release for all prisoners; the sole exception was for nonviolent prisoners, who could be released early with a review board’s approval. As a result, prisoners spent more time in prison with fewer incentives for positive behavior. Some observers believe that this made prisoners more difficult to manage, as reflected in the rise in disciplinary infractions. One respondent observed, “There’s a different kind of offender today, one who will turn to violence more than before. Prisoners come in without hope and some die in prison and there’s no incentives for them to behave well.”

Characteristics

Most of Texas’ ad seg units hold between 400 and 800 prisoners and are located inside or attached to a general population facility (TDCJ 1999). Almost all of Texas’ ad seg prisoners (99 percent) are deemed to be security risks (Austin et al. 1998, 1)—that is, individuals who are likely to escape or who are involved in gangs and/or violence (Henningsen et al. 1999, 56). Around half of all ad seg prisoners are gang members (Austin et al. 1998, 4, 26). Unlike other states that confine gang members to supermax facilities only when they are disruptive, Texas confines gang members to ad seg units solely for gang membership. Some prisoners not considered to be dangerous or a threat to security are placed in ad seg for chronic violation of institutional rules; staff could find no other way to control their behavior. As one official explained, “They’re not horrible criminals, just bad inmates.”

Ad seg is the highest security level in Texas prisons and places the most restrictions on

prisoners' freedom and activities. Few ad seg prisoners, for example, are able to participate in any programs. Indeed, in 1995, the Texas legislature passed a law that prohibits the use of state appropriations to provide rehabilitative programs. Recently, however, TDCJ secured federal funds to provide in-cell programming to ad seg prisoners to facilitate an improved reentry back into communities. In spite of ad seg's restrictions, Texas provides some incentives for good behavior. Prisoners who exhibit negative behavior can be moved to one of two more-restrictive levels within ad seg housing, which reduces their privileges and the number of days they can recreate for one hour outside of their cells. Following good behavior, some ad seg prisoners are transferred to general population housing, but the length of time varies greatly among different types of ad seg prisoners. Gang members, for example, can only be transferred out if they undergo a two-year gang denunciation process.

TDCJ has three types of design prototypes for ad seg facilities: telephone pole, Michael prototype, and expansion cell block (or, a high-security prison). Telephone pole facilities were designed so that the correctional officers were stationed at the end of a long hall of cells stacked several stories high. Portions of these facilities are sometimes designated as ad seg. TDCJ began building ad seg units using the Michael prototype, which improved upon the previous model by allowing correctional officers the ability to view all cells within the unit from a centralized location. In the late 1990s, TDCJ began designing ad seg facilities, most notably the Estelle Unit that was profiled in a *Frontline* episode (Koppel 1998a–d). These facilities are based on expansion cell block prototype, which are semiautonomous buildings located next to main prison facilities. Although the rules and guidelines are the same for these newer facilities, they are more reliant on technology to manage prisoners, less well lit, and more costly to build and operate. They also allow prisoners less human contact, and the only view into the unit is through a small window on each cell's steel door. Between 2000 and 2002, TDCJ built four additional expansion cell blocks to accommodate the growing number of prisoners receiving major disciplinary citations.

Although no transitional program has been in place for ad seg prisoners, TDCJ will soon begin providing a step-down process for gang members and a reentry program for all prisoners leaving custody directly from ad seg.

Intended and Unintended Positive Impacts

Interview respondents generally agreed ad seg's primary purpose is to ensure staff and prisoners' safety. They contended that by locking up the riskiest prisoners, TDCJ has a safer prison environment.

Respondents also emphasized that ad seg serves as a tool for managing disruptive behavior and protecting security. When asked, most respondents did not, however, believe that ad seg housing deters general population prisoners from violent or disruptive behavior. Several individuals emphasized that TDCJ does not use ad seg for punitive purposes. One respondent argued that it would not be effective as a deterrent because so few prisoners who commit major disciplinary infractions are sent to ad seg. By contrast, one respondent argued that there may be a deterrent effect only for certain groups of prisoners. For example, gang members have a high probability of being classified to ad seg and, as a result, they may choose not to commit or incite behavior that could identify them as gang members.

Some respondents suggested that ad seg may also work to normalize the environment for prisoners: By removing the "bad seeds," general population prisoners can more easily go about

their routines and access services.

Respondents also explained that ad seg can provide a positive working and living environment for some staff and prisoners. Although officers of ad seg units must contend with more verbal abuse and chunking (i.e., prisoners throwing feces and urine), the units tend to be safer, involve less contact with prisoners, and provide greater routine and structure than general population facilities. Similarly, respondents reported that some prisoners prefer to live in ad seg, which may help them stay out of trouble, avoid participating in programs, and avoid conflict with other prisoners and correctional officers.

Unintended Negative Impacts

In interviews, respondents identified three main unintended impacts that ad seg could produce. First, ad seg housing is more costly to operate than general population facilities. The Texas Criminal Justice Policy Council reported that TDCJ's ad seg units cost an average of \$61.63 per prisoner per day in 2002—45 percent more than general population units' average cost of \$42.46 per prisoner per day (Hook 2003, 12). These costs in part stem from the fact that ad seg units require more staff to maintain security and to deliver services. Confining only one prisoner per cell also adds to ad seg operational costs. One respondent explained that ad seg prisoners frequently are denied parole hearings and the opportunity to work, which can potentially result in lengthier terms of incarceration and thus additional costs to the prison system.

Second, some respondents expressed concern that ad seg confinement can aggravate or cause mental health problems. One respondent pointed out a potentially contributing problem: A prisoner may be placed in ad seg because of his behavior, but the behavior may be caused by a mental health problem. TDCJ, however, has in-patient psychiatrists to assist in the identification and treatment of these prisoners. TDCJ currently is developing a policy so that staff will be able to more quickly identify mentally ill prisoners and transfer them out of ad seg. In addition, TDCJ is working with NIC on a technical assistance project relating to the treatment and handling of ad seg prisoners who may be mentally ill.

Third, respondents were concerned that ad seg could negatively impact public safety. TDCJ releases 1,400 prisoners from ad seg to the street each year. The prisoners are released without any kind of step-down process to improve the transition and, while incarcerated, have had little to no access to programming. Further, they generally are poor candidates for parole and are, as a result, not likely to be under any supervision when they return to the community. At the same time, the administrators note that they have not observed many of these prisoners returning for serious crimes.

Texas has faced several legal challenges resulting from these latter issues. The court cited “current and ongoing constitutional violations regarding administrative segregation [in] the conditions of confinement and the practice of using administrative segregation to house mentally ill inmates” (TDCJ 2002a). The court ordered TDCJ to remove all mentally ill prisoners from ad seg units. TDCJ has also been subject to litigation concerning their placement of gang members in ad seg units, but TDCJ's gang confirmation process has reportedly allowed it to withstand these challenges. To address a finding that prisoners remain too long in ad seg, TDCJ established criteria that the state classification review board uses to review ad seg prisoners' cases every quarter to assess their readiness for release. Previously, a prisoner could remain in ad seg for as much as 10 years if he did not ask to be released or if a correctional officer did not advocate for

his release.

Despite these additional costs and impacts, respondents generally viewed ad seg housing as critical to the management of difficult prisoners. This benefit was viewed as sufficient to offset any costs or negative impacts that may result from the use of ad seg.

Evaluation

What are the results of Texas' investment in ad seg facilities? Almost all respondents believed that the dramatic decline in prison homicides and the increased control of gangs that occurred in the late 1980s was due to the use of ad seg housing. But few empirical studies have actually been conducted, and those that exist focus on relatively narrow sets of impacts and rely on data of questionable utility.

Austin and colleagues' (1998) study found, for example, that prisoner homicides and stabbings dropped sharply following an increased use of ad seg. However, the study concluded that data limitations severely hampered their ability to rigorously assess the effectiveness of these high-security prisons. The authors could not, for instance, rule out other factors—such as changes in programming or the composition of inmates—that might have also explained this trend (Austin et al. 1998, 4). Respondents for this study explained that increases in the number of correctional officers, the growth of a more experienced population of correctional staff, and a decline in prison crowding could have confounded the results as well. A study assessing the impact of each of these changes on prison safety and security has not yet been conducted (see, however, Crouch and Marquart 1989).

Interestingly, the study by Austin and his colleagues also found that in the late 1990s prisoner-on-staff assaults rose by over 50 percent (Austin et al. 1998, 4), a disproportionate percentage of which happened in ad seg housing. Although ad seg prisoners represented 6 percent of all Texas prisoners at the time of the study, 40 percent of all prisoner-on-staff assaults occurred in ad seg units (TDCJ 1999). In some respects, the disproportionate number of assaults should not be surprising—ad seg facilities are intended to house the worst of the worst. At the same time, the near total lock-down nature of the facilities suggests that such assaults should be minimal.

Alternatives

Respondents were unable to identify any alternatives to ad seg units. Respondents suggested that without ad seg housing, protecting prisoner and staff safety would require locking down a larger number of prisoners and ending many programs.

Some respondents suggested that TDCJ should not eliminate ad seg but simply change certain conditions within ad seg facilities. For example, ad seg prisoners could spend more time out of their cells, have more control over in-cell lighting, and have bars on their cell doors to humanize the environment. Several respondents thought that TDCJ should provide rehabilitative and reentry programs to ad seg prisoners. At the same time, they acknowledged the unique challenge of delivering programs and services to this population—namely, in-cell programming is very costly and out-of-cell programming raises security and safety risks.

Respondents also highlighted several conditions of ad seg that TDCJ should not change. For example, they emphasized that ad seg prisoners should not be allowed to recreate in groups. One respondent commented, “We did allow group recreation [once], but we picked up dead bodies

out of the recreation room.” Another respondent asserted that ad seg’s restrictions on prisoners’ movement is critical to protecting institutional safety: “Before long, if these prisoners are walking, then there’s going to be an increase in assaults and homicides. No doubt.” Virtually all the respondents thought that having one prisoner per cell is essential to ensuring prisoners’ safety and safeguarding security because it limits collusion among prisoners.

Future Issues

Recent developments have presented TDCJ with both opportunities and challenges. An opportunity arose for TDCJ when it recently received federal funds to provide a reentry program to ad seg prisoners at one of the expansion cell blocks. The lessons learned from this effort will likely help inform other states of the barriers, along with strategies for overcoming these barriers, associated with administering programs to supermax prisoners.

At the same time, TDCJ, like other state correctional institutions, has faced significant budget cuts even as the prison population continues to grow. Because state budget deficits may prohibit the construction of new prisons, TDCJ will need alternative strategies to control the most disruptive inmates and maintain prison order. The costliness of ad seg—both in terms of staffing and the loss of bed space—may place these facilities under greater scrutiny in the coming years. The need to understand the purposes and benefits of ad seg and other high-security, or “supermax,” facilities is, as a consequence, becoming increasingly important. These facilities may prove to be the most efficient and effective approach to managing the most violent inmates and reducing their effects on other inmates. But further research and comparisons with alternative strategies will be needed.

6. Document Review, Site Visit, and Interview Results²

As discussed in chapter 4, the UI researchers systematically reviewed a range of documents and research directly or indirectly relevant to identifying the goals and intended and unintended impacts, as well as the causal logic, of supermax prisons. The causal logic analysis focuses on identifying how exactly a supermax prison might contribute to a given goal or impact.

In this chapter, the summary descriptive results of this effort are presented, focusing exclusively on supermax goals and unintended effects as these pertain to five categories: supermax prisons, general population prisons, the criminal justice system, local communities, and states and the country as a whole (see table 3). To facilitate systematic exploration of goals and impacts, as well as various causal logics associated with each goal and impact, the UI researchers created a matrix in Microsoft Excel matrix. The Excel file essentially constitutes a database that provides considerably more detail about specific goals, impacts, and causal logics, including the sources (e.g., specific articles or interviews) to substantiate each. (The references section of this report provides a listing of documents that were used to create the matrix. Not all are cited in this report, but are included to provide readers a comprehensive listing of the material drawn on in developing the matrix.)

The central point of presenting the descriptive findings in this chapter is to provide an initial foundation for the study's central contention: evaluations of supermax prisons that focus on only one goal, or one or two impact measures, are likely to gravely misrepresent the range of goals and impacts relevant to assessing the effectiveness of supermax prisons.

Supermax Prisons

Supermax prisoners may be affected by supermax prisons and, indeed, two goals were associated with these prisoners—modifying the behavior of these prisoners during and after release from supermax confinement and punishing them (see table 3.1). In each instance, a range of specific measurable impacts associated with these goals were identified in our analyses, including greater compliance with rules and reduced violent and disruptive behavior upon release from a supermax. At the same time, supermax prisoners may experience a range of unintended effects. Many positive effects were identified, including but not limited to improved quality of life for supermax inmates (e.g., a greater sense of safety and calm), as well as higher quality medical and psychiatric care, reduced fear and stress, increased rule compliance, and reduced intimidation by gang members. Many more negative unintended effects were identified. These included increased disciplinary infractions while in supermax confinement (the expectation is that these would be lower), increased tensions among supermax inmates and staff, increased violent and aggressive tendencies, alleged violations of human rights, and increased recidivism upon release to society. As the table shows, a larger number of unintended effects were identified. In no instance did the literature, site visits, or interviews identify the extent of these impacts; they indicated only that at least in some instances these impacts existed or were strongly suspected.

² This discussion is elaborated upon in a forthcoming article (Mears and Watson 2006), “Towards a Fair and Balanced Assessment of Supermax Prisons,” in *Justice Quarterly*.

Supermax prisons may also affect the staff who work in them, as table 3.2 shows. Indeed, supermax prisons are associated with several goals that benefit staff, including the goal of increasing correctional staff safety and the control of prisoners, and reducing the influence of gangs. In each instance, these goals are associated with specific impacts directly or indirectly affecting supermax staff, including reduced homicides and increased sense of safety, reduced use-of-force incidents, and reduced ability of gangs to harm or intimidate staff. In addition, supermax staff may experience a number of unintended benefits, including higher rates of promotion (which several states identified), greater job satisfaction, and reduced stress. Unintended negative impacts include the potential for staff to feel less safe and satisfied with their jobs, greater stress and turnover, and a greater risk of injury.

Finally, supermax wardens may be affected by their work at a supermax (see table 3.3). They are not obvious beneficiaries of specific goals, but at least one unintended positive impact was mentioned—namely, supermax wardens may garner increased prestige within the correctional system and in the community. At the same time, there is the unintended risk that they may also bear the brunt of criticisms about supermax prisons, and thus experience greater stress than they otherwise would managing a facility with a different security level.

General Population Prisons

General population prisoners are potentially the primary intended beneficiaries of supermax prisons, given the goals of improving systemwide safety, order, and control and reducing gang influence (see table 3.4). Here, the intended impacts parallel those identified above for supermax prisoners, including, among others, reduced murders, assaults, and riots; increased rule compliance; reduced lockdowns and escapes; and reduced gang involvement and gang-related violence and disruptions. Some unintended positive impacts include improved living conditions and access to programs and services, decreased stress and fear, and greater freedoms and privileges. Unintended negative impacts include decreased safety (if, for example, inmates view supermax placement as arbitrary and unfair) and reduced resources available for programming.

General population prison staff may experience similar, although not identical benefits (see table 3.5). Supermax prisons in many instances have been built to benefit not only general population inmates but also staff, with benefits that fall largely under the same dimensions (improved safety, order, and control over inmates, and reduced gang influence). They also may experience a range of positive and negative impacts that parallel those experienced by supermax staff, including the potential for better or worse work conditions, improved or deteriorated inmate-staff relations, and increased or decreased job satisfaction and retention.

Finally, general population prison wardens may benefit primarily from experiencing fewer management challenges and, in turn, from enhanced prestige within and external to the prison system for operating safer, better-run facilities (see table 3.6). At the same time, the presence of a supermax may reduce the resources available to general population prison wardens to hire staff and provide programming, thus creating the potential for increased management challenges.

Criminal Justice System

As table 3.7 shows, the criminal justice system as a whole may potentially benefit from supermax prisons. The primary goal mentioned in interviews was that supermax prisons were

built in part to improve the operational efficiencies of the prison system, which in turn was associated with impacts affecting both the prison system and the broader criminal justice system. For example, one impact mentioned in association with this goal included simplified travel logistics for transitioning difficult inmates from one prison to another. In contrast to a dispersion strategy, the supermax concentration approach allows prison systems to send all inmates to one (or more) prisons rather than sending them strategically to facilities throughout the prison system. Other impacts were mentioned or identified as well, including simplified and more consistent training of staff (e.g., how to manage disruptive and violent inmates), reducing the number of staff needed in some facilities (e.g., because these facilities might be more easily controlled with fewer staff). Few unintended impacts were mentioned or identified. One impact suggested in interviews was that prison systems incurred, in aggregate, fewer per-inmate costs, and that public and political support increased due to impressions that the prison systems were better and more professionally run. Other interviews suggested precisely the opposite unintended impacts—namely, that costs increased dramatically and that public and political support was diminished.

Table 3.8 identifies an additional population potentially affected by supermax prisons—parole officers. In some interviews, respondents suggested that supermax inmates pose unique postprison release challenges and threats to parole officer safety. Others suggested that many supermax inmates in fact may be more easily managed than they otherwise would have been but for the supermax experience.

Local Communities

Local communities may benefit, primarily unintentionally, from supermax prisons. These prisons may, for example, increase tax revenues to local governments (insofar as state corrections agencies pay local taxes for land used) (table 3.9), support for local politicians who advocate for the prisons (table 3.10), and revenues for local businesses (table 3.11). Some respondents indicated that local politicians who took positions supportive of supermax prisons sometimes suffered for it during reelection campaigns (table 3.10). In addition, different sources indicated that local residents may benefit from supermax prisons (table 3.12). Prison escapes may be less likely and citizens may, for example, be less fearful in the belief that the supermax prison constitutes a symbol of the extent of control the prison system has over its inmates. In addition, when the local economy improves, residents in general are expected to benefit through access to more employment opportunities and through greater local government tax revenues from the prison system and these businesses.

States and Country

Supermax prisons may also have potential impacts on state governments and nonlocal businesses (those that are not located in the towns or cities where supermax prisons are situated), as well as the country as a whole. In most instances, these impacts were mentioned in the literature or interviews, but did not appear to be particularly likely. For example, some sources indicate that supermax prisons can decrease state and national government expenditures by reducing crime and, in turn, by reducing the costs associated with aggregate-level crime control policies and victimization (tables 3.13 and 3.14). Nonlocal businesses may benefit through contracts with state corrections agencies to provide specialized services to supermax facilities

(table 3.15). Others, including a number of reports, pointed to the potential for increased strain between the United States and other countries who view supermax prisons as violating human rights. Finally, nonlocal residents may benefit from supermax prisons because of overall reductions in recidivism and escapes from prison systems (table 3.16). On the other hand, if supermax prisons create greater prison disorder and violence, as some sources suggested, then public safety could be compromised.

7. National Survey Results³

This chapter summarizes the results of the national survey of wardens. As with chapter 6, the intent of the chapter is simply to provide a description of the empirical findings, focusing on percentage and descriptive (mean and median) statistics for each question in the survey. Additional discussion of the findings are provided in Mears (2005) and Mears and Castro (2006).

Nearly all wardens believed that the role of the criminal justice system is to achieve deterrence (91 percent) and rehabilitation (87 percent), while a slightly lesser, albeit substantial, majority believed that incapacitation (79 percent) and punishment (69 percent) are primary goals. A small fraction (8 percent) of wardens identified additional goals, which included public protection and community safety, as well as offender retribution, resocialization, and reintegration into society. Overall, the majority of wardens believed that the role of the criminal justice system is to serve all four goals—deterrence, rehabilitation, incapacitation, and punishment.

The study's definition of a supermax derived in part from a 1996 survey by the National Institute of Corrections (1997), in which supermax facilities are defined as places where inmates "officially designated as exhibiting violent or serious and disruptive behavior" are confined in a "free-standing facility" or "distinct unit" in a setting that involves "separation, restricted movement, and limited direct access to staff and other inmates" (1). In the UI survey, a supermax is defined as "a stand-alone unit or part of another facility and is designated for violent or disruptive inmates. It typically involves up to 23-hour per day, single-cell confinement for an indefinite period of time. Inmates in supermax housing have minimal contact with staff and other inmates." The definition acknowledges media and research depictions of supermax facilities, which typically focus on the notion of single-cell, 23-hour-per-day confinement, generally for an indefinite period of time, with few if any visitation privileges or access to programming or services (Briggs et al. 2003; Nitkin 2003). Although there has been some disagreement as to whether this definition is sufficient (King 1999; Kurki and Morris 2001), most wardens we surveyed (95 percent) agreed with the definition provided.

Analysis of responses from respondents who self-identified as supermax wardens indicated that, as of 2004, 44 states had supermaxes, up from the 34 states identified in the 1996 National Institute of Corrections (1997) survey. Collectively, the 44 states—including Washington, D.C., and New York (the latter of which did not participate in the study but is known to have supermaxes; [see, e.g., Pfeiffer 2004])—house approximately 25,000 inmates.

King (1999) provided an estimate of 19,630 inmates in supermax prisons in 34 states. Because some wardens supervised multiple facilities, or facilities that were not entirely dedicated to supermax inmates, a precise estimate of the number of inmates in supermax confinement is not possible. Nonetheless, it is reasonable, and likely conservative, to project King's (1999) average per-state supermax inmate count (577) to arrive at an estimate of at least 25,000 inmates in supermax confinement among the 44 states. The estimate is likely conservative because some wardens may supervise facilities that many observers would call supermaxes but that these

³ This discussion is elaborated upon in a forthcoming article (Mears and Castro 2006), "Wardens' Views on the Wisdom of Supermax Prisons," in *Crime and Delinquency*.

wardens do not.

Table 4 presents the percentage, ranked from highest to lowest, of prison wardens who agreed or strongly agreed that inmates with each of 12 possible characteristics should be placed in a supermax. Wardens overwhelmingly indicated that inmates who exhibit violence or the potential to instigate violence in others belong in supermax confinement. Almost all (99 percent) wardens agreed that inmates who assault staff or other inmates repeatedly or cause injury should be placed in a supermax. Roughly 80 percent or more agreed that inmates who instigate others to be violent, are prison gang leaders, and present escape risks warrant such confinement.

Wardens were less certain about other inmate characteristics. Approximately half of all wardens believed that drug dealers, chronic rule-violators, and prison gang members belong in a supermax, while less than one-third felt that “high-profile” inmates and inmates at risk of being attacked should be held in such confinement. Less than 20 percent of wardens felt that inmates incarcerated for a serious offense or those with a serious mental illness belong in a supermax.

Four percent of respondents also listed other types of inmates who should be placed in supermax facilities: sexual predators, terrorists, death row inmates, inmates who kill others while in prison, and inmates who make or possess weapons.

We then asked supermax wardens to list the most common reasons for which inmates *are* placed in their facilities. They listed virtually all of the same behavioral characteristics identified in the first sections of table 4. The response is striking because of the relatively high levels of disagreement among wardens regarding the appropriateness of supermax for many different types of inmates. Perhaps more striking is the list of additional reasons wardens identified for which inmates are placed in supermax prisons. Although several characteristics associated with the different types of inmates may appear to conform generally with the logic of a supermax (e.g., being a constant threat to staff, the public, and other inmates; inciting, leading, or participating in riots), other characteristics are substantially less so (e.g., a failure to adjust to prison life; having major medical problems; being a repeat offender; being a young adult offender; refusing to live elsewhere) (see table 4, bottom section). For states that view supermax confinement as appropriate for the so-called “worst of the worst,” the underlying question is whether the inmates actually being placed in supermax confinement truly meet this standard.

Prison wardens were asked to indicate the extent to which they agreed that supermax prisons serve to achieve each of 12 possible goals, as well as the extent to which they agreed supermax states have been successful at achieving each goal. Over 95 percent of prison wardens agreed that supermax prisons exist to increase safety, order, and control throughout the prison system and to incapacitate violent and disruptive inmates. Approximately 80 percent believed that the goals of supermax states are to improve inmate behavior throughout the prison system (83 percent) and to decrease riots (82 percent), the influence of gangs (79 percent), and escapes (71 percent). Close to half agreed that supermax prisons are used to punish (49 percent) and reduce recidivism (45 percent) among violent and disruptive inmates. More than one-third of wardens agreed that supermax prisons serve to rehabilitate these inmates (36 percent), and less than one-quarter (24 percent) agreed that they deter crime in society.

The range of warden agreement regarding the effectiveness of supermaxes in achieving each goal was similarly distributed. Ninety-five percent agreed that supermax prisons had successfully increased safety, order, and control throughout the prison system and incapacitated violent and disruptive inmates. Nearly 80 percent believed that supermax prisons improved inmate behavior

and decreased both riots, the influence of gangs throughout the prison system, and escapes. Sixty-one percent of wardens felt that supermax prisons effectively punished violent and disruptive inmates, but substantially less (42 percent) believed the recidivism of such inmates had been reduced. Nearly one-third agreed that supermax prisons successfully rehabilitated inmates, and less than one-quarter believed that supermax prisons successfully deterred crime in society.

Figure 2 presents the percentage of wardens who stated that supermax prisons had increased, decreased, or not affected each of 20 potential areas of impact. Out of the 20 items listed, only 7 positive impacts were identified by a majority of respondents. More than 80 percent of wardens indicated that supermax prisons had increased staff safety and order within prison institutions, and three-quarters believed inmate safety had increased as well. In addition, over two-thirds of wardens felt that supermax prisons decreased the number of inmate violent acts, and nearly 60 percent believed supermaxes decreased inmate fear of victimization. Almost half of wardens believed that supermaxes decreased staff use-of-force incidents and staff fear of victimization.

For the other 13 areas, most wardens believed that supermax prisons have had no impact. Over 70 percent of wardens indicated that supermax facilities had not affected inmate recidivism after release, staff disciplinary actions, inmate mental health, local business development, community residents' fear of crime, staff turnover, and support for local politicians. More than 60 percent of wardens believed supermax had not affected inmate complaints against staff, local government tax revenues, and inmate perception of the legitimacy of the prison system. Finally, over half of all wardens felt that local employment, inmate access to programs, and inmate infractions had not changed as a result of the presence of supermax prisons.

When evaluating any program or policy, we want information not only about whether specific goals are achieved, but also about whether unintended effects arise that might affect the overall assessment (Rossi et al. 1999). Perhaps the most commonly leveled complaint about supermax prisons is that they cause or increase mental illness among the inmates housed within them (e.g., Haney and Lynch 1997). Apart from this presumably unintended effect, few other effects have been explored by researchers. Yet wardens in this study identified a range of unintended effects, some positive and some negative.

Positive unintended effects included improving staff effectiveness by increasing the amount and quality of staff training, teamwork, and professionalism, and creating better staff working conditions, which, in turn, contribute to reduced staff burnout and turnover. Wardens also noted that supermax prisons increase inmate morale and perceptions among inmates that prison authority is legitimate. Supermax prisons also reportedly make it easier to deliver programming to general population inmates. Last but not least, wardens identified supermax effects that fell outside of the correctional system. They suggested, for example, that supermax prisons increase public perceptions of safety, enhance the correctional system's relationships with local communities, improve local economies, and, more generally, heighten the prestige of the correctional system among corrections agencies in other states.

Wardens also identified many negative unintended effects. They cited increases in staff abuse of authority, disciplinary actions, and use-of-force incidents. Some wardens indicated that the presence of supermaxes creates a false sense of security among staff, which in turn lulls them into greater complacency and less vigilance. They suggested that these prisons actually increase staff and inmate fear of victimization, and argued that supermax confinement constitutes cruel

and unusual punishment because some inmates, such as mentally ill and nuisance inmates receive little to no appropriate treatment or services. The wardens also highlighted systemwide effects, such as increased inmate violence and decreased perceptions among inmates that prison authority is legitimate. As with the positive unintended effects, wardens identified negative effects external to the prison system, including concerns about increased recidivism and reentry failure among released supermax inmates, decreases in local business development and property values, and increases in the public's fear of crime.

The extent of any of these effects is largely unknown. It appears likely that some effects may occur in specific states and not in others, and that the way in which correctional systems utilize their supermax prisons influences which unintended outcomes arise.

Finally, we grouped wardens into categories according to the highest level of security at the institution they supervised. Our final categorization of wardens showed that nearly one-quarter (23 percent) supervised supermax facilities, more than one-third supervised maximum/close/high-security institutions, and 27 percent supervised medium security institutions. Slightly more than 10 percent supervised minimum security prisons, and a few wardens supervised other institutions (e.g., reception centers).

Three-quarters of wardens came from states with a supermax facility. Of these wardens, nearly 70 percent had sent an inmate to a supermax, and more than 50 percent had received an inmate from a supermax. Supermax wardens reported that their institutions were operational as early as 1950 and as recently as 2004. However, wardens from only two states said they had a supermax that became operational before 1980 (one in 1950, and the other in 1976).

Cross-classifying respondents who indicated that they were supermax wardens with states revealed that 44 states have one or more supermax facilities. The estimate includes Washington, DC, and New York. The latter is reported to have supermax facilities, according to King (1999) and others (e.g., Pfeiffer 2004). Clearly, more states have invested in supermax prisons since the last survey of states, which was conducted in 1996 and indicated that 34 states had supermaxes (NIC 1997).

8. Benefit-Cost Analysis of Supermax Prisons

For the supermax project, the Urban Institute created two stand-alone products, a policy brief (Lawrence and Mears 2004) and a Microsoft Excel spreadsheet-based benefit-cost analysis tool. This chapter briefly describes these two products.

Benefit-Cost Analysis Policy Brief

As noted earlier, the UI research team learned early on in the project that corrections executives and practitioners, as well as policymakers focused on corrections issues, know little about how BCAs are conducted, how they can best be used, and the critical role that assumptions of various kinds play in BCAs. Based on conversations with UI researchers and practitioners in the field, the research team determined that a report was needed that corrections executives, practitioners, and policymakers could use in making more informed requests for BCAs, interpreting BCA results, and conducting their own BCAs.

To this end, the team created a policy brief that was reviewed by researchers, BCA experts, and practitioners. The brief provides examples of practical applications of benefit-cost analysis, introduces the logic of this analytic tool, describes the specific steps involved in conducting a benefit-cost analysis, and then shows how these steps apply to supermax prisons. The brief emphasizes the critical role that informed judgments and assumptions, along with empirical research, play in affecting the results of benefit-cost analyses.

Benefit-Cost Analysis Tool

As part of the supermax project, the researchers also created a benefit-cost analysis tool, which is meant to help corrections executives and practitioners understand the basic steps involved in conducting benefit-cost analyses of supermax prisons. The tool serves to illustrate the critical decisions that must be made for benefit-cost analyses to be useful, emphasizes the need for accurate monetization of costs and impacts, and highlights how assumptions made by analysts or executives (e.g., about the perspective of analysis) can affect the outcomes of a BCA.

Both the tool and the BCA policy brief provide examples of and guidance on how to conduct benefit-cost analyses. The tool also allows users to practice conducting a BCA within the constraints of a predetermined scenario. The tool identifies one question to be considered (whether building a supermax prison would be cost-beneficial) and specifies the perspective of analysis (the perspective of a department of corrections), and then allows the user to enter data and walk through each of the steps needed to answer this question. Similar tools would be needed for other frames of reference (e.g., the perspective of society). Although the basic structure of BCA remains the same in each instance, alternative perspectives can entail fundamentally different sets of impacts and thus different monetized values for generating the benefit-cost ratio and net difference between benefits and costs.

It should be emphasized that the tool has not been designed to replace a professional BCA tailored to a project's specific nuances. Rather, the tool, along with the BCA policy brief, is designed to help policymakers and corrections executives and practitioners become better educated requesters and consumers of benefit-cost analyses of supermax prisons.

9. Lessons Learned

The analyses above point to several generalizations that have important ramifications for research and policy. Here, several of the more striking findings are presented, and two critical issues are given special focus—the causal logic of supermaxes and the criteria for determining whether states should invest in them.

First, contrary to what many observers have argued, definitional issues may not be as problematic as they are sometimes held to be (see, e.g., King 1999). For example, despite disagreements among some scholars and practitioners concerning the definition of a supermax, over 95 percent of state prisons wardens agreed with a modified version of the definition of a supermax used by the National Institute of Corrections in its 1996 survey of state correctional systems. To be clear, definitional issues can be critical, especially for ensuring that discussions are about “apples and apples” rather than “apples and oranges.” However, no amount of precise details can substitute for a general definition that allows commonalities to be identified.

The 1996 National Institute of Corrections (1997) survey, updated by King (1999) two years later, indicated that 34 states had supermax prisons and that more states had supermaxes in planning stages. That assessment clearly was correct. Six years later, at the time of the UI survey, 44 states were identified as having at least one supermax. That growth is striking and suggests that supermax prisons are likely to remain a common feature of criminal justice in the United States for the indefinite future.

In contrast to some criminal justice policies that have narrowly defined goals, supermaxes are associated with a remarkable diversity of goals that policymakers, corrections officials, practitioners, and research attach to them, goals that range from increasing safety and order to reducing escapes to deterring crime in society. Notably, wardens overwhelmingly (over 95 percent) agree that supermaxes serve to increase safety, order, and control in prison systems and function to incapacitate violent or disruptive inmates. That consistency is important from the standpoint of evaluation, as it suggests that these goals should be given priority. However, states may give different weightings to certain other goals, and so any fair or balanced assessment of supermaxes should likely take such weightings into account on a state-by-state basis.

Wardens generally believe that supermax prisons are effective in achieving the four key goals of safety, order, control, and incapacitation of violent or disruptive inmates, but agree less about other goals. That assessment should not be taken lightly because it is wardens, especially general population wardens, who stand to benefit from supermaxes achieving such goals. At the same time, such beliefs stand in stark contrast to the dearth of empirical studies assessing these or any of the other goals associated with supermaxes. Two concerns thus emerge: Supermaxes may not be contributing to these goals, even as states continue to invest in them, and so may constitute a questionable investment, or, conversely, they may be contributing substantially to many of them, suggesting that perhaps greater investment is warranted.

An additional concern that many respondents raised in the study centered on negative unintended effects of supermax prisons. Examples well exceeded the typical concern about the mental health of supermax inmates, and included the possibility that supermaxes actually increase systemwide disorder and violence and contribute to staff turnover. Further probing revealed, however, many positive unintended effects, such as improving the living conditions

and outcomes for general population inmates. Here again, without systematic empirical investigation of such effects, supermax advocates and opponents alike stand on a less-than-firm foundation for promoting or criticizing supermaxes.

At a time when governments increasingly are calling for state agency accountability (Campbell 2003), the absence of benefit-cost analyses of supermaxes is surprising. Such analyses may be difficult to undertake and involve considerable complexity. Yet supermaxes arguably represent a close to \$1 billion investment over 30 to 40 years, the typical life span of a prison. In that context, even a crude BCA might well provide important guidance about whether supermaxes merit less or more investment.

Juxtaposed against these observations are two critical issues—the causal logic of supermaxes and the criteria for assessing them—that have largely been ignored in research and debates about supermax prisons. (The discussion here draws on Mears [2005], as well as Mears and Castro [2006], Mears and Reisig [2006], and Mears and Watson [2006].) The causal logic question is important because absent a coherent logical foundation, it is unclear why policymakers would invest in supermaxes. Upon first glance, the logic seems inescapable—incarcerate the putative “worst of the worst” and prison systems will improve. However, investigation of this logic raises questions about whether supermaxes are, in theory or practice, likely to be effective in achieving any of a range of goals.

Consider systemwide order as one example. For supermaxes to achieve this goal, they would presumably need to deter other, nonsupermax inmates who create disorder. But how likely are general population inmates to be deterred if they know that fewer than 1 to 2 percent of inmates are placed in a supermax? Similarly, are supermax inmates typically confined in a supermax long enough to produce a deterrent effect? (What in fact would the length of time need to be to produce a substantial effect?) If the effect arises through incapacitation, then it must be true that most systemwide disorder results from a few troublesome inmates. There is, however, little research to suggest that such is the case. Even if it were, the question arises: How many such inmates are there in a given system? If there are more than a supermax or two can handle, then would there likely be a substantial improvement in order? Viewed differently, a large literature suggests that prison order results primarily from the consent of inmates to adhere to rules, and that if the legitimacy of prison authority comes into question, then adherence to these rules will diminish (Sparks et al. 1996). Respondents in this study echo concerns raised in other studies (e.g., Kurki and Morris 2001) that inmates believe supermax facilities are sometimes used in a capricious or arbitrary manner. To the extent that such observations are true, supermaxes actually could contribute to more not less disorder.⁴

Similar observations can be made about other goals. For example, for supermaxes to reduce escapes, officials must be able to readily and accurately identify inmates who might escape. Yet validated instruments for this purpose that do not entail a large number of false positives (i.e., that do not entail identification of certain inmates as being at risk of escape who really are not at risk), do not yet exist. Supermaxes might also deter would-be offenders in society, but that premise requires that such offenders know that supermaxes exist and that such a fact concerns them.

⁴ This discussion is elaborated upon in a forthcoming article (Mears and Reisig 2006), “The Theory and Practice of Supermax Prisons,” in *Punishment and Society*.

In short, important questions exist about not only *whether* but *how* supermax prisons might be effective. To date, the presumption—evidenced by the fact that 44 states now have supermaxes—appears to be that the logic, the “how,” is obvious and likely to be effective. Future studies may reveal coherent logics that are grounded both in theory and in practice, and that buttress arguments for supermaxes. There is little evidence to date that such exist. Yet examining the logic of supermax prisons is important for a simple and pragmatic reason—if we know how supermaxes contribute to specific outcomes, we then can modify them to increase the likelihood of such outcomes. If, for example, general population inmates assault each other and staff less often out of a fear of supermax placement, then measures might be taken—so long as they were legal and ethical—to capitalize on that fear. For example, greater effort could be expended advertising the fact that supermax facilities exist or that placement in them is likely in the event of misconduct. If, however, reduced assaults result primarily from incapacitating specific inmates, then such measures would not be needed and would be unlikely to be effective.

The second critical issue concerns the lack of systematic assessments of supermax prisons. To date, advocates and opponents alike have largely focused on a delimited set of dimensions—supermax prisons control unruly inmates or they cause or aggravate mental illness, for example. Such debates risk shifting public and policymaker support either for or against, and do so with little reference to the range of issues identified in this study that are relevant to any general assessment of supermaxes.

As emphasized above, supermaxes are associated with many goals, not just one, and so assessments should reflect that diversity. They also are associated with many unintended effects, some of which alone might suffice to generate considerable support or opposition for them. Supermax prisons represent a policy designed to achieve particular goals, and so assessments should be comparative. How well does a supermax achieve particular goals and minimize unintended effects compared with doing nothing? Or with investing in other types of policies? Debates about supermaxes should have reference to the potential impacts associated with these alternatives if they are to contribute to reasoned decisionmaking. Not the least, supermaxes raise political, moral, and economic questions that would be relevant to any overall assessment. To what extent are supermaxes supported or opposed primarily on political grounds? To what extent do they raise moral or humanitarian concerns, and are such sufficient to affect decisions about supermaxes, no matter how effective they might be? And economically, are supermaxes sensible? Do they generate a return that merits the investment, especially as compared with alternatives?

All of these dimensions are relevant to arriving at balanced policy decisions (Mears and Watson 2006), yet few states appear to have given explicit and systematic attention to them. It is, therefore, essential that policymakers and corrections executives support research that can help determine whether supermax prisons are, or are likely to be, effective. Since the goals vary by state, evaluations should be conducted on a state-by-state basis. Such research need not be costly. Indeed, where funds are minimal, considerable advances can be made in efforts to clarify the goals and logic of supermax prisons and to improve appropriate supermax operations.

For researchers, a veritable raft of questions remains to be empirically investigated. Clearly, investigation into the actual effectiveness of supermaxes in achieving specific goals is needed. But little is known about the use of supermaxes. For example, few studies document the extent to which the criteria states articulate for the placement and release of prisoners are followed. Even less is known about how long inmates stay on average in a supermax and how long they then are

in traditional prisons before release to society. How many are released from a supermax straight into communities? What is the behavior of released supermax inmates upon reentry into other prisons or into society? What are the characteristics (e.g., age, sex, race/ethnicity, prior record and length-of-stay, and behavior that led to supermax confinement) of inmates placed in supermax facilities and have these characteristics changed over time? Investigations into such questions would yield considerable insight into the operations of prison systems generally, but also would provide directly relevant and useful operational information to corrections officials.

10. Conclusion

Supermax prisons represent a marked change in how correctional systems attempt to achieve a number of goals, most notably improving systemwide order and safety and control over the most violent and disruptive inmates. These and other goals identified in this study are eminently defensible. It is, for example, difficult to argue with the desire to create a prison system that is orderly and safe. At the same time, supermax prisons appear, at least to state prison systems, to be a reasonable response to management needs they face.

Supermax prisons may in fact prove to be an effective corrections management tool, one that is cost-effective and that achieves outcomes that no other approach can. The results of this study suggest otherwise, however. There is little research—including the present study’s analyses of interviews with correctional policymakers, executives, and practitioners, and a survey of state prison wardens—to suggest that supermax prisons effectively achieve any of a range of goals, including improving systemwide order and safety; however, much research, including the present study, suggests that these prisons are unlikely to be able to achieve these goals.

In addition, the present study has highlighted a range of considerations that might help increase the chances that this prison management tool can be effective. Of course, to critics who view supermax confinement as inherently inhumane and unconstitutional, no improvements would justify supporting supermax prisons. And their concerns are unlikely to be alleviated by the results of empirical studies or benefit-cost analyses.

Setting aside such arguments, supermax prisons are “here to stay” for the indefinite future, and many states are continuing to invest in them. Thus, as this report has suggested, there is a pressing need for research and discussions of the issues presented in the different chapters. Not least, considerably more empirical research is needed on whether supermax prisons can and do achieve a range of specific goals. Such research should be complemented by studies that explore whether other strategies can achieve comparable goals at a lower cost and with fewer potential unintended effects (see, e.g., Briggs et al. 2003; Gendreau and Keyes 2001; Haney 2003a). Indeed, without such research, correctional policymakers and executives will have little basis for knowing how to improve their supermax operations, and they will have little incentive or foundation to forego what many of them see as a necessary, even if costly, tool in effectively managing prison systems.

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Appendix: Tables

Table 1. States with Supermax Facilities, 1997–1998

	Supermax Beds	Sentenced Prison Pop.	Incarceration Rate per 100,000	Percent of Total Beds
Northeast	<i>3,214</i>	<i>163,836</i>		<i>2.0</i>
Connecticut	586	13,005	397	4.5
Maine	100	1,542	123	6.5
Massachusetts	124	10,847	278	1.1
New Jersey	96	28,361	351	0.3
New York	2,000	70,026	386	2.9
Pennsylvania	200	34,963	291	0.6
Rhode Island	108	2,100	213	5.1
Midwest	<i>2,290</i>	<i>216,391</i>		<i>1.1</i>
Illinois	500	40,788	342	1.2
Indiana	85	17,730	301	0.5
Michigan	421	44,771	457	0.9
Minnesota	120	5,306	113	2.3
Nebraska	164	3,329	200	4.9
Ohio	500	48,002	429	1.0
Wisconsin	500	14,682	283	3.4
South	<i>7,584</i>	<i>480,061</i>		<i>1.6</i>
Florida	1,000	64,540	437	1.5
Georgia	10	35,722	472	0.3
Louisiana	1,048	29,265	672	3.6
Maryland	286	21,088	413	1.4
Mississippi	1,756	14,548	531	12.0
North Carolina	300	27,726	370	1.1
Oklahoma	392	20,542	617	1.9
South Carolina	200	20,264	536	1.0
Texas	1,229	140,729	717	0.9
Virginia	1,267	27,524	407	4.6
West Virginia	96	3,160	174	3.0
West	<i>6,542</i>	<i>242,315</i>		<i>2.7</i>
Arizona	1,728	22,353	484	7.7
California	2,942	154,368	475	1.9
Colorado	750	13,461	342	5.6
Idaho	96	3,946	323	2.4
Montana	64	2,242	25	2.9
Nevada	430	8,884	518	4.8
Oregon	196	7,589	232	2.6
Washington	300	13,198	233	2.3
Wyoming	36	1,566	326	2.3
All states	19,630	1,102,603	—	1.8

Sources: King 1999, updating figures from Riveland 1999b.

Table 2. Types of Supermax Housing

	New Construction as Supermax Housing			Retrofitted Construction as Supermax Housing	
	Separate facility	Unit in a new facility	Unit in an existing facility	Separate facility	Unit in an existing facility
Arizona	v				
California	v				v
Colorado	v				
Connecticut	v				
Florida	v*				
Georgia			v		
Idaho		v			
Illinois	v				
Indiana	v				
Louisiana					v
Maine					
Maryland					
Massachusetts			v		
Michigan				v	
Minnesota		v	v*		v*
Mississippi	v				
Montana			v		v
Nebraska			v*		
Nevada		v			v
New Jersey					
North Carolina		v	v*		
Ohio	v				
Oklahoma			v		
Oregon			v		
Pennsylvania		v	v		
Rhode Island	v	v*			
South Carolina			v		v*
Texas	v		v		v
Virginia	v				
Washington		v*	v		v
Wisconsin	v*				
Wyoming		v*			v

Source: Adapted from table 2 in NIC (1997:7).

Note: Asterisks indicate facilities that the NIC (1997) survey identified as being under Department of Corrections consideration at the time of the survey or had not yet received funding approval. *The table is meant purely to convey the variety of housing approaches that can constitute a “supermax” facility.* Some states that reportedly have supermax prisons were not included in the NIC study because of the definition NIC used (King 1999).

Figure 1. Conceptual Framework for Examining the Goals and Impacts of Supermax Prisons

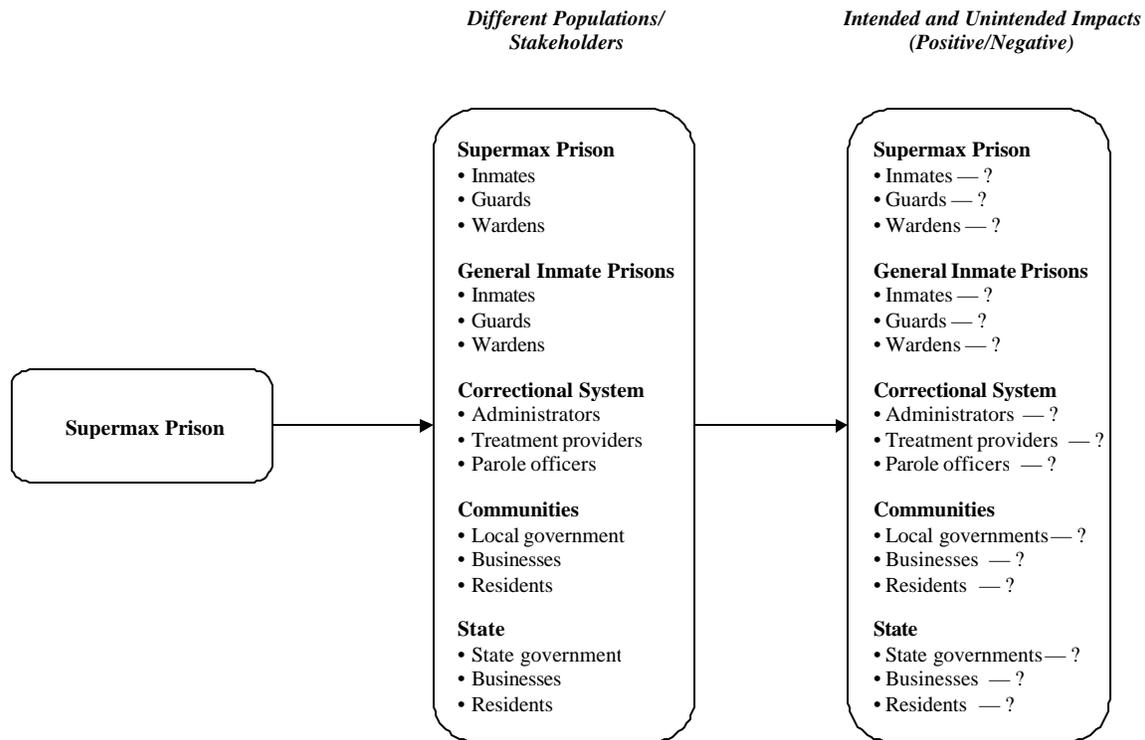


Table 3. Summary of the Matrix of Goals and Impacts

To document and organize the findings from our literature review and interviews, we developed a Microsoft Excel file with a matrix that categorized goals and impacts according to (1) key stakeholder units of analysis (supermax prisons, general population prisons, criminal justice system, local communities, and states and country), and subpopulations specific to each (see the matrix outline below) and (2) whether each impact was intended or unintended (positive or negative). A goal or impact was included if at least one source cited it.

The tables presented in this appendix summarize the main findings from the matrix. The tables are organized into the five general categories of stakeholder populations and the subpopulations for each. Each of the 16 subpopulation tables lists the goals and impacts of supermax prisons associated with the specific stakeholder subpopulation. In the first line of table 3.4, for example, the table shows that a goal of supermax prisons is to increase the safety of general population prisoners, an unintended positive impact may be improved living conditions for general population prisoners, and an unintended negative impact may be decreased safety for general population prisoners.

Not included in these tables but included in the matrix is (a) a more in-depth discussion of each goal and impact; (b) a discussion of how each goal and impact is or may be causally associated with supermax prisons; and (c) citations to sources, including interviews, that mentioned various goals, impacts, or causal logics.

Matrix Outline			
Key stakeholders and subpopulations	Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
Supermax Prisons			
Supermax prisoners			
Supermax staff			
Supermax wardens			
General Population Prisons			
General population prisoners			
General population staff			
General population wardens			
Criminal Justice System			
Executive admin. of departments of corrections			
Parole officers			
Local Communities			
Local government			
Local politicians			
Local businesses			
Local residents			
States and Country			
National government			
State politicians			
Nonlocal businesses			
Nonlocal residents			

Table 3.1. Supermax Prisoners

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> • modifies the behavior of supermax (SM) prisoners during and after incarceration <ul style="list-style-type: none"> ○ greater reintegration into general population (GP) and/or the community upon release ○ greater rule compliance upon release to GP prisons ○ reduced levels of violent activity in GP and/or in the community ○ low rate at which SM prisoners return to SM prison • punishes violent and disruptive prisoners <ul style="list-style-type: none"> ○ increases restrictions of freedom and privileges (e.g., less out-of-cell time and fewer visits) ○ increases perception that they receive more severe punishment 	<ul style="list-style-type: none"> • improves quality of life for some supermax prisoners • improves care for mentally ill prisoners • reduces fear and stress • increases safety • reduces number or seriousness of disruptions or outbursts • reduces escapes • increases rule compliance (e.g., number of infractions) • reduces intimidation by gang members 	<ul style="list-style-type: none"> • increases disciplinary infractions of supermax prisoners • increases tensions with staff • decreases rehabilitation • increases violent and aggressive tendencies • causes or exacerbates psychological problems • increases abuse by staff • violates right to due process • constitutes cruel and unusual punishment • violates human rights • disproportionate punishment • increases risks to physical health • hinders relationship with family members • exacerbates reintegration challenges • increases recidivism • decreases safety

Table 3.2. Supermax Staff

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> • increases safety of supermax staff <ul style="list-style-type: none"> ○ reduces murders ○ reduces assaults ○ reduces riots ○ increases the sense of safety • increases order and control of prisoners <ul style="list-style-type: none"> ○ increases rule compliance (e.g., number of infractions) ○ reduces number or seriousness of disruptions or outbursts ○ reduces use-of-force incidents ○ reduces escapes • reduces gang influence <ul style="list-style-type: none"> ○ reduces the number or percentage of inmates who are gang members ○ reduces the frequency and amount of drug trafficking by gang members ○ reduces the intimidation of staff and prisoners by gang members ○ reduces gang-initiated murders and assaults 	<ul style="list-style-type: none"> • improves work conditions of supermax staff • increases promotion rate • reduces stress and fear • increases job satisfaction 	<ul style="list-style-type: none"> • increases the number and/or seriousness of disciplinary infractions committed by supermax staff • decreases safety • increases likelihood of a riot • heightens stress • increases tensions with staff • increases turnover • creates unpleasant work environment • decreases job satisfaction

Table 3.3. Supermax Wardens

Goals and intended Impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none">• increases supermax warden's public image and political support	<ul style="list-style-type: none">• increases supermax warden's stress• increases risk of public image and political support• reduces time devoted to managing the prison

General Population Prisons

Table 3.4. General Population Prisoners

Goals and intended Impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> • increases safety of general population prisoners <ul style="list-style-type: none"> ○ reduces murders ○ reduces assaults ○ reduces riots ○ increases the sense of safety • increases order and control of prisoners <ul style="list-style-type: none"> ○ increases rule compliance (e.g., number of infractions) ○ reduces number or seriousness of disruptions or outbursts ○ reduces lockdowns ○ reduces use-of-force incidents ○ reduces warning shots fired by staff ○ reduces escapes • reduces gang influence <ul style="list-style-type: none"> ○ reduces the number or percentage of inmates who are gang members ○ reduces the frequency and amount of drug trafficking by gang members ○ reduces the intimidation of staff and prisoners by gang members ○ reduces gang-initiated murders and assaults 	<ul style="list-style-type: none"> • improves living conditions of general population prisoners • increases freedoms and privileges • improves access to programs and services • improves outcomes • normalizes the prison environment • decreases stress and fear • improves prisoner-staff relations 	<ul style="list-style-type: none"> • decreases safety of general population prisoners • increases the number and/or seriousness of the disruptions to manage • reduces resources • increases chance of a riot • creates a less pleasant living environment

Table 3.5. General Population Staff

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> • increases safety of general population staff <ul style="list-style-type: none"> ○ reduces murders ○ reduces assaults ○ reduces riots ○ increases the sense of safety • increases order and control of prisoners <ul style="list-style-type: none"> ○ increases rule compliance (e.g., number of infractions) ○ reduces number or seriousness of disruptions or outbursts ○ reduces lockdowns ○ reduces use-of-force incidents ○ reduces warning shots fired by staff ○ reduces escapes • reduces gang influence <ul style="list-style-type: none"> ○ reduces the number or percentage of inmates who are gang members ○ reduces the frequency and amount of drug trafficking by gang members ○ reduces the intimidation of staff and prisoners by gang members ○ reduces gang-initiated murders and assaults 	<ul style="list-style-type: none"> • improves work conditions of general population staff • improves prisoner-staff relations • reduces stress and fear • increases job satisfaction 	<ul style="list-style-type: none"> • decreases safety of general population staff • increases the number and/or seriousness of the disruptions to manage • increases challenges in managing and working with prisoners • reduces resources • increases chance of a riot • increases staff turnover

Table 3.6. General Population Wardens

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none">• increases public image and political support of general population wardens• reduces management challenges	<ul style="list-style-type: none">• reduces resources of general population wardens

Criminal Justice System

Table 3.7. Executive Administration of Department of Correction

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> • improves the operational efficiencies of prison system <ul style="list-style-type: none"> ○ simplifies travel logistics ○ simplifies staff training ○ reduces costs ○ increases ease of developing and implementing rules and policies helps SM staff develop specialized skills specifically designed for managing a certain type of prisoner improves management of the prison system’s most problematic prisoners as well as GP prisoners reduces staff members required increases number of days under normal conditions (not lockdown) reduces restrictions on GP prisoners, which improves their access to available programs and services <ul style="list-style-type: none"> ○ reduces wait-time for placing inmates in segregation ○ reduces staff time devoted to transporting prisoners from one facility to another 	<ul style="list-style-type: none"> • increases public image and political support for prison system • reduces costs 	<ul style="list-style-type: none"> • increases risk to public image and political support for prison system • increases expenses

Table 3.8. Parole Officers

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none">• increases safety of parole officers• decreases management challenges	<ul style="list-style-type: none">• decreases safety of parole officers• increases management challenges

Local Communities

Table 3.9. Local Government

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none"> • increases tax revenue of local government • reduces costs • assists prosecutors 	(none identified)

Table 3.10. Local Politicians

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none"> • increases support of local politicians 	<ul style="list-style-type: none"> • decreases support of local politicians

Table 3.11. Local Businesses

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none"> • increases revenue of local businesses 	(none identified)

Table 3.12. Local Residents

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> • increases public safety <ul style="list-style-type: none"> ○ reduces escape attempts and number of successful escape attempts ○ lowers crime rates of potential offenders in society ○ lowers recidivism among ex-prisoners ○ reduces the public’s fear of crime 	<ul style="list-style-type: none"> • increases employment of local residents • improves the local economy 	<ul style="list-style-type: none"> • decreases public safety

States and Country

Table 3.13. National Government

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none"> reduces costs of national government 	<ul style="list-style-type: none"> strains relations between national government and other nations

Table 3.14. State Government

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none"> reduces costs of state government increases tax revenue 	<ul style="list-style-type: none"> increases expenses of state government increases risk to political support

Table 3.15. Nonlocal Businesses

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
(none identified)	<ul style="list-style-type: none"> increases revenue of nonlocal businesses 	<ul style="list-style-type: none"> increases taxes of nonlocal businesses

Table 3.16. Nonlocal Residents

Goals and intended impacts	Unintended positive impacts	Unintended negative impacts
<ul style="list-style-type: none"> increases public safety <ul style="list-style-type: none"> reduces escape attempts and number of successful escape attempts lowers crime rates of potential offenders in society lowers recidivism among ex-prisoners reduces the public’s fear of crime 	(none identified)	<ul style="list-style-type: none"> decreases public safety

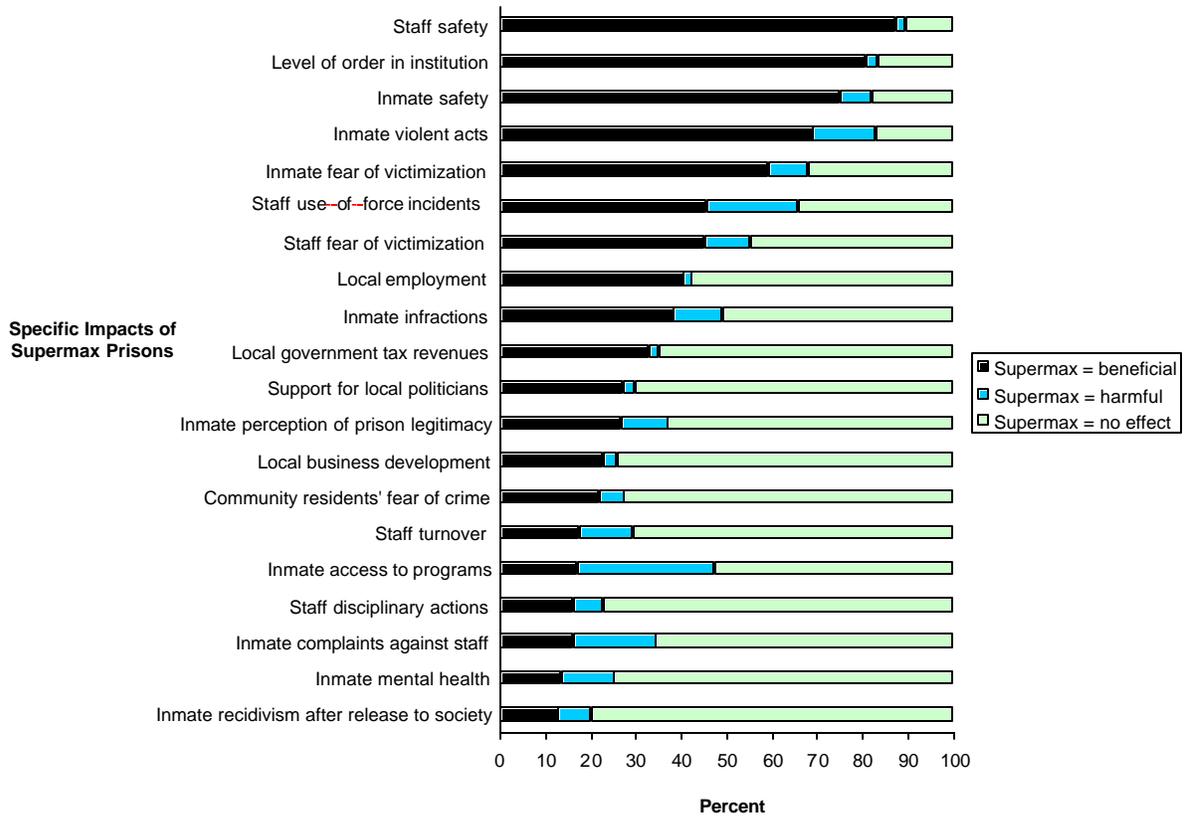
Table 4. Wardens' Views of Types of Inmates Who Should Be Placed in Supermaxes

	Agree or strongly agree (%)
Inmates who <i>should</i> be placed in a supermax are those who . . .	
assault staff repeatedly or cause injury	99.5
assault other inmates repeatedly or cause injury	99.3
instigate other inmates to be violent	89.3
are prison gang leaders	82.5
are an escape risk	79.2
are drug dealers while in prison	55.6
are chronic rule violators	51.0
are prison gang members	46.9
are "high profile"	30.9
are at risk of being attacked	23.6
have been incarcerated for a serious offense	18.5
have a serious mental illness	10.1
Other inmates who <i>should</i> be placed in supermax	
are sexual predators	
are terrorists	
are on death row	
kill others while in prison	
make or possess weapons	
Inmates who <i>are</i> placed in supermax	
are all of the above (except terrorists)	
are a constant threat to staff, the public, and other inmates	
are disorderly and disruptive "discipline problems"	
fail to adjust to prison life	
require control, isolation, and separation	
manipulate restraints	
receive a felony charge while in prison	
incite, lead, or participate in riots	
engage in sexual activity with known diagnosis of hiv or hepatitis c	
are repeat offenders	
are young adult offenders	
have lengthy or multiple life sentences	
have major medical problems	
refuse to live elsewhere	

Source: Mears (2005).

Notes: *Ns* range from 577 to 600. Four percent of respondents also identified other types of inmates, listed in the second section. The *N* for the last section, which focuses on responses to a question asked only of supermax wardens, was 213.

Figure 2. Wardens' Views of the Specific Impacts of Supermaxes



Source: Mears (2005).

Note: Ns range from 580 to 592.