

Criminal Justice in Action

The End of the Line: Supermax Prisons

On Easter Sunday, 1993, inmates at a maximum-security prison in Lucasville, Ohio, seized control of an entire cell block and held it for eleven days. During the extended rioting, one correctional officer and nine inmates were killed; afterward the state spent nearly \$80 million on prison repairs, investigations, and lawsuits. The Easter riot had a profound effect on the state's prison system. Within five years, Ohio had added seven new penal institutions and doubled the budget of the Department of Rehabilitation and Corrections. The centerpiece of the new efforts was the Ohio State Penitentiary in Youngstown. At its opening in the spring of 1998, the Youngstown facility was celebrated by officials as the nation's latest **supermax** (short for supermaximum-security) **prison**. In this *Criminal Justice in Action* feature, we will examine these "intense" corrections facilities, condemned by critics as inhuman and lauded by supporters as the ultimate in "get tough" incarceration.

"THE WORST OF THE WORST"

Supermax prisons are reserved for the "worst of the worst." Inmates generally are not sent to such facilities by a court; instead, commitment to a supermax prison is usually the result of misbehavior within a penal institution. As Figure 13.11 shows, the murder or attempted murder of a fellow inmate was the most common reason for commitment to the BOP's U.S. Penitentiary Administrative Maximum (ADX) in Florence, Colorado.

The main purpose of a supermax prison is to strictly control the inmates' movement, thereby limiting (or eliminating) situations that could lead to breakdowns in discipline. The conditions in California's Security Housing Unit (SHU) at Pelican Bay State Prison are representative of most supermax institutions. Prisoners are confined to their one-person cells for twenty-two and a half hours each day under video camera surveillance; they receive meals

through a slot in the door. The cells measure 8 by 10 feet in size and are windowless. No decorations of any kind are permitted on the white walls.⁸⁸

For the ninety minutes each day the inmates are allowed out of their cells (compared to twelve to sixteen hours in regular maximum-security prisons), they may either shower or exercise in an enclosed, concrete "yard" covered by plastic mesh. Prisoners are strip-searched before and after leaving their cells, and placed in waist restraints and handcuffs on their way to and from the "yard" and showers. They can have a limited number of books or magazines in their cell and, if they can afford it, a television or radio.⁸⁹

Removing the most violent and problematic inmates from the general prison population is seen as a key to modern prison management. Because those inmates transferred to supermax facilities are more likely to be impulsive

SUPERMAX PRISON


A correctional facility reserved for those inmates who have extensive records of misconduct in maximum-security prisons; characterized by extremely strict control and supervision over the inmates, including extensive use of solitary confinement.

Figure 13.11 Reasons for Transfer to a Supermax Prison

Rarely are offenders sent directly to a supermax facility by a court. For most part, they are transferred there because of misbehavior in another correctional facility. This figure shows the reason inmates were transferred to the most secure facility operated by the Federal Bureau of Prisons: U.S. Penitentiary Administrative Maximum (ADX) in Florence, Colorado.

Reason for Transfer	Percent
Murder or attempted murder of a fellow inmate	20
Assault of a fellow inmate with a weapon	18
Assault of a staff member	16
Escape attempt	10
Involved in riot	5
Judicial order	4
Other*	28

*Includes attempted murder of a staff member, involvement in a riot or food strike, taking a staff member hostage, introducing drugs into a correctional facility, involvement in gang activity.
SOURCE: GREGORY L. HERSHBERGER, "TO THE MAX: SUPERMAX PRISONS PROVIDE PRISON ADMINISTRATORS WITH MORE SECURITY OPTIONS," *CORRECTIONS TODAY* 60 (FEBRUARY 1, 1998), 54.



supermax prison cell at the ADX outside Florence, Colorado. The cell is 8 ft. 8 in. x 12 ft. 3 in., and contains a stainless steel desk, stool, and bed, that are permanently fixed to the wall. The small window has no view.

unpredictable and to have a gang affiliation, their presence is believed to create a safer environment for other inmates and the correctional staff. Furthermore, prison administrators use the supermax as a disciplinary tool—problematic inmates may change their behavior if they fear being transferred.⁹⁰

MARION—THE FIRST SUPERMAX

The precursor of today's supermax was San Francisco's Alcatraz Prison. Opening in 1932 on Alcatraz Island in San Francisco Bay, the maximum-security prison was populated by the most dangerous and disruptive federal convicts. Alcatraz was closed in 1963—mainly due to the expense of operating an island prison. For most of the next two decades, the BOP used the **dispersion** model for placing the most hazardous inmates. That is, the department dispersed its "hard-core" offenders to various federal prisons around the country, hoping the general inmate population would assimilate them.⁹¹

By the late 1970s, it became apparent that this strategy was not functioning as planned. The "hard-cores" continued to act violently, endangering other inmates and correctional employees. Then, in October 1983, two staff members and an inmate were murdered within a week at the federal prison in Marion,

Illinois. Prison officials instituted a **lock-down**, in which all inmates are confined to their cells, and social activities such as meals, recreational sports, and treatment programs are canceled. Lockdowns are considered temporary, "cooling off" measures, but officials at Marion decided to leave the conditions in effect indefinitely, creating the first supermax prison. The supermax is based on the model of **consolidation**: all high-risk inmates are placed in a single institution, which is administered with a focus on complete control.⁹²

THE NEW GENERATION SUPERMAX

At first, the consolidation model led federal and state officials to construct supermax facilities on existing prison grounds. Over the past decade, however, the trend has been toward building new penal institutions, expressly designed with the goals of the supermax in mind. The Closed Maximum Security Correctional Center (CMAX) in Tamms, Illinois, for example, is designed around inmate housing pods (much like the new generation jails mentioned earlier in the chapter). Each pod contains sixty cells on two levels, arranged around a control station with complete visual access. CMAX is designed so that an inmate never leaves his pod; medical facilities, library cells, and recreational areas are located within its boundaries.

All inmate movement in the pod takes place on the lower level, while armed security staff patrol the upper level. These guards can see through the upper-level flooring grid, allowing them to closely monitor any activity below. Furthermore, officials can control circulation by sealing off portions of the facility at will.⁹³ These new generation supermax prisons also strive to limit contact between staff and

DISPERSION

A corrections model in which high-risk inmates are spread throughout the general prison population, in the hopes that they will be absorbed without causing misconduct problems.

LOCKDOWN

A disciplinary action taken by prison officials in which all inmates are ordered to their quarters and nonessential prison activities are suspended.

CONSOLIDATION

A corrections model in which the inmates who pose the highest security risk are housed in a single facility to separate them from the general prison population.

inmates through technology. Automatic doors, intercoms, and electronic surveillance cameras have reduced the exposure of guards to inmates at most of the new facilities.

SENSELESS SUFFERING?

Many prison officials support the proliferation of supermax prisons because they provide increased security for the most dangerous inmates. Observers believe that as the inmate population becomes aware of these new facilities, their harsh reputation will deter convicts from misbehaving for fear of transfer to a supermax.

The supermax has aroused a number of criticisms, however. Amnesty International and other human rights groups assert that the facilities violate international standards of proper treatment for prisoners. Other opponents point out that inmates are provided minimal due process protections during the transfer process. An inmate has no right to an attorney while being considered for a transfer, and the decision to send someone to a supermax cannot be appealed. Because this decision is made by an administrative—and not a judicial or legislative—body, in *Sandin v. Conner* (1995),⁹⁴ the Supreme Court ruled only that such a move must not impose an

“atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” As of yet, no court has found that the conditions in a supermax constitute such a hardship.⁹⁵

Other observers believe not only that those conditions are atypical and significant, but that they violate Eighth Amendment protections against cruel and unusual punishment. The negative effects of solitary confinement on a prisoner’s psyche are considerable, and supermax facilities are structured to keep their inmates isolated at all times. After studying inmates at California’s Pelican Bay, a Harvard University psychiatrist found that 80 percent suffered from what he called “SHU [security housing unit] syndrome” after spending a certain amount of time at the facility; the inmates either exhibited new signs of mental instability, or their existing conditions were exacerbated.⁹⁶ In *Madrid v. Gomez* (1995),⁹⁷ U.S. District Judge Thelton Henderson found that Pelican Bay violated its inmates’ Eighth Amendment rights, writing that “dry words on paper can not adequately capture the senseless suffering” of the convicts.

Despite his harsh sentiments, Judge Henderson’s ruling only forced the supermax to improve medical care and had no discernible effect on the operation of the facility. Indeed, it does not appear that the American courts will pose a threat to the operation of these institutions. According to the National Institute of Corrections, supermax prisons are the fastest growing type of prison in the United States, and house more than 16,000 inmates.⁹⁸