

The Marionization of American Prisons

BY RUSS IMMARIGEON

In some prisons an unusual degree of good conduct is induced, and the number of punishments kept low, by the personal influence of the officers, and by their care in reasoning with prisoners before resorting to punishment.

—Inspector of Prisons for Scotland, 1844¹

...[I]t is interesting to note that as violence increases in correctional settings, reliance on static security and punitive forms of control commonly increases, whereas more subtle and dynamic forms of control (i.e., direct supervision and interaction with inmates) become less prominent. The very measures that may be most effective are the ones that are less likely to be used.

—Frank J. Poporino
Ministry of the Solicitor General
of Canada, 1986²

In the United States, there is an accelerating movement toward housing prisoners officially categorized as violent or disruptive in separate, free-standing facilities where they are locked in their cells approximately 23 hours per day. These prisoners are allowed out of their cells one hour a day only for recreation and other specific purposes such as family visits or medical call, and on these occasions they are heavily shackled and tightly escorted by two or three correctional officers. While in these cells, prisoners are afforded minimal amenities.

Prison officials readily concede that the only purpose of this level of security is to inflict punishment. Other purposes—or the consequences—of this extreme form of incarceration, they say, are secondary and beside the correctional point.

While reliance on solitary and harsh confinement is hardly new in American correctional history—witness Charles Dickens' observations at the Eastern Penitentiary in 1842 or prisoners' lives at Alcatraz before it was closed in 1963—the expansion and widespread acceptance of supermax confinement is nonetheless a bleak, damaging, and potentially dangerous prison practice.

A news reporter once asked Pablo Picasso what he would do if he were locked in solitary confinement in a bare cell (an arrangement not too far removed from prisoners being housed in these new super-maximum security facilities). He said that he would draw on the walls with his feces. Prisoners in this new generation of punitive segregation cells also use their feces, as the brief history of these institutions shows, albeit to throw at passing correctional officers. It is a cruder form of expression. A form of last-ditch desperation. A matter of being pissed off and angry. A continuation of disfunctional behavior. A sign of deterioration.

In the past year, prisoners have rebelled in at least two of these supermaximum security prisons. In Southport, New York, prisoners held a handful of correctional officers hostage. In Indiana, prisoners went on a hunger strike for several weeks, protesting conditions of their confinement.

Nonetheless, "maxi-maxi" prisons have received scant media attention, and few prison administrators or observers have proposed alternatives to these modern day dungeons.

The Trend Toward Control Units

The Human Rights Watch report on *Prison Conditions in the United States*

Over the last several years we have seen an alarming increase in the number of supermaximum security prisons, sometimes called control units. Prisoners who have been categorized as violent or disruptive are held in almost total isolation. To live in one of these institutions means to relinquish not only physical but psychological control over your life. Indeed, prisoners are often subjected to practices and conditions which would be condemned by international human rights standards and treaties.

Largely hidden from public view, these modern-day dungeons have gone almost unnoticed by the media. We are devoting three articles in this issue of the *NPP JOURNAL* to the subject. Russ Immarigeon gives an overview of the trend toward the supermax and suggests some alternative ways of dealing with the high-level security prisoner. Jan Elvin takes a closer look at Pelican Bay, California's "answer" to the gang problem. Many of us feel that Pelican Bay is the most frightening supermax built to date. Peter McKinlay, former head of the Scottish Prison System, writes about "the Barlinnie experiment," a success by most measures and surely a more constructive and humane supermax than its U.S. counterparts.

—J.E.

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Prisoners in supermax facilities generally are allowed just one hour of out-of-cell time a day. They spend the remaining hours in solitary confinement.

referred to the "Marionization" of American prisons. Heretofore, the U.S. Penitentiary in Marion, Illinois was considered the "toughest prison in America." It was the place where allegedly the country's most violent prisoners were held under the harshest, most control-oriented penal conditions in the nation. The "Marionization" of American prisons, therefore, suggests that prison systems across the country are increasingly relying on penal regimes that emulate or exaggerate conditions and policies found at Marion.

There are unreleased reports citing that at least 33 states have Marion-like facilities. This figure is probably overstated. Many states have punishment cells, solitary confinement units, or disciplinary segregation housing, but so far there is no evidence that they have separate facilities designed to lock up prisoners approximately 23-hours per day.

Still, there is an extremely troubling trend toward increased correctional reliance of such facilities and policies. The Federal Bureau of Prisons, in addition to Marion, built a facility in Lexington, Kentucky for women (now closed and removed to Marianna, Florida) and is now planning construction of a Florence, Colorado facility that will replace Marion.³

Supermaximum security facilities can now be found in many states. In Florence, Arizona, a 960-bed Special Management Unit (SMU), which served as a model for high-security prisons in California and

Israel, opened in 1988 with 8-cell pod units, non-contact visits, and a high level of coercive force, which has abated somewhat in recent years. In California, 3,700 redwoods were cleared in the late 1980s to construct the Pelican Bay prison complex that includes an SHU housing more than 1,000 prisoners (each SHU cell cost \$74,000). (See *NPP JOURNAL* story, page 5.) "In this high-tech world of incarceration," the *California Prisoner* reported, "prisoners are watched on screens in a central control room. Their movements are monitored by video cameras. Doors open and close electronically. Prisoners move at verbal commands issued over a loudspeaker. The SHU cells have no windows, and a steel door with rows of 2-inch round holes."⁴

In Southport, New York, the Department of Correctional Services (DOCS) converted a maximum-security prison into a large-scale SHU housing over 600 prisoners. DOCS maintains that this facility is no different than smaller SHUs (generally housing from 30 to 90 inmates) located at other prisons in the state. This facility is being used, according to DOCS officials, to save operational funds and more effectively manage a booming SHU population. Officials in Connecticut have also opted to isolate SHU prisoners at a facility that will open next year. Smaller supermaximum security prisons are operating in Indiana, Maryland, and Missouri.

By and large, reliance and use of these

high-security facilities has expanded without thorough investigation of either what impact these facilities will have on prison operations and the behavior of prisoners housed under these conditions or, especially, what alternatives exist to extreme forms of punitive confinement. Few states have seriously questioned the high-security concept, even when investigated. Instead states, and some local jurisdictions, have expediently opted for these facilities under various guises, including more effective correctional management, cost-savings, and deterrence of violent behavior.

In the case of Pennsylvania, however, one can see how seeds for the "Marion model" were proposed (and in some cases implanted) without adequate research and development.

On October 23, 1989, a riot occurred at SCI Huntingdon, a maximum security facility. Several days later another riot occurred at SCI Camp Hill, a medium security prison.

In its investigation of the causes of these riots, the bi-partisan Senate Judiciary Committee retained the services of Stephen Grzegorek, a private prison management consultant and a retired regional director

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of the Federal Bureau of Prisons.

The following passage from the Committee's report shows the germination of a federal concept onto state soil:

*"Mr. Grzegorek's testimony was consistent with that of the Department of Corrections personnel, in observing that one of the major causes of the Camp Hill riots was confining maximum-security inmates in a medium-security facility....He also testified that classification of facilities on a broader scale (several levels of classification from minimum-to maximum-security), while not a panacea, would allow removal of the predators, whether they are a small band of terrorists acting in concert or individuals acting singly. These inmates could be housed in a super-maximum security institution such as the Federal facility at Marion, Illinois."*⁵

Critical Issues in the Use of Super-maximum Security Prisons

The use of supermaximum security confinement raises many important issues:

1. *Definition:* The language of corrections is reliably imprecise or misleading in the case of super-maximum confinement. In the literature, one quickly comes across an array of terms: maxi-maxi prisons, high-security prisons, supermaxes, last resort penitentiaries, control unit prisons, special housing unit prisons, and so on. All of these phrases are used to cover a generally similar territory. This article groups all these measures under the umbrella phrase, supermaximum confinement.

2. *Reliance:* The mere existence of free-standing supermaximum confinement prisons, or Special Housing Units at maximum-security prisons for that matter, may encourage and institutionalize expansion of their use. In part, this argument is an extension of the general prison-building/prison-population dilemma (if you build more prison space, it will soon be filled). With limited supermaximum security space (solitary confinement cells, etc.) prison officials are essentially forced to overlook or downplay certain forms of disruptive or assaultive behavior or to work creatively to address the roots of this behavior. There are limits to this argument, however, particularly within specific correctional systems. At the U.S. Penitentiary at Marion, for instance, the number of prisoners in its Control Unit dropped from 470 in 1989 to approximately 330 two years later, a period in which the federal prison population

was growing dramatically. Still, it is not difficult to find that certain numbers of prisoners sent to these facilities have been overclassified for one reason or another.

3. *Legal or Legislative Review:* In this article, I do not cover court decisions that address the constitutionality of conditions or of procedures that guide the operation of these facilities. However, in 1991 a class action suit (*Madrid, et al. vs. Gomez*, Case

"Maxi-maxi" prisons have received scant media attention.

No. C-90-3094, U.S. District Court for Northern California) was filed by Pelican Bay prisoners alleging that the prison does not provide adequate medical services, segregates prisoners without adequate hearings and on the basis of uncorroborated allegations, allows excessive force, denies meaningful access to the courts, and submits prisoners to isolated conditions that are cruel, dehumanizing, and inhumane. Legal suits brought by the Committee to End the Marion Lock-Down have so far failed to result in judicial condemnation of practices at the U.S. Penitentiary in Marion.

In New York, an unprecedented number of groups, organizations, and watchdog functionaries examining the Southport Correctional Facility either approved of the supermaximum security concept or failed to raise concerns requiring deeper investigation. Investigations of the Southport Correctional Facility started after prisoners seized a handful of prison officers as hostages. The Department of Correctional Services (DOCS) limited its review to what occurred at the prison when inmates broke out of confinement. Council 82, the state's correctional officer union, argued that DOCS converted a new maximum-security prison into "maxi-maxi" confinement for the wrong reasons (to save money).

Indeed, a legislative report found that "(a)ny cost savings, that resulted from program reduction, have occurred in the areas of program services, academic education, vocational training, physical education and recreation, music education, and arts and crafts, have been more than offset by cost increases in two vital areas: the supervision of inmates (security) and health services." Nonetheless, the report found that "the Southport SHU is a workable system and that the existence of Southport will improve the disciplinary

system (of all prisons in the state)."⁶

The State Commission of Correction, originally established to serve as an official watchdog agency, weakly concluded that "a central punitive segregation facility is a desirable and feasible concept that can be successfully implemented....depend(ing) on a cooperative and mutually supportive effort by line staff and facility management." Only Prisoners' Legal Services (PLS) of New York challenged the current disciplinary system in New York's prisons. PLS argued that a "reparative justice" approach should be taken. Hearings, PLS recommended, should be held whenever an inmate faces 30 days of confinement; no disposition should be made without regard to a range of reparative factors; no confinement should exceed six months except for murder or attempted murder; and the Alternative to Violence Program (described later in this article) should be used more extensively.⁷

Gender Issues

With the sole exception of the control unit at Lexington, all the new facilities, as far as I know, house men. No new supermaximum security prison is being built for women prisoners. This does not mean, however, that women are not being held in SHUs at different prisons in the U.S.

In Canada, Jane Miller-Ashton, national coordinator for Correctional Services of Canada's Federally Sentenced Women's Initiative, reports that "Federally sentenced women are not generally a risk to others; however many do present a risk to themselves. Research suggests that a punitive environment exacerbates and may contribute to women's self-directed violence. Individuals in crisis who self-injure require supportive intervention. Punitive responses, such as segregation, are inappropriate."

It is imperative that shifts toward greater equity are directed toward least restrictive alternatives, not augmentation of stricter than necessary policies. It would be tragic if disruptive female prisoners are treated "similarly" to male disruptive inmates without investigating more effective, less intensive and costly approaches.

Recommendations for Reducing Reliance on Super-maximum Security Prisons:

1. A national survey of disciplinary or punitive segregation, including the use of super-maximum security facilities, should investigate the nature and extent of these practices, the fiscal and behavioral impact of these facilities, and alternatives to such restrictive housing.

The information presented in this article is cursory and incomplete. The article is intended to raise, not settle, issues. There has been, as far as I know, no effort to conduct comprehensive, policy-oriented research on the use of more restrictive forms of penal confinement. Several years ago, PLS of New York conducted a national survey of the comparative amounts of time states allowed prisoners to remain in solitary confinement.⁸ Last year, Human Rights Watch's Prison Project released its overview of conditions within local jails, state and federal prisons, and INS facilities, partially focusing on growing use of high-security confinement. These studies provide useful information and raise important questions, but they are neither up-to-date nor comprehensive.

Such a research project should be supported either by the U.S. Department of Justice or a private foundation. Regardless of funding source, the study must include a wide range of persons knowledgeable and sensitive to dynamics central to the causes and prevention of violence within correctional institutions. Such a project should include academic researchers, correctional administrators and practitioners, prisoners who have been housed in conditions under review in this study, and prisoner rights advocates.

2. States using or considering the use of supermaximum security custody facilities should undertake comprehensive study of the impact or potential impact of such facilities.

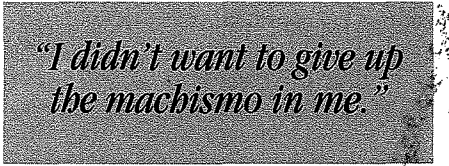
In particular, states should critically examine the conditions and factors that created the perception that such facilities are needed, as well as examine what alternatives to supermaximum security confinement can be used to address the problems that drive proposals for their use.

3. States should minimize length of stay in such facilities. Currently, no national standard-setting group has produced standards that regulate appropriate or inappropriate lengths of stay under these conditions. As a result, practices vary widely from state to state.

4. States should establish Alternative to Violence Programs (AVPs) to reduce prisoners' use of violence or threatening behavior as a conflict resolution measure. Information about the availability of AVP workshops should be part of intake materials provided to offenders entering prison.

The Alternative to Violence Program (AVP) is designed to help prisoners learn "new skills and attitudes" that will lead to non-violent methods of resolving prison (and eventually non-prison) conflicts.

AVP was established in 1975 by prisoners at the Green Haven Correctional Facility in upstate New York. Inmates at Green Haven working with delinquent and at-risk teenagers felt they were unable to commu-



*"I didn't want to give up
the machismo in me."*

nicate the destructive consequences of violence to these youngsters. The prisoners invited local Quakers to help them devise a process to address the problem of using violence to settle disputes.

Basic AVP workshops consist of presentations, discussions, and exercises organized around five themes: self-awareness, affirmation, communication, conflict resolution skills, and community-building. Advanced workshops deal with fear, anger, communication, stereotyping, power and powerlessness, and forgiveness.

A New York prisoner told a reporter that he remembered his first AVP workshop: "I didn't want to give up the machismo in me in a prison atmosphere. But the program has taught me a lot. It's taught me how to think before I react."⁹

5. Correctional officers should receive training in non-violent conflict resolution methods as part of their initial, and subsequent, training.

Programs such as AVP have been used as a training tool with correctional officers. Often, these techniques are inappropriately supplied to officers in the midst of, or fresh from, traditional assault-oriented training. Other forms of correctional management, such as unit management, may also be effective in reducing tensions, conflicts, and fights among or between inmates and prison staff. There is, however, no overview available that examines the feasibility or consequences of such initiatives.

6. States should explore international experiments with hard-core prisoners.

Other nations are also increasing their use of supermaximum security confinement, although the United States relies on it far more extensively. Furthermore, the nature of these regimes outside the U.S. are decidedly different.¹⁰

In Canada, for instance, the first Special Handling Unit (SHU) was opened in 1977. By 1989, only two prisons contained SHUs. Instead of merely punishing offenders, however, Canadian SHUs are designed to help prisoners change their behavior, reduce their risk to others, and reintegrate successfully into maximum-security cus-

tody as quickly as possible. There are also formal policies to assure these objectives are met, including 90-day assessment periods for inmates under consideration for admission to a SHU; correctional plans that integrate psychiatric, employment, and personal development services; a national review committee to provide objective procedures for deciding who is admitted to SHUs; and an annual review of SHUs that includes recommendations for improvement.¹¹

In Scotland, the Barlinnie Special Unit (BSU), established in 1973, is perhaps the world's most famous example of an innovative approach to prison violence. Interestingly, the BSU was first proposed by a Scottish Home and Health Department working party shortly after the death penalty was abolished, and there was a rash of assaults against prison officers. David J. Cooke, a chief evaluator of this regime, recently described aspects of this new regime: "officer-prisoner relationships were modified to resemble nurse-patient relationships; prisoners were given a significant role in decision-making; they were held responsible for their own behavior and that of their peers; and they were taught to verbalize their aggressive feelings."

Assaultive behavior was reduced dramatically. Behavioral changes were observed almost from the point of entry to the unit. Cooke explains: "On entry to the unit, prisoners gain relative autonomy; they become responsible for forming their own daily routine; together with others, they become responsible for the day-to-day running of the community. In such a setting a prisoner is less able to display anti-authority feelings because he can have some influence in decision-making. As control is less overt, it is less likely to stimulate resistance."¹²

A Call for Research

Experts such as Hans Toch argue that super-maximum security prisons are used as symbols to assure citizens that prisons are under control and that disruptive prisoners are held in check. Nonetheless, Toch also observes, in an interview with the *NPP JOURNAL*, that "a civilized prison system shouldn't be in the business of expanding this segregation system." But the "Marionization" of American prisons is likely to continue unless research is conducted on the behavioral, fiscal, and psychological consequences of these regimes. At the Southport hearings in New York recently, sociologist David Ward, who is completing the only longitudinal study ever conducted on the men who were imprisoned at Alcatraz, bemoaned the fact that so

few criminologists or other social scientists were examining the effects of long-term confinement, or confinement under harsher than usual conditions.

Opponents of supermaximum security prisons need to focus further attention on innovative yet practical alternatives. If experiences in Canada and Scotland are any guide, this would include, at a minimum, establishing new working relationships between prisoners and their keepers. In the long run, a "reparative approach," starting with PLS' recommendations, deserves more detailed attention. ■

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¹ Inspector of Prisons for Scotland, 1844 *Annual Report*, Her Majesty's Special Office, 1844, p. 5.

² Frank J. Poporino, "Managing Violent Individuals in Correctional Settings." *Journal of Interpersonal Violence*, 1(2): 218, June 1986.

³ For a description of the High Security Unit for

women in Lexington, Ky. see 1) "Report of the High Security Unit for Women, Federal Correctional Institution, Lexington, Kentucky" by the National Prison Project, Aug. 25, 1987, and 2) Richard Korn, "The Effects of Confinement in the High Security Unit at Lexington." *Social Justice*, 15(1):8-19, Spring 1988. Information about the Florence Prison can be regularly found in *Walking Steel: A Newsletter Devoted to the Abolition of Control Unit Prisons*, a publication of the Committee to End the Marion Lockdown (P.O. Box 578172, Chicago, Illinois 60657-8172).

⁴ Corey Weinstein, "Supermax Blues at Pelican Bay SHU." *California Prisoner*, August 1990, p. 7.

⁵ Senator Stewart J. Greenleaf, Chairman, *After Camp Hill: The Keys to Ending Crisis*. Harrisburg, PA: Senate Judiciary Committee, 1990, pp. 14-15.

⁶ Daniel L. Feldman, Chairman, *The Southport Correctional Facility: A Report from the New York State Assembly Committee on Corrections*. Albany, NY: NYS Assembly, December 1991, p. 10.

⁷ David C. Leven, "The Southport Correctional Facility Rebellion: Inhumanity Breeds Inhumanity." Testimony Submitted to the New York State Commission of Correction, June 25, 1991 (Revised). New York, NY: Prisoners' Legal Services of New York, Inc., 1991, pp. 8-14.

⁸ Prisoners' Legal Services, "A General Description of the Disciplinary and Administrative Segregation

Programs for 40 States, the Federal System, and Canada." New York, NY: Prisoners' Legal Services, 1989. Also see Thadd Johnson, "Nationwide Survey of Restrictive Housing Bedspace in State Prison Systems." Oklahoma City, OK: Oklahoma Department of Corrections, January 15, 1985.

⁹ Sue Rochman, "Alternatives to Prison Violence." *Corrections Compendium*, 16(6): June 1991, p. 7.

¹⁰ For a general comparison of international solitary confinement practices, see Penal Reform International, "Facts about Solitary Confinement," *PRI Newsletter*, No. 10, June 1992, pp. 2-3. Penal Reform International is an international group dedicated to the use of human rights standards for penal confinement, the elimination of discrimination in penal measures, abolition of the death penalty, reducing the use of incarceration worldwide, and use of constructive, non-custodial sanctions that encourage social reintegration and victim-sensitivity. For further information about the organization and its membership, contact: Ms. Vivien Stern, Secretary General, PRI, 169 Clapham Road, London SW9 0PU, UK.

¹¹ Rosemary L. O'Brien, "Special Handling Units." *Forum on Corrections Research*, 4(3): September 1992, pp. 11-13.

¹² David J. Cooke, "Containing Violent Prisoners: An Analysis of the Barlinnie Special Unit." *British Journal of Criminology*, 29(2): 140, Spring 1989.

Isolation, Excessive Force Under Attack at California's Supermax

BY JAN ELVIN

Out of a remote corner of Northern California where redwoods once thrived rises the Pelican Bay State Prison, described by some as a "neo-Orwellian hell." Pelican Bay was designed to weed out the prisoners officials term the "worst troublemakers" from the California prison system and house them in one intensely regimented and secure institution.

It appears to have succeeded in that purpose, at least from the officials' point of view, but the human cost of that success may be far greater than the gain.

Pictured from the air, the four-year-old prison grounds resemble a photo of an airplane crash in the wilderness—all trees and greenery are shaved off the earth. Concrete, asphalt and gravel have replaced the redwoods. There is not a living thing within reach of the 1,056 prisoners housed in the Security Housing Unit



Prisoners at Pelican Bay never leave their cells without being handcuffed and put in chains. Here a prisoner is handcuffed through his food slot by an officer.

(SHU), the most restrictive housing. Even sunlight has been removed.

"Pelican Bay officials have deliberately designed a correctional facility which subjects its inmates to isolation, violence and terror," alleges a lawsuit filed on behalf of Pelican Bay inmates in the fall of 1991 by attorneys from the San Francisco firm of Wilson, Sonsini, Goodrich & Rosati.

"State-of-the-art," said former Governor George Deukmejian when he dedicated the \$218 million facility in 1989. "It will serve as a model for the rest of the nation."

While these two opposing views continue to polarize, the high-tech supermax has come under scrutiny from a federal court. Since it opened, prisoners have flooded the courts with complaints, the most serious of which came from the SHU, where prisoners are locked up 22-1/2 hours a day in a heavily monitored and highly restricted environment.

Referring to the number of petitions, Chief U.S. District Judge Thelton Henderson told a California newspaper, "It was just very dramatic. There was a sense

(cont'd on page 21)